



*Environmental Engineering, Civil Engineering,
Forensic Engineering, Construction Services*

Environmental Engineering

Forensic Engineering

Civil Engineering

Construction Services

March 30, 2009

Data Management
Massachusetts DEP, Northeast Regional Office
205B Lowell Street
Wilmington, MA 01887

RE: One Westinghouse Plaza Disposal Site
One Westinghouse Plaza
Hyde Park, Massachusetts 02136
RTN 3-2465

Dear Sir or Madam:

In accordance with the requirements of the Massachusetts Contingency Plan (MCP) at 310 CMR 40.1074(4)(a), enclosed please find a certified copy of a Notice of Activity and Use Limitation (the "AUL") which was recorded with the Suffolk District Registry of Deeds on March 3, 2009 in Book 44619, Page 54 for Disposal Site RTN 3-2465 located at One Westinghouse Plaza in Hyde Park. Attached to the AUL is a copy of the Activity & Use Limitation Transmittal Form (BWSC113) and the Activity & Use Limitation Opinion Form (BWSC113A) which were recorded at the registry with the AUL. Please note that the originals of these forms were filed with the AUL at the Suffolk District Registry of Deeds.

In accordance with the requirements of the Massachusetts Contingency Plan (MCP) at 310 CMR 40.1074(4)(b), enclosed please find a Registry copy of the Property survey plan for disposal site RTN 3-2465 as recorded in the Registry in Plan Book 2009, Page 8.

In accordance with the instructions associated with this eDEP submittal of the certified registry copy of the AUL, forms BWSC113 (to which this letter is attached) and BWSC113A have been edited and revised.

Also submitted as part of this certified Notice of AUL attachment, please find copies of letters of public notice sent to the Chief Municipal Officer, the Board of Health, the Zoning Official, and the Building Code Enforcement Officer for the City of Boston as required by the MCP at 310 CMR 1403(7)(a). Likewise, pursuant to the MCP at 310 CMR 1403(7)(b), also please find enclosed a copy of the legal notice which was published in The Hyde Park Bulletin on March 26, 2009.

Very truly yours,
FSL Associates, Inc.

Hugh Willis, PhD, LSP, CHMM
Senior Associate

cc: Ms. Nicole Kadomiya, Esq., Dionne & Gass
Mr. Carl Valeri, The Hamilton Company
Mr. Fred Lebow, FSL Associates, Inc.

18 Shepard Street, Boston, MA 02135 (617) 787-1440 Fax: (617) 787-5843



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

Disposal Site Name: One Westinghouse Plaza Disposal Site
MassDEP Release Tracking No.(s): (RTN) 3-2465
One Westinghouse Plaza, Hyde Park, Boston, MA 02136

Attested hereto
Francis M. Roache
Register of Deeds

This Notice of Activity and Use Limitation ("Notice") is made as of this 25th day of February, 2009, by Mother Brook Condominium Association, with an address of 39 Brighton Avenue, Boston, Massachusetts, 02134, together with its successors and assigns ("Owner").

WITNESSETH:

WHEREAS, Mother Brook, LLC ("Declarant") originally acquired certain parcels of land (the "Property") located in the Hyde Park section of the City of Boston, Suffolk County, Massachusetts, with the buildings and improvements thereon, pursuant to a deed recorded with the Suffolk County Registry of Deeds (the "Registry") in Book 26415, Page 152;

WHEREAS, Declarant, as owner in fee simple of the Property, pursuant to Chapter 183A of the General Laws of the Commonwealth of Massachusetts, created the Mother Brook Condominium (the "Condominium") by Master Deed dated July 12, 2006 and recorded with the Registry in Book 39983, Page 289, as amended by that certain First Amendment to Master Deed dated as of December 30, 2008 and recorded with the Registry in Book 44367, Page 318 and as further amended by that certain Second Amendment to Master Deed dated as of January 13, 2009 and recorded with the Registry in Book 44413, Page 1;

WHEREAS, the Property, which is more particularly bounded and described in Exhibit A attached hereto and made a part hereof and shown on a plan recorded in the Registry in Plan Book 2009, Page 8, is subject to this Notice of Activity and Use Limitation;

WHEREAS, the Property comprises all 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

One Westinghouse Plaza, Hyde Park

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WHEREAS, one or more response actions have been selected for the Disposal Site in accordance with M.G.L. c. 21E ("Chapter 21E") and the Massachusetts Contingency Plan, 310 CMR 40.0000 ("MCP"). Said response actions are based upon (a) the restriction of human access to and contact with oil and/or hazardous material in soil and/or (b) the restriction of certain activities occurring in, on, through, over or under the Property. The basis for such restrictions is set forth in an Activity and Use Limitation Opinion ("AUL Opinion"), dated ____ February, 2009 (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 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 within the Property:

- (i) Activities and uses including, but not limited to, industrial, commercial, residential, schools, child day care, playgrounds, and nursing or health care facilities, *provided* that such activities and uses occur only as permitted by this AUL within each designated portion of the Property (each portion denoted as a separate "AUL Zone" as illustrated in the attached Exhibit B sketch plan), that such activities are not listed in Paragraph 2 below, and that all such activities and uses are undertaken in compliance with the Obligations and Conditions of this Notice. Six AUL Zones have been defined comprising the total area of this 23 acre Property. The boundaries of each AUL Zone are shown on the attached Exhibit B sketch plan. The permitted activities and uses for each AUL Zone are as follows:

AUL Zone 1 – School playground. There are no activity or use limitations within AUL Zone 1. Permitted uses include, but are not limited to, residential, schools, child day care, playgrounds, nursing or health care, and other institutional facilities.

AUL Zone 2 – Existing building footprints. Existing buildings include a charter school, an office building, unoccupied space reserved for future residential condominium development, an abandoned former power plant, and occupied space devoted to commercial use and industrial manufacturing. Permitted uses are industrial, commercial, residential, schools, child day care, nursing or health care facilities, and other institutional facilities.

AUL Zone 3 – Existing paved parking lots, access roadways and materiel storage areas. Permitted uses are commercial, industrial, residential and other public roadway vehicular traffic, parking and materiel storage.

AUL Zone 4 – Commercial and industrial storage area. This area is currently used for staging and storing soil, stone, gravel and other geo-related construction/landscaping materials. This area currently has no building structures within it, and is mostly unpaved. Permitted uses are commercial and industrial activities.

AUL Zone 5 – Commercial and industrial storage area. This area is currently used for staging and storing heavy equipment and manufactured goods, including but not limited to steel beams and other fabricated metal goods. This area currently has no building structures within it, is mostly paved, and is completely enclosed by commercial/industrial building walls or by 6 foot chain link fencing. Access is through a locked gate or through a commercial/industrial building. Permitted uses are commercial and industrial activities.

AUL Zone 6 – River bank and brook area. This area lies in the northern portion of the Property between the chain link fence line at the top of the Mother Brook river bank and the centerline of the Mother Brook as illustrated in Exhibit B. The area is open to public access to both the river bank and the surface waters of the brook within this AUL Zone for recreational use.

- (ii) Subsurface activities, excavation associated with emergency or short-term utility work, and/or construction including buildings and other improvements to support permitted uses within the Property which may disturb contaminated soils and/or groundwater, *provided* that such activities are undertaken in compliance with the Obligations and Conditions of this Notice;
- (iii) Such other activities or 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 other activities or 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 within 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) Any subsurface activity, construction or other work which may result in direct contact with and/or disturbance, excavation, relocation, or removal of, contaminated soils or groundwater presently located within any portion of the Property, except AUL Zone 1, which is not conducted in accordance with the Obligations and Conditions of this Notice of AUL;
- (ii) Cultivation of gardens in soils anywhere within the Property, except AUL Zone 1, for the growth or harvesting of vegetables or other produce intended for human consumption;
- (iii) Residential, school, child day care, playground, nursing, or health care facilities located anywhere within AUL Zones 4 and 5 (commercial and industrial storage and staging areas), the boundaries of which are depicted on the Exhibit B sketch plan; and
- (iv) Any activity or use which, in the Opinion of an LSP, is reasonably likely to create a Significant Risk of harm to health, safety, public welfare or the environment.

3. Obligations and Conditions Set Forth in the AUL Opinion. If applicable, obligations and/or conditions to be undertaken and/or maintained within the Property to maintain a condition of No Significant Risk, as set forth in the AUL Opinion shall include the following:

- (i) Within any portion of AUL Zone 2 (building footprints) and AUL Zone 3 (parking lots and roadways), the boundaries of which are depicted on the Exhibit B sketch plan, the existing and/or any newly constructed paved structures, including but not limited to parking areas, roadways, sidewalks, building floors, storage areas or other paved ground cover (hereinafter the "Protective Cover") shall be maintained to prevent substantial direct exposure to underlying subsurface soils and groundwater. In the event the Protective Cover is removed or degraded to the extent that dermal contact with subsurface soil is probable, a surface cover of equal protective function shall be reinstalled within a reasonable time period (not to exceed 30 days) following discovery or creation of the opening in the Protective Cover to maintain current limited exposure conditions to the underlying soils and groundwater. In the event that paving is not feasible in any portion of AUL Zone 3

(parking lots and roadways), a layer of clean soil shall be maintained at a minimum thickness of three feet above the detectable contaminated soil layer as a Protective Cover.

The AUL Zone 5 area depicted on the Exhibit B sketch plan shall be enclosed by a protective barrier (the "Protective Barrier") to prevent public access to the AUL Zone 5 area without authorization by the property owner or his designee. The Protective Barrier may consist of building walls, 6 foot chain link fencing, or other fencing barriers of equivalent access prevention capability, and shall be maintained to prevent current and future unauthorized human access. Similarly, a Protective Barrier shall be maintained around the area bounded on the north by Building B, on the south by Building A, on the west by the connecting passageway between Buildings A and B, and on the east by a gated 6 foot chain link fence to prevent public access to this unpaved area without authorization by the property owner or his designee. In the event any portion of any Protective Barrier is removed or degraded to the extent that public access to and dermal contact with subsurface soil is probable, a Protective Barrier of equal protective function shall be reinstalled within a reasonable time period (not to exceed 30 days) following discovery or creation of the opening in the Protective Barrier to prevent unauthorized public access to the unpaved area.

The AUL Zone 6 area depicted on the Exhibit B sketch plan is open to public access to both the river bank and the surface waters of the brook for recreational use. However, no activities or uses are permitted within the AUL Zone 6 except those which are consistent with the relevant provisions of the Massachusetts Wetlands Protection Regulations at 310 CMR 10.00 and other applicable local, state and federal regulations.

- (ii) A Health and Safety Plan shall be prepared by a Certified Industrial Hygienist ("CIH"), Certified Hazardous Material Manager ("CHMM"), Certified Safety Professional ("CSP") or other qualified professional sufficiently trained in worker health and safety requirements and implemented prior to the commencement of (1) any activity which involves the removal and/or disturbance of contaminated soils beneath the Protective Cover, rendering such soils more accessible, or (2) any activity that will disturb, excavate or remove soils located on the Property below the groundwater table, unless such activity is deemed by a Licensed Site Professional ("LSP"), CIH, CHMM, CSP or other qualified professional to be in response to an emergency that poses an immediate threat to human health or safety.

