

40.1099: Forms for Activity and Use Limitations

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Form 1072A

GRANT OF ENVIRONMENTAL RESTRICTION

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

DEP Site Name: _____

DEP Release Tracking No.(s) _____

This GRANT OF ENVIRONMENTAL RESTRICTION is made as of this ____ day of _____, 20__, by _____, of _____ (Town/City), _____ County, _____ (State) ("Grantor").

W I T N E S S E T H

WHEREAS, _____ is the owner(s) in fee simple of that [those] certain parcel(s) of [vacant] land located in _____ (Town/City), _____ County, Massachusetts [with the buildings and improvements thereon], pursuant to [a deed recorded with the _____ Registry of Deeds in Book _____, Page _____];[source of title other than by deed];and/or [Certificate of Title No. _____ issued by the Land Registration Office of the _____ 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 Grant of Environmental Restriction. The Property is shown on [a plan recorded with the _____ County Registry of Deeds in Plan Book _____, Plan _____], and/or on [Land Court Plan No. _____];

[WHEREAS, a portion of the Property ("Portion of the Property") is subject to this Grant of Environmental Restriction. 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 _____ Registry of Deeds in Plan Book _____, Plan _____] and/or on [a sketch plan attached hereto and filed herewith for registration];

WHEREAS, the [Property] ["Portion of the Property"] comprises [all][part of] a disposal site as the result of a release of oil and/or hazardous material. Exhibit B is a sketch plan showing the location of the [Property][Portion of the Property] subject to this Grant of Environmental Restriction in relation 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;

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

[WHEREAS, attached hereto as Exhibit D pursuant to 310 CMR 40.1071(2)(c) is documentation consistent with conveyancing standards and practices verifying that the individual[s] signing the Restriction has [have] the authority to sign such document;]

NOW, THEREFORE, in accordance with the provisions of M.G.L. c. 21E, § 6 and the MCP, I, _____ ("Grantor") hereby GRANT to the DEPARTMENT OF ENVIRONMENTAL PROTECTION, an agency established under the laws of the Commonwealth of Massachusetts, having its principal office at 100 Cambridge Street, Boston, Massachusetts 02114 ("DEP"), as a gift, with QUITCLAIM COVENANTS, an ENVIRONMENTAL RESTRICTION, ("Restriction") in, on, through, over and under the [Property] [Portion of the Property] ("Restricted Area").

Said Restriction is subject to the following terms and conditions:

1. Restricted Uses and Activities. Grantor shall not perform, suffer, allow or cause any person to perform any of the following activities in, on, upon, through, over or under the Restricted Area, or any of the following uses to be made of the Restricted Area:

(i) [List restricted uses]; and/or

Form 1072A: continued

(ii) [List restricted activities];

(iii) Except as provided in Paragraphs (2) and (4) of this Grant, there shall be no excavation or removal of any loam, peat, gravel, sand, rock or other mineral or natural resource; and

(iv) Any action or inaction which, in the Opinion of a person licensed by the Board of Registration of Waste Cleanup Professionals, or any successor agency (a holder of such license hereinafter referred to as "LSP"), is reasonably likely to:

(a) (select one) [Create a significant risk of harm to health, safety, public welfare or the environment] [Create a substantial hazard];

(b) [Where remedial action includes a surface cover, cap or sealant designed to contain or reduce exposure to the oil and/or hazardous material, disturb the structural integrity of such cover, without first obtaining the express written consent of an LSP].

2. Permitted Uses and Activities. Grantor expressly reserves the right to perform, suffer, allow or to cause any person to perform any of the following activities in, on, through, over or under the Restricted Area or any of the following uses to be made of the Restricted Area:

(i) _____;

(ii) _____;

(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 and uses not identified in Paragraph 1 as being Restricted Uses and Activities.

3. Obligations and Conditions. Grantor affirmatively agrees to perform the following activities [and][or] to maintain the following conditions at the Restricted Area in order to (select one) [maintain a condition of No Significant Risk] [eliminate a substantial hazard] (such conditions and terms defined in 310 CMR 40.0000) as set forth in the AUL Opinion.

[Insert specific activities and conditions set forth in the AUL Opinion, if any.]

4. Emergency Excavation. If it becomes necessary to excavate as part of a response to an emergency (e.g., repairing utility lines or responding to a fire or flood), and such excavation could result in a significant risk of harm from exposure to oil and/or hazardous material at the Restricted Area, the requirements of Paragraph (1) (iii) of this Grant may be suspended, provided Grantor complies with the requirements set forth in 310 CMR 40.0320, and:

(i) Notifies DEP of such emergency as soon as possible but no more than two hours after having learned of such emergency;

(ii) Limits the actual disturbance involved in such excavation to the minimum reasonably necessary to adequately respond to the emergency;

(iii) Implements all measures necessary to limit actual or potential risk to health, safety, public welfare or the environment, including the following:

1. _____;

2. _____;

3. _____; and

Form 1072A: continued

(iv) Engages an LSP to oversee the implementation of this Paragraph, and to prepare and oversee the implementation of a written plan which, in the LSP's Opinion, will restore the Restricted Area to a condition(s) that meets the objectives of the Grant of Environmental Restriction in accordance with 310 CMR 40.1071(2)(1)

5. Easements. In establishing this Restriction, Grantor hereby grants the following easements for the term of this Grant to DEP, its agents, contractors, subcontractors, and employees:

(i) To pass and repass over [the Property] [the Restricted Area] for purposes of inspecting the Restricted Area to insure compliance with the terms of this Restriction; and

(ii) In, on, through, over and under the Restricted Area for purposes of conducting subsurface investigations, installing groundwater monitoring wells, and conducting other investigations of the Restricted Area and/or remediation activities consistent with M.G.L. c. 21E and the MCP.

6. Severability. Grantor hereby agrees, in the event that a court or other tribunal determines that any provision of this instrument is invalid or unenforceable:

(i) That any such provision shall be deemed automatically modified to conform to the requirements for validity and enforceability as determined by such court or tribunal; or

(ii) That any such provision that, by its nature, cannot be so modified, shall be deemed deleted from this instrument as though it had never been included.

In either case, the remaining provisions of this instrument shall remain in full force and effect.

7. Enforcement. Grantor expressly acknowledges that a violation of the terms of this instrument could result in the following:

(i) the assessment of penalties and other action by DEP to enforce the terms of this Restriction, pursuant to M.G.L. c. 21E and the MCP; and/or

(ii) upon a determination by a court of competent jurisdiction, the issuance of criminal and civil penalties, and/or equitable remedies which could include the issuance of an order to modify or remove any improvements constructed in violation of the terms of this Restriction.

8. Provisions to Run with the Land. This Restriction establishes certain rights, liabilities, agreements and obligations for the [Property] [Restricted Area], or any portion thereof, which shall run with the [Property] [Restricted Area], or any portion thereof, for the term of this Restriction. Grantor hereby covenants for himself/herself/itself and his/her/its executors, administrators, heirs, successors and assigns, to stand seized and hold title to the [Property] [Restricted Area], or any portion thereof, subject to this Restriction.

The rights granted to DEP, its successors and assigns, do not provide, however, that a violation of this Restriction shall result in a forfeiture or reversion of Grantor's title to the Restricted Area.

9. Concurrence Presumed. It is agreed that:

(i) Grantor and all parties claiming by, through or under Grantor shall be deemed to be in accord with the provisions of this document; and

(ii) all such parties and any party claiming by, through or under them, and their respective agents, contractors, sub-contractors and employees, also agree that the Restriction herein established shall not be violated and that their respective interests in the [Property] [Restricted Area] shall be subject to the provisions herein set forth.

Form 1072A: continued

10. Incorporation into Deeds, Mortgages, Leases and Instruments of Transfer. Grantor hereby agrees to incorporate this Restriction, in full or by reference, into all future deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer by which an interest in and/or a right to use the [Property] [Restricted Area], or any portion thereof, is conveyed.

