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DEPT. OF PLANNING &
COMMUNITY DEVELOPMENT

Form 1075

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NOTICE OF ACTIVITY AND USE LIMITATION

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

Disposal Site Name: 10 Blaney Street

DEP Release Tracking No.(s): 3-21067

This Notice of Activity and Use Limitation ("Notice") is made as of this 2nd day of September, 2005, by Dominion Energy Salem Harbor, LLC, 24 Fort Avenue, Salem, Massachusetts 01970, together with its successors and assigns (collectively "Owner").

WITNESSETH:

WHEREAS, Dominion Energy Salem Harbor, LLC, is the owner in fee simple of those certain parcel(s) of vacant land located in Salem, Essex County, Massachusetts, pursuant to a deed recorded with the Essex County Registry of Deeds in Book 23825, Page 116 issued by the Land Registration Office of the Essex County Registry District];

WHEREAS, said parcel(s) of land, which is more particularly bounded and described in Exhibit A, attached hereto and made a part hereof ("Property") is subject to this Notice of Activity and Use Limitation. The Property is shown on a plan recorded in the Essex County Registry of Deeds in Plan Book 24794, Plan 103;

WHEREAS, a portion of the Property ("Portion of the Property") is subject to this Notice of Activity and Use Limitation. The Portion of the Property is more particularly bounded and described in Exhibit A-1, attached hereto and made a part hereof. The Portion of the Property is shown on a plan recorded with the Essex County Registry of Deeds in Plan Book 24794, Plan 103;

WHEREAS, the Portion of 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 Portion of the Property subject to this Notice of Activity and Use Limitation to the boundaries of said disposal site existing within the limits of the Property and to the extent such boundaries have been established. Exhibit B is attached hereto and made a part hereof; and

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

Limitation Opinion ("AUL Opinion"), dated September 2, 2005, (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 on the Portion of the Property:

- (i) Activities and uses including, but not limited to, normal commercial and industrial operations, pedestrian and/or vehicle traffic, vehicle parking, landscaping, and routine maintenance of landscaped areas which do not result in direct contact with, or disturbance of, soil located deeper than three (3) feet below surface grade;
- (ii) Excavation associated with underground utility installation, repair, or maintenance and/or construction activities which do not cause and/or result in the disturbance and/or relocation of soil located deeper than three (3) feet below surface grade, provided it is conducted in accordance with Obligation (i) in Section 3 of this AUL Opinion prior to commencement of such activity;
- (iii) Excavation associated with underground utility installation, repair, or maintenance and/or construction activities which will disturb soil located deeper than three (3) feet below surface grade, provided that it is conducted in accordance with a Soil Management Plan and Health and Safety Plan prepared and implemented in accordance with Obligations (ii) and (iii) in Section 3 of this AUL Opinion prior to commencement of such activity;
- (iv) 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
- (v) Such other activities and uses not identified in this AUL Opinion as being inconsistent with maintaining a condition of No Significant Risk.

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

- (i) Use of the Portion of the Property as a residence, school, nursery, or daycare facility;
- (ii) Planting, cultivating, and/or harvesting of vegetables, fruits, and other edible produce;
- (iii) Excavation that is not conducted in accordance with Obligation (i) in Section 3 of this AUL Opinion;
- (iv) Excavation that will disturb soil located deeper than three (3) feet below surface grade not conducted in accordance with a Soil Management Plan and Health and Safety Plan prepared and implemented in accordance with the Obligations (ii) and (iii) in Section 3 of the AUL Opinion.

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

- (i) Soil located within the AUL area may not be relocated to an area outside of the AUL area, unless such activity is first appropriately evaluated by an LSP who renders an Opinion which states that such relocation is conducted in accordance with the provisions of the MCP cited at 310 CMR 40.0030 *et seq.*;
- (ii) A Soil Management Plan must be prepared by an LSP and implemented prior to the commencement of any activity which will disturb soil located deeper than three (3) feet below surface grade within the AUL area. The Soil Management Plan shall describe appropriate soil excavation, handling, storage, transport, and disposal procedures and include a description of the engineering controls and air monitoring procedures necessary to ensure that workers and potential receptors in the vicinity are not affected by fugitive dust or particulates. On-site workers must be informed of the requirements of the Soil Management Plan, and the Plan must be available on site throughout the course of the project; and
- (iii) A Health and Safety Plan must be prepared by a certified Industrial

Hygienist or other qualified individual sufficiently trained in worker health and safety requirements and implemented prior to the commencement of any excavation activity which will disturb soil located deeper than three (3) feet below surface grade within the AUL area. The Health and Safety Plan should specify the type of personal protection (i.e., clothing, respirators, etc.), engineering controls, and environmental monitoring necessary to prevent worker exposures to contaminated soil through dermal contact, ingestion, and/or inhalation. Workers must be informed of the requirements of the Health and Safety Plan, and the Plan must be available on site throughout the course of the project.

