

FINAL

**FINDING OF SUITABILITY TO TRANSFER
(FOST)**

Fort Monmouth, New Jersey

Credit Union (Oceanport Avenue)

April 2018

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LIST OF ACRONYMS AND ABBREVIATIONS

mg/kg	milligram per kilogram
µg/m ³	microgram per cubic meter
µg/L	microgram per liter
AAFES	Army/Air Force Exchange Service
ACM	Asbestos-Containing Material
AOC	Area of Concern
AST	Aboveground Storage Tank
ASTM	American Society of Testing and Materials
BEE	Baseline Ecological Evaluation
bgs	below ground surface
B/N	Base/Neutral
BRAC	Base Realignment and Closure
C4ISR	Command and Control, Communications, Computers, Intelligence, Sensors and Reconnaissance
CECOM	Communications-Electronics Command
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CFR	Code of Federal Regulations
COC	Constituent of Concern
COPEC	Contaminant of Potential Ecological Concern
CY	cubic yard
DCSCC	Direct Contact Soil Cleanup Criteria
DICAR	Discharge Investigation and Corrective Action Report
DMM	Discarded Military Munitions
DOD	Department of Defense
DPW	Directorate of Public Works
ECP	Environmental Condition of Property
EDR	Environmental Data Report
EPP	Environmental Protection Provision
ESC	Ecological Screening Criteria
EUL	Enhanced Use Lease
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
FMERA	Fort Monmouth Economic Revitalization Authority
FOST	Finding of Suitability to Transfer
FTMM	Fort Monmouth
GWQC	Groundwater Quality Criteria
GWQS	Groundwater Quality Standards
HR	Hazardous Release
HS	Hazardous Storage
IA	Installation Assessment
IRP	Installation Restoration Program
ISCP	Installation Spill Contingency Plan
LBP	Lead-Based Paint
MEC	Munitions and Explosives of Concern
NEPA	National Environmental Policy Act

NFA	No Further Action
NFA-A	No Further Action-Unrestricted Use
NJDEP	New Jersey Department of Environmental Protection
NRDCSCC	Non-Residential Direct Contact Soil Cleanup Criteria
OSHA	Occupational Safety and Health Administration
P	Potential
PA	Preliminary Assessment
PACM	Potential Asbestos-Containing Material
PCB	Polychlorinated Biphenyl
PCE	Tetrachloroethene
ppm	part per million
PR	Petroleum Release
PS	Petroleum Storage
RA	Remedial Action
RAR	Remedial Action Report
RCI	Residential Communities Initiative
RDCSCC	Residential Direct Contact Soil Cleanup Criteria
RDX	Hexahydro-1,3,5-trinitro-1,3,5-triazine
RI	Remedial Investigation
RIR	Remedial Investigation Report
SI	Site Investigation
SPCCP	Spill Prevention, Control and Countermeasures Plan
STP	Sanitary Treatment Plant
SVOC	Semi-Volatile Organic Compound
TAL	Target Analyte List
TCE	Trichloroethene
TCL	Target Compound List
TNT	2,4,6-Trinitrotoluene
TPH	Total Petroleum Hydrocarbon
TPHC	Total Petroleum Hydrocarbon Content
TRPH	Total Recoverable Petroleum Hydrocarbon
TSCA	Toxic Substance Control Act
UHOT	Unregulated Heating Oil Tank
USATHAMA	United States Army Toxic and Hazardous Materials Agency
U.S.C.	United States Code
UST	Underground Storage Tank
UXO	Unexploded Ordnance
VOC	Volatile Organic Compound

**FINAL
FINDING OF SUITABILITY TO TRANSFER
(FOST)**

**Fort Monmouth, New Jersey
Credit Union (Oceanport Avenue)**

April 2018

1. PURPOSE

The purpose of this Finding of Suitability to Transfer (FOST) is to document the environmental suitability for transfer of the Credit Union Property located in Parcels 79 and 80 of Fort Monmouth, New Jersey. The property is set to be transferred to the First Atlantic Federal Credit Union consistent with Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 120(h) and Department of Defense (DOD) policy. In addition, the FOST includes the Access Provision and other Deed Provisions and the Environmental Protection Provisions (EPPs) necessary to protect human health or the environment after such transfer.

2. PROPERTY DESCRIPTION

The property to be transferred to the First Atlantic Federal Credit Union as a Sale to a Financial Institution consists of approximately 1.3 acres of land (see Enclosure 1, Figure 1 and Figure 2). The Adjacent Land Use Map is provided on Figure 3 (Enclosure 1).

Fort Monmouth is located in the central-eastern portion of New Jersey, approximately 45 miles south of New York City, 70 miles northeast of Philadelphia and 40 miles east of Trenton. The Atlantic Ocean is located approximately 2.5 miles to the east. Fort Monmouth consists of the Main Post, Charles Wood Area and Evans Area. The Main Post encompasses an area of approximately 637 acres and is bounded by State Highway 35 to the west, Parkers Creek and Lafetra Creek to the north, New Jersey Transit Railroad to the east and residential neighborhoods to the south. The Charles Wood Area is comprised of approximately 489 acres and is located one mile west of the Main Post. The Evans Area consisted of approximately 219 acres and was transferred under the Base Realignment and Closure (BRAC) 1993 Program. The Main Post and Charles Wood Area are included in BRAC 2005. The majority of the Charles Wood Area and Parcel B of the Main Post were transferred to the Fort Monmouth Economic Redevelopment Authority (FMERA) as the Phase 1 Parcels in 2012 and 2014. Portions of the Main Post were transferred to the FMERA as the Phase 2 Parcels in 2016.

The primary mission of Fort Monmouth was to provide command, administrative and logistical support for the Headquarters, United States Army Communications-Electronics Command (CECOM). CECOM was a major subordinate command of the United States Army Materiel Command and was the host activity. Fort Monmouth served as the center for the development of the Army's Command and Control, Communications, Computers, Intelligence, Sensors and Reconnaissance (C4ISR) systems.

In 2005, the United States Congress approved the BRAC Commission's recommendation to close Fort Monmouth by September 2011. The installation closed on September 15, 2011.