11. Amendment and Release. This Restriction may be amended or released in accordance with M.G.L. c. 21E and the MCP (310 CMR 40.1080 *et seq.*).

12. No Dedication Intended. Nothing herein shall be construed to be a gift or dedication of the [Property] [Restricted Area] to DEP or to the general public for any purpose whatsoever.

13. Term. This Restriction shall run [in perpetuity] [for a period of ____ years] and is intended to conform to M.G.L. c. 184, § 26.

14. Rights Reserved. It is expressly agreed that acceptance of this Restriction by DEP shall not express nor imply DEP approval of the adequacy of this or any other response action affecting the [Disposal Site][Portion of Disposal Site]. Acceptance of this Restriction shall not operate to bar, diminish, nor in any way affect any legal or equitable right of DEP to issue any future order with respect to the (select one) [Disposal Site][Portion of the Disposal Site] or in any way affect any other claim, action, suit, cause of action, or demand which DEP may have with respect to the [Disposal Site][Portion of the Disposal Site].

This Restriction shall become effective upon its recordation and/or registration with the appropriate Registry of Deeds and/or Land Registration Office.

As this Restriction is a gift, no Massachusetts deed excise stamps are affixed hereto, none being required by law.

WITNESS the execution hereof under seal this ____ day of _____, 20__.

[Name of Grantor]

[COMMONWEALTH OF MASSACHUSETTS]
[STATE OF _____]

_____, ss

_____, 20__

On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____ (name of document signer), proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

(as partner for _____, a partnership)
(as _____ for _____, a corporation)
(as attorney in fact for _____, the principal)
(as _____ for _____, (a) (the) _____)

_____ (official signature and seal of notary)

The undersigned Waste Site Cleanup Professional hereby certifies that [he][she] executed the AUL Opinion, dated ____, filed with the Department of Environmental Protection under Release Tracking No(s). ____, and attached hereto as Exhibit C and made a part hereof, and that in [his][her] Opinion this Restriction is consistent with the terms of said AUL Opinion.

Date: _____

[Name of LSP]
[LSP SEAL]

Form 1072A: continued

[COMMONWEALTH OF MASSACHUSETTS]
[STATE OF _____]

_____, ss _____, 20__

On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____ (name of document signer), proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

(as partner for _____, a partnership)
(as _____ for _____, a corporation)
(as attorney in fact for _____, the principal)
(as _____ for _____, (a) (the) _____)

_____ (official signature and seal of notary)

In accordance with M.G.L. c. 21E, § 6, and the Massachusetts Contingency Plan (310 CMR 40.0000), the Commissioner of the Department of Environmental Protection hereby approves this Grant of Environmental Restriction (as to form only).

Date: _____

Commissioner
Department of Environmental Protection

Upon recording, return to:

Office of General Counsel
Department of Environmental Protection
100 Cambridge Street
Boston, MA 02114

Form 1072B

SUBORDINATION AGREEMENT

Disposal Site Name: _____

DEP Release Tracking No.(s) _____

_____, of _____ (Town/City),
County, _____ (State), is the holder of a _____ granted by
_____ to _____, dated _____, recorded with
_____ Registry of Deeds in Book _____, Page _____ and/or registered with the Land Registration
Office of _____ Registry District as Document No. _____.

_____ hereby assents to the Grant of Environmental Restriction granted by
_____ to the Department of Environmental Protection dated _____ and recorded
with the _____ Registry of Deeds in Book _____, Page _____, and/or registered with the Land
Registration Office of _____ Registry District as Document No. _____, and agrees that the
_____ shall be subject to said Grant and to the rights created by and under said Grant insofar as
the interests created under the _____ affect the [Property] [Restricted Area] identified in the Grant and
as if for all purposes said Grant had been executed, delivered and recorded prior to the execution, delivery and
recordation and/or registration of the _____.

WITNESS the execution hereof under seal this _____ day of _____, 20____.

Holder

COMMONWEALTH OF MASSACHUSETTS

_____, ss _____, 20__

On this _____ day of _____, 20__, before me, the undersigned notary public, personally
appeared _____ (name of document signer), proved to me through
satisfactory evidence of identification, which were _____, to be the person
whose name is signed on the preceding or attached document, and acknowledged to me that (he)
(she) signed it voluntarily for its stated purpose.

- (as partner for _____, a partnership)
- (as _____ for _____, a corporation)
- (as attorney in fact for _____, the principal)
- (as _____ for _____, (a) (the) _____)

_____ (official signature and seal of notary)

[The execution of this Subordination Agreement by a secured lender and/or a fiduciary (as defined
in M.G.L. c. 21E, § 2) for the purpose of subordinating its lien to said Grant shall not render such secured lender
or fiduciary an "owner" or "operator", provided such secured lender and/or fiduciary shall not otherwise be an
"owner" or "operator" within the meaning of § 2.]

Upon recording, return to:

Department of Environmental Protection
100 Cambridge Street
Boston, MA 02114

Form 1075

Note: Pursuant to 310 CMR 40.1074(5), upon transfer of any interest in or a right to use the property or a portion thereof that is subject to this Notice of Activity and Use Limitation, the Notice of Activity and Use Limitation 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. Within 30 days of so incorporating the Notice of Activity and Use Limitation in a deed that is recorded or registered, a copy of such deed shall be submitted to the Department of Environmental Protection.

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

Disposal Site Name: _____

DEP Release Tracking No.(s): _____

This [Confirmatory] Notice of Activity and Use Limitation ("Notice") is made as of this ____ day of _____, 20__, by _____ [Name and address of property owner(s)], together with his/her/its/their successors and assigns (collectively "Owner").

W I T N E S S E T H:

WHEREAS, _____ (Name of Owner(s)), [is][are] the owner(s) in fee simple of [that][those] certain parcel(s) of [vacant] land located in _____ (Town/City), _____ County, Massachusetts [with the buildings and improvements thereon], pursuant to [a deed recorded with the _____ Registry of Deeds in Book _____, Page _____]; [source of title other than by deed]; and/or [Certificate of Title No. _____ issued by the Land Registration Office of the _____ 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 _____ Registry of Deeds in Plan Book _____, Plan _____], and/or on [Land Court Plan No. _____];

[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 _____ Registry of Deeds in Plan Book _____, Plan _____], and/or on [a sketch plan attached hereto and filed herewith for registration];

WHEREAS, the [Property] [Portion of the Property] comprises [all][part of] a disposal site as the result of [a] release[(s)] of oil and/or hazardous material.

Exhibit B is a sketch plan showing the relationship of the [Property][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, and the location of any Engineered Barriers, permanent caps, Active Exposure Pathway Mitigation Measures or other barriers or systems subject to the provisions of this Notice of Activity and Use Limitation. Exhibit B is attached hereto and made a part hereof;

WHEREAS, one or more response actions have been selected for the [Disposal Site][Portion of the Disposal Site] in accordance with M.G.L. c. 21E ("Chapter 21E") and the Massachusetts Contingency Plan, 310 CMR 40.0000 ("MCP"). Said response actions are based upon (a) the restriction of human access to and contact with oil and/or hazardous material in soil [and/or groundwater] and/or (b) the restriction of certain activities occurring in, on, through, over or under the [Property] [Portion of the Property]. A description of the basis for such restrictions, and the oil and/or hazardous material release event(s) or site history that resulted in the contaminated media subject to the Notice of Activity and Use Limitation is attached hereto as Exhibit C and made a part hereof (Exhibit C shall include: (a) a statement that specifies why the Notice of Activity and Use Limitation is appropriate to maintain a Permanent Solution and condition of No Significant Risk, maintain a Temporary Solution and condition of No Substantial Hazard, or maintain Remedy Operation Status and a condition of No Substantial Hazard; (b) a description of the oil and/or hazardous material release event(s) or site history that resulted in the contaminated media subject to the Notice of Activity and Use Limitation (*i.e.*, date of the release(s), to the extent known, release volumes(s), and response actions taken to address the release(s); and (c) a description of the contaminated media (*i.e.*, media type(s), approximate vertical and horizontal extent) subject to the Notice of Activity and Use Limitation.); and