The plan shall clearly describe 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 through dermal contact, ingestion, and/or the inhalation of vapors or particulate dusts. The plan shall specify operational procedures that comply with all applicable OSHA regulations pertaining to work in the presence of hazardous substances, including 29 CFR 1910.120. Workers who may come in contact with contaminated soils or groundwater within the Property shall be informed of the location of the contamination and all requirements of the Health and Safety Plan.

The plan shall also identify the controls necessary to ensure the safety of the general public in the vicinity of the work, and to ensure that such receptors are not exposed to levels of contaminants through dermal contact, ingestion, and/or the inhalation of vapors or particulate dusts that cause a condition of Significant Risk to such receptors. The plan shall be available on-site throughout the course of the work;

- (iii) A Soil and Groundwater Management Plan shall be prepared by an LSP and implemented prior to the commencement of (1) any activity that will disturb, excavate or remove contaminated soils located beneath the Protective Cover whether above or below the groundwater table, or (2) any activity, including but not limited to dewatering or pumping, that will cause human contact with groundwater located within the Property, unless such activity is deemed by an LSP, CIH, CHMM, CSP or other qualified professional to be in response to an emergency that poses an immediate threat to human health or safety. The Soil and Groundwater Management Plan shall describe appropriate soil excavation, handling, storage, transport, and disposal procedures in accordance with the provisions of the MCP cited at 310 CMR 40.0030 *et seq.*, and appropriate groundwater handling, storage, and disposal procedures in accordance with the provisions of the MCP cited at 310 CMR 40.0040 *et seq.*

The plan shall also include a description of the personal protective equipment, engineering controls and/or air monitoring procedures necessary to ensure that workers and receptors, including, but not limited to, residents and members of the general public, in the vicinity are not adversely affected by fugitive dust or particulates. On-site workers shall be informed of the requirements of the Soil Management and Groundwater Plan, and the plan shall be available on-site throughout the course of the work;

- (iv) In the event of an emergency that poses an immediate threat to human health or safety, as determined by an LSP, CIH, CHMM, CSP or other qualified professional, the provisions of Conditions (ii) and (iii) above shall not be required if the Health and Safety aspects and the Soil and Groundwater Management aspects of the emergency activities are personally overseen by an LSP;
- (v) A sign shall be posted at the main entrance to the Property to facilitate the promulgation of information to inform employees, workers, contractors, residents, students and other persons entering the Property that within AUL Zones 2, 3, 4 and 5: (1) coal, coal ash and wood ash fill is present in soils beneath the Property, (2) such soils contain hazardous materials, and (3) excavation into or other disturbance of such soils is prohibited unless performed in accordance with the terms of this AUL;
- (vi) All paved areas, including, but not limited to, parking lots, roadways, sidewalks and other structures, shall be constructed, repaired and maintained in accordance with Conditions (i) through (iv) above;
- (vii) Landscape work involving direct contact with topsoils (e.g., digging, planting, mowing, etc.) must not occur at any depth greater than three feet below ground surface in any unpaved area of the Property, except within AUL Zone 1, unless it is undertaken in accordance with Conditions (i) through (iv) above; and
- (viii) Utility or building construction, maintenance or repair work involving direct contact with soils and/or groundwater at any location on the Property, except within AUL Zone 1, shall not be undertaken unless it is performed in accordance with Conditions (i) through (iv) above.

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

5. Violation of a Response Action Outcome. The activities, uses and/or exposures upon which this Notice is based shall not change at any time to cause a significant risk of harm to health, safety, public welfare, or the environment or to create substantial hazards due to exposure to oil and/or hazardous material 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.

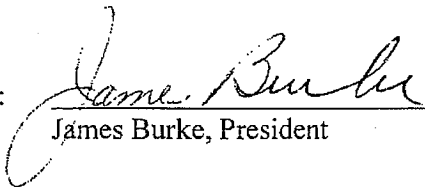
If the activities, uses, and/or exposures upon which this Notice is based change without the prior evaluation and additional response actions are determined to be necessary by an LSP in accordance with 310 CMR 40.1080 *et seq.*, the owner or operator of the Property subject to this Notice at the time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

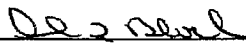
6. Incorporation Into Deeds, Mortgages, Leases, and Instruments of Transfer. This Notice shall be incorporated either in full or by reference into all future deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer, whereby an interest in and/or a right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

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

WITNESS the execution hereof under seal as of the day first above written.

MOTHER BROOK CONDOMINIUM ASSOCIATION

By: 
James Burke, President

By: 
Andrew Bloch, Treasurer

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK ss.

On this 24th day of February, 2009, before me, the undersigned notary public, personally appeared James Burke and Andrew Bloch, President and Treasurer respectively of Mother Brook Condominium Association, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.


Notary Public
My Commission Expires:



GISELLE CIANO
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS
MY COMMISSION EXPIRES 6/22/12

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: 2/25/2009

Byron Hugh Willis
Byron Hugh Willis
Licensed Site Professional No. 2867
[LSP STAMP]

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss

On this 25TH day of February, 2009, before me, the undersigned notary public, personally appeared Byron Hugh Willis, 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.

Julie Jacobson
Notary Public:
My Commission Expires: February 4, 2011

Upon recording, return to:
Sally E. Michael, Esquire
Dionne & Gass LLP
131 Dartmouth Street, Suite 501
Boston, MA 02116



EXHIBIT A

DESCRIPTION OF THE PROPERTY

A certain parcel of land situated in the City of Boston, Hyde Park District, Suffolk County, Commonwealth of Massachusetts and being more particularly described as follows:

Commencing at the stone bound at the intersection of the easterly sideline of Readville Street, (a 40 foot wide right-of-way, as it is now established) with the northerly sideline of Neponset Valley Parkway, (a variable width right-of-way, as it is now established) for a point of reference: Thence N15°06'32"E, along said easterly sideline of Readville Street, a distance of 56.63 feet to the point of beginning:

Thence continuing N15° 06'32"E, along the easterly sideline of said Readville Street, a distance of 227.31 feet to the point of curvature;

Thence turning and running northeasterly along a curve to the right, having a radius of 30.23 feet, a distance of 35.34 feet to a point of tangency, said point being a point on the southerly sideline of Damon Place, (a variable width right-of-way, as it is now established);

Thence turning and running N82°05'18"E, along said southerly sideline of Damon Place, a distance of 81.87 feet to a point;

Thence turning and running N07°50'35"E, a distance of 40.82 feet to a point;

Thence turning and running N08°28'49"W, a distance of 447.00 feet to a tie point;

Thence continuing N08°28'49"W, a distance of 40 feet, more or less to a thread of Mother Brook;

Thence turning and running northeasterly along the thread of said Mother Brook, a distance of 900 feet, more or less;

Thence turning and running southeasterly, a distance of 25 feet, more or less to a tie point;

Thence turning and running S31°16'10"E, a distance of 97.40 feet to a point;

Thence turning and running S38°14'44"E, a distance of 100 feet to a point;

Thence turning and running S70°15'08"E, a distance of 133.00 feet to a point;

Thence turning and running along said westerly line of Massachusetts Bay Transportation Authority the following eleven (11) courses;

- (1) S19°45'12"W, a distance of 78.68 feet to a point;
- (2) S39°37'16"E, a distance of 5.81 feet to a point;
- (3) S19°45'02"W, a distance of 619.95 feet to a point;
- (4) S27°03'59"W, a distance of 62.38 feet to a point of curvature;
- (5) Less southwesterly along the curve to the left, having a radius of 643.98 feet, a distance of 81.99 feet to a point of tangency;
- (6) S19°45'14"W, a distance of 133.53 feet to a point of curvature;
- (7) Less southwesterly along the curve to the left, having a radius of 678.35 feet, a distance of 93.05 feet to a point of reverse curvature;
- (8) More southwesterly along the curve to the right, having a radius of 738.55 feet, a distance of 101.04 feet to a point of tangency;
- (9) S19°45'00"W, a distance of 348.33 feet to a point;
- (10) N32°38'38"W, a distance of 24.10 feet to a point;
- (11) S19°45'12"W, a distance of 99.66 feet to a point;

Thence turning and running N70°15'08"W, a distance of 118.91 feet to a point on the easterly sideline of Neponset Valley Parkway;

Thence turning and running along said Neponset Valley Parkway the following five (5) courses:

- (1) N19°45'02"E, a distance of 261.25 feet to a point;
- (2) N74°54'49"W, a distance of 40.13 feet to a point;
- (3) S19°45'02"W, a distance of 24.98 feet to a point;
- (4) N70°17'58"W, a distance of 318.00 feet to a point;
- (5) N74°47'29"W, a distance of 31.93 feet to a point;

Thence turning and running N19°24'02"E, a distance of 72.67 feet to a point;

Thence turning and running N70°22'08"W, a distance of 151.38 feet to the point of beginning.

The above described parcel contains an area of 1,008,000 square feet, more or less, or 23 acres, more or less.