3. ENVIRONMENTAL DOCUMENTATION

A determination of the environmental condition of the Property was made based upon the:

- U.S. Army BRAC 2005 Environmental Condition of Property Report Fort Monmouth, Monmouth County, New Jersey, Final, 29 January 2007
- Final Historical Site Assessment and Addendum to Environmental Condition of Property Report, Fort Monmouth, Eatontown, New Jersey, January 2007
- U.S. Army BRAC 2005 Site Investigation Report Fort Monmouth, Final, 21 July 2008
- U.S. Army, Site Investigation Addendum Letter Report for Parcel 80 (Former Photo Processing) Fort Monmouth, NJ, October 27, 2016.
- U.S. Army Environmental Condition of Property Update Report, Credit Union, Oceanport Avenue, Fort Monmouth, Monmouth County, New Jersey, May 2017.
- U.S. Army Environmental Condition of Property Update Report Recertification, Credit Union, Oceanport Avenue, Fort Monmouth, Monmouth County, New Jersey, February 2018.

The information provided is a result of a complete search of agency files during the development of these environmental surveys. A complete list of documents providing information on environmental conditions of the Property is attached (Enclosure 2).

4. ENVIRONMENTAL CONDITION OF PROPERTY

The DOD Environmental Condition of Property (ECP) categories for the Parcels covered by this FOST are as follows:

ECP Category 2:

- Parcel 79: Part of Parcel 79 comprises the property.
- Parcel 80: Part of Parcel 80 comprises the property.

A summary of the ECP categories for the parcels and the ECP category definitions are provided in Table 1 – Description of Property (Enclosure 3). The property Category Map is provided in Enclosure 1 (Figure 2).

4.1. ENVIRONMENTAL REMEDIATION SITES

4.1.1 INSTALLATION RESTORATION PROGRAM

None of the areas covered by this FOST include areas that required remediation under the Installation Restoration Program (IRP).

4.2. STORAGE, RELEASE, OR DISPOSAL OF HAZARDOUS SUBSTANCES

Hazardous substances were not released or disposed of on the Property in excess of reportable quantities specified in 40 Code of Federal Regulations (CFR) Part 373.

4.3. PETROLEUM AND PETROLEUM PRODUCTS

4.3.1. UNDERGROUND AND ABOVEGROUND STORAGE TANKS

Current UST/AST Sites –

There are no USTs or ASTs currently existing on the Property.

Former UST/AST Sites –

Former UST 104-75 was previously associated with former Building 495 located on Parcel 79. This tank was removed on February 28, 1998 and original sampling indicated a maximum soil TRPH at 1,275 mg/kg. Impacted soil was removed and re-sampling showed remaining soil TRPH to be non-detect. Groundwater sample results were below New Jersey GWQC. A closure report requesting No Further Action was submitted to NJDEP on July 17, 2001 and NJDEP approved the closure via letter dated January 10, 2003. A potential tank and oil water separator was associated with former Building 106 and are identified as UST 106-74. In February 1998 the area was evaluated and the oil water separator and visually impacted soils were removed but no tank was found. Soils and groundwater sample results did not indicate there was a petroleum release. A tank closure report was submitted in 2002 and NJDEP concurred on a No Further Action for the tank closure via letter dated January 10, 2003.

4.4. POLYCHLORINATED BIPHENYLS

There is no evidence that PCB-containing equipment is located or was previously located on the Property.

4.5. ASBESTOS

Based on the age of the building (constructed in 2001), the building on the Property is presumed not to have asbestos containing material (ACM).

4.6. LEAD-BASED PAINT

Based on the age of the building (constructed after 1978), it is presumed that the First Atlantic Federal Credit Union Building on the Property does not contain LBP.

4.7. RADIOLOGICAL MATERIALS

There is no evidence that radioactive material or sources were stored or used on the Property.

4.8. RADON

Radon surveys were conducted in 1991 by the Directorate of Engineering and Housing's Environmental Office as part of the Army's Radon Reduction Program. The survey was conducted for all of Fort Monmouth. Radon detectors were deployed in all structures designated as priority one buildings (daycare centers, hospitals, schools and living areas). Radon was not detected above the U.S. Environmental Protection Agency residential action level of 4 picocuries per liter in these buildings.

4.9. MUNITIONS AND EXPLOSIVES OF CONCERN

Based on a review of existing records and available information, there is no evidence that Munitions and Explosives of Concern (MEC) are present on the Property.

The term "MEC" means military munitions that may pose unique explosives safety risks, including: (A) unexploded ordnance (UXO), as defined in 10 United States Code (U.S.C.) §101(e)(5); (B) discarded military munitions (DMM), as defined in 10 U.S.C. §2710(e)(2); or (C) munitions constituents (e.g., 2,4,6-Trinitrotoluene (TNT), Hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX)), as defined in 10 U.S.C. §2710(e)(3), present in high enough concentrations to pose an explosive hazard.

4.10. OTHER PROPERTY CONDITIONS

There are no other hazardous conditions on the Property that present an unacceptable risk to human health and the environment. Part of the property was evaluated for potential releases from former operations of a photographic lab in the Environmental Condition of Property Site Investigation Report 2008 and follow on investigations in 2010 and 2016 which were documented in the Site Investigation Addendum Letter Report for Parcel 80 (Former Photo Processing), Fort Monmouth, October 27, 2016. In a letter dated December 16, 2016, the NJDEP concurred on No Further Action for Parcel 80 for all potential contaminants except pesticides which the NJDEP concurred that current levels in soils were indicative of properly applied pesticides.

5. ADJACENT PROPERTY CONDITIONS

The property is bounded by local streets on two sides and portions of the former installation on the remaining two sides. The portion of Fort Monmouth to the east contained former petroleum USTs but were located at distances that would not have impacted the property. The areas that surround the property have been determined to present no unacceptable risks to human health and the environment.

6. ENVIRONMENTAL REMEDIATION AGREEMENTS

The following environmental agreement is applicable to Fort Monmouth generally: Voluntary Cleanup Agreement among New Jersey Department of Environmental Protection,

U.S. Department of the Army, U.S. Department of the Navy, U.S. Department of the Air Force and the U.S. Defense Logistics Agency dated August 30, 2000. However, the Voluntary Cleanup Agreement does not require any remedial action on the Property that is the subject of this FOST. The deed will include a provision reserving the Army's right to conduct remediation activities if necessary in the future (Enclosure 4).