Form 1075: continued

[WHEREAS, attached hereto as Exhibit D pursuant to 310 CMR 40.1074(2)(c) is documentation consistent with conveyancing standards and practices verifying that the individual[s] signing this Notice of Activity and Use Limitation has [have] the authority to sign such document;]

NOW, THEREFORE, notice is hereby given that the activity and use limitations set forth in this Notice of Activity and Use Limitation are as follows:

1. Activities and Uses Consistent with Maintaining (select one) [No Significant Risk] [No Substantial Hazard] Conditions. The following Activities and Uses are consistent with maintaining (select one) [a Permanent Solution and a condition of No Significant Risk][a Temporary Solution and a condition of No Substantial Hazard] [Remedy Operation Status and a condition of No Substantial Hazard] and, as such, may occur on the [Property][Portion of the Property] pursuant to 310 CMR 40.0000:

(i) ;

(ii) ;

(iii) Such other activities or uses which, in the Opinion of a Licensed Site Professional, shall present no greater risk of harm to health, safety, public welfare or the environment than the activities and uses set forth in this Paragraph; and

(iv) Such other activities and uses not identified in Paragraph 2 as being Activities and Uses Inconsistent with (select one)[maintaining No Significant Risk][maintaining No Substantial Hazard]Conditions.

2. Activities and Uses Inconsistent with (select one)[Maintaining No Significant Risk][No Substantial Hazard] Conditions. The following Activities and Uses are inconsistent with maintaining (select one) [a Permanent Solution and a condition of No Significant Risk][a Temporary Solution and a condition of No Substantial Hazard] [Remedy Operation Status and a condition of No Substantial Hazard] pursuant to 310 CMR 40.0000, and, as such, may not occur on the[Property][Portion of the Property]:

(i) ;

(ii) ; and

(iii) .

3. Obligations and Conditions. The following obligations and/or conditions are necessary and shall be undertaken and/or maintained at the [Property] [Portion of the Property] to (select one) [maintain a Permanent Solution and a condition of No Significant Risk] [maintain a Temporary Solution and a condition of No Substantial Hazard] [maintain Remedy Operation Status and a condition of No Substantial Hazard]:

(i) ;

(ii) ; and

(iii) .

(For a Permanent Solution with Conditions that relies upon the operation and maintenance of an Active Exposure Pathway Mitigation Measure, installed to prevent the migration of subsurface vapors into a building pursuant to 310 CMR 40.1025, include the following in the listed Obligations and Conditions:

(i) The Active Exposure Pathway Mitigation Measure comprised of (insert description of the system type) located (specify where on the property the system is located) shall be operated according to the operating regimen specified in the Permanent Solution Statement submitted to the Department of Environmental Protection to ensure a level of No Significant Risk is maintained for the Receptor(s) of concern under normal operating conditions;

(ii) The Active Exposure Pathway Mitigation Measure shall employ remote monitoring technology that immediately sends an alert to the property owner and operator and the Department of Environmental Protection upon loss of power, mechanical failure or when the

system is operating outside of the system's range of effectiveness;

(iii) In the event of any suspension or failure of the Active Exposure Pathway Mitigation Measure, immediate steps shall be taken to return the Active Exposure Pathway Mitigation Measure to full operating condition;

Form 1075: continued

- (iv) If such suspension or failure of the system lasts 30 or more consecutive days, written notice shall be provided to both Department of Environmental Protection and any non-transient building occupant who may have experienced exposure to oil and/or hazardous material as the result of the system failure or suspension on the 30th day from the start of the suspension or failure period; this notice shall document the reason for the suspension or failure of the system, any efforts taken to resume operation of such Measures, and the expected timeframe for resuming operation of such Measure; and
- (v) .])

(For a Permanent Solution with Conditions that relies upon the operation and maintenance of an Active Exposure Pathway Mitigation Measure installed for the removal of oil or hazardous material from drinking water supplied by a private water supply well pursuant to 310 CMR 40.1025, include the following in the listed Obligations and Conditions:

- (i) The Active Exposure Pathway Mitigation Measure comprised of (insert description of the system type) located (specify where on the property the system is located) shall be operated according to the operating regimen specified in the Permanent Solution Statement submitted to the Department of Environmental Protection to ensure a level of No Significant Risk is maintained for the Receptor(s) of concern under normal operating conditions;
- (ii) Records documenting all activities to maintain the system, including replacing, recharging, removing or disposing of spent media, and the results of any confirmatory testing of drinking water samples shall be maintained and made available to the Department upon request;
- (iii) In the event of any suspension or failure of the Active Exposure Pathway Mitigation Measure, immediate steps shall be taken to return the Active Exposure Pathway Mitigation Measure to full operating condition;
- (iv) If such suspension or failure of the system lasts 30 or more consecutive days, written notice shall be provided to both Department of Environmental Protection and any non-transient building occupant who may have experienced exposure to oil and/or hazardous material as the result of the system failure or suspension on the 30th day from the start of the suspension or failure period; this notice shall document the reason for the suspension or failure of the system, any efforts taken to resume operation of such Measures, and the expected timeframe for resuming operation of such Measure; and
- (v) .])

4. Proposed Changes in Activities and Uses. Any proposed changes in activities and uses at the [Property] [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 a Licensed Site Professional who shall render an Opinion, in accordance with 310 CMR 40.1080, as to whether the proposed changes (select one) [are inconsistent with maintaining a Permanent Solution and a condition of No Significant Risk] [are inconsistent with maintaining a Temporary Solution and a condition of No Substantial Hazard] [are inconsistent with maintaining Remedy Operation Status and a condition of No Substantial Hazard]. Any and all requirements set forth in the Opinion to meet the objective of this Notice shall be satisfied before any such activity or use is commenced.

5. Violation of a Permanent or Temporary Solution. The activities, uses and/or exposures upon which this Notice is based shall not change at any time to cause a significant risk of harm to health, safety, public welfare, or the environment or to create substantial hazards due to exposure to oil and/or hazardous material without the prior evaluation by a Licensed Site Professional in accordance with 310 CMR 40.1080, and without additional response actions, if necessary, to maintain a condition of (select one) [No Significant Risk] [No Substantial Hazard].

If the activities, uses, and/or exposures upon which this Notice is based change without the prior evaluation and additional response actions determined to be necessary by a Licensed Site Professional in accordance with 310 CMR 40.1080, the owner or operator of the [Property] [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 in accordance with 310 CMR 40.1074(5).

Owner hereby authorizes and consents to the filing and recordation and/or registration of this [Confirmatory] Notice, said [Confirmatory] Notice to become effective when executed under seal by

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

[This Confirmatory Notice of Activity and Use Limitation is given to correct the inadvertent error(s) made in the Notice of Activity and Use Limitation dated _____, and recorded with the Registry of Deeds in Book _____, Page _____, said error(s) being as follows:

- (i) _____ ;
- (ii) _____ ; and
- (iii) _____ .

In all other respects the terms of the Notice of Activity and Use Limitation remain unchanged.]

WITNESS the execution hereof under seal this _____ day of _____, 20 ____.

[Name of Owner]

Form 1075: continued

[COMMONWEALTH OF MASSACHUSETTS]
[STATE OF _____]

_____, ss _____, 20__

On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____ (name of document signer), proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

(as partner for _____, a partnership)
(as _____ for _____, a corporation)
(as attorney in fact for _____, the principal)
(as _____ for _____, (a) (the) _____)

_____ (official signature and seal of notary)

The undersigned Licensed Site Professional hereby certifies that in [his][her] Opinion this [Confirmatory] Notice of Activity and Use Limitation is consistent with (select one) [a Permanent Solution and maintaining a condition of No Significant Risk][a Temporary Solution and maintaining a condition of No Substantial Hazard][Remedy Operation Status and a condition of No Substantial Hazard].