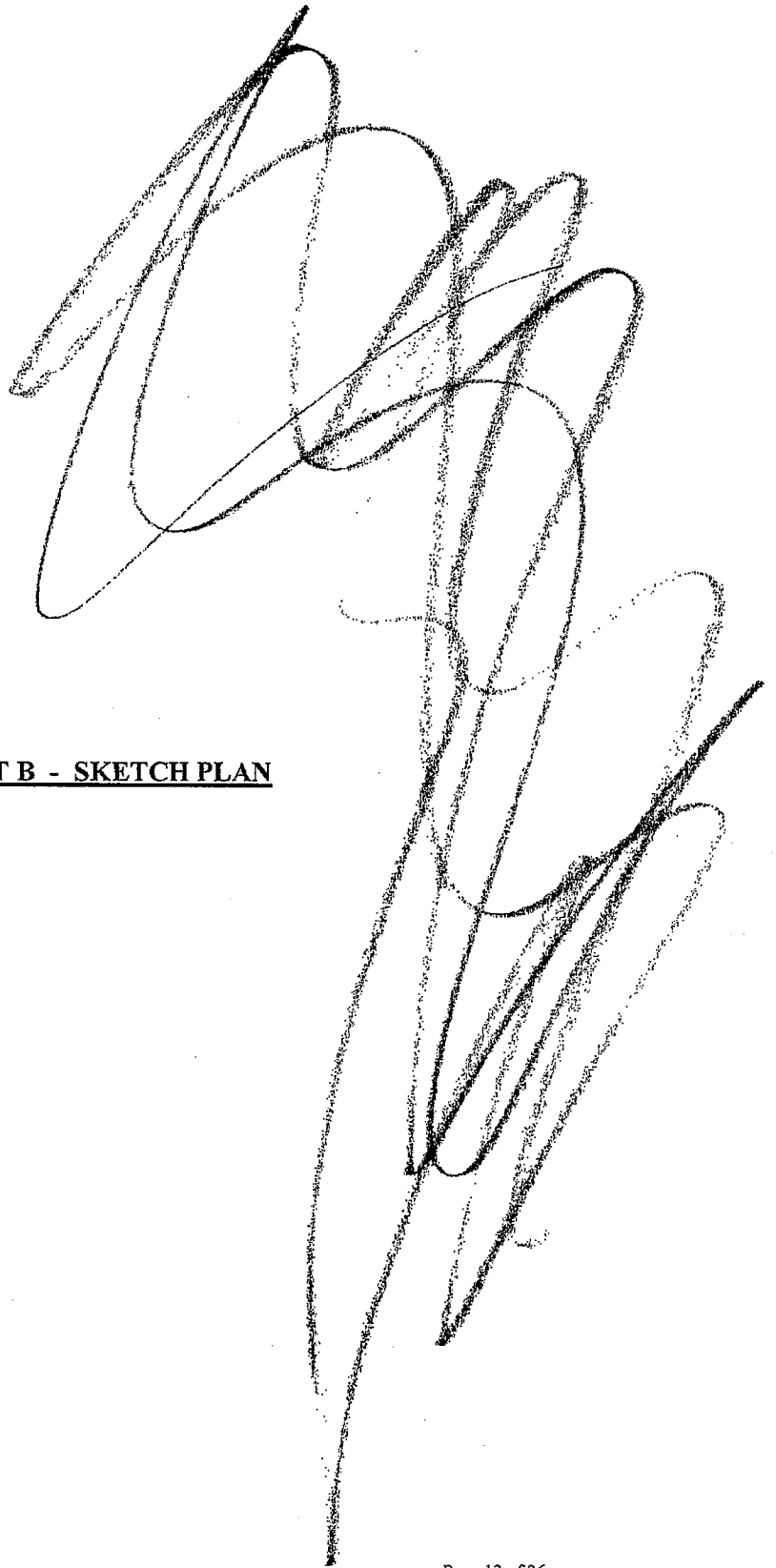


EXHIBIT B - SKETCH PLAN

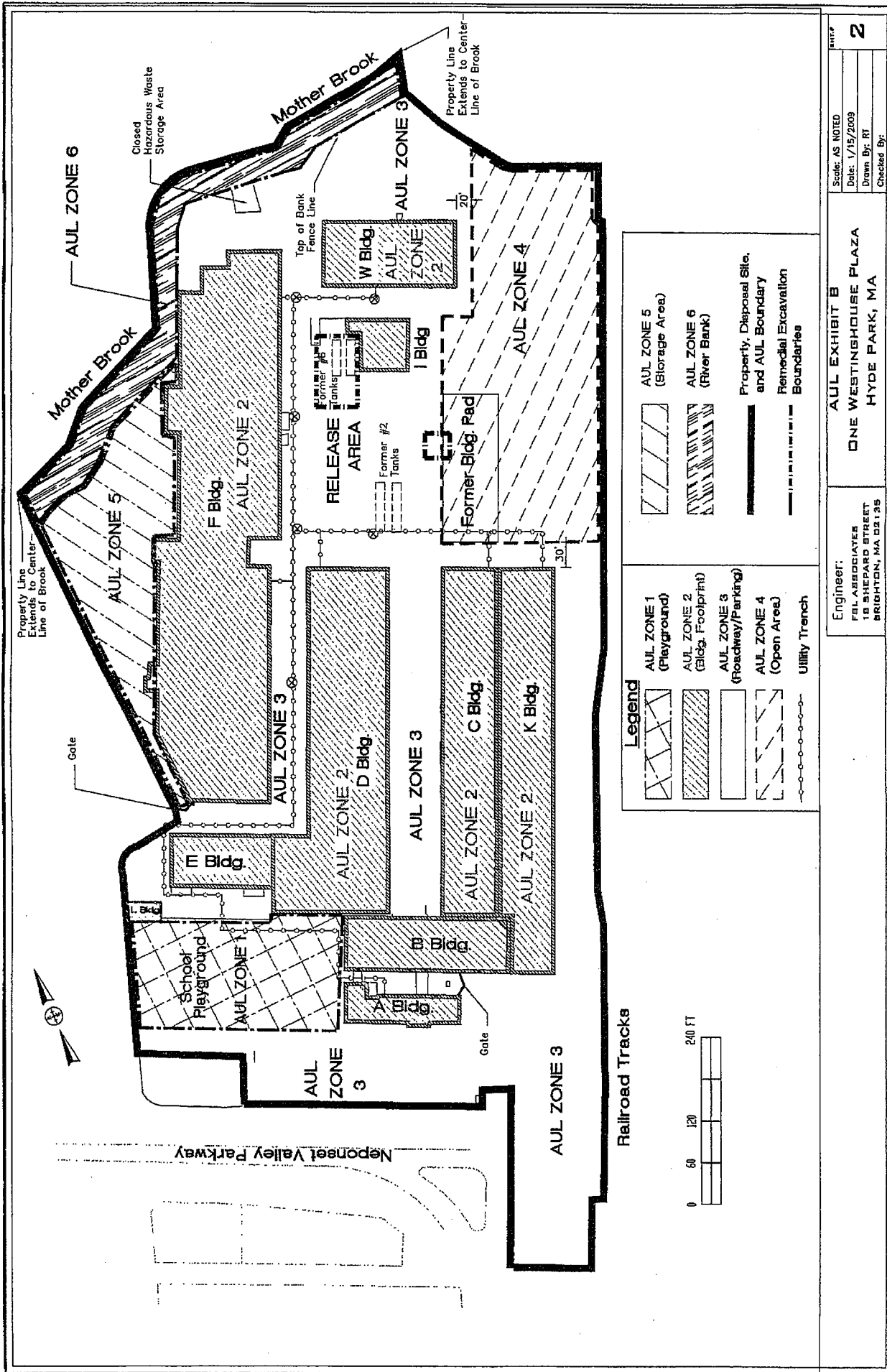


EXHIBIT C - ACTIVITY AND USE LIMITATION OPINION

In accordance with the requirements of 310 CMR 40.1074, this Activity and Use Limitation Opinion has been prepared for the property located at One Westinghouse Plaza, Hyde Park, Boston, Massachusetts 02136 (the "Property"). The boundary of the Property is provided in the condominium site plan entitled Condominium Site Plan, Mother Brook Condominium Boston (Hyde Park), Mass. dated December 4, 2008, prepared by Harry R. Feldman, Inc., Land Surveyors and recorded with the Suffolk County Registry of Deeds (the "Registry") in Plan Book 2009, Page 8 (the "Survey Plan"), is described in the Exhibit A legal description, and is delineated in the Exhibit B sketch plan. This Activity and Use Limitation ("AUL") applies to the entire Property.

Disposal Site History

Site Location

As shown on Exhibit B sketch plan (the "Sketch Plan"), the main entrance to the 23-acre Property is off the Neponset Valley Parkway to the south. The Property is bounded on the south in part by the Neponset Valley Parkway and in part by a commercial property used for personal property storage units. The Property is bounded on the east by the railroad right-of-way of the MBTA commuter line, on the north by the Mother Brook, and on the west in part by two-story town-house style residences and open grass fields along Knight Street, in part by Damon Place, and in part by Readville Street. A secondary entrance to the Property is off Damon Place on the west. Residential and recreation fields are located to the south, southwest and west beyond the Neponset Valley Parkway, Readville Street and Knight Street.

The boundary of the One Westinghouse Plaza Disposal Site (the "Site") has been previously identified by other environmental consultants as coinciding with the boundary of the Property as shown on the Survey Map and on the Sketch Plan.

As shown on the Survey Map, the Property currently contains nine occupied and one unoccupied industrial/commercial brick buildings covering approximately 32% of the Property, paved parking lots and roadways covering 50% of the Property, and open areas, most of which are unpaved, covering the remaining 18% of the Property. The entire Property is surrounded by a six foot high chain link fence, and is secured by television surveillance monitors and a guard house at the main entrance.

Property History

Prior to 1904 the Property was largely vacant except for a few residences. In 1904 the Property was acquired by B. F. Sturtevant and used for the manufacture of large industrial fans. Facilities included office space, a carpentry and pattern shop, a machine shop, a foundry, a forge shop, a wash house, a fan assembly area and a testing area.

Facilities also included a coal fired power plant which was later converted to #6 fuel oil. In 1945, the Property was acquired by Westinghouse Corporation, which continued fan manufacture, but discontinued the foundry. In 1984 the Property was acquired by American Davidson. In 1988, the Property was acquired by Howden Sirocco, who discontinued fan manufacturing operations in 1989. Since that time the Property has been used for a variety of small commercial and light industrial activities, currently including commercial office space, a charter school, an electrical repair shop, a storage and repair facility for an environmental contractor, a storage and repair facility for a construction contractor, a supplier of advertising signs and display booths, a wholesale tire distributor, a restaurant equipment supplier, storage space for telephone line repair equipment and supplies, and space for the loading, unloading and storage of sorted landscaping and construction materials.

On December 21, 2000, Mother Brook, LLC, acquired the Property by deed recorded with the Registry in Book 26415, Page 152. On July 12, 2006, the Mother Brook Condominium (the "Condominium") was created by Master Deed recorded with the Registry in Book 39983, Page 289, which Master Deed was amended by that certain First Amendment to Master Deed dated as of December 30, 2008 and recorded with the Registry in Book 44367, Page 318 and further amended by that certain Second Amendment to Master Deed dated as of January 13, 2009 and recorded with the Registry in Book 44413, Page 1. The Condominium currently consists of five (5) condominium units. On July 12, 2006, by Unit Deed recorded with the Registry in Book 39987, Page 144, Unit 1 of the Condominium was purchased by The Academy of the Pacific Rim Charter Public School (the "School"). On January 13, 2009, by Unit Deed recorded with the Registry in Book 44413, Page 23, Unit 5 of the Condominium was purchased by Westinghouse Plaza Hyde Park, LLC, and Westinghouse Plaza Hyde Park II, LLC, as tenants-in-common. Mother Brook, LLC continues to own Units 2, 3 and 4 of the Condominium.

Known Releases at the Disposal Site

The environmental studies and remedial actions at the Disposal Site have responded to two separate historic releases of oil and hazardous materials ("OHM"). The first is associated with a release of #2 fuel oil discovered at the time of the removal of an underground storage tank ("UST") located at the north end of Building D, as shown on the Exhibit B sketch plan. This release was reported to the Massachusetts Department of Environmental Protection ("MassDEP") on March 3, 1989. There was no indication of a sudden release from the UST; rather it appeared that the release had occurred over a lengthy time period from spillage from the USTs and leakage from associated near-surface piping. Subsequent site investigations showed the existence of reportable concentrations of historic releases of OHM at other locations on the Property, although no specific source of release was identified. As a consequence, the entire Property at One Westinghouse Plaza was designated as a Disposal Site by MassDEP on July 15, 1990 as RTN 3-2465.

The second release is associated with the discovery of #6 fuel oil contaminants in soil and groundwater during the scheduled removal of two inactive 30,000 gallon USTs historically used for storing #6 oil for the former power plant in Building I. The location of these USTs is shown on the Exhibit B sketch plan. This release was designated as a Disposal Site by MassDEP on September 28, 1995 as RTN 3-12982. Subsequent site investigations showed the presence of free product, identified as #6 fuel oil, in monitoring wells in the immediate vicinity of the UST tank graves, along with reportable concentrations of petroleum hydrocarbon contaminants in soils. Based on these data, the boundary of this separate Disposal Site was estimated as being limited to an area approximately 60 by 100 feet immediately surrounding the two former USTs on the west side of Building I, as shown on the Exhibit B sketch plan.