4. Proposed Changes in Activities and Uses. Any proposed changes in activities and uses at the Portion of the Property which may result in higher levels of exposure to oil and/or hazardous material than currently exist shall be evaluated by an LSP who shall render an Opinion, in accordance with 310 CMR 40.1080 *et seq.*, as to whether the proposed changes will 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.

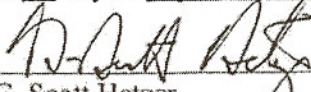
If the activities, uses, and/or exposures upon which this Notice is based change without the prior evaluation and additional response actions determined to be necessary by an LSP in accordance with 310 CMR 40.1080 *et seq.*, the owner or operator of the Portion of the Property subject to this Notice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

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

Owner hereby authorizes and consents to the filing and recordation and/or registration of this Notice, said Notice to become effective when executed

under seal by the undersigned LSP, and recorded and/or registered with the appropriate Registry(ies) of Deeds and/or Land Registration Office(s).

WITNESS the execution hereof under seal this 1st day of September, 2005.


G. Scott Hetzer
Senior Vice President and Treasurer
Dominion Energy Salem Harbor, LLC

COMMONWEALTH OF VIRGINIA
CITY OF RICHMOND

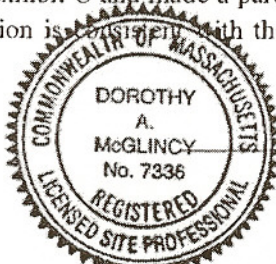
The foregoing instrument was acknowledged before me this 1st day of September, 2005,
by G. Scott Hetzer, on behalf of Dominion Energy Salem Harbor, LLC.

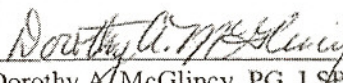

Notary Public

My Commission Expires: 1-31-05

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

Date: 2 September 2005



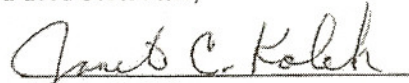

Dorothy A. McGlinchey, PG, LSP
LSP SEAL

COMMONWEALTH OF MASSACHUSETTS

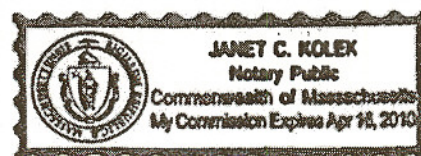
Middlesex, ss

Sept. 2, 2005

Then personally appeared the above named Dorothy A. McGlinchey and acknowledged the foregoing instrument to be her free act and deed before me,


Notary Public
My Commission Expires:

Upon recording, return to:
Michael Fitzgerald
Dominion Energy Salem Harbor, LLC
24 Fort Avenue
Salem, Massachusetts 01970



DOMINION ENERGY SALEM HARBOR, LLC

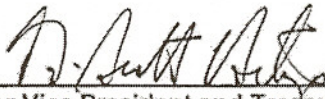
Secretary's Certificate

I, the undersigned, hereby certify that I am Assistant Secretary of Dominion Energy Salem Harbor, LLC, a Virginia limited liability company (the "Company").

I further certify that the resolutions approved via Unanimous Written Consent (Attachment 1) have not been amended or revoked and that the same is now in full force and effect until revoked.

I further certify that the below named person has been duly appointed and is the incumbent of the respective office and that the signature is genuine:

G. Scott Hetzer



Senior Vice President and Treasurer

IN WITNESS WHEREOF, I have hereunto set my hand and have affixed the corporate seal of said Company this 25 day of August, 2005.



E. J. Marks, III

CORPORATE
SEAL

**TRANSCRIPT FROM UNANIMOUS WRITTEN CONSENT
OF THE SOLE MEMBER OF
DOMINION ENERGY SALEM HARBOR, LLC**

Effective September 9, 2004

RESOLVED, that the President and the other officers shall have such powers and duties as generally pertain to their respective offices as well as such powers and duties as may be delegated to them from time to time by the Manager. The President and each Vice President shall have authority to sign certificates for bonds, deeds and all manner of contracts necessary, expedient in or incident to the conduct of the Company's business and to delegate such authority in accordance with the Company's policies and procedures, in such manner as may be approved by the President.