Date: _____

[Name of Licensed Site Professional]
[Licensed Site Professional SEAL]

[COMMONWEALTH OF MASSACHUSETTS]
[STATE OF _____]

_____, ss _____, 20__

On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____ (name of document signer), proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

(as partner for _____, a partnership)
(as _____ for _____, a corporation)
(as attorney in fact for _____, the principal)
(as _____ for _____, (a) (the) _____)

_____ (official signature and seal of notary)

Upon recording, return to:

(Name and Address of Owner)

Form 1082A

[FIRST] AMENDMENT TO GRANT OF ENVIRONMENTAL RESTRICTION

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

Disposal Site Name: _____

DEP Release Tracking No.(s): _____

WHEREAS, a Grant of Environmental Restriction from _____ of _____ (Town/City), _____ County, _____ (State), to the Department of Environmental Protection, an agency established under the laws of the Commonwealth of Massachusetts, having its principal office at 100 Cambridge Street, Boston, Massachusetts 02114 ("DEP"), dated _____, has been recorded with the _____ Registry of Deeds in Book _____, Page _____, and/or registered with the Land Registration Office of the _____ Registry District as Document No. _____; [Said Grant was previously amended by an Amendment to Grant of Environmental Restriction dated _____, recorded with the _____ Registry of Deeds in Book _____ Page _____ and/or registered with the Land Registration Office of the _____ Registry District as Document No. _____] (said Grant of Environmental Restriction and any amendments thereto are collectively referred to herein as "Grant");

WHEREAS, said Grant imposes certain restrictions on activities and uses, conditions, obligations and easements upon that certain parcel(s) of [vacant] land situated in _____ (Town/City), _____ County, Massachusetts [with the buildings and improvements thereon];

WHEREAS, said parcel of land is more particularly bounded and described in Exhibit A attached hereto and made a part hereof ("Property");

WHEREAS, said restrictions, conditions, obligations and easements are imposed upon the Property to maintain a condition of No Significant Risk (said condition being defined in 310 CMR 40.0000) in accordance with the terms of an Activity and Use Limitation Opinion ("AUL Opinion") dated _____, issued and signed by _____, holder of a valid license issued by the Board of Registration of Waste Site Cleanup Professionals pursuant to Massachusetts General Laws Chapter 21A, Sections 19-19J (the holder of such a license referred to as an "LSP") attached to said Grant of Environmental Restriction as Exhibit C and made a part thereof, in order to (select one) [maintain at the Property a condition of No Significant Risk] [eliminate a substantial hazard] (such conditions and terms being defined in 310 CMR 40.0000);

(Select one of the following paragraphs)

[WHEREAS, the undersigned LSP, in accordance with Chapter 21E and the MCP, has issued and signed an AUL Opinion, dated _____, attached hereto as Exhibit B and made a part hereof. Said AUL Opinion explains that the implementation of the following proposed changes in Site Activity and Use at the Property will maintain a condition of No Significant Risk, as all response actions necessary to achieve such condition have been performed;]

[WHEREAS, the undersigned LSP, in accordance with Chapter 21E and the MCP, has issued and signed an AUL Opinion, dated _____, attached hereto as Exhibit B and made a part hereof. Said AUL Opinion explains that the implementation of the following proposed changes in Site Activity and Use at the Property will: (1) (select one) [maintain a condition of No Significant Risk at the Property][eliminate a substantial hazard]; and (2) that no additional response actions are necessary at the Property in connection with the implementation of said proposed changes;] and

[WHEREAS, attached hereto as Exhibit C pursuant to 310 CMR 40.1081(3)(b) is documentation consistent with conveyancing standards and practices verifying that the individual[s] signing this [First] Amendment has [have] the authority to sign such document;]

NOW, THEREFORE, in accordance with Chapter 21E and the MCP, the undersigned _____, of _____ (Town/City), _____ County, _____ (State), being the owner of the Property pursuant to [a deed recorded with the _____ Registry of Deeds in Book _____, Page _____]; [source of title other than by deed]; and/or [Certificate of Title No. _____ issued by the Land Registration Office of the _____ Registry District], hereby amends said Grant as follows:

Form 1082A: continued

(Select as appropriate)

[Paragraph 1, "Restricted Uses and Activities", is amended to read as follows:]

[Paragraph 2, "Permitted Uses and Activities", is amended to read as follows:]

[Paragraph 3, "Obligations and Conditions", is amended to read as follows:]

[Exhibit ___ to the Notice is amended by replacing such Exhibit with Exhibit ___ attached hereto.]

In all other respects the provisions of said Grant remain unchanged.

This [First] Amendment to the said Grant shall become effective when executed under seal by the undersigned LSP, approved (as to its form) by the Commissioner of the Department of Environmental Protection, and recorded and/or registered with the appropriate Registry of Deeds and/or Land Registration Office.

WITNESS the execution hereof under seal this _____ day of _____, 20__.

[Name of Owner]

[COMMONWEALTH OF MASSACHUSETTS]

[STATE OF _____]

_____, ss

_____, 20__

On this ___ day of _____, 20__, before me, the undersigned notary public, personally appeared _____ (name of document signer), proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

- (as partner for _____, a partnership)
- (as _____ for _____, a corporation)
- (as attorney in fact for _____, the principal)
- (as _____ for _____, (a) (the) _____)

_____ (official signature and seal of notary)

The undersigned Waste Site Cleanup Professional hereby certifies that [he][she] executed the AUL Opinion dated ___ and filed with the Department of Environmental Protection under Release Tracking No.(s) _____, attached hereto as Exhibit B and made a part hereof, and that in [his][her] Opinion this [First] Amendment to said Grant is consistent with the terms of said AUL Opinion.

Date: _____

[Name of LSP]
[LSP SEAL]

Form 1082A: continued

[COMMONWEALTH OF MASSACHUSETTS]
[STATE OF _____]

_____, ss

_____, 20__

On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____ (name of document signer), proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

(as partner for _____, a partnership)

(as _____ for _____, a corporation)

(as attorney in fact for _____, the principal)

(as _____ for _____, (a) (the) _____)

_____ (official signature and seal of notary)

In accordance with Massachusetts General Laws Chapter 21E, § 6, and the Massachusetts Contingency Plan, 310 CMR 40.0000, the Commissioner of the Department of Environmental Protection hereby approves this [First] Amendment to said Grant (as to form only).

Date: _____

Commissioner
Department of Environmental
Protection

Upon recording, return to:
Department of Environmental Protection
100 Cambridge Street
Boston, MA 02108

Form 1082B

[CONFIRMATORY] [FIRST] AMENDMENT TO NOTICE OF ACTIVITY AND USE LIMITATION
M.G.L. c. 21E, § 6 and 310 CMR 40.0000

Disposal Site Name: _____

DEP Release Tracking No.(s): _____

WHEREAS, a Notice of Activity and Use Limitation has been recorded with the _____ Registry of Deeds in Book _____ Page _____, and/or registered with the Land Registration Office of the _____ Registry District as Document No. _____. [Said Notice of Activity and Use Limitation was previously amended by an Amendment to a Notice of Activity and Use Limitation dated _____, recorded with the _____ Registry of Deeds in Book _____ Page _____ and/or registered with the Land Registration Office of the _____ Registry District as Document No. _____] (said Notice of Activity and Use Limitation and any amendments thereto are collectively referred to herein as "Notice");

WHEREAS, said Notice sets forth limitations on use and activities, conditions and obligations affecting certain [vacant] parcel(s) of land situated in _____ (Town/City), _____ County, Massachusetts [with the buildings and improvements thereon], said land being more particularly bounded and described in Exhibit A attached hereto and made a part hereof ("Property"). Said limitations on use and activities are consistent with the terms of (select one) [maintaining a Permanent Solution and a condition of No Significant Risk] [maintaining a Temporary Solution and a condition of No Substantial Hazard] [maintaining Remedy Operation Status and a condition of No Substantial Hazard] (such conditions and terms being defined in 310 CMR 40.0000);