Because the boundary of the Disposal Site for the second release is totally contained within the boundary of the Disposal Site for the first release, an application was made by Mother Brook, LLC to MassDEP on August 15, 2005 to link the second release to the first, with all subsequent response actions for the second release to be performed under RTN 3-2465. This linkage was approved by MassDEP as of September 30, 2005, and is confirmed within the MassDEP Administrative Consent Order ACOP-NE-05-3A034 dated November 29, 2005. Accordingly, all subsequent site investigations, remedial actions and site closure activities were undertaken as a single Disposal Site (the "Site") encompassing the entire Property under RTN 3-2465.

It is also known that two additional historic releases of oil and hazardous material ("OHM") occurred, both of which have been satisfactorily remediated and closed. The first release involved PCB-containing oil from electrical transformers at Buildings D and E in 1985, where leakage of PCBs onto soils surrounding the transformers was detected. The transformers were cleaned and impacted soils were removed in August 1985 in accordance with TSCA PCB regulations. The PCB-laden transformers were removed and destroyed in December 1996. The second release involved solvents leaking from a waste disposal dumpster on the property line north of Building F along the bank of the Mother Brook. The detection of chlorinated degreasing compounds and cleansers leaking from waste storage containers resulted in an emergency response cleanup of soils in 1986. This hazardous waste storage site was certified as properly closed under 310 CMR 30.00 by the Massachusetts Department of Environmental Quality Engineering (now MassDEP) in a letter dated August 8, 1986.

Site Investigations and Remedial Response Actions

A number of environmental site assessments and subsurface investigations have been conducted on the Property by ENSR Consulting and Engineering, Inc. ("ENSR") dating from mid-1984 through September, 1996. The results and conclusions from these studies are presented in two reports by ENSR: (1) Phase II Comprehensive Site Assessment, MA DEP RTN 3-2465, September, 1996, Document Number 3573-008-400; and (2) Phase I Initial Site Investigation, One Westinghouse Plaza, Hyde Park, Massachusetts, MA DEP RTN 3-12982, Document Number 3573-008-800.

After ownership of the Property was transferred to Mother Brook LLC, FSL Associates, Inc. ("FSL") was engaged to carry out further environmental site investigations and remedial actions as necessary to close out the Disposal Site associated with the two oil-related releases in accordance with the MCP.

During the summer and fall of 2005, FSL planned and conducted comprehensive subsurface environmental investigations on all portions of the Site to identify the nature and extent of contaminants on the Site, and to identify any remedial actions necessary to close out the Site under the MCP. FSL advanced 32 soil borings to collect soil samples at various depths, installed 20 new monitoring wells to supplement 4 pre-existing monitoring wells to collect groundwater samples, collected soil gas samples from 6 locations beneath occupied buildings on the Site to investigate indoor air quality, and collected sediment and surface water samples from 3 locations on Mother Brook, which borders the Site on the north.

During the summer and fall of 2006, further site investigations were carried out by Ambient Engineering, Inc. ("Ambient") on behalf of the The Academy of the Pacific Rim Charter Public School (the "School"), a prospective purchaser of the portion of the Property, including building space and an associated playground, they were currently using as a school for students in grades 6 through 12.

On behalf of the School, Ambient collected 19 soil samples at 16 locations at various depths within the playground of the School, and collected soil gas samples at 4 locations within the footprint of Building B, the location of the School classrooms. These samples were collected in May 2006 and were analyzed for Lead in soils and TO-15 Volatile Organic Compounds ("VOC") compounds in soil gas. The results showed elevated levels of Lead in soils in the playground and indicated the need to remediate Lead in the playground soils. The source of the Lead in the playground soils was attributed to Lead paint residue from the debris associated with the demolition of a public school building that had been located within the current playground area.

In June 2006, Ambient collected 27 additional soil samples to further delineate the extent of Lead contaminants within the school playground area. The soils data showed low levels of Polycyclic Aromatic Hydrocarbon ("PAH") contaminants in soils, indicating that remediation of PAHs would not be necessary, and further confirmed previous ENSR conclusions that coal ash fill had not been deposited in this area of the Site.

On August 21, 2006, Mother Brook, LLC submitted a Release Abatement Measure ("RAM") Plan to MassDEP for the removal and disposal of surficial soils in the School playground area adjacent to Buildings A, B, D and E. As part of the RAM Plan, surficial soils were excavated to depths ranging from 1 to 2 ft bgs from the areas showing elevated levels of Lead. Post-remediation soil samples were collected and analyzed for Lead.

Evaluation of the post-remediation soils data from the School playground area determined that soil contaminants met Massachusetts Contingency Plan ("MCP") Method 1 cleanup standards without the need to impose an AUL on the playground area.

Accordingly, a Class A-2 Response Action Outcome ("RAO") Statement Partial for the School playground area was submitted to MassDEP on December 19, 2006.

Meanwhile, on September 1, 2006, Mother Brook, LLC submitted a Utility-related Abatement Measure ("URAM") Plan to MassDEP for the excavation of an electrical and communications utility trench extending throughout the Property as shown in the Exhibit B sketch plan. In September 2006, 12 composite soil samples were collected by FSL from test pits along the trench line and were analyzed for Extractable Petroleum Hydrocarbons ("EPH"), VOCs and RCRA 8 metals to characterize trench soils prior to excavation. Evaluation of the soils data from the utility trench indicated the need to manage the trench excavate as contaminated soils and to backfill the trench with clean soil. The trenching and soil remediation was carried out in September 2006.

Evaluation of all soil and groundwater data collected from the Site from 1989 through 2005 indicated the need to remediate the #6 fuel oil free product present in wells near the location of the former #6 fuel oil USTs, and to remediate one identified Trichloroethylene ("TCE") hot spot located also in the near vicinity of the detected #6 fuel oil free product. Accordingly, a RAM Plan was submitted to MassDEP on August 21, 2006 for the remediation of the free product and contaminated soils by excavating the soils to a depth of approximately 20 feet bgs (5 feet below the groundwater table) and disposing of the soils by recycling to an asphalt batching facility. Excavation was carried out in December 2006. Post-remediation soil confirmation samples showed that the EPH concentration levels at the free product excavation site and TCE levels at the hot spot site were within Method 1 risk standards.

Groundwater monitoring wells in the #6 fuel oil release area that had been destroyed by the excavation remedial action were replaced by installing 5 new wells located at the center of and at four compass points around the apparent maximum free product location. Post-remediation groundwater samples at these 5 wells showed no evidence of free product in four wells and trace amounts of free product in the fifth well, indicating that #6 free product had been successfully reduced to an average thickness less than the Upper Concentration Limit ("UCL") of 1/2 inch.

A complete round of groundwater samples was collected from all existing monitoring wells on the Property in September 2007 to provide an update to groundwater data previously sampled in September 2005.

Finally, additional soil and groundwater data were collected by Goldman Environmental Consultants, Inc. ("GEC") in November 2008 on behalf of a prospective purchaser of a portion of the Property. GEC installed 5 new groundwater monitoring wells in the general vicinity of the #6 free product release area, and collected soil samples from three of the new borings and groundwater samples from the 5 new wells and one existing well that survived the remedial soil excavation. A laboratory test for coal ash was also run on the three GEC soil samples, the results of which verified the presence of coal and coal ash in the soil fill in the northern portion of the Property.

Reason for Activity and Use Limitation:

Results of the evaluation of all soil samples collected from 1989 through 2008, adjusted to eliminate soil samples collected from areas of the Property that have been remediated by excavation, indicate that low levels of EPH, PAH, VOC and metal contaminants remain in soils throughout the Property. There remain no hot spots and no exceedances of contaminant UCLs on the Property. In all areas of the Property, soil contaminant concentrations are below levels that would pose Significant Risk to current receptors for current activities and uses of the Property. Moreover, the School playground area has been remediated and poses a condition of No Significant Risk to all receptors both presently and for the foreseeable future. Consequently, no restrictions of activities and uses are necessary for this playground area.

However, soil concentrations in most other areas of the Property could pose a condition of Significant Risk in the future if activities and uses were not restricted to those existing currently. For example, workers in the unpaved open areas of the Property are subject now and in the future to a condition of No Significant Risk for their exposure to contaminant levels in the soil. However, a Method 3 Risk Characterization for potential future residential use of these open areas shows that a condition of Significant Risk would exist.

Consequently, areas of the Property where this could occur must be restricted by imposing an Activity and Use Limitation ("AUL") to assure that a condition of No Significant Risk will exist both currently and in the foreseeable future. This will be achieved first by restricting future activities and uses to be consistent with current activities and uses, and second, by requiring that current paved areas remain paved in the future. Maintaining currently paved areas will ensure that contaminated soils remaining on the Property will remain inaccessible to receptors (except under conditions and oversight that will assure No Significant Risk), and that no exposure pathways exist to either contaminated soils or contaminated groundwater so long as the conditions of the Activity and Use Limitation are complied with.

In addition, there are areas of the Property where there is currently insufficient soil contaminant data to determine whether a condition of No Significant Risk occurs or not. Specifically, very little soils data has been collected beneath the concrete floors in any of the existing buildings. Consequently, it is necessary to impose an Activity and Use Limitation on all buildings to prevent exposure by receptors to potentially contaminated soils except under conditions and oversight that would ensure a condition of No Significant Risk.

Finally, it must be acknowledged that the MCP provides that soil contaminants such as PAHs and metals that are associated with fill materials containing coal, coal ash or wood ash are to be treated as "background" as defined in the MCP, and therefore are to be considered as posing No Significant Risk to any receptor. However, because it is known that fill materials containing coal and coal ash have been deposited on portions of the

Property, and because it is known that PAH and metal soil contaminants are present in these fill materials, it is deemed appropriate by the Risk Assessor and the LSP for this Site to require as part of the AUL that persons potentially likely to be exposed to such fill materials be provided information that PAH and metal contaminants are present in the fill materials.

Therefore, in order to ensure that such exposures do not occur and that a condition of No Significant Risk is maintained for the foreseeable future, an Activity and Use Limitation is required to restrict certain activities and uses on the Property.

Consequently, the activity and use limitations are set forth as follows:

1. 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 within the Property:

- (i) Activities and uses including, but not limited to, industrial, commercial, residential, schools, child day care, playgrounds, and nursing or health care facilities, *provided* that such activities and uses occur only as permitted by this AUL within each designated portion of the Property (each portion denoted as a separate "AUL Zone" as illustrated in the attached Exhibit B sketch plan), that such activities are not listed in Paragraph 2 below, and that all such activities and uses are undertaken in compliance with the Obligations and Conditions of this Notice. Six AUL Zones have been defined comprising the total area of this 23 acre Property; the boundaries of each AUL Zone are shown on the attached Exhibit B sketch plan; the permitted activities and uses for each AUL Zone are as follows:

AUL Zone 1 – School playground. There are no activity or use limitations within AUL Zone 1. Permitted uses include, but are not limited to, residential, schools, child day care, playgrounds, nursing or health care facilities.