7. REGULATORY/PUBLIC COORDINATION

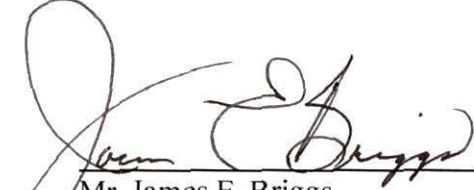
The NJDEP and the public were notified of the initiation of this FOST. The FOST was made available for review on the Army website (<http://www.pica.army.mil/FtMonmouth/>) and at the Monmouth County Library East Branch. The regulatory/public comment period was from 28 February 2018 to 30 March 2018. No comments were received during the public comment period.

8. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE

The environmental impacts associated with the proposed transfer of the Property have been analyzed in accordance with the National Environmental Policy Act (NEPA). The results of this analysis are documented in the *Final Environmental Assessment of the Implementation of the Base Realignment and Closure at Fort Monmouth, New Jersey, March 2009* and the *Finding of No Significant Impact Environmental Assessment of the Disposal and Reuse of Fort Monmouth, New Jersey, February 2010*. There were no encumbrances or conditions identified in the NEPA analysis as necessary to protect human health or the environment.

9. FINDING OF SUITABILITY TO TRANSFER

Based on the above information, I conclude that all removal or remedial action necessary to protect human health and the environment have been taken. In addition, all Department of Defense requirements to reach a finding of suitability to transfer have been met, subject to the terms and conditions in the Environmental Protection Provisions that shall be included in the deed for the Property. The deed will also include the Access Provision and Other Deed Provisions. Whereas no hazardous substances were stored for one year or more, known to have been released, or disposed of on the Property, a hazardous substance notification or petroleum notification is not required.



Mr. James E. Briggs
Chief, Operations Branch
BRAC Division

9 April 2018
Date

5 Enclosures

Encl 1 -- Figures

Encl 2 -- Environmental Documentation

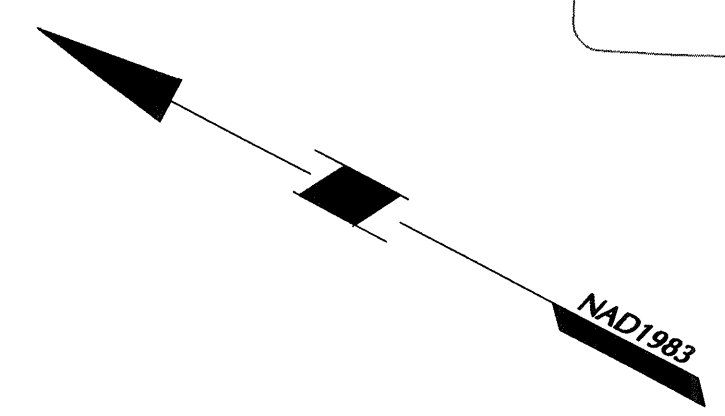
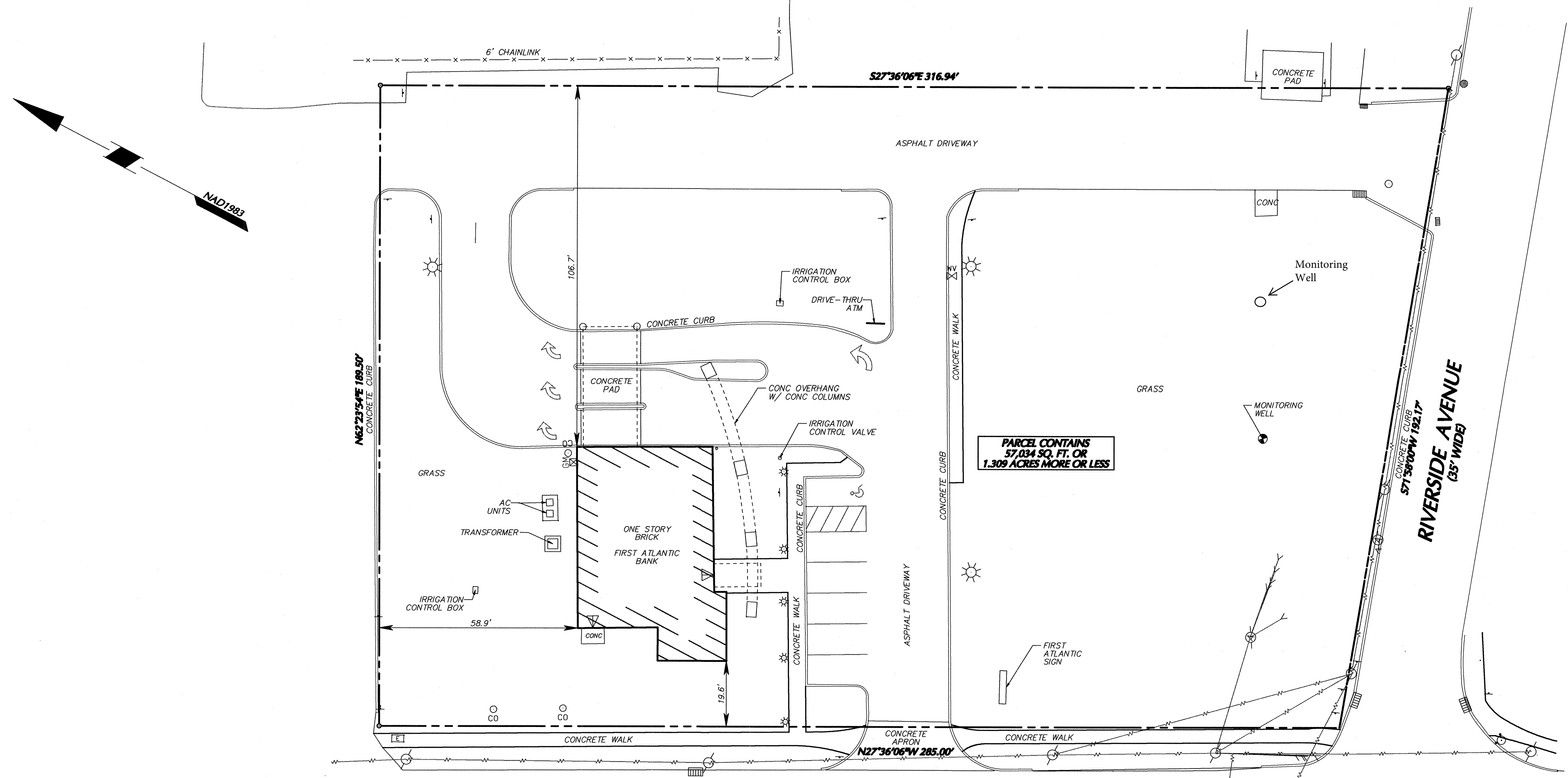
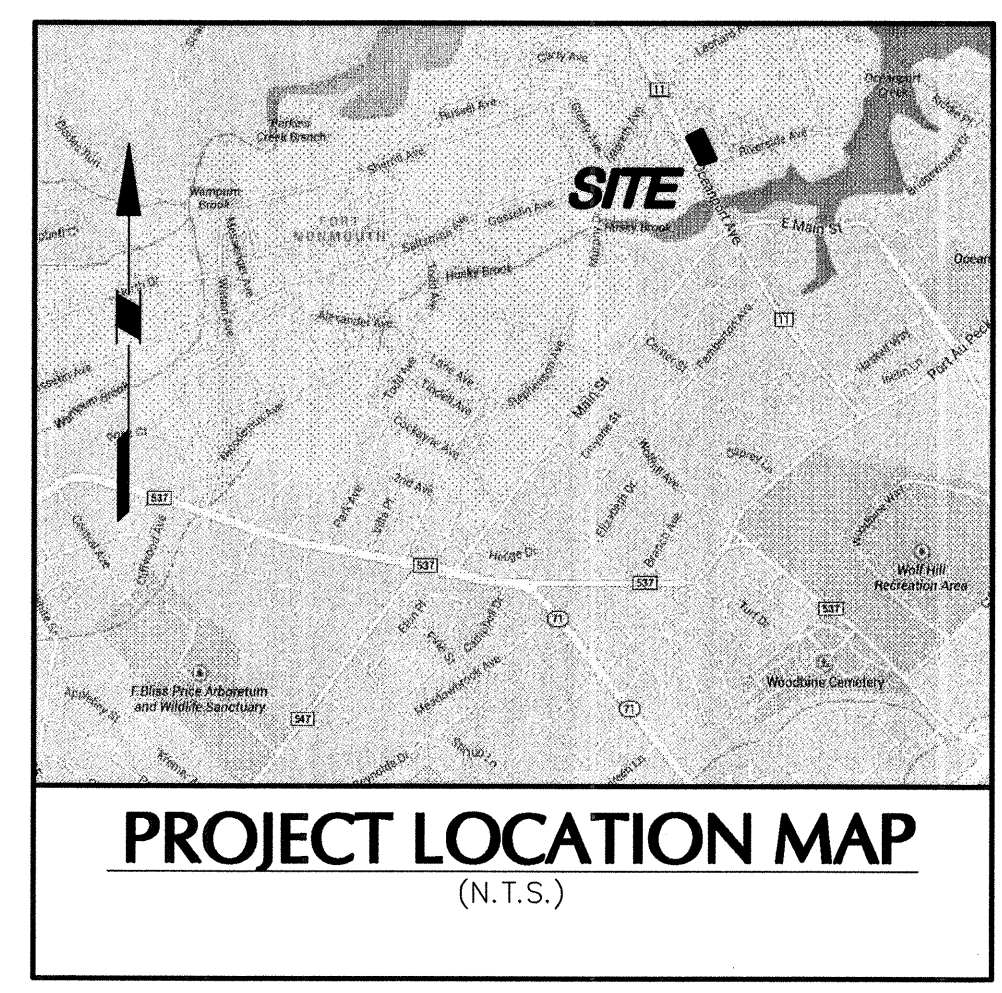
Encl 3 -- Table 1 -- Description of Property