EXHIBIT A

Legal Description of Property Containing Area Subject to AUL

**10 Blaney Street
Salem, Massachusetts**

LEGAL DESCRIPTION – PARCELS 1, 2, 3 & 5

**10 Blaney Street
Salem, Massachusetts**

Four (4) parcels of land situated in the City of Salem, Essex County, Commonwealth of Massachusetts, being more particularly bounded and described as follows:

Parcels 1 & 5

Beginning at a point at the southwest corner of Blaney Street; THENCE

N 66°47'49" E along the southerly side of Blaney Street, a distance of 44.23 feet to a point at the southwest corner of land now or formerly of Daniel J. Mackey; THENCE

N 68°14'50" E along the southerly line of said Mackey land, a distance of 58.46 feet to a point on a westerly line of land now or formerly USGEN New England, Inc.; THENCE

S 34°32'46" E along a westerly line of said USGEN New England, Inc. land, a distance of 18.31 feet to a point; THENCE

S 36°25'36" E along a westerly line of said USGEN New England, Inc. land, a distance of 139.98 feet to a point; THENCE

S 34°54'46" E along a westerly line of said USGEN New England, Inc. land, a distance of 610 feet more or less to the low water mark of Salem Harbor; THENCE

Northwesterly along the low water mark of Salem Harbor a distance of 615 feet more or less to a point at the southwest corner of Parcel 2; THENCE

N 31°53'44" W along the easterly line of said Parcel 2, a distance of 320 feet more or less to the southwest corner of Parcel 4; THENCE

N 60°01'26" E along the southerly line of said Parcel 4, a distance of 73.72 feet to the point of beginning.

The above described parcel containing 113,106 square feet, more or less.

Parcel 2

Beginning at a point on the easterly side of White Street, on two courses, the first N 23°37'40" W a distance of 4.53 feet, the second, N 24°18'26" W a distance of 70.88 feet from the southeast corner of White Street, and is the southwest corner of Parcel 3; THENCE

N 60°31'47" E along the southerly line of Parcel 3 a distance of 53.70 feet to a point on the westerly line of Parcel 4; THENCE

S 31°53'44" E along the westerly line of Parcel 4 and the westerly line Parcel 1 & 5 a distance of 357 feet more or less to the low water mark of Salem Harbor; THENCE

Westerly along the low water mark of Salem Harbor a distance of 46 feet more or less to a point on the easterly line of land now or formerly of Hawthorne Marina Limited Partnership; THENCE

N 32°22'40" W along the easterly line of said land of Hawthorne Marina Limited Partnership a distance of 291 feet more or less to a point; THENCE

S 62°27'30" W along the northerly line of said land of Hawthorne Marina Limited Partnership a distance of 14.73 feet to a point on the easterly line of White Street; THENCE

N 24°18'26" W along the easterly line of White Street a distance of 70.88 feet to the point of beginning.

The above described parcel containing 17,740 square feet, more or less.

Parcel 3

Beginning at a point on the easterly side of White Street, on two courses, the first N 23°37'40" W a distance of 4.53 feet, the second, N 24°18'26" W a distance of 70.88 feet from the southeast corner of White Street, and is the southwest corner of Parcel 3; THENCE

N 27°59'18" W along the easterly line of White Street a distance of 26.25 feet to a point; THENCE

N 25°18'07" W along the easterly line of White Street a distance of 19.00 feet to a point at the southwest corner of land now or formerly of Michael A. McLaughlin and Claudia Chuber; THENCE

N 62°19'27" E, along the southerly line of said land of Michael A. McLaughlin and Claudia Chuber a distance of 49.82 feet to a point on the westerly line of Parcel 4; THENCE

S 31°53'44" E, along the westerly line of Parcel 4 a distance of 43.67 feet to the northeast corner of Parcel 2; THENCE

S 60°31'47" W, along the northerly line of Parcel 2 a distance of 53.70 feet to the point of beginning.

The above described parcel containing 2,309 square feet, more or less.

EXHIBIT A-1

Legal Description of Area Subject to AUL

**10 Blaney Street
Salem, Massachusetts**

LEGAL DESCRIPTION – AUL PARCEL

**10 Blaney Street
Salem, Massachusetts**

A parcel of land situated in the City of Salem, Essex County, Commonwealth of Massachusetts, being more particularly bounded and described as follows:

Beginning at a point being the southwest corner of Blaney Street, said point being about 107 feet, more or less from the northwest corner of Blaney Street at Derby Street.