AUL Zone 2 – Existing building footprints. Existing buildings include a charter school, an office building, unoccupied space reserved for future residential condominium development, an abandoned former power plant, and occupied space devoted to commercial use and industrial manufacturing. Permitted uses are industrial, commercial, residential, schools, child day care, nursing or health care facilities, and other institutional facilities.

AUL Zone 3 – Existing paved parking lots, access roadways and materiel storage areas. Permitted uses are commercial, industrial, residential and other public roadway vehicular traffic, parking and materiel storage.

AUL Zone 4 – Commercial and industrial storage area. This area is currently used for staging and storing soil, stone, gravel and other geo-related construction/landscaping materials. This area currently has no building structures within it, and is mostly unpaved. Permitted uses are commercial and industrial activities.

AUL Zone 5 – Commercial and industrial storage area. This area is currently used for staging and storing heavy equipment and manufactured goods, including but not limited to steel beams and other fabricated metal goods. This area currently has no building structures within it and is completely enclosed by commercial/industrial building walls or by 6 foot chain link fencing. Access is through a locked gate or through a commercial/industrial building. Permitted uses are commercial and industrial activities.

AUL Zone 6 – River bank and brook area. This area lies in the northern portion of the Property between the chain link fence line at the top of the Mother Brook river bank and the centerline of the Mother Brook as illustrated in Exhibit B. The area is open to public access to both the river bank and the surface waters of the brook within this AUL Zone for recreational use.

- (ii) Subsurface activities, excavation associated with emergency or short-term utility work, and/or construction including buildings and other improvements to support permitted uses within the Property which may disturb contaminated soils and/or groundwater, *provided* that such activities are undertaken in compliance with the Obligations and Conditions of this Notice;
- (iii) Such other activities or 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 other activities or 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 within 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) Any subsurface activity, construction or other work which may result in direct contact with and/or disturbance, excavation, relocation, or removal of, contaminated soils or groundwater presently located within any portion of the Property, except AUL Zone 1, which is not conducted in accordance with the Obligations and Conditions of this Notice of AUL;
- (ii) Cultivation of gardens in soils anywhere within the Property, except AUL Zone 1, for the growth or harvesting of vegetables or other produce intended for human consumption;
- (iii) Residential, school, child day care, playground, nursing, or health care facilities located anywhere within AUL Zones 4 and 5 (commercial and industrial storage and staging areas), the boundaries of which are depicted on the Exhibit B sketch plan; and
- (iv) Any activity or use which, in the Opinion of an LSP, is reasonably likely to create a Significant Risk of harm to health, safety, public welfare or the environment.

3. Obligations and Conditions Set Forth in the AUL Opinion. If applicable, obligations and/or conditions to be undertaken and/or maintained within the Property to maintain a condition of No Significant Risk, as set forth in the AUL Opinion shall include the following:

- (i) Within any portion of AUL Zone 2 (building footprints) and AUL Zone 3 (parking lots and roadways), the boundaries of which are depicted on the Exhibit B sketch plan, the existing and/or any newly constructed paved structures, including but not limited to parking areas, roadways, sidewalks, building floors, storage areas or other paved ground cover (hereinafter the "Protective Cover") shall be maintained to prevent substantial direct exposure to underlying subsurface soils and groundwater. In the event the Protective Cover is removed or degraded to the extent that dermal contact with subsurface soil is probable, a surface cover of equal protective function shall be reinstalled within a reasonable time period (not to exceed 30 days) following discovery or creation of the opening in the Protective Cover to maintain current limited exposure conditions to the underlying soils and groundwater. In

the event that paving is not feasible in any portion of AUL Zone 3 (parking lots and roadways), a layer of clean soil shall be maintained at a minimum thickness of three feet above the detectable contaminated soil layer as a Protective Cover.

The AUL Zone 5 area depicted on the Exhibit B sketch plan shall be enclosed by a protective barrier (the "Protective Barrier") to prevent public access to the AUL Zone 5 area without authorization by the property owner or his designee. The Protective Barrier may consist of building walls, 6 foot chain link fencing, or other fencing barriers of equivalent access prevention capability, and shall be maintained to prevent current and future unauthorized human access. Similarly, a Protective Barrier shall be maintained around the area bounded on the north by Building B, on the south by Building A, on the west by the connecting passageway between Buildings A and B, and on the east by a gated 6 foot chain link fence to prevent public access to this unpaved area without authorization by the property owner or his designee. In the event any portion of any Protective Barrier is removed or degraded to the extent that public access to and dermal contact with subsurface soil is probable, a Protective Barrier of equal protective function shall be reinstalled within a reasonable time period (not to exceed 30 days) following discovery or creation of the opening in the Protective Barrier to prevent unauthorized public access to the unpaved area.

The AUL Zone 6 area depicted on the Exhibit B sketch plan is open to public access to both the river bank and the surface waters of the brook for recreational use. However, no activities or uses are permitted within the AUL Zone 6 except those which are consistent with the relevant provisions of the Massachusetts Wetlands Protection Regulations at 310 CMR 10.00 and other applicable local, state and federal regulations.

- (ii) A Health and Safety Plan shall be prepared by a Certified Industrial Hygienist ("CIH"), Certified Hazardous Material Manager ("CHMM"), Certified Safety Professional ("CSP") or other qualified professional sufficiently trained in worker health and safety requirements and implemented prior to the commencement of (1) any activity which involves the removal and/or disturbance of contaminated soils beneath the Protective Cover, rendering such soils more accessible, or (2) any activity that will disturb, excavate or remove soils located on the Property below the groundwater table, unless such activity is deemed by a Licensed Site Professional ("LSP"), CIH, CHMM, CSP or other

qualified professional to be in response to an emergency that poses an immediate threat to human health or safety.

The plan shall clearly describe 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 through dermal contact, ingestion, and/or the inhalation of vapors or particulate dusts. The plan shall specify operational procedures that comply with all applicable OSHA regulations pertaining to work in the presence of hazardous substances, including 29 CFR 1910.120. Workers who may come in contact with contaminated soils or groundwater within the Property shall be informed of the location of the contamination and all requirements of the Health and Safety Plan.

The plan shall also identify the controls necessary to ensure the safety of the general public in the vicinity of the work, and to ensure that such receptors are not exposed to levels of contaminants through dermal contact, ingestion, and/or the inhalation of vapors or particulate dusts that cause a condition of Significant Risk to such receptors. The plan shall be available on-site throughout the course of the work;

- (iii) A Soil and Groundwater Management Plan shall be prepared by an LSP and implemented prior to the commencement of (1) any activity that will disturb, excavate or remove contaminated soils located beneath the Protective Cover whether above or below the groundwater table, or (2) any activity, including but not limited to dewatering or pumping, that will cause human contact with groundwater located within the Property, unless such activity is deemed by an LSP, CIH, CHMM, CSP or other qualified professional to be in response to an emergency that poses an immediate threat to human health or safety. The Soil and Groundwater Management Plan shall describe appropriate soil excavation, handling, storage, transport, and disposal procedures in accordance with the provisions of the MCP cited at 310 CMR 40.0030 *et seq.*, and appropriate groundwater handling, storage, and disposal procedures in accordance with the provisions of the MCP cited at 310 CMR 40.0040 *et seq.*

The plan shall also include a description of the personal protective equipment, engineering controls and/or air monitoring procedures necessary to ensure that workers and receptors, including, but not limited to, residents and members of the general public, in the vicinity are not adversely affected by fugitive dust or particulates. On-site workers shall be informed of the requirements of the Soil

Management and Groundwater Plan, and the plan shall be available on-site throughout the course of the work;

- (iv) In the event of an emergency that poses an immediate threat to human health or safety, as determined by an LSP, CIH, CHMM, CSP or other qualified professional, the provisions of Conditions (ii) and (iii) above shall not be required if the Health and Safety aspects and the Soil and Groundwater Management aspects of the emergency activities are personally overseen by an LSP;
- (v) A sign shall be posted at the main entrance to the Property to facilitate the promulgation of information to inform employees, workers, contractors, residents, students and other persons entering the Property that within AUL Zones 2, 3, 4 and 5: (1) coal, coal ash and wood ash fill is present in soils beneath the Property, (2) such soils contain hazardous materials, and (3) excavation into or other disturbance of such soils is prohibited unless performed in accordance with the terms of this AUL;
- (vi) All paved areas, including, but not limited to, parking lots, roadways, sidewalks and other structures, shall be constructed, repaired and maintained in accordance with Conditions (i) through (iv) above;
- (vii) Landscape work involving direct contact with topsoils (e.g., digging, planting, mowing, etc.) must not occur at any depth greater than three feet below ground surface in any unpaved area of the Property, except within AUL Zone 1, unless it is undertaken in accordance with Conditions (i) through (iv) above; and
- (viii) Utility or building construction, maintenance or repair work involving direct contact with soils and/or groundwater at any location on the Property, except within AUL Zone 1, shall not be undertaken unless it is performed in accordance with Conditions (i) through (iv) above.

LSP:

Byron Hugh Willis
Byron Hugh Willis, Ph.D., Licensed Site Professional No. 2867

DATE:

2/25/2009



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup

BWSC113

ACTIVITY & USE LIMITATION (AUL) TRANSMITTAL FORM

Release Tracking Number

Pursuant to 310 CMR 40.1056 & 40.1070 - 40.1084 (Subpart J)

3 - 2465

A. DISPOSAL SITE LOCATION:

1. Disposal Site Name: **HOWDEN SIROCCO**2. Street Address: **1 WESTINGHOUSE PLZ**3. City/Town: **HYDE PARK**4. ZIP Code: **02136-0000**

☒ 5. Check here if a Tier Classification Submittal has been provided to DEP for this disposal site.

☐ a. Tier 1A ☐ b. Tier 1B ☐ c. Tier 1C ☒ d. Tier 2

6. If a Tier I Permit has been issued, provide Permit Number:

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

- ☒ 1. Submit a certified copy of a **Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1074.
- ☐ 2. Submit an **Evaluation of Changes in Land Uses/Activities and/or Site Conditions after a Response Action Outcome Statement** has been filed pursuant to 310 CMR 40.1080.
- ☐ 3. Submit a certified copy of an **Amended Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1081.
- ☐ 4. Submit a certified copy of a **Partial Termination of a Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1083(3).
- ☐ 5. Submit a certified copy of a **Termination of a Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1083(1)(d).
- ☐ 6. Submit a certified copy of a **Grant of Environmental Restriction**, pursuant to 310 CMR 40.1071.
- ☐ 7. Submit a certified copy of an **Amendment of a Grant of Environmental Restriction**, pursuant to 310 CMR 40.1081(3).
- ☐ 8. Submit a certified copy of a **Partial Release of a Grant of Environmental Restriction**, pursuant to 310 CMR 40.1083(2).
- ☐ 9. Submit a certified copy of a **Release of a Grant of Environmental Restriction**, pursuant to 310 CMR 40.1083(1)(c).
- ☐ 10. Submit a certified copy of a **Confirmatory Activity and Use Limitation**, pursuant to 310 CMR 40.1085(4).

11. Provide Additional RTNs:

☐ a. Check here if this AUL Submittal covers additional Release Tracking Numbers (RTNs).

b. Provide the additional Release Tracking Number(s) covered by this AUL Submittal.

- -

(All sections of this transmittal form must be filled out unless otherwise noted above.
 BWSC113A is required for all submittals listed above)



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup

BWSC113

ACTIVITY & USE LIMITATION (AUL) TRANSMITTAL FORM

Pursuant to 310 CMR 40.1056 & 40.1070 - 40.1084 (Subpart J)

Release Tracking Number

3 - 2465

C. AUL INFORMATION:

1. Document (per Section B) Recording and/or Registration Information:

a. Name of Registry of Deeds and/or Land Registration Office: **SUFFOLK COUNTY REGISTRY OF DEEDS**

b. Book and Page Number and/or Document Number: _____

c. Date of recording and/or registration: _____

mm/dd/yyyy

2. Is the address of the property subject to AUL different from the disposal site address listed above?

☒ a. No ☐ b. Yes If yes, then fill out address section below.

3. Street Address: _____

4. City/Town: _____

5. ZIP Code: _____

D. PERSON SUBMITTING AUL TRANSMITTAL FORM:

1. Check all that apply: ☐ a. change in contact name ☐ b. change of address ☒ c. change in the person undertaking response actions

2. Name of Organization: **MOTHER BROOK CONDOMINIUM ASSOCIATION**

3. Contact First Name: **JAMES**

4. Last Name: **BURKE**

5. Street: **39 BRIGHTON AVENUE**

6. Title: **PRESIDENT**

7. City/Town: **BOSTON**

8. State: **MA**

9. ZIP Code: **02134-2301**

10. Telephone: **(617) 789-0039**

11. Ext.: _____

12. FAX: **(617) 783-0568**

13. Is the person described in this section the owner of the property?

☒ a. Yes ☐ b. No, if checked then Section G must be filled out by at least one owner.

☐ c. Check here if providing names and addresses of any additional owners in an attachment.

E. RELATIONSHIP TO DISPOSAL SITE OF PERSON SUBMITTING AUL TRANSMITTAL FORM: (check one)

☒ 1. RP or PRP ☒ a. Owner ☐ b. Operator ☐ c. Generator ☐ d. Transporter

☐ e. Other RP or PRP Specify: _____

☐ 2. Fiduciary, Secured Lender or Municipality with Exempt Status (as defined by M.G.L. c. 21E, s. 2)

☐ 3. Agency or Public Utility on a Right of Way (as defined by M.G.L. c. 21E, s. 5(j))

☐ 4. Any Other Person Submitting AUL Specify: _____

BWSC113

Release Tracking Number

3 - 2465

☒ 1. Check here to certify that notice of the proposed Activity and Use Limitation (AUL) was given to all record-interest holders, if any, in accordance with 310 CMR 40.1074(1)(e), via certified mail.

☐ a. Check here if there were no record interest holders. b. Date of certified mailing: **12/23/2008**

mm/dd/yyyy

☒ c. Check here to certify that names and addresses of all record holders notified is attached.

☒ 2. Check here to certify that within 30 days of recording and/or registering the AUL, including amending, releasing or terminating the AUL, a copy of the AUL was/will be provided to the Chief Municipal Officer, the Board of Health, the Zoning Official, and the Building Code Enforcement Official in the community(ies) where the the property subject to such Activity and Use Limitation is located.

☒ 3. Check here to certify that within 30 days of recording and/or registering the AUL, including amending, releasing or terminating the AUL, a Legal Notice was/will be published in a newspaper with circulation in the community(ies) where the property subject to the AUL is located.

☒ 4. Check here to certify that within 7 days of publishing a Legal Notice in a newspaper with circulation in the community(ies) where the property subject to the AUL is located, a copy of the notice was/will be submitted to DEP.

☒ 5. Check here to certify that within 30 days of recording and/or registering the AUL, including amending, releasing or terminating the AUL, a certified copy of the AUL, including the LSP Opinion containing the material facts, data, and other information, will be submitted to DEP.

☐ 6. Check here if any non-updatable information provided on this form is incorrect, e.g. Site Address/Location Aid. Send corrections to the DEP Regional Office.

☐ **7. If an Evaluation of Changes in Land Uses/Activities and/or Site Conditions after a Response Action Outcome Statement is being submitted, check here to certify that the LSP Opinion containing the material facts, data, and other information is attached.**

1. I, _____, attest under the pains and penalties of perjury that I am the owner of said property(ies), subject to the AUL

2. _____ 3. Date: _____
 Signature mm/dd/yyyy

4. Name of Organization:

5. Contact First Name:

6. Last Name:

7. Street:

8. Title:

9. City/Town:

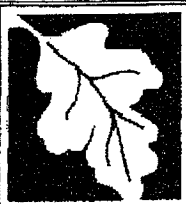
10. State:

11. ZIP Code:

12. Telephone:

13. Ext.:

14. FAX:



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup

BWSC113

ACTIVITY & USE LIMITATION (AUL) TRANSMITTAL FORM

Release Tracking Number

Pursuant to 310 CMR 40.1056 & 40.1070 - 40.1084 (Subpart J)

3 - 2465

H. CERTIFICATION OF PERSON MAKING SUBMITTAL:

1. I, James Burke, attest under the pains and penalties of perjury (i) that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this transmittal form, (ii) that, based on my inquiry of those individuals immediately responsible for obtaining the information, the material information contained in this submittal is, to the best of my knowledge and belief, true, accurate and complete, and (iii) that I am fully authorized to make this attestation on behalf of the entity legally responsible for this submittal. I/the person or entity on whose behalf this submittal is made am/is aware that there are significant penalties, including, but not limited to, possible fines and imprisonment, for willfully submitting false, inaccurate, or incomplete information.

Pursuant to 310 CMR 40.1074 (1)(f), I also hereby certify under penalties of perjury, that either I (if person submitting the AUL Transmittal Form is the property owner), or

2. Name of Property Owner

am/is identified on the Notice of AUL as the owner of the property subject to the AUL, owned such property on the date that the AUL was recorded and /or registered

3. By:

James Burke as President of M.B.A.
 Signature

4. Title:

PRESIDENT

5. For:

MOTHER BROOK CONDOMINIUM ASSOCIATION

6. Date:

02/24/2009

(Name of person or entity recorded in Section D)

mm/dd/yyyy

☐ 7. Check here if the address of the person providing certification is different from address recorded in Section D.

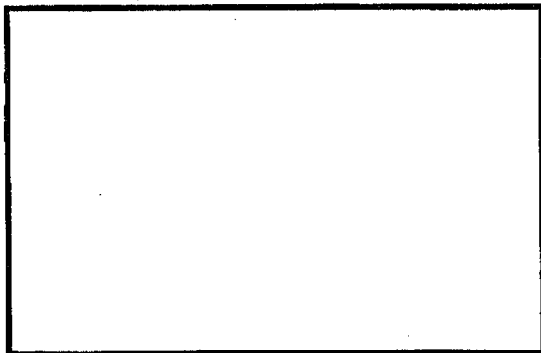
8. Street: _____

9. City/Town: _____ 10. State: _____ 11. ZIP Code: _____

12. Telephone: _____ 13. Ext.: _____ 14. FAX: _____

YOU ARE SUBJECT TO AN ANNUAL COMPLIANCE ASSURANCE FEE OF UP TO \$10,000 PER BILLABLE YEAR FOR THIS DISPOSAL SITE. YOU MUST LEGIBLY COMPLETE ALL RELEVANT SECTIONS OF THIS FORM OR DEP MAY RETURN THE DOCUMENT AS INCOMPLETE. IF YOU SUBMIT AN INCOMPLETE FORM, YOU MAY BE PENALIZED FOR MISSING A REQUIRED DEADLINE.

Date Stamp (DEP USE ONLY:)



ONE WESTINGHOUSE PLAZA DISPOSAL SITE
RTN 3-2465
ONE WESTINGHOUSE PLAZA
HYDE PARK DISTRICT OF BOSTON, MASSACHUSETTS

ATTACHMENT TO SECTION D, ITEM 13 of Form BWSC113

List of Mother Brook Condominium Unit Owners

- Unit 1 of Mother Brook Condominium

Owner: Academy of the Pacific Rim Charter Public School
a Massachusetts non-profit corporation

Address: One Westinghouse Plaza
Hyde Park, MA 02136

Contact: Jenne Colasacco, Director

- Units 2, 3 and 4 of Mother Brook Condominium

Owner: Mother Brook, LLC
a Massachusetts limited liability company

Address: 39 Brighton Avenue
Boston, MA 02134

Contact: Harold Brown, Manager

- Unit 5 of Mother Brook Condominium

Owner: Westinghouse Plaza Hyde Park, LLC
and
Westinghouse Plaza Hyde Park II, LLC
as tenants in common
each a Massachusetts limited liability company

Address: 42 Winter Street, Unit 35
Pembroke, MA 02359

Contact: James F. Stearns, IV, Manager of both entities

ATTACHMENT TO SECTION F, ITEM 1.c of Form BWSC113

List of Record Interest Holders

- Boston Water & Sewer Commission

Notice Address: Boston Water & Sewer Commission
Executive Division
980 Harrison Avenue
Boston, MA 02119

Green Card
Received: December 24, 2008

Waiver Received: No

- NStar Electric Company

Notice Address: NStar Electric Company
800 Boylston Street
Boston, MA 02199
Attn: Legal Department

Green Card
Received: December 29, 2008

Waiver Received: No

- Verizon New England, Inc.

Notice Address: Verizon New England, Inc.
185 Franklin Street
Boston, MA 02110
Attn: Penny Kane, Right of Way Manager

Green Card
Received: December 26, 2008

Waiver Received: December 29, 2008



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup

BWSC113A

ACTIVITY & USE LIMITATION (AUL) OPINION FORM

Pursuant to 310 CMR 40.1056 & 40.1070 - 40.1084 (Subpart J)

Release Tracking Number

3 - 2465

A. DISPOSAL SITE LOCATION:

1. Disposal Site Name: **HOWDEN SIROCCO**

2. Street Address: **1 WESTINGHOUSE PLZ**

3. City/Town: **HYDE PARK**

4. ZIP Code: **02136-0000**

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

- ☒ 1. Provide the LSP Opinion for a **Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1074.
- ☐ 2. Provide the LSP Opinion for an **Evaluation of Changes in Land Uses/Activities and/or Site Conditions after a Response Action Outcome Statement**, pursuant to 310 CMR 40.1080. Include BWSC113A as an attachment to BWSC113. Section A and C do not need to be completed.
- ☐ 3. Provide the LSP Opinion for an **Amended Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1081(4).
- ☐ 4. Provide the LSP Opinion for a **Partial Termination of a Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1083(3).
- ☐ 5. Provide the LSP Opinion for a **Termination of a Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1083(1)(d).
- ☐ 6. Provide the LSP Opinion for a **Grant of Environmental Restriction**, pursuant to 310 CMR 40.1071.
- ☐ 7. Provide the LSP Opinion for an **Amendment of a Grant of Environmental Restriction**, pursuant to 310 CMR 40.1081(3).
- ☐ 8. Provide the LSP Opinion for a **Partial Release of a Grant of Environmental Restriction**, pursuant to 310 CMR 40.1083(2).
- ☐ 9. Provide the LSP Opinion for a **Release of a Grant of Environmental Restriction**, pursuant to 310 CMR 40.1083(1)(c).
- ☐ 10. Provide the LSP Opinion for a **Confirmatory Activity and Use Limitation**, pursuant to 310 CMR 40.1085(4).