[WHEREAS, the undersigned Licensed Site Professional, in accordance with M.G.L. c. 21E and the MCP opines that the implementation of the following proposed changes in Site Activities and Uses at the Property will (select one)[maintain a Permanent Solution and condition of No Significant Risk][maintain a Temporary Solution and condition of No Substantial Hazard][maintain Remedy Operation Status and a condition of No Substantial Hazard];

(Select as appropriate the paragraph or paragraphs that are amended from the original Notice of Activity and Use Limitation)

[Paragraph 1, "Activities and Uses Consistent with (select one)[Maintaining No Significant Risk][No Substantial Hazard Conditions]", is amended to read as follows:]

[Paragraph 2, "Activities and Uses Inconsistent with (select one)[Maintaining No Significant Risk][No Substantial Hazard] Conditions", is amended to read as follows:]

[Paragraph 3, "Obligations and Conditions", is amended to read as follows:] and

[Exhibit ___ to the Notice is amended by replacing such Exhibit with Exhibit ___ attached hereto.]

[WHEREAS, attached hereto as Exhibit B pursuant to 310 CMR 40.1081(4)(b) is documentation consistent with conveyancing standards and practices verifying that the individual[s] signing this [Confirmatory][First] Amendment to the Notice of Activity and Use Limitation has [have] the authority to sign such document;]

NOW THEREFORE, in accordance with M.G.L. c. 21E and the MCP, the undersigned _____, of _____ (Town/City), _____ County, _____ (State), being the owner of the Property pursuant to [a deed recorded with the _____ Registry of Deeds in Book _____, Page _____]; [source of title other than by deed]; and/or [Certificate of Title No. _____, issued by the Land Registration Office of the _____ Registry District], hereby amends said Notice as follows:

(In Paragraphs 4, 5 and 6, provide complete list that includes both amended conditions and conditions that remain unchanged from the original Notice of Activity and Use Limitation.)

[Paragraph 4, "Activities and Uses Consistent with Maintaining No Significant Risk or No Substantial Hazard Conditions" :]

[Paragraph 5, " Activities and Uses Inconsistent with Maintaining No Significant Risk or No Substantial Hazard Conditions " :]

[Paragraph 6, "Obligations and Conditions":]

In all other respects the provisions of said Notice remain unchanged.

(Owner) authorizes and consents to the filing and recordation/and or registration of this

[Confirmatory] [First] Amendment to Notice of Activity and Use Limitation, said [Confirmatory] [First] Amendment to become effective when executed under seal by the undersigned Licensed Site Professional and recorded and/or registered with the appropriate Registry of Deeds and/or Land Registration Office.

Form 1082B: continued

[This Confirmatory [First] Amendment to Notice of Activity and Use Limitation is given to correct the inadvertent error(s) made in the [First] Amendment to Notice of Activity and Use Limitation dated _____, and recorded with the _____ Registry of Deeds in Book _____, Page _____, said error(s) being as follows:

- (i) _____ ;
- (ii) _____ ; and
- (iii) _____ .

In all other respects the terms of the [First] Amendment to Notice of Activity and Use Limitation remain unchanged.]

WITNESS the execution hereof under seal this _____ day of _____, 20__.

[Name of Owner]

[COMMONWEALTH OF MASSACHUSETTS]
[STATE OF _____]

_____, ss _____, 20__

On this _____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____ (name of document signer), proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

- (as partner for _____, a partnership)
- (as _____ for _____, a corporation)
- (as attorney in fact for _____, the principal)
- (as _____ for _____, (a) (the) _____)

_____ (official signature and seal of notary)

The undersigned Licensed Site Professional hereby certifies that in [his][her] Opinion, this [Confirmatory] [First] Amendment to Notice of Activity and Use Limitation is consistent with (select one) [a Permanent Solution and maintaining a condition of No Significant Risk][a Temporary Solution and maintaining a condition of No Substantial Hazard][Remedy Operation Status and maintaining a condition of No Substantial Hazard].

Date: _____

[Name of Licensed Site Professional]
[Licensed Site Professional SEAL]

Form 1082B: continued

[COMMONWEALTH OF MASSACHUSETTS]
[STATE OF _____]

_____, ss _____, 20__

On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____ (name of document signer), proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

(as partner for _____, a partnership)
(as _____ for _____, a corporation)
(as attorney in fact for _____, the principal)
(as _____ for _____, (a) (the) _____)

_____ (official signature and seal of notary)

Upon recording, return to:

(Name and Address of Owner)

Form 1083A

PARTIAL RELEASE OF GRANT OF ENVIRONMENTAL RESTRICTION
M.G.L. c. 21E, § 6 and 310 CMR 40.0000

Disposal Site Name: _____
DEP Release Tracking No.(s) _____

WHEREAS, a Grant of Environmental Restriction from _____ of _____ (Town/City), _____ County, _____ (State), to the Department of Environmental Protection, an agency established under the laws of the Commonwealth of Massachusetts, having its principal office at 100 Cambridge Street, Boston, Massachusetts 02114 ("DEP"), dated _____, has been recorded with the _____ Registry of Deeds in Book _____, Page _____, and/or registered with the Land Registration Office of the _____ Registry District as Document No. _____; [as amended by an Amendment to Grant of Environmental Restriction dated _____, recorded with the _____ Registry of Deeds in Book _____, Page _____, and/or registered with the Land Registration Office of the _____ Registry District as Document No. _____;] (said Grant of Environmental Restriction and any amendments thereto are collectively referred to herein as "Grant");

WHEREAS, said Grant imposes certain restrictions on activities and uses, conditions, obligations and easements upon certain [vacant] land situated in _____, _____ County, Massachusetts [with the buildings and improvements thereon], said land being more particularly bounded and described in Exhibit A attached hereto and made a part hereof ("Property");

WHEREAS, said restrictions, conditions, obligations and easements are imposed upon the Property to (select one) [maintain a condition of No Significant Risk] [eliminate a substantial hazard] (said conditions and terms being defined in 310 CMR 40.0000) in accordance with the terms of an Activity and Use Limitation Opinion ("AUL Opinion") dated _____, issued and signed by _____, holder of a valid license issued by the Board of Registration of Waste Site Cleanup Professionals pursuant to M.G.L. c. 21A, §§ 19 through 19J (said holder being referred to as an "LSP"). Said AUL Opinion was issued and filed with DEP at its _____ Regional Office under Release Tracking No.(s) _____, a copy of which is attached to said Grant of Environmental Restriction as Exhibit C, and made a part thereof;

WHEREAS, the undersigned, _____, being an LSP, has issued an AUL Opinion in accordance with 310 CMR 40.0000, dated _____, a copy of which is attached hereto as Exhibit B and made a part hereof. Said AUL Opinion explains why the restrictions, conditions, obligations and easements created under said Grant are no longer necessary (select one) [to maintain a condition of No Significant Risk] [to eliminate a substantial hazard] at a portion of said Property, said portion being more particularly bounded and described in Exhibit C, attached hereto and made a part hereof, and being shown on [a plan recorded with the _____ Registry of Deeds in Plan Book _____, Plan _____], and/or on [a sketch plan attached hereto and filed herewith for registration] ("Portion of the Property"), and accordingly, said Grant may be released as to said Portion of the Property;

WHEREAS, said [Name of LSP], has certified that [he][she] executed the AUL Opinion attached hereto as Exhibit B, and that in [his][her] Opinion, this Partial Release of Grant of Environmental Restriction is consistent with said AUL Opinion; and

[WHEREAS, attached hereto as Exhibit C pursuant to 310 CMR 40.1083(4)(c) is documentation consistent with conveyancing standards and practices verifying that the individual[s] signing this Partial Release of Grant of Environmental Restriction has [have] the authority to sign such document].