THENCE running N 66°47'49" E, along the end of Blaney Street, a distance of 25.23 feet to a point;

THENCE running S 30°31'45" E, by land leased to Daniel J. Mackey, a distance of 52.76 feet, to a point;

THENCE running N 56°49'57" E, by leased to Daniel J. Mackey, a distance of 80.00 feet to land, now or formerly of USGEN New England, Inc;

THENCE running S 36°25'36" E, by land of said Mackey a distance of 120.41 feet to a point;

THENCE running S 34°54'46" E, by land of said USGEN New England, Inc. a distance of 610 feet more or less to the low water mark of January 15, 2001;

THENCE running along said low water mark of January 15, 2001, distance of 252 feet, more or less, to the bottom of the bank;

THENCE running along the bottom of the bank on the following ten (10) courses:

N 17°54'06" W, a distance of 73.48 feet

N 27°38'32" W, a distance of 105.78 feet

N 32°08'29" W, a distance of 72.15 feet

N 14°18'31" W, a distance of 34.56 feet

N 74°10'46" W, a distance of 4.97 feet

N 26°12'48" W, a distance of 47.05 feet

N 21°04'26" W, a distance of 38.67 feet

N 22°44'46" W, a distance of 69.89 feet

S 88°44'28" W, a distance of 18.95 feet

and N 47°42'24" W, a distance of 5.91 feet, to a point at a granite seawall;

THENCE running 123 feet more or less along said granite seawall;

THENCE running S 06°39'24" E a distance of 5.90 feet, to a point and S 57°53'35" W, a distance of 20.37 feet, to a point on the easterly line of land of Hawthorne Marina Limited Partnership;

THENCE running N 32°22'40" W, along said easterly line of said land of Hawthorne Marina Limited Partnership, a distance of 137.79 feet to a point;

THENCE running S 62°27'30" W, along the northerly line of said land of Hawthorne Marina Limited Partnership, a distance of 14.73 feet to a point on the easterly side of White Street;

THENCE running N 24°18'26" W, along said easterly side of White Street a distance of 70.88 feet, to a point;

THENCE running N 27°59'18" W along the easterly line of White Street a distance of 26.25 feet to a point;

THENCE running N 25°18'07" W, along said easterly side of White Street, a distance of 19.00 feet, to a point at land, now or formerly of Michael A. McLaughlin and Claudia Chuber;

THENCE running N 62°19'27" E, by land of said Michael A. McLaughlin and Claudia Chuber, a distance of 49.82 feet, to a point;

THENCE running S 31°53'44" E, by Parcel 3 and a part of Parcel 2, a distance of 86.00 feet, to a point;

THENCE running N 60°01'26" E, by Parcel 4, a distance of 73.72 feet, to the point of beginning;

The above described AUL Parcel containing 101,954 square feet more or less and consist of Parcel 1&5, 2&3.