(Unless otherwise noted above, all sections of this form (BWSC113A) must be completely filled out, printed, stamped, signed with black ink and attached as an exhibit to the AUL Document to be recorded and/or registered with the Registry of Deeds and/or Land Registration Office.)

C. AUL INFORMATION:

1. Is the address of the property subject to AUL different from the disposal site address listed above?

☒ a. No ☐ b. Yes If yes, then fill out address section below.

2. Street Address:

3. City/Town:

4. ZIP Code:



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup

BWSC113A

ACTIVITY & USE LIMITATION (AUL) OPINION FORM

Pursuant to 310 CMR 40.1056 & 40.1070 - 40.1084 (Subpart J)

Release Tracking Number

3 - 2465

D. LSP SIGNATURE AND STAMP:

I attest under the pains and penalties of perjury that I have personally examined and am familiar with this transmittal form, 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 309 CMR 4.03(2), and (iii) the provisions of 309 CMR 4.03(3), to the best of my knowledge, information and belief,

> 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;

> if Section B indicates that an **Evaluation of Changes in Land Uses/Activities and/or Site Conditions after a Response Action Outcome Statement** is being submitted, this evaluation was developed 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;

> if Section B indicates that an **Amended Notice of Activity and Use Limitation or 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 40.1081;

> if Section B indicates that a **Termination or a Partial Termination of a Notice of Activity and Use Limitation, or a Release or Partial Release of 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 40.1083;

> 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;

> if Section B indicates that a **Confirmatory 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 40.1085(4);

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.

1. LSP #: 2867

2. First Name: BYRON H

3. Last Name: WILLIS

4. Telephone: (781) 545-7840

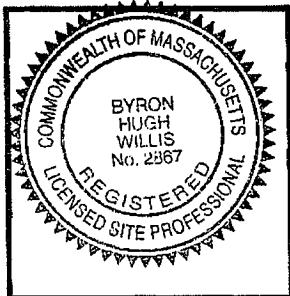
5. Ext:

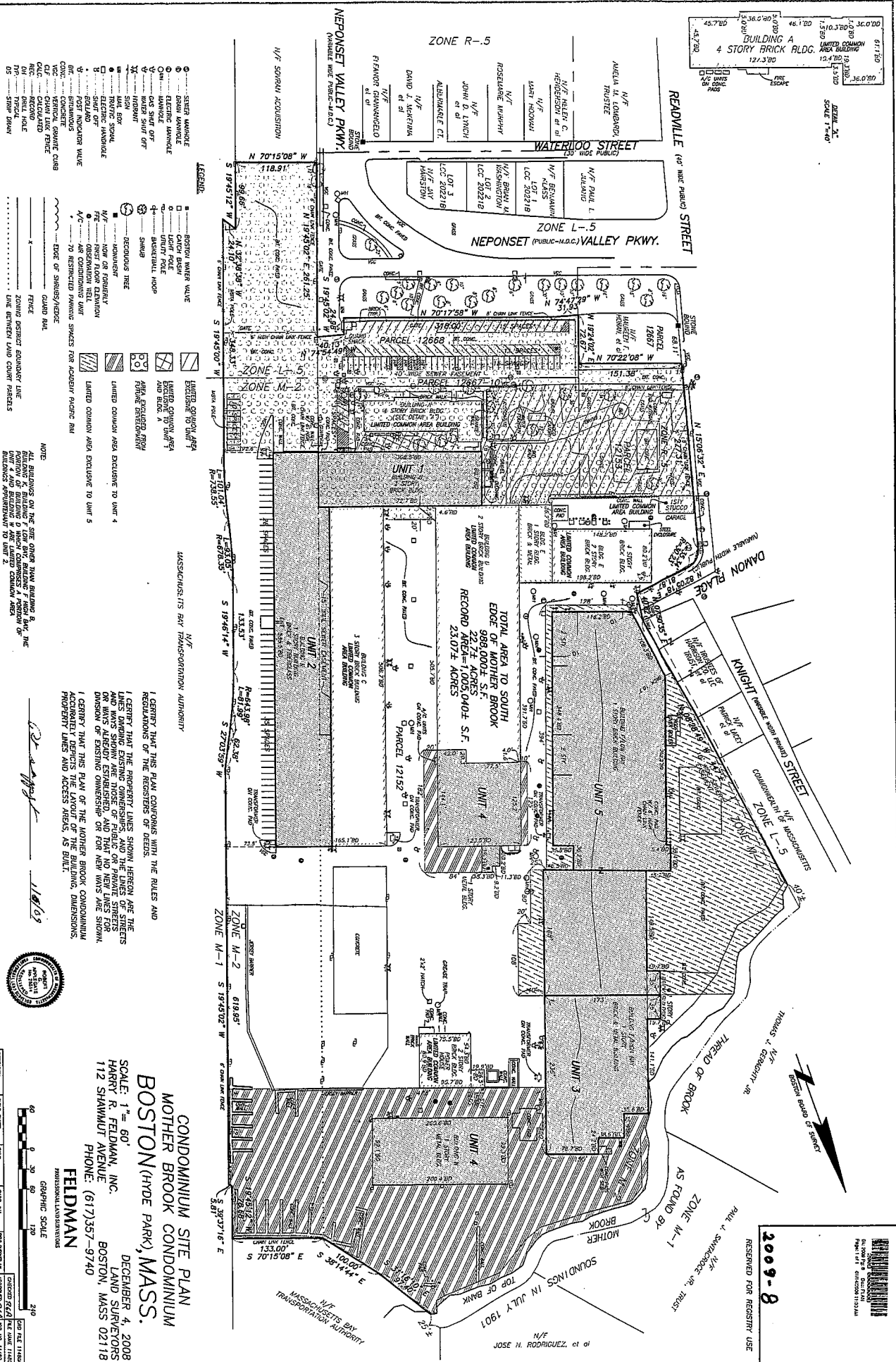
6. FAX:

7. Signature: Byron Hugh Willis

8. Date: 02/25/2009
mm/dd/yyyy

9. LSP Stamp:







*Environmental Engineering Civil Engineering,
Forensic Engineering, Construction Services*

Environmental Engineering

Forensic Engineering

Civil Engineering

Construction Services

March 23, 2009

The Honorable Thomas M. Menino
Mayor's Office
1 City Hall Plaza
Boston, MA 02201

RE: One Westinghouse Plaza Disposal Site
One Westinghouse Plaza
Hyde Park, Massachusetts 02136
RTN 3-2465

Dear Mayor Menino:

In accordance with the requirements of the Massachusetts Contingency Plan (MCP) at 310 CMR 40.1403(7)(a), you are hereby notified that a Notice of Activity and Use Limitation (the "AUL") has been recorded with the Suffolk District Registry of Deeds on March 3, 2009 in Book 44619, Page 54 for Disposal Site RTN 3-2465 located at One Westinghouse Plaza in Hyde Park. Attached please find a certified copy of the AUL.

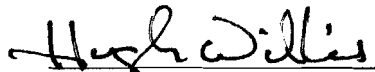
This AUL applies to the entire 23-acre property located at One Westinghouse Plaza in the Hyde Park district of Boston (the "Property"). The Property is developed with nine occupied and one unoccupied industrial/ commercial brick buildings covering approximately 32% of the Property, paved parking lots and roadways covering 50% of the Property, and open areas, most of which are unpaved, covering the remaining 18% of the Property. The Property is currently used for a charter public school, commercial office space, light manufacturing, warehousing of wholesale goods, fabrication and staging of steel construction structures, and the storage, repair and staging of heavy construction equipment.

A number of environmental site assessments, subsurface investigations and remedial actions have been conducted on the Property dating from mid-1984 through November 2008 in response to the discovery of releases of #2 and #6 fuel oil from underground storage tanks. The result of a comprehensive risk assessment of the Property after remediation of the petroleum releases has demonstrated that a condition of No Significant Risk has been achieved for the disposal site for the foreseeable future provided that the conditions of the AUL imposed on the Property are complied with.

In brief, the AUL limits exposure of persons on the Property to contaminated soils and groundwater remaining after remediation by eliminating pathways of exposure. Specifically, the AUL requires that all existing building footprints, roadways, parking lots and other areas covered with concrete or asphalt paving be maintained in good condition to prevent exposure to underlying soils, and that any digging through and construction activities in soils anywhere on the Property except in the school playground be undertaken under strict oversight as described in the AUL to prevent potential harmful exposures to workers. No limitations on activities or uses are imposed on the unpaved soil area of the charter public school playground, but all other unpaved areas of the Property are limited to commercial and/or industrial activities and uses.

The AUL and the associated Method 3 Risk Characterization have been prepared by FSL Associates, Inc. (FSL) under the direction of Dr. Hugh Willis, LSP-of-Record for the Disposal Site. A certified copy of the AUL is attached, and further information about Disposal Site and the risk assessment can be obtained by contacting Dr. Willis or Mr. Fred Lebow, President of FSL, at the letterhead address.

Very truly yours,
FSL Associates, Inc.


Hugh Willis, PhD, LSP, CHMM
Senior Associate

cc: Data Management, DEP/NERO
Mr. Carl Valeri, The Hamilton Company
Mr. Fred Lebow, FSL Associates, Inc.



*Environmental Engineering, Civil Engineering,
Forensic Engineering, Construction Services*

Environmental Engineering

Forensic Engineering

Civil Engineering

Construction Services

March 23, 2009

Leon Bethune, Director
Office of Environmental Health
Boston Public Health Commission
1010 Massachusetts Avenue
Boston, MA 02118

RE: One Westinghouse Plaza Disposal Site
One Westinghouse Plaza
Hyde Park, Massachusetts 02136
RTN 3-2465

Dear Mr. Bethune:

In accordance with the requirements of the Massachusetts Contingency Plan (MCP) at 310 CMR 40.1403(7)(a), you are hereby notified that a Notice of Activity and Use Limitation (the "AUL") has been recorded with the Suffolk District Registry of Deeds on March 3, 2009 in Book 44619, Page 54 for Disposal Site RTN 3-2465 located at One Westinghouse Plaza in Hyde Park. Attached please find a certified copy of the AUL.

This AUL applies to the entire 23-acre property located at One Westinghouse Plaza in the Hyde Park district of Boston (the "Property"). The Property is developed with nine occupied and one unoccupied industrial/ commercial brick buildings covering approximately 32% of the Property, paved parking lots and roadways covering 50% of the Property, and open areas, most of which are unpaved, covering the remaining 18% of the Property. The Property is currently used for a charter public school, commercial office space, light manufacturing, warehousing of wholesale goods, fabrication and staging of steel construction structures, and the storage, repair and staging of heavy construction equipment.

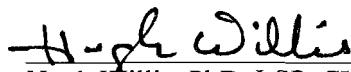
A number of environmental site assessments, subsurface investigations and remedial actions have been conducted on the Property dating from mid-1984 through November 2008 in response to the discovery of releases of #2 and #6 fuel oil from underground storage tanks. The result of a comprehensive risk assessment of the Property after remediation of the petroleum releases has demonstrated that a condition of No Significant Risk has been achieved for the disposal site for the foreseeable future provided that the conditions of the AUL imposed on the Property are complied with.

In brief, the AUL limits exposure of persons on the Property to contaminated soils and groundwater remaining after remediation by eliminating pathways of exposure. Specifically, the AUL requires that all existing building footprints, roadways, parking lots and other areas covered with concrete or asphalt paving be maintained in good condition to prevent exposure to underlying soils, and that any digging through and construction activities in soils anywhere on the Property except in the school playground be undertaken under strict oversight as described in the AUL to prevent potential harmful exposures to workers. No limitations on activities or uses are imposed on the unpaved soil area of the charter public

school playground, but all other unpaved areas of the Property are limited to commercial and/or industrial activities and uses.

The AUL and the associated Method 3 Risk Characterization have been prepared by FSL Associates, Inc. (FSL) under the direction of Dr. Hugh Willis, LSP-of-Record for the Disposal Site. A certified copy of the AUL is attached, and further information about Disposal Site and the risk assessment can be obtained by contacting Dr. Willis or Mr. Fred Lebow, President of FSL, at the letterhead address.

Very truly yours,
FSL Associates, Inc.


Hugh Willis, PhD, LSP, CHMM
Senior Associate

cc: Data Management, DEP/NERO
Mr. Carl Valeri, The Hamilton Company
Mr. Fred Lebow, FSL Associates, Inc.



*Environmental Engineering, Civil Engineering,
Forensic Engineering, Construction Services*

Environmental Engineering

Forensic Engineering

Civil Engineering

Construction Services

March 23, 2009

Susan Rice, Zoning Official
Inspectional Services Department
City of Boston
1010 Massachusetts Avenue
Boston, MA 02118

RE: One Westinghouse Plaza Disposal Site
One Westinghouse Plaza
Hyde Park, Massachusetts 02136
RTN 3-2465

Dear Ms. Rice:

In accordance with the requirements of the Massachusetts Contingency Plan (MCP) at 310 CMR 40.1403(7)(a), you are hereby notified that a Notice of Activity and Use Limitation (the "AUL") has been recorded with the Suffolk District Registry of Deeds on March 3, 2009 in Book 44619, Page 54 for Disposal Site RTN 3-2465 located at One Westinghouse Plaza in Hyde Park. Attached please find a certified copy of the AUL.

This AUL applies to the entire 23-acre property located at One Westinghouse Plaza in the Hyde Park district of Boston (the "Property"). The Property is developed with nine occupied and one unoccupied industrial/ commercial brick buildings covering approximately 32% of the Property, paved parking lots and roadways covering 50% of the Property, and open areas, most of which are unpaved, covering the remaining 18% of the Property. The Property is currently used for a charter public school, commercial office space, light manufacturing, warehousing of wholesale goods, fabrication and staging of steel construction structures, and the storage, repair and staging of heavy construction equipment.

A number of environmental site assessments, subsurface investigations and remedial actions have been conducted on the Property dating from mid-1984 through November 2008 in response to the discovery of releases of #2 and #6 fuel oil from underground storage tanks. The result of a comprehensive risk assessment of the Property after remediation of the petroleum releases has demonstrated that a condition of No Significant Risk has been achieved for the disposal site for the foreseeable future provided that the conditions of the AUL imposed on the Property are complied with.


In brief, the AUL limits exposure of persons on the Property to contaminated soils and groundwater remaining after remediation by eliminating pathways of exposure. Specifically, the AUL requires that all existing building footprints, roadways, parking lots and other areas covered with concrete or asphalt paving be maintained in good condition to prevent exposure to underlying soils, and that any digging through and construction activities in soils anywhere on the Property except in the school playground be undertaken under strict oversight as described in the AUL to prevent potential harmful exposures to workers. No limitations on activities or uses are imposed on the unpaved soil area of the charter public

18 Shepard Street, Boston, MA 02135 (617) 787-1440 Fax: (617) 787-5843

school playground, but all other unpaved areas of the Property are limited to commercial and/or industrial activities and uses.

The AUL and the associated Method 3 Risk Characterization have been prepared by FSL Associates, Inc. (FSL) under the direction of Dr. Hugh Willis, LSP-of-Record for the Disposal Site. A certified copy of the AUL is attached, and further information about Disposal Site and the risk assessment can be obtained by contacting Dr. Willis or Mr. Fred Lebow, President of FSL, at the letterhead address.

Very truly yours,
FSL Associates, Inc.


Hugh Willis, PhD, LSP, CHMM
Senior Associate

cc: Data Management, DEP/NERO
Mr. Carl Valeri, The Hamilton Company
Mr. Fred Lebow, FSL Associates, Inc.



*Environmental Engineering, Civil Engineering,
Forensic Engineering, Construction Services*

Environmental Engineering

Forensic Engineering

Civil Engineering

Construction Services

March 23, 2009

William Good, Building Code Enforcement Official
Inspectional Services Department
City of Boston
1010 Massachusetts Avenue
Boston, MA 02118

RE: One Westinghouse Plaza Disposal Site
One Westinghouse Plaza
Hyde Park, Massachusetts 02136
RTN 3-2465

Dear Mr. Good:

In accordance with the requirements of the Massachusetts Contingency Plan (MCP) at 310 CMR 40.1403(7)(a), you are hereby notified that a Notice of Activity and Use Limitation (the "AUL") has been recorded with the Suffolk District Registry of Deeds on March 3, 2009 in Book 44619, Page 54 for Disposal Site RTN 3-2465 located at One Westinghouse Plaza in Hyde Park. Attached please find a certified copy of the AUL.

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A number of environmental site assessments, subsurface investigations and remedial actions have been conducted on the Property dating from mid-1984 through November 2008 in response to the discovery of releases of #2 and #6 fuel oil from underground storage tanks. The result of a comprehensive risk assessment of the Property after remediation of the petroleum releases has demonstrated that a condition of No Significant Risk has been achieved for the disposal site for the foreseeable future provided that the conditions of the AUL imposed on the Property are complied with.

In brief, the AUL limits exposure of persons on the Property to contaminated soils and groundwater remaining after remediation by eliminating pathways of exposure. Specifically, the AUL requires that all existing building footprints, roadways, parking lots and other areas covered with concrete or asphalt paving be maintained in good condition to prevent exposure to underlying soils, and that any digging through and construction activities in soils anywhere on the Property except in the school playground be undertaken under strict oversight as described in the AUL to prevent potential harmful exposures to workers. No limitations on activities or uses are imposed on the unpaved soil area of the charter public

18 Shepard Street, Boston, MA 02135 (617) 787-1440 Fax: (617) 787-5843

school playground, but all other unpaved areas of the Property are limited to commercial and/or industrial activities and uses.

The AUL and the associated Method 3 Risk Characterization have been prepared by FSL Associates, Inc. (FSL) under the direction of Dr. Hugh Willis, LSP-of-Record for the Disposal Site. A certified copy of the AUL is attached, and further information about Disposal Site and the risk assessment can be obtained by contacting Dr. Willis or Mr. Fred Lebow, President of FSL, at the letterhead address.

Very truly yours,
FSL Associates, Inc.

A handwritten signature in black ink, reading "Hugh Willis". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Hugh Willis, PhD, LSP, CHMM
Senior Associate

cc: Data Management, DEP/NERO
Mr. Carl Valeri, The Hamilton Company
Mr. Fred Lebow, FSL Associates, Inc.

also closed due to its inability to meet statewide fire sprinkler regulations.

Jerry Fields, president of the senior group The Hi-Parkers, said he has already scheduled the group's next meeting at the Muni, which will include a special bingo. Fields said the new location will feel estranged to some of the group members but in a good way.

"I've already had two tours

Menino included the \$7 million dollar renovation in the city's Capital Plan after years of concern that the building was outdated and inadequate for the large number of people it serves on a daily basis.

Sandy Holden, a spokeswoman for the Boston Centers for Youth and Families, touted the design improvements found in the renovated building.

"This renovation features

many 'green initiatives,' including a brand new plumbing system designed to conserve water, high quality insulation and energy efficient electrical systems and a brand new HVAC system that has the capacity and ability to cool the first and second floors," she said. "This feature can provide the residents of Hyde Park with a 'cooling center' for the first time ever during the hot, humid summer months. The

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NOTICE OF ACTIVITY AND USE LIMITATION

ONE WESTINGHOUSE PLAZA DISPOSAL SITE
(AKA HOWDEN-SIROCCO DISPOSAL SITE)
ONE WESTINGHOUSE PLAZA, HYDE PARK, BOSTON, MA 02136

A release of oil and/or hazardous materials has occurred at this location, which is a disposal site as defined by M.G.L. c.21E, § 2 and the Massachusetts Contingency Plan, 310 CMR 40.0000. On March 3, 2009, the Mother Brook Condominium Association recorded with the Suffolk District Registry of Deeds a NOTICE OF ACTIVITY AND USE LIMITATION on the disposal site, pursuant to 310 CMR 40.1070 through 40.1080.

The NOTICE OF ACTIVITY AND USE LIMITATION will limit the following site activities and uses on the above property:

The AUL limits exposure of persons on the Property to contaminated soils and groundwater remaining after remediation by eliminating pathways of exposure. Specifically, the AUL requires that all existing building footprints, roadways, parking lots and other areas covered with concrete or asphalt paving be maintained in good condition to prevent exposure to underlying soils, and that any digging through and construction activities in soils anywhere on the Property except in the school playground be undertaken under strict oversight as described in the AUL to prevent potential harmful exposures to workers. No limitations on activities or uses are imposed on the unpaved soil area of the charter public school playground, but all other unpaved areas of the Property are limited to commercial and/or industrial activities and uses.

Any person interested in obtaining additional information about the NOTICE OF ACTIVITY AND USE LIMITATION may contact the Mother Brook Condominium Association, James Burke, President, 39 Brighton Avenue, Boston, MA 02134, 617-783-0039.

The NOTICE OF ACTIVITY AND USE LIMITATION and the disposal site file can be reviewed at MassDEP, Northeast Regional Office, 205B Lowell Street, Wilmington, MA 01887, 978-694-3200.

Hyde Park Bulletin, 3/26/2009

Recession c plans for lo

Jennifer Santos
Staff Reporter

Job losses, decimated housing values and changes to student loan programs have caused a lot of families to rethink their college plans. But local schools are reaching out to students and parents alike to help them find the financial aid they need amid the current crunch time for college acceptances.

Each year, student development counselors at Hyde Park High School hold workshops during the fall advisory period for juniors and seniors. This year, Dr. Linda Cabral, the school's headmaster, said the school received a large number of calls from

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