NOW THEREFORE, in accordance with M.G.L. c. 21E, § 6 and 310 CMR 40.0000, the undersigned _____, being the Commissioner of DEP, does hereby release, abandon and forever discharge the restrictions on activity and use, conditions, obligations and easements imposed upon said Portion of the Property under said Grant.

This Partial Release of Grant of Environmental Restriction shall become effective upon its recordation and/or registration with the appropriate Registry of Deeds and/or Land Registration Office.

Form 1083A: continued

WITNESS the execution hereof under seal this _____ day of _____, 20__.

Commissioner

Department of Environmental Protection

The undersigned LSP hereby certifies that [he][she] executed the AUL Opinion dated _____, attached hereto as Exhibit B and made a part hereof, and that in [his][her] Opinion, this Partial Release of Grant of Environmental Restriction is consistent with said AUL Opinion.

Date: _____

[Name of LSP]

[LSP SEAL]

[COMMONWEALTH OF MASSACHUSETTS]
[STATE OF _____]

_____, ss

_____, 20 __

On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____ (name of document signer), proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

(as partner for _____, a partnership)

(as _____ for _____, a corporation)

(as attorney in fact for _____, the principal)

(as _____ for _____, (a) (the) _____)

(official signature and seal of notary)

Upon recording, return to:

(Name and Address of Owner)

Form 1083B

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

Disposal Site Name: _____
DEP Release Tracking No.(s) _____

WHEREAS, a Notice of Activity and Use Limitation has been recorded with the _____ Registry of Deeds in Book _____ Page _____, and/or registered with the Land Registration Office of the _____ Registry District as Document No. _____ [as amended by an Amendment to Notice of Activity and Use Limitation dated _____, recorded with the _____ Registry of Deeds in Book _____ Page _____, and/or registered with the Land Registration Office of the _____ Registry District as Document No. _____] (said Notice of Activity and Use Limitation and any amendments thereto are collectively referred to herein as "Notice");

WHEREAS, said Notice sets forth limitations on use and activities, conditions and obligations affecting certain [vacant] land situated in _____ (Town/City), _____ County, Massachusetts [with the buildings and improvements thereon], said land being more particularly bounded and described in Exhibit A attached hereto and made a part hereof ("Property");

WHEREAS, the undersigned, _____, being a Licensed Site Professional, opines that the limitations on activities and uses, conditions and obligations set forth in said Notice are no longer necessary to (select one) [maintain a condition of No Significant Risk] [maintain a condition of No Substantial Hazard] at a portion of said Property, said portion being more particularly bounded and described in Exhibit A-1, attached hereto and made a part hereof, and being shown on [a plan recorded with the _____ Registry of Deeds in Plan Book _____, Plan _____]; and/or on [a sketch plan attached hereto and filed herewith for registration] ("Portion of the Property"), and accordingly, said Notice may be terminated as to said Portion of the Property;

WHEREAS, said Notice is being partially terminated because the limitations on activities and uses, conditions and obligations set forth in said Notice are no longer necessary to meet the requirements of 310 CMR 40.0000 as to said Portion of the Property; and

[WHEREAS, attached hereto as Exhibit B pursuant to 310 CMR 40.1083(5)(b) is documentation consistent with conveyancing standards and practices verifying that the individual[s] signing this [Confirmatory] Partial Termination of Notice of Activity and Use Limitation has [have] the authority to sign such document].

NOW, THEREFORE, I/We of _____ (City/Town) _____ County, _____ (State), being the owner(s) of said Property, do hereby partially terminate said Notice.

[This Confirmatory Partial Termination of Notice of Activity and Use Limitation is given to correct the inadvertent error(s) made in the Partial Termination of Notice of Activity and Use Limitation dated _____, and recorded with the _____ Registry of Deeds in Book _____, Page _____, said error(s) being as follows:

- (i) _____ ;
- (ii) _____ ; and
- (iii) _____ .]

In all other respects the terms of the Partial Termination of Notice of Activity and Use Limitation remain unchanged.

[(Owner) authorizes and consents to the filing and recordation of this Confirmatory Partial Termination of Notice of Activity and Use Limitation, said Confirmatory Partial Termination to become effective when executed under seal by the undersigned Licensed Site Professional and recorded with the appropriate Registry of Deeds.]

[(Owner) authorizes and consents to the filing and recordation/and or registration of this Partial Termination of Notice of Activity and Use Limitation, said Partial Termination to become effective when executed under seal by the undersigned Licensed Site Professional and recorded and/or registered with the appropriate Registry of Deeds and/or Land Registration Office.]

Form 1083B: continued

WITNESS the execution hereof under seal this ____ day of _____, 20__.

[Name of Owner]

[COMMONWEALTH OF MASSACHUSETTS]
[STATE OF _____]

_____, ss _____, 20__

On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____ (name of document signer), proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

(as partner for _____, a partnership)
(as _____ for _____, a corporation)
(as attorney in fact for _____, the principal)
(as _____ for _____, (a) (the) _____)

_____ (official signature and seal of notary)

[The undersigned Licensed Site Professional hereby certifies that this [Confirmatory] Partial Termination of Notice of Activity and Use Limitation is consistent with (select one) [a Permanent Solution and maintaining a condition of No Significant Risk][a Temporary Solution and maintaining a condition of No Substantial Hazard] [Remedy Operation Status and maintaining a condition of No Substantial Hazard].

Date: _____

[Name of Licensed Site Professional]
[Licensed Site Professional SEAL]

[COMMONWEALTH OF MASSACHUSETTS]
[STATE OF _____]

_____, ss _____, 20__

On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____ (name of document signer), proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

(as partner for _____, a partnership)
(as _____ for _____, a corporation)
(as attorney in fact for _____, the principal)
(as _____ for _____, (a) (the) _____)

_____ (official signature and seal of notary)

Upon recording, return to:

(Name and Address of Owner)

Form 1084A

RELEASE OF GRANT OF ENVIRONMENTAL RESTRICTION
M.G.L. c. 21E, § 6 and 310 CMR 40.0000

Disposal Site Name: _____
DEP Release Tracking No.(s) _____

WHEREAS, a Grant of Environmental Restriction from _____ of _____ (Town/City), _____ County, _____ (State), to the Department of Environmental Protection, an agency established under the laws of the Commonwealth of Massachusetts, having its principal office at 100 Cambridge Street, Boston, Massachusetts 02114 ("DEP"), dated _____, has been recorded with the _____ Registry of Deeds in Book _____, Page _____, and/or registered with the Land Registration Office of the _____ Registry District as Document No. _____; [as amended by an Amendment to Grant of Environmental Restriction dated _____, recorded with the _____ Registry of Deeds in Book _____, Page _____, and/or registered with the Land Registration Office of the _____ Registry District as Document No. _____;] (said Grant of Environmental Restriction and any amendments thereto are collectively referred to herein as "Grant");

WHEREAS, said Grant imposes certain restrictions on activities and uses, conditions, obligations and easements upon certain [vacant] land situated in _____, _____ County, Massachusetts [with the buildings and improvements thereon], said land being more particularly bounded and described in Exhibit A attached hereto and made a part hereof ("Property");

WHEREAS, said restrictions, conditions, obligations and easements were imposed upon the Property to (select one) [maintain a condition of No Significant Risk] [eliminate a substantial hazard] (said conditions and terms being defined in 310 CMR 40.0000) in accordance with the terms of an Activity and Use Limitation Opinion ("AUL Opinion") dated _____, issued and signed by _____, holder of a valid license issued by the Board of Registration of Waste Site Cleanup Professionals pursuant to M.G.L. c. 21A, §§ 19 through 19J (said holder being referred to as an "LSP"). Said AUL Opinion was issued and filed with DEP at its _____ Regional Office under Release Tracking No.(s) _____, a copy of which is attached to said Grant of Environmental Restriction as Exhibit C, and made a part thereof;

WHEREAS, the undersigned, _____, being an LSP, has issued an AUL Opinion in accordance with 310 CMR 40.0000, dated _____, a copy of which is attached hereto as Exhibit B and made a part hereof. Said AUL Opinion explains why the restrictions, conditions, obligations and easements created under said Grant are no longer necessary (select one) [to maintain a condition of No Significant Risk at the Property] [to eliminate a substantial hazard] and accordingly, said Grant may be released; and

[WHEREAS, attached hereto as Exhibit B pursuant to 310 CMR 40.1083(2)(b) is documentation consistent with conveyancing standards and practices verifying that the individual[s] signing this Release of Grant of Environmental Restriction has [have] the authority to sign such document].