EXHIBIT B

Sketch Plan Showing AUL Area

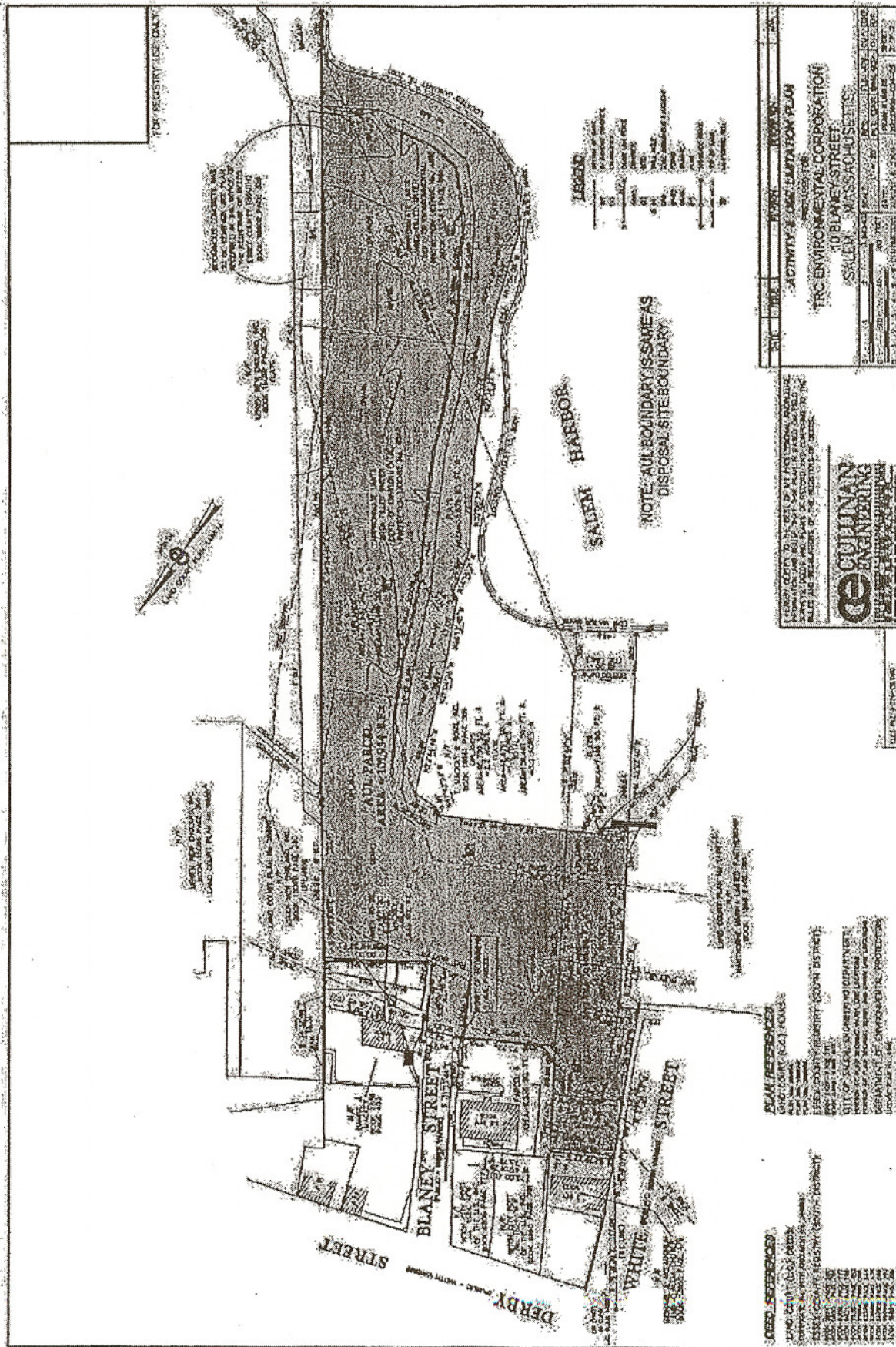


EXHIBIT B

EXHIBIT C

Activity and Use Limitation Opinion

**10 Blaney Street
Salem, Massachusetts**

EXHIBIT C

ACTIVITY AND USE LIMITATION OPINION

In accordance with the requirements of Massachusetts Contingency Plan (MCP) regulations, 310 CMR 40.1074, this Activity and Use Limitation Opinion has been prepared on behalf of Dominion Energy Salem Harbor, LLC, for a Portion of the Property located at 10 Blaney Street, Salem Massachusetts.

This property is owned by:

Dominion Energy Salem Harbor, LLC
Salem Harbor Station
24 Fort Avenue
Salem, Massachusetts 01970

The Massachusetts Department of Environmental Protection (DEP) designated this site Release Tracking Number (RTN) 3-21067.

As of the date of the recording of the Notice of the Activity and Use Limitation ("Notice") with the Essex County Registry of Deeds, the subject 2.3-acre portion of the property is zoned for commercial use. A legal metes and bounds description of the property (extending to the low water line in Salem Harbor) is provided in Exhibit A. A legal metes and bounds description of the portion of the property (the land-based portion of the property) is provided in Exhibit A-1.

Site History

The property was used for commercial and industrial activity since the mid-1800s. Historical businesses include a keg factory, a beef extract manufacturer, an ebony polish company, and a tannery. According to historical Sanborn® Fire Insurance Maps, the Russell-Sim Tanning Company operated at the property from sometime after 1915 through 1960. The maps indicate that the tannery used coal for heating. Coal fragments were found in several on-site soil borings. More recently, the property has been used as a parking area and ferry landing in the late 1990s and as a boat storage area in 2001. Currently, there are no boats, buildings or structures present.

Based on analytical results of over 300 surface and subsurface soil, groundwater, sediment, and surface water samples, TRC concluded that lead and chromium in surface and subsurface soils are the primary contaminants of concern contributing to risk at the Blaney Street Site. The source of the metals contamination in soil is due to previous use of the property as a tannery, from historical filling of the property, and possibly scraping and sanding of boats during storage.