Encl 4 -- CERCLA Notice, Covenant, and Access Provisions and Other Deed Provisions

Encl 5 -- Environmental Protection Provisions

ENCLOSURE 1

FIGURES



OCEANPORT AVENUE (60' WIDE)

RIVERSIDE AVENUE (35' WIDE)

PARCEL CONTAINS 57,034 SQ. FT. OR 1.309 ACRES MORE OR LESS

NOTES

- 1. THIS SURVEY IS BASED UPON EXISTING PHYSICAL CONDITIONS FOUND AT THE SUBJECT SITE... 2. THE SURVEYED PROPERTY IS SUBJECT BUT NOT LIMITED TO THE FOLLOWING FACTS AS REVEALED BY THE HEREON REFERENCED INFORMATION... 3. THE MERIDIAN OF THIS SITE IS REFERENCED TO NEW JERSEY STATE PLANE COORDINATE SYSTEM NAD 1983... 4. STREET NAMES, BLOCK AND LOT NUMBERS AS PER BOROUGH OF OCEANPORT CURRENT TAX MAP AS REFERENCED IN NOTE 1A... 5. PLANIMETRIC INFORMATION SHOWN HEREON HAS BEEN OBTAINED FROM GROUND SURVEYS BY LANGAN ENGINEERING AND ENVIRONMENTAL SERVICES, INC. DURING SEPTEMBER 2014 AND SUPPLEMENTED WITH DATA FROM MONMOUTH COUNTY GIS... 6. OFFSETS (IF SHOWN) ARE FOR SURVEY REFERENCES ONLY AND ARE NOT TO BE USED IN CONSTRUCTION OF ANY TYPE... 7. UTILITIES, WETLANDS, ENVIRONMENTAL AND/OR HAZARDOUS MATERIALS LOCATION, IF ANY, NOT COVERED UNDER THIS CONTRACT... 8. THIS PLAN NOT VALID UNLESS EMBOSSED WITH THE SEAL OF THE PROFESSIONAL... 9. THE OUTBOUND CONFIGURATION OF THIS PARCEL IS BASED ON INFORMATION PROVIDED BY FMRA AND MAP REFERENCED IN NOTE 1E.

TO: 1. FORT MONMOUTH REVITALIZATION AUTHORITY I, GARY A. VEENSTRA, PROFESSIONAL LAND SURVEYOR, N.J. LICENSE No. GS37213, HEREBY STATE THAT THIS PLAN IS BASED ON A FIELD SURVEY MADE BY ME OR UNDER MY IMMEDIATE SUPERVISION... THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS...

LEGEND (SYMBOLS NOT SHOWN TO SCALE)

- HYDRANT, STREET LIGHT, SIGNAL POLE, MANHOLE, WATER VALVE, GAS VALVE, UNKNOWN VALVE, CATCH BASIN, METAL COVER, ELECTRIC BOX, DOOR, DOUBLE DOOR, GARAGE DOOR, PARKING METER, SPOT ELEVATION, CLEAN OUT, TREE, BENCH MARK, SIGN, POLE, ANCHOR POLE, BOLLARD, STORM DRAIN, SANITARY, COMBINED SEWER, CABLE TV TONE OUT, GAS TONE OUT, WATER TONE OUT, ELECTRIC TONE OUT, TELEPHONE TONE OUT, STEAM TONE OUT, UNKNOWN UTILITY TONE OUT, FENCE (TYPE AS NOTED), OVERHEAD WIRE, GUIDE RAIL (TYPE AS NOTED), TREE LINE, PROPERTY/RIGHT-OF-WAY LINE, REFERENCED UTILITY LINE (TYPE AS NOTED)-PLOTTED FROM EXISTING MAPPING

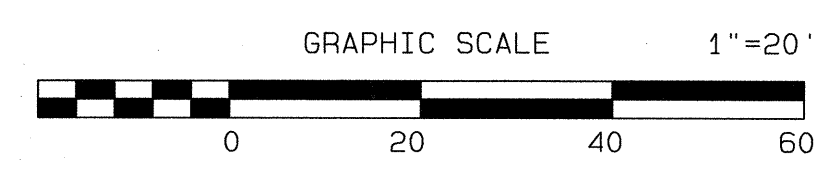


Table with columns: Date, Description, No. Includes REVISIONS section, LANGAN logo, Project: FORT MONMOUTH CREDIT UNION EXCEPTION, BOROUGH OF OCEANPORT, MONMOUTH COUNTY NEW JERSEY, Drawing Title: ALTA/ACSM LAND TITLE SURVEY BLOCK 105 PORTION OF LOT 1, Project No. 100291701, Date 11/07/2014, Scale 1"=20', Drawn By JCK/EC, Checked By GAV, Drawing No. VL-101, Sheet 1 of 1.

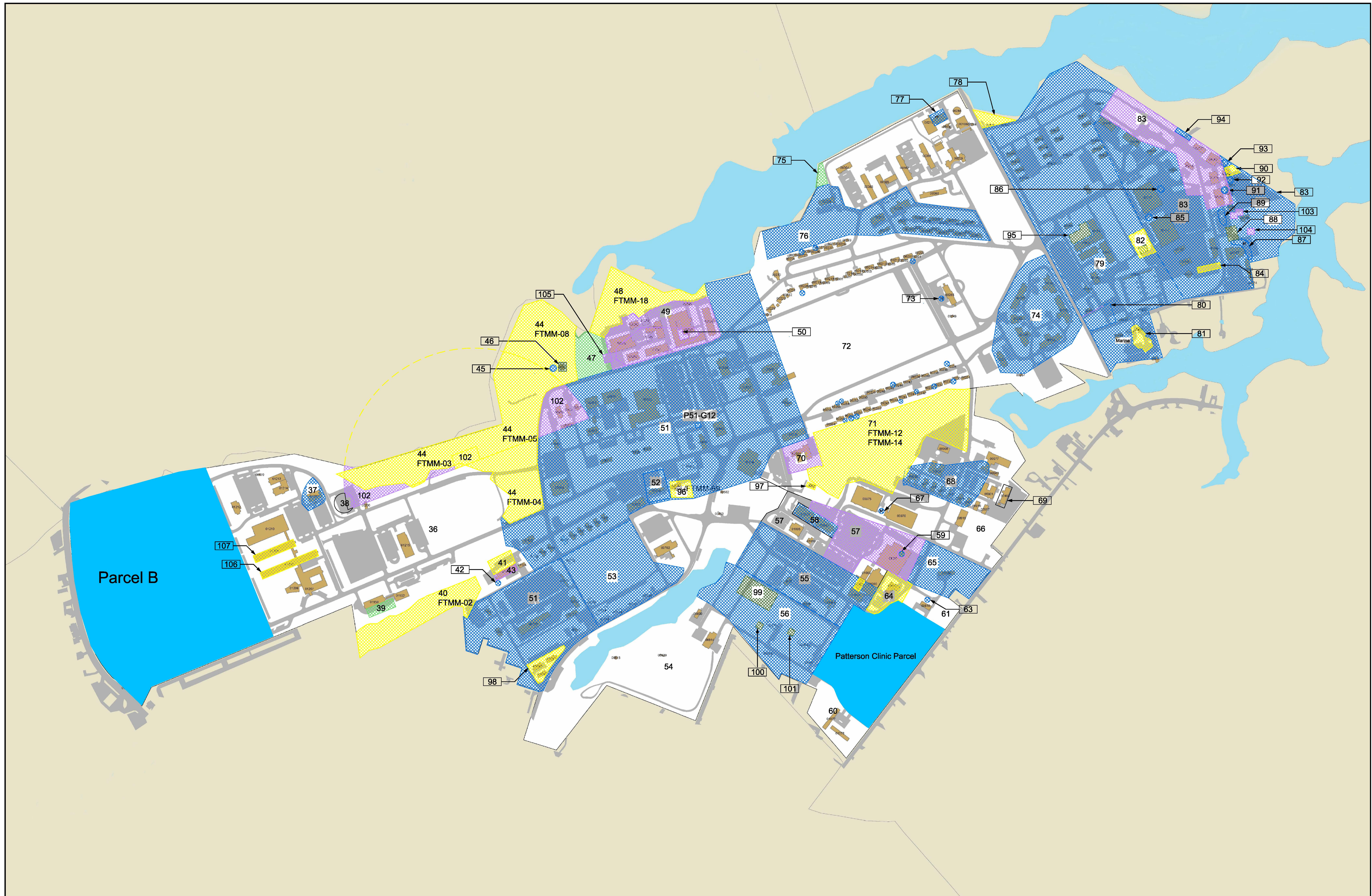
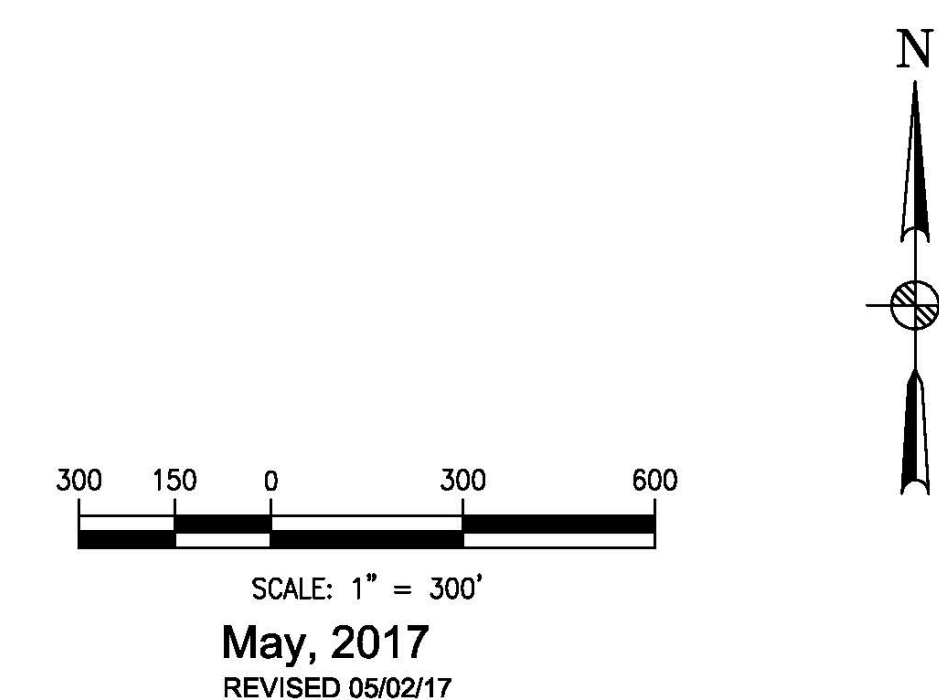
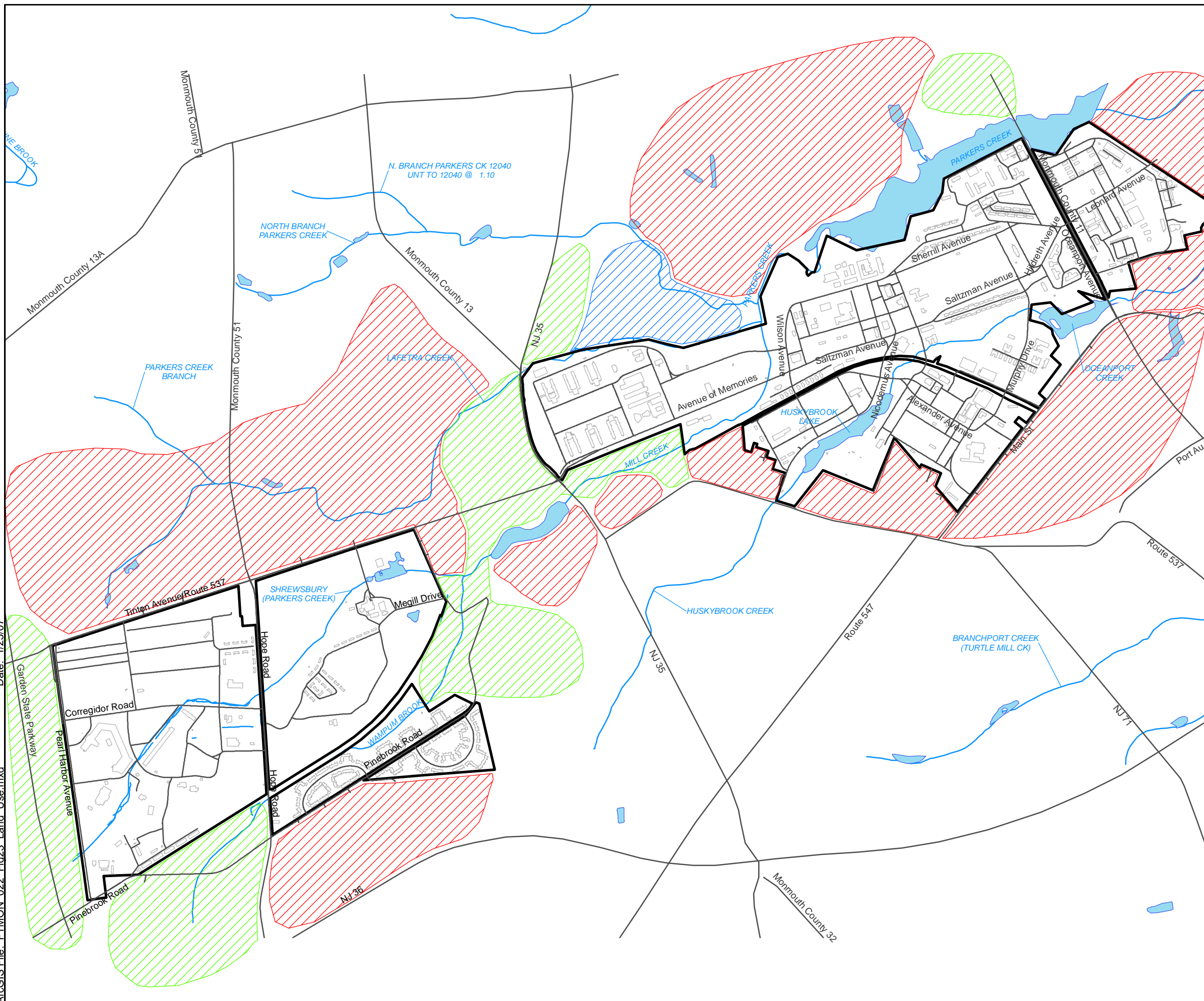


Figure 2
ECP Update Parcel Map
Fort Monmouth
Phase 2 Property

- | | | |
|---|---|--|
| <ul style="list-style-type: none"> Category 1: Areas where no release or disposal of hazardous substances or petroleum products has occurred (including no migration of these substances from adjacent areas). Category 2: Areas where only release or disposal of petroleum products or their derivatives has occurred. Category 3: Areas where release, disposal, and/or mitigation of hazardous substances has occurred, but at concentrations that do not require a removal or remedial response. | <ul style="list-style-type: none"> Category 4: Areas where release, disposal, and/or mitigation of hazardous substances has occurred, and all removal or remedial actions to protect human health and the environment have been taken. Category 5: Areas where release, disposal, and/or mitigation of hazardous substances has occurred, and removal or remedial actions are underway, but all required remedial actions have not yet been taken. Category 6: Areas where release, disposal, and/or migration of hazardous substances has occurred, but required response actions have not yet been initiated. Category 7: Areas that are not evaluated or require additional evaluations. | <ul style="list-style-type: none"> 44 ECP Parcel Number Transferred Property Buildings Roads and Parking Areas |
|---|---|--|



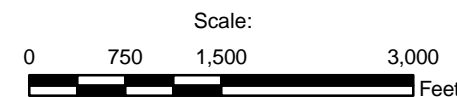


LEGEND

- Road Centerline
- Water Feature
- Building
- Water Body
- ▭ Installation Boundary

Land Use

- ▨ Industrial/Commercial
- ▨ Residential/Recreational
- ▨ Undeveloped



Note: Schematic representation of prevalent surrounding land use only. Boundaries of surrounding land use designations are not exact.



Base Realignment and Closure 2005



U.S. Army Corps of Engineers



Shaw Environmental, Inc.



Figure 3
ADJACENT LAND USE MAP

FORT MONMOUTH
NEW JERSEY

ENCLOSURE 2

ENVIRONMENTAL DOCUMENTATION

- Cabrera Services. 2007. *Final Historical Site Assessment and Addendum to Environmental Condition of Property Report, Fort Monmouth, Eatontown, New Jersey*. January.
- U.S. Army. 2017. *Environmental Condition of Property Update Report, Fort Monmouth, New Jersey Credit Union, Oceanport Avenue*. May.
- U.S. Army. 2018. *Environmental Condition of Property Update Report Recertification, Fort Monmouth, New Jersey Credit Union, Oceanport Avenue*. February.
- EDAW, Inc. 2008. *Fort Monmouth Reuse and Redevelopment Plan, Final Plan*. 22 August.
- Environmental Data Resources, Inc. 2014. *EDR Data Map™ Environmental Atlas™, Phase 2 Property, Fort Monmouth, NJ*. Inquiry Number 4016443.5s. 29 July.
- Fort Monmouth. 2010. *Finding of No Significant Impact Environmental Assessment of the Disposal and Reuse of Fort Monmouth, New Jersey*. February.
- Parsons. 2014. *Final Addendum 1 Environmental Condition of Property Report, Unregulated Heating Oil Tank (UHOT) Investigation Report, Fort Monmouth, Oceanport, Monmouth County, New Jersey. Rev. No. 0*. May.
- Shaw Environmental, Inc. (Shaw). 2007. *U.S. Army BRAC 2005 Environmental Condition of Property Report Fort Monmouth, Monmouth County, New Jersey, Final*, 29 January.
- Shaw. 2008. *U.S. Army BRAC 2005 Site Investigation Report Fort Monmouth, Final*. 21 July.
- Shaw. 2012. *Fort Monmouth Main Post and Charles Wood Area, Baseline Ecological Evaluation Report, U.S. Army Garrison Fort Monmouth, Fort Monmouth, New Jersey*. May.
- U.S. Army, *Site Investigation Addendum Letter Report for Parcel 80 (Former Photo Processing) Fort Monmouth, NJ*, October 27, 2016.
- U.S. Army, *Response to NJDEP Comments, December 16 2016 regarding Site Investigation Addendum Letter Report for Parcel 80*, March 6, 2017.
- U.S. Army, *Response to NJDEP Comments, December 16 2016 regarding Site Investigation Addendum Letter Report for Parcel 80*, March 6, 2017

U.S. Army Corps of Engineers, Mobile District. 2009. *Final Environmental Assessment of the Implementation of Base Realignment and Closure at Fort Monmouth, New Jersey*. March.

U.S. Army Corps of Engineers, New York District. 2012. *Final Status Survey Report, Fort Monmouth, Eatontown, New Jersey*. Final. 15 August.

ENCLOSURE 3

TABLE 1 – DESCRIPTION OF PROPERTY

Building Number and Property Description	ECP Parcel Designation	Condition Category	Remedial Actions
Parcel 79, a portion of this parcel is being transferred to First Atlantic Federal Credit Union, near former Building 495	Parcel 79	2	The portion of this parcel covered by this FOST is a small area on the western end of the parcel near former Building 495. Former UST 104-75 was previously associated with former Building 495 located on Parcel 79. This tank was removed on February 28, 1998 and original sampling indicated a maximum soil TRPH at 1,275 mg/kg. Impacted soil was removed and re-sampling showed remaining soil TRPH to be non-detect. Groundwater sample results were below New Jersey GWQC. A closure report requesting No Further Action was submitted to NJDEP on July 17, 2001 and NJDEP approved the closure via letter dated January 10, 2003.
Parcel 80, a portion of this parcel is being transferred to First Atlantic Federal Credit Union	Parcel 80	2	This parcel includes former Buildings 105 and 106, former photo processing facilities, located northeast of Oceanport Avenue. These buildings served as photo processing facilities from the 1940s until they were demolished in the 1980's. A former oil water separator was removed from this area.

Category 1: Areas where no release or disposal of hazardous substances or petroleum products has occurred (including no migration of these substances from adjacent areas).

Category 2: Areas where only release or disposal of petroleum products has occurred.

Category 3: Areas where release, disposal, and/or migration of hazardous substances has occurred, but at concentrations that do not require a removal or remedial response.

Category 4: Areas where release, disposal, and/or migration of hazardous substances has occurred, and all removal or remedial actions to protect human health and the environment have been taken.

Category 5: Areas where release, disposal, and/or migration of hazardous substances has occurred, and removal or remedial actions are underway, but all required remedial actions have not yet been taken.

Category 7: Areas that are not evaluated or require additional evaluation.

ENCLOSURE 4

CERCLA NOTICE, COVENANT, AND ACCESS PROVISIONS AND OTHER DEED PROVISIONS

The following Access Provision, along with the Other Deed Provisions, will be placed in the deed in a substantially similar form to ensure protection of human health and the environment and to preclude any interference with ongoing or completed remediation activities.

1. Access

A. The United States retains and reserves a perpetual and assignable easement and right of access on, over, and through the Property, to enter upon the Property in any case in which an environmental response action or corrective action is found to be necessary on the part of the United States, without regard to whether such environmental response action or corrective action is on the Property or on adjoining or nearby lands. Such easement and right of access includes, without limitation, the right to perform any environmental investigation, survey, monitoring, sampling, testing, drilling, boring, coring, test-pitting, installing monitoring or pumping wells or other treatment facilities, response action, corrective action, or any other action necessary for the United States to meet its responsibilities under applicable laws and as provided for in this instrument. Such easement and right of access shall be binding on the Grantee and its successors and assigns, and shall run with the land.

B. In exercising such easement and right of access, the United States shall provide the Grantee or its successors or assigns, as the case may be, with reasonable notice of its intent to enter upon the Property and exercise its rights under this clause, which notice may be severely curtailed or even eliminated in emergency situations. The United States shall use reasonable means, but without significant additional costs to the United States, to avoid and to minimize interference with the Grantee's and the Grantee's successors' and assigns' quiet enjoyment of the Property. At the completion of any work, the work site shall be reasonably restored. Such easement and right of access includes the right to obtain and use utility services, including water, gas, electricity, sewer, and communications services available on the Property at a reasonable charge to the United States. Excluding the reasonable charges for such utility services, no fee, charge, or compensation will be due the Grantee, nor its successors and assigns, for the exercise of the easement and right of access hereby retained and reserved by the United States.

C. In exercising such easement and right of access, neither the Grantee nor its successors and assigns, as the case may be, shall have any claim at law or equity against the United States or any officer, employee, agent, contractor of any tier, or servant of the United States based on actions taken by the United States or its officers, employees, agents, contractors of any tier, or servants pursuant to and in accordance with this clause: Provided, however, that nothing in this paragraph shall be considered a waiver by the Grantee, its successors and assigns, of any remedy available to them under the Federal Tort Claims Act.

2. “AS IS” CONDITION OF PROPERTY

A. The Grantee acknowledges that it has inspected or has had the opportunity to inspect the Property and accepts the condition and state of repair of the Property. The Grantee understands and agrees that the Property is conveyed “AS IS” without any representation, warranty, or guaranty by the Grantor as to the quantity, quality, title, character, condition, size, or kind, or that the same is in a suitable condition or fit to be used for the purpose(s) intended by the Grantee, and no claim for allowance or deduction upon such grounds will be considered.

B. No warranties, either express or implied, are given with regard to the condition of the Property including, without limitation, whether the Property does or does not contain asbestos or lead-based paint. The Grantee shall be deemed to have relied solely on its own judgment in assessing the overall condition of all or any portion of the Property including, without limitation, any asbestos, lead-based paint, or other conditions on the Property. The failure of the Grantee to inspect or to exercise due diligence to be fully informed as to the condition of all or any portion of the Property will not constitute grounds for any claim or demand against the Grantor.

C. Nothing in this “As Is” provision shall be construed to modify or negate the Grantor’s obligation under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §§ 9600 et seq.)” or any other statutory obligation.

3. INDEMNIFY AND HOLD HARMLESS

A. To the extent authorized by New Jersey law, the Grantee, for itself, its successors and assigns, covenants and agrees to indemnify and hold harmless the Grantor, its officers, agents, and employees from (1) any and all claims, damages, judgments, losses, and costs, including fines and penalties, arising out of the violation of the notices, covenants, conditions, and restrictions in this deed by the Grantee, its successors and assigns, and (2) any and all claims, damages, judgments, losses, and costs arising out of, or in any manner predicated upon, any condition on any portion of the Property after the date of the conveyance.

B. The Grantee, for itself, its successors and assigns, covenants and agrees that the Grantor shall not be responsible for any costs associated with modification or termination of the notices, covenants, conditions, and restrictions in this deed including, without limitation, any costs associated with additional investigation or remediation of any condition on any portion of the Property.

C. Nothing in this “Indemnify and Hold Harmless” provision shall be construed to modify or negate the Grantor’s obligations the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §§ 9600)” or any other statutory obligation.

4. ENVIRONMENTAL PROTECTION PROVISIONS

The Grantee shall neither transfer the Property, lease the Property, nor grant any interest, privilege, or license whatsoever in connection with the Property without including the Environmental Protection Provisions set forth in Exhibit ____, attached hereto and made a part hereof, and shall require the said provisions be included in all subsequent deeds, easements, transfers, leases, or grant of any interest, privilege, or license in, of, on, or to the Property or any portion thereof.

ENCLOSURE 5

ENVIRONMENTAL PROTECTION PROVISIONS

The following conditions, restrictions, and notifications will be placed, in a substantially similar form, in the deed to ensure that there will be no unacceptable risk to human health and the environment.

1. NOTICE OF THE PRESENCE OF PESTICIDES AND COVENANT

A. The Grantee is hereby notified and acknowledges that registered pesticides have been applied to the property conveyed herein and may continue to be present thereon. The Grantor and Grantee know of no use of any registered pesticide in a manner (1) inconsistent with its labeling or with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. § 136, et seq.) and other applicable laws and regulations, or (2) not in accordance with its intended purpose.

B. The Grantee covenants and agrees that if the Grantee takes any action with regard to the property, including demolition of structures or any disturbance or removal of soil that may expose, or cause a release of, a threatened release of, or an exposure to, any such pesticide, Grantee assumes all responsibility and liability therefor.