NOW THEREFORE, in accordance with M.G.L. c. 21E, § 6 and 310 CMR 40.0000, the undersigned _____, being the Commissioner of DEP, does hereby release, abandon and forever discharge the restrictions on activity and use, conditions, obligations and easements imposed upon the Property under said Grant.

This Release of Grant of Environmental Restriction shall become effective upon its recordation and/or registration with the appropriate Registry of Deeds and/or Land Registration Office.

WITNESS the execution hereof under seal this _____ day of _____, 20__.

Commissioner

Department of Environmental Protection

Form 1084A: continued

The undersigned LSP hereby certifies that [he][she] executed the AUL Opinion dated _____, attached hereto as Exhibit B and made a part hereof, and that in [his][her] Opinion, this Release of Grant of Environmental Restriction is consistent with said AUL Opinion.

Date: _____

[Name of LSP]
[LSP SEAL]

[COMMONWEALTH OF MASSACHUSETTS]
[STATE OF _____]

_____, ss

_____, 20__

On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____ (name of document signer), proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

(as partner for _____, a partnership)
(as _____ for _____, a corporation)
(as attorney in fact for _____, the principal)
(as _____ for _____, (a) (the) _____)

_____ (official signature and seal of notary)

Upon recording, return to:

(Name and Address of Owner)

Form 1084B

[CONFIRMATORY] TERMINATION OF NOTICE OF ACTIVITY AND USE LIMITATION

M.G.L. c. 21E, § 6 and 310 CMR 40.0000 (310 CMR 40.1083(1)(a))
Form 1084B Is Used When the Notice of Activity and Use Limitation Is No Longer
Required to Meet the Requirements of 310 CMR 40.0000

Disposal Site Name: _____
DEP Release Tracking No.(s) _____

WHEREAS, a Notice of Activity and Use Limitation has been recorded with the _____ Registry of Deeds in Book _____ Page _____, and/or registered with the Land Registration Office of the _____ Registry District as Document No. _____ [as amended by Amendment to a Notice of Activity and Use Limitation dated _____, recorded with the _____ Registry of Deeds in Book _____ Page _____, and/or registered with the Land Registration Office of the _____ Registry District as Document No. _____] (said Notice of Activity and Use Limitation and any amendments thereto are collectively referred to herein as "Notice");

WHEREAS, said Notice sets forth limitations on use and activities, conditions and obligations affecting certain [vacant] land situated in _____ (Town/City), _____ County, Massachusetts [with the buildings and improvements thereon], said land being more particularly bounded and described in Exhibit A attached hereto and made a part hereof ("Property");

WHEREAS, the undersigned, _____, being a Licensed Site Professional, opines that the limitations on activities and uses, conditions and obligations set forth in said Notice are no longer necessary to (select one) [maintain a condition of No Significant Risk] [maintain a condition of No Substantial Hazard] at the Property, and accordingly, said Notice may be terminated;

WHEREAS, said Notice is being terminated because the limitations on activities and uses, conditions and obligations set forth in said Notice are no longer necessary to meet the requirements of 310 CMR 40.0000 at the Property; and

[WHEREAS, attached hereto as Exhibit B pursuant to 310 CMR 40.1083(3)(b) is documentation consistent with conveyancing standards and practices verifying that the individual[s] signing this [Confirmatory] Termination of Notice of Activity and Use Limitation has [have] the authority to sign such document].

NOW, THEREFORE, I/We of _____ (City/Town) _____ County, _____ (State), being the owner(s) of said Property, do hereby terminate said Notice.

[This Confirmatory Termination of Notice of Activity and Use Limitation is given to correct the inadvertent error(s) made in the Termination of Notice of Activity and Use Limitation dated _____, and recorded with the _____ Registry of Deeds in Book _____, Page _____, said error(s) being as follows:

- (i) _____ ;
- (ii) _____ ; and
- (iii) _____ .]

In all other respects the terms of the Termination of Notice of Activity and Use Limitation remain unchanged.

(Owner) authorizes and consents to the filing and recordation of this Confirmatory Termination of Notice of Activity and Use Limitation, said Confirmatory Termination to become effective when executed under seal by the undersigned Licensed Site Professional and recorded with the appropriate Registry of Deeds.]

[(Owner) authorizes and consents to the filing and recordation and/or registration of this Termination of Notice of Activity and Use Limitation, said Termination to become effective when executed under seal by the undersigned Licensed Site Professional and recorded and/or registered with the appropriate Registry of Deeds and/or Land Registration Office.]

WITNESS the execution hereof under seal this _____ day of _____, 20____.

Name of Owner]

Form 1084B: continued

[COMMONWEALTH OF MASSACHUSETTS]
[STATE OF _____]

_____, ss _____, 20__

On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____ (name of document signer), proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

(as partner for _____, a partnership)
(as _____ for _____, a corporation)
(as attorney in fact for _____, the principal)
(as _____ for _____, (a) (the) _____)

_____ (official signature and seal of notary)

The undersigned Licensed Site Professional hereby certifies that this [Confirmatory] Termination of Notice of Activity and Use Limitation is consistent with [a Permanent Solution and maintaining a condition of No Significant Risk][a Temporary Solution and maintaining a condition of No Substantial Hazard][Remedy Operation Status and maintaining a condition of No Substantial Hazard].

Date: _____

[Name of Licensed Site Professional]
[Licensed Site Professional SEAL]

[COMMONWEALTH OF MASSACHUSETTS]
[STATE OF _____]

_____, ss _____, 19__

On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____ (name of document signer), proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

(as partner for _____, a partnership)
(as _____ for _____, a corporation)
(as attorney in fact for _____, the principal)
(as _____ for _____, (a) (the) _____)

_____ (official signature and seal of notary)

Upon recording, return to:

(Name and Address of Owner)

Form 1084C

[CONFIRMATORY] TERMINATION OF NOTICE OF ACTIVITY AND USE LIMITATION

M.G.L. c. 21E, § 6 and 310 CMR 40.0000 (310 CMR 40.1083(1)(b))

Form 1084C Is Used When the Notice of Activity and Use Limitation Is Being Substituted
by a New Notice of Activity and Use Limitation

Disposal Site Name: _____

DEP Release Tracking No.(s) _____

WHEREAS, a Notice of Activity and Use Limitation has been recorded with the _____ Registry of Deeds in Book _____ Page _____, and/or registered with the Land Registration Office of the _____ Registry District as Document No. _____ [as amended by Amendment to a Notice of Activity and Use Limitation dated _____, recorded with the _____ Registry of Deeds in Book _____ Page _____, and/or registered with the Land Registration Office of the _____ Registry District as Document No. _____] (said Notice of Activity and Use Limitation and any amendments thereto are collectively referred to herein as "Notice");

WHEREAS, said Notice sets forth limitations on use and activities, conditions and obligations affecting certain [vacant] land situated in _____ (Town/City), _____ County, Massachusetts [with the buildings and improvements thereon], said land being more particularly bounded and described in Exhibit A attached hereto and made a part hereof ("Property");

WHEREAS, said Notice is being terminated so that it may be substituted with the Notice of Activity and Use Limitation given by _____, dated _____, and recorded and/or registered immediately hereinafter; and

[WHEREAS, attached hereto as Exhibit B pursuant to 310 CMR 40.1083(3)(b) is documentation consistent with conveyancing standards and practices verifying that the individual[s] signing this [Confirmatory] Termination of Notice of Activity and Use Limitation has [have] the authority to sign such document].