In surface soil, average detected lead and total chromium concentrations are 250 mg/kg and

230 mg/kg, respectively. These concentrations are below their applicable MCP Method 1 S-1 soil standards. The highest concentrations of total chromium were detected underneath the footprint of the former tannery building located near the granite sea wall at depths of four feet below grade and deeper. Based on the high total chromium concentrations, the area beneath the former tannery is identified as a Hot Spot per the MCP definition. Within the Hot Spot, an average total chromium concentration of 8,600 mg/kg was calculated. The vast majority of chromium is trivalent chromium (chromium +3), which is less soluble and less toxic than hexavalent chromium (chromium +6). Hexavalent chromium was generally not detected, or detected at low concentrations, at only three locations in soil, within the tannery building footprint. Low levels of metals were detected in groundwater wells, below applicable MCP GW-2 and GW-3 groundwater standards.

A comprehensive MCP Phase III remedial alternatives feasibility evaluation was performed to determine the most feasible response action to eliminate the risk of exposure posed by the levels of lead and chromium in soil at the site. The Phase III evaluation concluded that the most feasible response action is to impose an Activity and Use Limitation to restrict activities found to pose unacceptable risk.

Reason for Activity and Use Limitation

A site-specific Method 3 Risk Characterization was conducted in accordance with the Massachusetts Contingency Plan regulations, 310 CMR 40.0000, to evaluate the quantification of total site risk considering current, and future, on- and off-site receptors under several assumed exposure scenarios and contaminant levels at the site.

The risk characterization concluded that:

- Current site conditions do not pose unacceptable risk to health, public welfare or the environment for current commercial uses of the property, including pedestrian and vehicle traffic, vehicle parking, recreational trespassing, and landscaping. Current site conditions do not pose unacceptable risk to off-site residents.
- Some future activities would pose unacceptable risk to human health. These activities are limited to eating produce grown at the property, unrestricted excavation work within the chromium Hot Spot in the former tannery area in soil located at depths greater than four feet below surface grade, and unrestricted residential use of soil within the chromium Hot Spot in the former tannery area, located at depths greater than four feet below surface grade.
- An Environmental Risk Characterization demonstrated that sediment and surface water quality are consistent with local conditions and indicated no significant risk to ecological receptors.
- The site poses no significant risk of harm to safety and public welfare for current and future conditions.

Although exposure to Hot Spot soils begins at four feet below grade, the AUL will restrict activities below 3 feet, creating a one-foot safety margin, which will provide additional protection. Additionally, restrictions on activities in subsurface soil below three feet will

apply to the entire Site, rather than just the Hot Spot. This further restriction will also provide additional protection.

Therefore, to maintain a condition of no significant risk for future activities, this deed restriction prevents residential use, growing produce, and prevents disturbance of soils three feet and deeper below surface grade without appropriate soil management and health and safety controls.

Permitted Activities

- (i) Activities and uses including, but not limited to, normal commercial and industrial operations, pedestrian and/or vehicle traffic, vehicle parking, landscaping, and routine maintenance of landscaped areas which do not result in direct contact with, or disturbance of, soil located deeper than three (3) feet below surface grade;
- (ii) Excavation associated with underground utility installation, repair, or maintenance and/or construction activities which do not cause and/or result in the disturbance and/or relocation of soil located deeper than three (3) feet below surface grade, provided it is conducted in accordance with Obligation (i) in Section 3 of the AUL Opinion prior to commencement of such activity;
- (iii) Excavation associated with underground utility installation, repair, or maintenance and/or construction activities which will disturb soil located deeper than three (3) feet below surface grade, provided that it is conducted in accordance with a Soil Management Plan and Health and Safety Plan prepared and implemented in accordance with Obligations (ii) and (iii) in Section 3 of the AUL Opinion prior to commencement of such activity;
- (iv) 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
- (v) Such other activities and uses not identified in this AUL Opinion as being inconsistent with maintaining a condition of No Significant Risk.

Restricted Uses and Activities

- (i) Use of the Portion of the Property as a residence, school, nursery, or daycare facility;
- (ii) Planting, cultivating, and/or harvesting of vegetables, fruits, and other edible produce;
- (iii) Excavation that is not conducted in accordance with Obligation (i) in Section 3 of the AUL Opinion; and
- (iv) Excavation that will disturb soil located deeper than three (3) feet below surface grade

not conducted in accordance with a Soil Management Plan and Health and Safety Plan prepared and implemented in accordance with the Obligations (ii) and (iii) in Section 3 of the AUL Opinion.

Obligations and Conditions

- (i) Soil located within the AUL area may not be relocated to an area outside of the AUL area, unless such activity is first appropriately evaluated by an LSP who renders an Opinion which states that such relocation is conducted in accordance with the provisions of the MCP cited at 310 CMR 40.0030 *et seq.*;
- (ii) A Soil Management Plan must be prepared by an LSP and implemented prior to the commencement of any activity which will disturb soil located deeper than three (3) feet below surface grade within the AUL area. The Soil Management Plan shall describe appropriate soil excavation, handling, storage, transport, and disposal procedures and include a description of the engineering controls and air monitoring procedures necessary to ensure that workers and potential receptors in the vicinity are not affected by fugitive dust or particulates. On-site workers must be informed of the requirements of the Soil Management Plan, and the Plan must be available on site throughout the course of the project; and
- (iii) A Health and Safety Plan must be prepared by a certified Industrial Hygienist or other qualified individual sufficiently trained in worker health and safety requirements and implemented prior to the commencement of any excavation activity which will disturb soil located deeper than three (3) feet below surface grade within the AUL area. The Health and Safety Plan should specify the type of personal protection (i.e., clothing, respirators, etc.), engineering controls, and environmental monitoring necessary to prevent worker exposures to contaminated soil through dermal contact, ingestion, and/or inhalation. Workers must be informed of the requirements of the Health and Safety Plan, and the Plan must be available on site throughout the course of the project.

Agreement to Reference Notice of AUL

In accordance with 310 CMR 40.1074(2)(h), Dominion Energy Salem Harbor LLC agrees to reference this AUL in all deeds, easements, mortgages, leases, licenses, occupancy agreements, or any other agreements which convey an interest in and/or a right to use the portion of the property subject to the AUL.

Procedures for Changing Permitted Site Activities and Uses

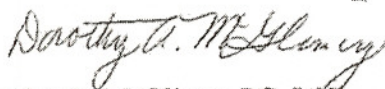
In accordance with 310 CMR 40.1074(2)(i), a description of the procedures to be followed to

ensure that changes in permitted activities and/or uses meet the objectives of the AUL is provided below:

Any proposed changes in activities and/or uses within the AUL boundaries which may result in higher levels of exposure to oil and/or hazardous material than currently exist will be evaluated by a Licensed Site Professional (LSP). The LSP will render an Opinion, consistent with 310 CMR 40.1080, as to whether the proposed changes will result in a significant risk of harm to human health, safety, public welfare, or the environment. Any and all requirements set forth above to meet the objective of the AUL will be satisfied before any proposed changes in activity and/or use are initiated.

Prepared by:

TRC ENVIRONMENTAL CORPORATION



Dorothy A. McGlincy, PG, LSP
Licensed Site Professional # 7336

Date: *2 September 2005*

EXHIBIT D

Activity and Use Limitation

Transmittal Forms

BWSC113 and BWSC113A



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 - 21067

A. DISPOSAL SITE LOCATION:

1. Disposal Site Name: Dominion Energy Salem Harbor, LLC

2. Street Address: 10 Blaney Street

3. City/Town: Salem

4. ZIP Code: 01970-0000

☐ 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

Release Tracking Number

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

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C. AUL INFORMATION:

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

a. Name of Registry of Deeds and/or Land Registration Office: Essex County Registry of Deeds

b. Book and Page Number and/or Document Number: BK 24794, PG 104 ; Doc. No. 200590200869

c. Date of recording and/or registration: 9/2/2005
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: Dominion Energy Salem Harbor LLC

3. Contact First Name: Malcolm 4. Last Name: Deacon, Jr.

5. Street: 5000 Dominion Blvd. 6. Title: Vice President, Fossil & Hydro

7. City/Town: Glen Allen 8. State: VA 9. ZIP Code: 23060-0000

10. Telephone: (804) 273-2225 11. Ext.: _____ 12. FAX: (804) 273-2303

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: _____



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Release Tracking Number

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3 - 21067

F. REQUIRED ATTACHMENT AND SUBMITTALS:

- ☒ 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: 07/15/2005
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.

G. CERTIFICATION OF OWNER OF PROPERTY, IF NOT PERSON SUBMITTING AUL TRANSMITTAL FORM:

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
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Release Tracking Number

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

3 - 21067

H. CERTIFICATION OF PERSON MAKING SUBMITTAL:

1. I, Malcolm G. Deacon, Jr., 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

Dominion Energy Salem Harbor, LLC

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:

Signature

4. Title: Vice President, Fossil & Hydro

5. For: Dominion Energy Salem Harbor, LLC

(Name of person or entity recorded in Section D)