NOW, THEREFORE, I/We, of _____ of _____ (City/Town) _____ County, _____ (State), being the owner(s) of said Property, do hereby terminate said Notice and substitute the same with the Notice of Activity and Use Limitation given by _____, dated _____, and recorded and/or registered immediately hereinafter.

[This Confirmatory Termination of Notice of Activity and Use Limitation is given to correct the inadvertent error(s) made in the Termination of Notice of Activity and Use Limitation dated _____, and recorded with the _____ Registry of Deeds in Book _____, Page _____, said error(s) being as follows:

- (i) _____ ;
- (ii) _____ ; and
- (iii) _____ .

In all other respects the terms of the Termination of Notice of Activity and Use Limitation remain unchanged.

[(Owner)] authorizes and consents to the filing and recordation of this Confirmatory Termination of Notice of Activity and Use Limitation, said Confirmatory Termination to become effective when recorded with the appropriate Registry of Deeds.]

Form 1084C: continued

[(Owner)] authorizes and consents to the filing and recordation/and or registration of this Termination of Notice of Activity and Use Limitation, said Termination to become effective when recorded and/or registered with the appropriate Registry of Deeds and/or Land Registration Office.]

WITNESS the execution hereof under seal this ____ day of _____, 20__.

[Name of Owner]

[COMMONWEALTH OF MASSACHUSETTS]
[STATE OF _____]

_____, ss _____, 20__

On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____ (name of document signer), proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

- (as partner for _____, a partnership)
- (as _____ for _____, a corporation)
- (as attorney in fact for _____, the principal)
- (as _____ for _____, (a) (the) _____)

_____ (official signature and seal of notary)

Upon recording, return to:

(Name and Address of Owner)

Form 1084D

TERMINATION OF NOTICE OF ACTIVITY AND USE LIMITATION

M.G.L. c. 21E, § 6, 310 CMR 40.0000

Form 1084D Is Used When Additional Response Actions Are Necessary
to Support a Permanent or Temporary Solution

Disposal Site Name: _____
DEP Release Tracking No.(s) _____

WHEREAS, a Notice of Activity and Use Limitation has been recorded with the _____ Registry of Deeds in Book _____ Page _____, and/or registered with the Land Registration Office of the _____ Registry District as Document No. _____ [as amended by an Amendment to a Notice of Activity and Use Limitation dated _____, recorded with the _____ Registry of Deeds in Book _____ Page _____, and/or registered with the Land Registration Office of the _____ Registry District as Document No. _____] (said Notice of Activity and Use Limitation and any amendments thereto are collectively referred to herein as "Notice");

WHEREAS, said Notice sets forth limitations on use and activities, conditions, and obligations affecting certain [vacant] land situated in _____ (Town/City), _____ County, Massachusetts [with the buildings and improvements thereon], said land being more particularly bounded and described in Exhibit A attached hereto and made a part hereof ("Property");

WHEREAS, said Notice is being terminated because additional response actions are necessary to support the conclusion that [a condition of No Significant Risk has been achieved at the Property][a condition of No Substantial Hazard has been achieved at the Property]; and

[WHEREAS, attached hereto as Exhibit A pursuant to 310 CMR 40.1083(3)(b) is documentation consistent with conveyancing standards and practices verifying that the individual[s] signing this Termination of Notice of Activity and Use Limitation has [have] the authority to sign such document].

NOW, THEREFORE, I/We of _____ (City/Town) _____ County, _____ (State), being the owner(s) of said Property, do hereby terminate said Notice.

(Owner) authorizes and consents to the filing and recordation and/or registration of this Termination of Notice of Activity and Use Limitation, said Termination to become effective when recorded and/or registered with the appropriate Registry of Deeds and/or Land Registration Office.]

WITNESS the execution hereof under seal this ____ day of _____, 20__.

[Name of Owner]

[COMMONWEALTH OF MASSACHUSETTS]
[STATE OF _____]

_____, ss

_____, 20__

On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____ (name of document signer), proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

- (as partner for _____, a partnership)
- (as _____ for _____, a corporation)
- (as attorney in fact for _____, the principal)
- (as _____ for _____, (a) (the) _____)

_____ (official signature and seal of notary)

Upon recording, return to:

(Name and Address of Owner)

Form 1084E

RELEASE OF GRANT OF ENVIRONMENTAL RESTRICTION
M.G.L. c. 21E, § 6 and 310 CMR 40.0000

Disposal Site Name: _____
DEP Release Tracking No.(s) _____

WHEREAS, a Grant of Environmental Restriction from _____ of _____ (Town/City), _____ (County), _____ (State), to the Department of Environmental Protection, an agency established under the laws of the Commonwealth of Massachusetts, having its principal office at 100 Cambridge Street, Boston, Massachusetts 02114 ("DEP"), dated _____, has been recorded with the _____ Registry of Deeds in Book _____ Page _____, and/or registered with the Land Registration Office of the _____ Registry District as Document No. _____ [as amended by Amendment to a Notice of Activity and Use Limitation dated _____, recorded with the _____ Registry of Deeds in Book _____ Page _____, and/or registered with the Land Registration Office of the _____ Registry District as Document No. _____] (said Grant of Environmental Restriction and any amendments thereto are collectively referred to herein as "Grant");

WHEREAS, said Grant imposes certain restrictions on activities and uses, conditions, obligations and easements upon certain [vacant] land situated in _____ (Town/City), _____ County, Massachusetts [with the buildings and improvements thereon], said land being more particularly bounded and described in Exhibit A attached hereto and made a part hereof ("Property");

WHEREAS, said restrictions, conditions, obligations and easements were imposed upon the Property in order to [maintain a condition of No Significant Risk] [eliminate a Substantial Hazard] (said conditions and terms being defined in 310 CMR 40.0000) in accordance with the terms of an Activity and Use Limitation Opinion ("AUL Opinion") dated _____, signed and sealed by _____, holder of a valid license issued by the Board of Registration of Waste Site Cleanup Professionals, pursuant to M.G.L. c. 21A, §§ 19 through 19J (the holder being referred to as "LSP") attached to said Grant as Exhibit C and made a part thereof; and

WHEREAS, said Grant is being released because additional response actions are necessary to support the conclusion that [a condition of No Significant Risk has been achieved at the Property][all Substantial Hazards have been eliminated at the Property]; and

[WHEREAS, attached hereto as Exhibit B pursuant to 310 CMR 40.1083(2)(b) is documentation consistent with conveyancing standards and practices verifying that the individual[s] signing this Release of Grant of Environmental Restriction has [have] the authority to sign such document].

NOW, THEREFORE, in accordance with M.G.L c. 21E, § 6 and 310 CMR 40.0000, the undersigned _____, being the Commissioner of DEP, does hereby release, abandon and forever discharge the restrictions on activity and use, conditions, obligations and easements imposed upon the Property under said Grant. This Release of Grant of Environmental Restriction shall become effective upon its recordation and/or registration with the appropriate Registry of Deeds and/or Land Registration Office.

WITNESS the execution hereof under seal this _____ day of _____, 20____.

[Commissioner, Department
of Environmental Protection]

Form 1084E: continued

[COMMONWEALTH OF MASSACHUSETTS]
[STATE OF _____]

_____, ss

_____, 20__

On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____ (name of document signer), proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

(as partner for _____, a partnership)

(as _____ for _____, a corporation)

(as attorney in fact for _____, the principal)

(as _____ for _____, (a) (the) _____)

_____ (official signature and seal of notary)

Upon recording, return to:

(Name and Address of Owner)