6. Date:

09/01/2005
mm/dd/yyyy

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

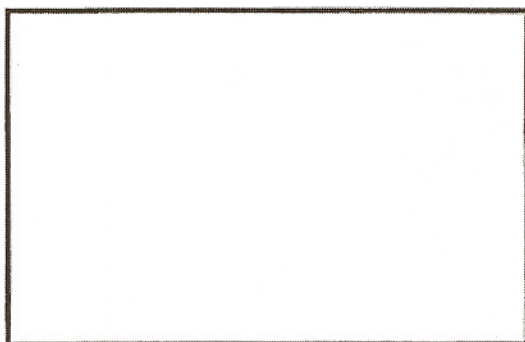
8. Street: _____

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:)





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 - 21067

A. DISPOSAL SITE LOCATION:

1. Disposal Site Name: Dominion Energy Salem Harbor, LLC

2. Street Address: 10 Blaney Street

3. City/Town: Salem 4. ZIP Code: 01970-0000

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 - 21067

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 #: 7336

2. First Name: Dorothy

3. Last Name: McGlinchy

4. Telephone: (978) 656-3659

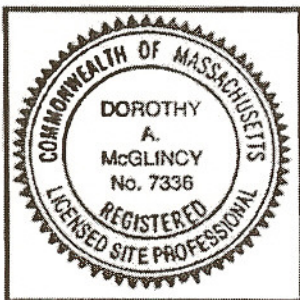
5. Ext.: _____

6. FAX: (978) 453-1995

7. Signature: Dorothy A. McGlinchy

8. Date: September 2, 2005
mm/dd/yyyy

9. LSP Stamp:



NOTIFICATION TO PROPERTY OWNERS

310 CMR 40.1074(1)(e)



July 15, 2005

Certified Mail, Return Receipt Requested

M.G. Deacon, Jr.
VP Fossil and Hydro Merchant Operations
Dominion
5000 Dominion Blvd
Glen Allen, VA 23060

Re: Activity and Use Limitation Notification, 10 Blaney Street, Salem, Massachusetts

Dear Mr. Deacon:

The purpose of this letter is to inform you that a Notice of Activity and Use Limitation (AUL) will be placed on the property at 10 Blaney Street in Salem, Massachusetts. The Massachusetts Contingency Plan (MCP) regulations (310 CMR 40.1074(1)(e)) require notification to all current holders of any record interest in the property subject to the proposed AUL.

The 10 Blaney Street property has been impacted by metals as a result of historical use of the property as a tannery, from various filling activities at the site, and possibly from boat maintenance. Chromium and lead are the primary contaminants of concern, and the contamination is primarily limited to surface and subsurface soils, with low levels of metals detected in on-site groundwater wells.

TRC Environmental Corporation completed a Phase II Comprehensive Site Assessment on behalf of the owners in September 2004. The site-specific human health risk assessment concluded that current site conditions do not present unacceptable risk to recreational trespassers or off-site residents, but there is some unacceptable risk to future unrestricted use of the site. Therefore, an AUL will be placed on the property.

The following are *permitted* activities:

- Commercial and industrial activities and uses, including but not limited to equipment storage, power plant operations, vehicular parking, pedestrian traffic, and landscaping.
- Excavation of underground utilities and/or construction activities, provided the work is conducted in accordance with a Soil Management Plan and a Health and Safety Plan.

- Other activities and uses which, in the Opinion of a Licensed Site Professional (LSP) pose no greater risk of harm to health, safety, public welfare, or the environment than the activities and uses listed above.

The following are *prohibited* activities:

- Use of the property as a residence, school, nursery, or daycare facility.
- Growing edible plants, such as vegetables and fruits, for the purpose of consumption.
- Relocation of the subsurface chromium "hot spot" to shallower depths at the property.

The following are the obligations and conditions that will be required in the AUL Opinion:

- Annual inspection and documentation of landscaping activities to ensure no edible plants, such as vegetables and fruit, are grown at the property.

TRC anticipates the final AUL language will describe activities similar to the activities listed above. If you have any questions concerning this AUL notification, please contact TRC at (978) 970-5600, or Mr. Lou Arak, Dominion Energy, at (978) 740-8361. Thank you.

Sincerely,

TRC Environmental Corporation



Dorothy A. McGlinchy, PG, LSP
Senior Program Manager

Cc: Louis Arak, Dominion, Salem Harbor Station
Michael Fitzgerald, Dominion, Salem Harbor Station
Meredith Simas, Dominion, Brayton Point Station

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

M.G. Deacon, Jr.
VP Fossil and Hydro Merchant Operations
Dominion
5000 Dominion Blvd.
Glen Allen, VA 23060

BLANEY ST - AUL Notification

2. ZIP Code

7005 0390 0005 6240 7532

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

FARRAR

C. Date of Delivery

7-19-05

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☐ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☒ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes