

**PHASE I ENVIRONMENTAL SITE ASSESSMENT (ASTM E1527-05)**

RJS Project No: 12RJS263.4

ITC Crossing North  
61 and 81 International Drive  
Mount Olive (Morris), New Jersey

**SUBMITTED TO:**

Mt. Olive Retail, LLC  
365 South Street  
Morristown, New Jersey 07960

**SUBMITTED BY:**



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## Acronym Database

A list of commonly used acronyms is provided below.

ACMs	Asbestos Containing Materials
AIS	Abstracters Information System
AST	Aboveground Storage Tank
ASTM	American Society for Testing and Materials
CBS	Chemical Bulk Storage
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CERCLIS	Comprehensive Environmental Response, Compensation, and Liability Information System
CESQG	Conditionally Exempt Small Quantity Generator
CORRACTS	Corrective Action
CPG	Certified Professional Geologist
CTDEP	Connecticut Department of Environmental Protection
EDR	Environmental Data Resources, Inc.
EPCRA	Emergency Planning and Community Right to Know Act
ERNS	Emergency Response & Notification System
ERP	Environmental Restoration Program
FIFRA	Federal Insecticide, Fungicide, & Rodenticide Act
FINDS	Facility Index System/Facility Registry System
FOIA	Freedom of Information Act
FOIL	Freedom of Information Letter
FTBG	Feet Below Grade
FWS	Fish and Wildlife Service
HSWDS	Hazardous Waste Disposal Site
HVAC	Heating Ventilation and Air Conditioning
ICIS	Integrated Compliance Information System
LBP	Lead-Based Paint
LQG	Large Quantity Generator
LTANK	Leaking Tank
LUST	Leaking Underground Storage Tank
MOSF	Major Oil Storage Facility
MSA	MS Analytical, LLC
MSDS	Material Safety Data Sheets
NA	Not Available/Applicable
NFRAP	No Further Remedial Action Planned
NPDES	National Pollutant Discharge Elimination System
NPL	National Priorities List
NRCS	Natural Resource Conservation Service
NYSDEC	New York State Department of Environmental Conservation
NYSDOH	New York State Department of Health
NYSDOL	New York State Department of Labor
NYSDOT	New York State Department of Transportation
OSHA	Occupational Safety and Health Administration
PADEP	Pennsylvania Department of Environmental Protection
PBS	Petroleum Bulk Storage
PCBs	Polychlorinated Biphenyls
PEC	Potential Environmental Concern
pCi/L	picoCuries per Liter
PID	Photo-Ionization Detector
PPB	Parts Per Billion
PPM	Parts Per Million
PRP	Potentially Responsible Party
PSI	Pollutant Standards Index
PVEC	potential Vapor Encroachment Condition

RCRA	Resource Conservation and Recovery Act
RCRIS	Resource Conservation and Recovery Information System
REC	Recognized Environmental Condition
RFI	Request For Information
RJS	RJ Szustakowski Environmental, Inc.
RTKL	Right to Know Letter
RTKR	Right to Know Request
SACM	Suspect Asbestos Containing Material
SDADB	Site Discovery and Assessment Database
SHPO	State Historic Preservation Office/Officer
SHWS	State Hazardous Waste Site
SPCC	Spill Prevention Control and Countermeasure
SPDES	State Pollution Discharge Elimination System
SQG	Small Quantity Generator
SVE	Soil Vapor Extraction
SVOC	Semi-Volatile Organic Compound
SWF/LF	Solid Waste Facility/Landfill
SWRCY	Registered Recycling Facility List
TRIS	Toxic Chemical Release Inventory System
TSCA	Toxic Substance Control Act
TSDF	Treatment, Storage and Disposal Facility
USDA	United States Department of Agriculture
USEPA	United States Environmental Protection Agency
USGS	United States Geological Survey
UST	Underground Storage Tank
VCP	Voluntary Cleanup Program
VEC	Vapor Encroachment Condition
VOC	Volatile Organic Compound

## 1.0 EXECUTIVE SUMMARY

Robert J. Szustakowski Environmental, Inc (RJS), completed all appropriate inquiries of the above-referenced site in accordance with ASTM E1527-05. This section summarizes the findings of the environmental professional. The reader is encouraged to read the entire report.

### 1.1 Report Findings

#### 1.1.1 Site Description

The Site, addressed at 61 and 81 International Drive South, Mount Olive Township, Morris County, New Jersey, measures approximately 18.4 acres and includes two commercial/retail structures. Exterior portions of the Site were noted to include asphalt paved areas, concrete sidewalks, wooded areas, green areas, trees and storm sewers.

**For the purpose of this report, as the Site includes multiple buildings, Building 1 refers to the multi-tenant retail structure located on the southern portion of the Site and Building 2 refers to Sam's Club located on the eastern portion of the Site. The Site refers to all buildings/parcels.**

#### 1.1.2 Site Reconnaissance

The following potential environmental concerns were identified at the Site.

- The Site includes an oil/water separator located off the northwest corner of Building 2.
- Suspect mold was observed in a vacant tenant space in Building 1.
- A suspect monitoring well was noted proximate the sprinkler room; such is believed to be associated with a previous geotechnical investigation on-site..

#### 1.1.3 Site History

The existing structure was constructed in approximately 2002 and has primarily been utilized as retail commercial plaza since construction. Prior to construction of the existing building, the Site included undeveloped and agricultural land. A disturbance was noted in the 1931 historic aerial, RJS suspects that this could be related to a gravel/mining operation.

#### 1.1.4 Regulatory Information

The Site was identified in the FINDS, MANIFEST and RCRA-SQG database; such are consistent with the on-site automotive maintenance operations and do not suggest a concern. Numerous database listings were associated with adjacent/nearby properties,

#### 1.1.5 Other Findings

The eastern portion of the Site is identified in the State Wetlands Inventory.

### 1.2.3 Opinion

Based on RJS' study, the following summarizes the opinion of the environmental professionals relative to the potential current and historic RECs.

**Based on the information obtained and reviewed as part of this assessment, environmental impacts at the Site do not appear to pose a significant risk and RJS does not recommend further work at this time**

The mold noted on-site should be cleaned and disposed of off-site by a licensed professional.

Prior to any future development on the eastern portion of the Site, a wetlands survey would be required. RJS understands that there are existing documents related to requirements associated with maintaining this area of the Site. Any future work should comply with those documents.

While the adjacent gasoline station operation and the nearby historic landfill could impact the Site, there is no visual or regulatory information suggesting this. In addition, the nearby by historic landfill could have impacted the Site, however extensive remedial work has been completed on this property and it has been taken off the NPL. The Site also utilizes the public water system thus reducing the on-site concern of groundwater contamination. In addition, in RJS' experience, the property owner would not be liable for an off-site releases.

### 1.3 Data Gaps

Data gaps were encountered in completion of this inquiry. These included limited site history at five year intervals and the presence of parked vehicles, dense vegetation and stored materials which hindered observations of ground surfaces. Lastly, The Owner/Key Site Manager Questionnaire, while requested, was not completed by the current property owner/owner's representative. This is considered a significant limitation. RJS can not be held liable for site specific information known only to the current property owner/site contact.

This report was completed in general accordance with ASTM E1527-05 with no significant deviations.

*Definition of Data Gap:* A data gap is defined by 40 CFR 312.10 as "a lack of or inability to obtain information required by the standards and practices" of preparation of this document "despite good faith efforts by the environmental professional" or others to gather such information.

## 1.2 Conclusions

### 1.2.1 Findings

The following is a list of known or suspected RECs, historic RECs and de minimis conditions.

#### **Known or Suspected RECs**

- The Site was identified in the the RCRA-SQG, FINDS and Manifest databases.
- An adjacent property includes a gasoline station.
- A nearby property is identified in CERCLIS, US ENG CONTROLS, Delisted NPL and ROD databases, However extensive remediation has been completed on this property and it has been removed from the NPL.
- RJS suspects that historically the Site was a portion of a gravel/mining operation .

#### **Historic RECs**

- None

#### **De Minimis Conditions**

- A portion of the Site is identified as a state wetlands.
- Research in the area of the Site suggests an average basement radon concentration of greater than four picoCuries per liter (pCi/L) relative to Jefferson County, Colorado. However, based on the commercial nature of the Site, as the existing buildings do not include basements, radon should not be a concern.

*Definition of REC:* A REC is the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water, or surface water of the property.

*Definition of Historic REC:* A historical REC is an environmental condition that in the past would have been considered a recognized environmental condition, but that may or may not be considered a recognized environmental condition currently. For example, a spill that has been remediated to the satisfaction of the appropriate regulators would be considered a historical recognized environmental condition.

*Definition of de minimis:* As per ASTM 1527-05, conditions that generally do not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be de minimis are not recognized environmental conditions.

### 1.2.2 ASTM RECs

We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527 of 61 and 81 International Drive South, Mount Olive Township, Morris County, New Jersey, the Site. Any exceptions to, or deletions from, this practice are described in Section 1.3 of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the Site.



#### 1.4 Reliance and Declaration

This report was prepared for the exclusive use of Morris Ventures, LLC, their respective affiliates and subsidiaries and all successors and assigns thereof. Any other use, or using this report in a fashion in which it was not intended, is at the sole risk of the user.

We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professional as defined in 40 CFR 312.10. See Qualifications in Section 14.13.

We have the specific qualifications based on education, training, and experience to assess a property of the nature, history and setting of the Site. We have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.



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Bryan Mayback  
Sr. Project Manager  
*On Behalf Of Robert Szustakowski - President*



## 2.0 PURPOSE

The primary purpose of this study was to document the inquiry of the environmental professional for all appropriate inquiries for the Site. Specifically, this document is intended to provide the "all appropriate inquiries" for the purposes of the CERCLA Section 101(35)(B). Such is applicable to persons seeking to qualify for (i) the innocent landowner defense pursuant to CERCLA Sections 101(35) and 107(b)(3); (ii) the bona fide prospective purchaser liability protection pursuant to CERCLA Sections 101(40) and 107(r); and, (iii) the contiguous property owner liability protection pursuant to CERCLA Section 107(q). This report was not intended as part of the site characterization and assessment with use of a grant awarded under CERCLA Section 104(k)(2)(B).

This study is also intended to identify and complete an assessment of petroleum products consistent with the ASTM Practice E 1527. This includes a search of registered UST and AST facilities, leaking tanks and other petroleum concerns identified in the area proximate of the Site as well as visual observations for evidence of tanks, petroleum releases, etc.

## 3.0 SCOPE OF WORK

This Environmental Assessment report has been prepared in accordance with "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process," ASTM E 1527-05 and is intended to address the site assessment portion for Innocent Landowners, Standards for Conducting All Appropriate Inquiries (40 CFR 312). The scope of work is intended to identify conditions indicative of releases or threatened releases of hazardous substance on, at, in or to the Site, via the following tasks.

- Review of information provided by the person seeking liability protection relative to: environmental cleanup liens; specialized knowledge or experience regarding the subject property; relationship of the purchase price to the fair market value of the property, if the property were not contaminated; and, commonly known or reasonably available information about the Site.
- Interviews with past and present owners, operators and occupants.
- Review of historical sources of information documenting the Site's first use.
- Review of Federal, state, tribal and local government records, as defined in 40CFR312.26, as provided by EDR, purchased by RJS and dated June 28, 2012.
- A visual inspection of the Site and adjoining properties (to the extent possible).
- While not included in the ASTM standard, the site reconnaissance also included a cursory visual inspection of the Site, facilities and improvements for suspect mold, asbestos and lead-based paint surfaces. Such should not be considered a complete inspection for these items.
- Preparation of this written report on all appropriate inquiries.

To the best of RJS' knowledge, the information contained in this report is true and accurate. RJS personnel have exercised due diligence in the compilation of the information contained herein appropriate to environmental professionals engaged in investigations of this sort. RJS makes no guarantees regarding the accuracy of information gained from other sources. A list of references used is included within the appendix. Additional limitations are also found within this report.

It should be noted that the due diligence does not merely include this study. The following information is the responsibility of the user and not of the environmental professional.

- Searches for environmental cleanup liens against the Site that are filed or recorded under any federal, tribal, state or local law, as required by 40 CFR section 312.25.
- Assessments of any specialized knowledge or experience on the part of the landowner, as required by 40 CFR section 312.28.
- An assessment of the relationship of the purchase price to the fair market value of the Site, if the property was not contaminated, as required by 40 CFR 312.29.
- An assessment of commonly known or reasonably ascertainable information about the Site, as required by 40 CFR section 312.30.

In addition, there are other requirements within 40 CFR 312 of the user post-purchase. Such should be reviewed with counsel.

#### 4.0 SITE / VICINITY DESCRIPTION

The Site, measuring approximately 18.4 acres, is developed with two retail commercial structures. Exterior areas were noted to include asphalt paved areas, concrete sidewalks, landscaping, trees, green areas and storm sewers. Additional site information is provided below.

##### General Site Information

<b>Name of Site</b>	ITC Crossing North
<b>Site Address</b>	61 and 81 International Drive South, Mount Olive Township, Morris County, New Jersey
<b>Site Use(s)</b>	Multi-tenant commercial
<b>Fronting Streets</b>	International Drive and Old Budd Lake Road
<b>Site Size (acres)</b>	18.4
<b>Site Elevation (feet above mean sea level)</b>	Varies between approximately 900 (eastern portion of the Site) and 980 (on the southwest portion of the Site)
<b>Site Topography</b>	Slopes to the northwest
<b>Nearest Water Body (Name/Distance)</b>	Willis Brook/0.10 miles northwest
<b>Exterior Conditions/Improvements</b>	Asphalt paving, green areas, trees, landscaping, concrete sidewalks and storm sewers

Information relative to the on-site buildings are provided below.

##### Building Summary

<b>Building Number</b>	Building 1/Commercial Strip Plaza
<b>Square Footage (approximate)</b>	37,637 (per municipal records)
<b>Building Identification/Use</b>	Multi tenant commercial/retail
<b>No. of Stories</b>	One
<b>Basement Present?</b>	None
<b>Roof Type</b>	Flat
<b>Building Envelope</b>	Poured concrete and steel/wood
<b>Building Siding</b>	Brick and stucco
<b>Heating System</b>	Natural gas fired HVAC units and electric heating units
<b>Building Construction Date</b>	2006 (per municipal records)
<b>Utilities Provided</b>	Natural gas, electric, public water and municipal sewer

<b>Building Number</b>	Building 2/Sam's Club
<b>Square Footage (approximate)</b>	132,312 (per municipal records)
<b>Building Identification/Use</b>	Bulk storage store
<b>No. of Stories</b>	One
<b>Basement Present?</b>	None
<b>Roof Type</b>	Flat
<b>Building Envelope</b>	Poured concrete, concrete block and steel/wood
<b>Building Siding</b>	Brick and stucco
<b>Heating System</b>	Natural gas fired HVAC units
<b>Building Construction Date</b>	2006 (per municipal records)
<b>Utilities Provided</b>	Natural gas, electric, public water and municipal sewer

#### 4.1 Site Reconnaissance

Mr. Joseph Mecca of RJS completed a site reconnaissance of the Site on June 27, 2012. He was accompanied by Mr. Stephen Woltt of Levin Management Corporation, the Senior Property Manager and Key Site Manager. Mr. Woltt has been associated with the Site since April of 2010. In addition, a representative from Morris Ventures, LLC, the potential purchaser, was on-site during the reconnaissance.

The purpose of this reconnaissance was to identify visual evidence of conditions that may pose an environmental concern to the Site. The majority of readily accessible areas were visually assessed at the time of the site reconnaissance. It should be noted that stored materials, parked vehicles and dense vegetation limited ground observations. The following table summarizes the site observations. Where appropriate, additional details are provided.

Item	Quantity/General Description	Comments
On-site Operations	Commercial/Retail	The Site is developed with two commercial/retail buildings.  Building 1 is occupied by multiple tenants including Subway, Staples, ITC Buffet and several vacant units.  Building two is occupied by Sam's Club.
Storage Tanks	ASTs	No evidence of an UST (i.e., vent pipe, fill port, etc.) were observed on-site at the time of the reconnaissance.  A 30-gallon waste cooking oil AST was noted proximate to Building 2 and is utilized by Sam's Club. No staining was noted proximate to the AST at the time of the Site reconnaissance.
Hazardous or Regulated Materials	General Cleaning and Maintenance Materials	Other than general cleaning/maintenance materials, no hazardous or regulated materials are utilized on-site.
Solid, Hazardous or Regulated Wastes	General/Solid and Miscellaneous Wastes	General/solid wastes are generated on-site at this time. The waste is stored in garbage dumpsters and is transferred off-site to a local disposal facility.  In addition, several regulated items including used automotive tires, vehicle batteries, pharmaceuticals, aerosol cans and waste cooking oil are stored on-site. No concerns (staining, odors, etc.) were noted proximate to these materials.
Miscellaneous Debris	None	
Staining/Spillage	None	
Stressed/Dead Vegetation	None	
Wastewaters	Municipal Sanitary Sewer	The Site is connected to the municipal sanitary sewer system.
Water Supply	Public Water	The Site utilizes public water.
Odors	None	
Unidentified Substance Containers	None	
Heating/Cooling	Roof-Top and Electric Units	Natural-gas fired roof-top HVAC units are associated with the buildings heating/cooling systems. In addition, electric fired heating units are also utilized in Building 1.
Drains and Sumps	Floor Drains and Storm Drains	Floor drains were noted throughout Buildings 1 and 2. All floor drains reportedly discharge to the sanitary sewer. Multiple floor drains were noted in the vehicle tire and battery installment area. Reportedly floor drains in this area flow to an oil/water separator prior to discharging to the sanitary sewer system.  Storm drains were noted in the parking lot. Such reportedly discharges to the storm sewer system.
Pits, Ponds and Lagoons	None	
Evidence of Previous Intrusive Investigation	None	A suspect monitoring well was noted proximate to the sprinkler room associated with Building 1.
Septic System	None	
Air Emissions	None	

Item	Quantity/General Description	Comments
Suspect PCBs	Transformers	Multiple utility-owned pad mounted transformers were noted throughout the Site. No staining or evidence of release was noted proximate to these transformers.  Several dry-type/step-down transformers were also noted in Buildings 1 and 2.
Suspect Lead-Based Paint, Lead Pipes and Soldering	Not Likely	As the existing structures were constructed after 1978, lead-based paint, pipes and soldering are not anticipated.
Asbestos	Not Likely	Based on the age of the existing buildings, ACMs are not anticipated. However, regardless of the age of the building, prior to demolition or renovation activities, an asbestos survey would be recommended as RJS' experience suggests that asbestos can be present in buildings of even recent construction.
Suspect Mold	Potential Exists	Suspect mold was noted to drywall in the former Frank's Pizza tenant space in Building 1.
Oil/Water Separator	Building 2	A suspect oil/water separator was observed off the northwest corner of Building 2. Such likely discharges to the sanitary sewer system.

#### 4.2 Adjacent Site Uses

Adjacent site uses are as follows.

Direction	Current Use	Apparent/Reported Past Use	Comments/Concerns
North	Shell gasoline station and residential	Commercial and residential	Adjacent gasoline sales could environmentally impact the Site.
South	Extended Stay America and vacant/wooded land	Commercial and undeveloped land	None
East	Vacant/wooded land	Undeveloped land	None
West	Vacant/wooded land, utility structure and residential	Same	None

#### 4.3 Site Photographs

RJS photographically documented site conditions observed during the site reconnaissance. Select relevant photographs are included in the appendix of this report.

#### 4.4 Summary of Observations of Potential Concern

The following potential environmental concerns were identified at the Site.

- The Site includes an oil/water separator located off the northwest corner of Building 2.
- Suspect mold was observed in a vacant tenant space in Building 1.
- A suspect monitoring well was noted proximate the sprinkler room; such is believed to be associated with a previous geotechnical investigation on-site..

### 5.0 SITE HISTORY AND USE

RJS reviewed readily available standard historical sources and obtained the following information regarding the historic use of the Site.

## 5.1 Site History Provided by Site Contact

According to the site contact, existing structures were constructed in approximately 2003 (the Site was vacant land prior to current development). Operations have included multiple tenant retail operations for approximately ten years. The Site contact identified approximately eight suspect test borings northeast of Sam's Club which are associated with former geotech work for a retaining wall.

## 5.2 Historic Aerial Photographs

Historic aerial photographs included the following observations. Copies of available photographs are included in the appendix of this report.

Year	Property Uses	Adjacent Property Use
1931	The majority of the Site appears to be utilized as agricultural land. A disturbance is located on the western portion of the Site, RJS is unsure of the nature of this disturbance but suspects it could be a gravel/mining operation.	North - Suspect gravel/mining pit, agricultural and undeveloped land South - Agricultural and undeveloped land East - Suspect gravel/mining pit, agricultural and undeveloped land West - Agricultural and undeveloped land
1956 and 1957	The majority of the Site appears to be wooded/fallow land. Northern and eastern portions of the Site are utilized as agricultural land.	North - Agricultural and wooded land South - Agricultural and wooded land East - Wooded land West - Agricultural land
1963	The Site appears as described above; however a large area of cleared land is located in the central portion of the Site. Two dirt roads are located on the northern portion of the Site.	North - Agricultural and wooded land South - Agricultural and wooded land East - Wooded land West - Agricultural land
1970	The majority of the Site appears to be cleared land. The eastern portion of the Site is wooded land. Multiple disturbances are located on-site, RJS is not sure of the nature of the disturbances.	North - Wooded and fallow land South - Wooded and fallow land East - Wooded land West - Wooded land
1979, 1987, 1992 and 1995	The Site appears to be undeveloped land with multiple dirt roads running through it.	North - Undeveloped land followed by residential South - Undeveloped land East - Undeveloped land West - Undeveloped land followed by residential
2002	The Site is developed with the original portion of Building 1, an apparent addition is under construction on the western portion of Building 1. Building 2 is located on-site in the current formation.	North - Commercial and residential South - Undeveloped land East - Undeveloped land West - Undeveloped land, commercial and residential
2006 and 2010	The Site is developed with Buildings 1 and 2 in their current formation.	North - Commercial and residential South - Undeveloped land and commercial East - Undeveloped land West - Undeveloped land, commercial and residential

Potential concerns identified in the aerial photographs include the following:

- The 1931 historic aerial showed a disturbance that could be associated with a gravel/mining pit.

Note that visual observations of the Site were limited due to the poor quality of some of the aerial photographs.

Source: [www.historicaerials.com](http://www.historicaerials.com)

### 5.3 Historic Maps / Directories

#### Sanborn Maps

Sanborn Maps were ordered by AEI Consultants (AEI) for a previous study through FirstSearch for historical information relative to the Site and surrounding area. However, FirstSearch indicated that Sanborn Maps covering the target property were not found.

#### City Directories

City directories were also reviewed as part of the previous Phase I assessment completed by AEI. However, no coverage was found for the Site.

#### Historic Topographic Maps

As part of the historical review, RJS reviewed historic topographic maps. The results of that review are detailed below.

Source: [www.historicaerials.com](http://www.historicaerials.com)

#### Historic Topographic Maps Summary

Year	Quad	Site Description
1905, 1912, 1921, 1943, 1957 and 1965	Mount Olive	The Site appears to be undeveloped land.
1972, 1981 and 1986	Mount Olive	The Site appears to be undeveloped land, however a marking on the topographic maps indicated that the Site is "disturbed land" (often noted for surface mining operations).
1987	Mount Olive	The Site appears to be undeveloped land.
2000	Mount Olive	The Site appears to be undeveloped land with two roads running through it.

#### 5.4 Municipal Records

RJS reviewed records available for the Site at the Mount Olive Township municipal offices. Specifically, records available at the Assessor's office and Building Department were reviewed. The following summarizes those records.

- The Site, Parcel Nos. 24-04105-0000-00001-0002 and -0003, measures approximately 18.4 acres.
- The Site is currently owned by Wells Fargo Bank Redus, NJ LLC.
- Past owners were identified for the Site as AIG Baker Mount Olive LLC, SCI ITC North Fund LLC, Edward V. Rochford Sheriff, Redus NJ, LLC.
- Current and historic site occupants include Subway, Staples, Calabria Kitchens, Frank's Pizza, Ladies Workout Express, AT&T Wireless, Halloween City, Subline Innovations, SimplyCookIt, Tuesday Morning, Picatiny Credit Union, Mount Olive Wireless, Four Seasons Buffet and Cloves Restaurant.
- Building 1 measures 48,500 square feet and was built in 2006. [RJS is not aware of why there is a discrepancy between historical documents and municipal records.]
- Building 1 measures 132,312 square feet and was built in 2006. [RJS is not aware of why there is a discrepancy between historical documents and municipal records.]
- The Site is supplied with natural-gas, electric, municipal sanitary sewer and public water.
- Multiple certificates of occupancy, dated between April 2002 to November 2002 are on-file for the Site.

Neither the Mount Olive Township Building nor Fire Inspectors would provide interviews.

#### 5.5 Previous Studies

The following provides a summary relative to the previous study that was supplied to RJS. A Copy of the previous study is included in the appendix of this study.

*"Phase I Environmental Site Assessment, ITC Crossing North, 61 and 81 International Drive South, Flanders, Morris County, New Jersey," March 8, 2011, AEI Consultants Environmental & Engineering Services (AEI).* The site was utilized as a commercial retail shopping center with two structures at the time of this assessment. The following REC was identified by AEI in connection with the Site. A nearby property was identified in the NPL, SHWS and CERCLIS databases among others. Historically, this nearby property was utilized by the Combe Fill North Landfill. The landfill was not closed properly and VOCs were found in on- and off-site groundwater. Extensive remediation activities were conducted on the nearby property and were completed in 1993. AEI did not recommend any further investigations for the Site.

#### 5.6 Summary of Historic Uses

The existing structure was constructed in approximately 2002 and has primarily been utilized as retail commercial plaza since construction. Prior to construction of the existing building, the Site included undeveloped and agricultural land. A disturbance was noted in the 1931 historic aerial, RJS suspects that this could be related to a gravel/mining operation.

### 6.0 PHYSICAL AND HYDROGEOLOGIC SETTING

RJS reviewed a recent topographic map obtained through [trails.com](http://trails.com); the Site is included on the Stanhope Quadrangle and appears to be undeveloped except for a few roads that cross the Site. The topographic map also indicates that the Site is located between approximately 900 (eastern portion of the Site) and 980 (on the southwest portion of the Site) feet above mean sea level. Groundwater flow would be anticipated to the northeast, toward the Willis Brook. However, localized subsurface variations and man-made structures can modify flow directions, a site-specific study would be required to confirm groundwater flow direction.



## 7.0 RECORDS REVIEW

### 7.1 Database

EDR was contracted to provide federal and state environmental regulatory information consistent with ASTM E1527-05. The results of that review are summarized below. Refer to the database report for complete acronym definitions.

A nearby property, addressed at Goldmine Road (Combe Fill North Landfill), is identified in the CERCLIS, US ENG CONTROLS, Delisted NPL and ROD databases. The Combe Fill North Landfill occupies 102 acres and was active between 1966 and 1981, accepting municipal and industrial (non-chemical) wastes. The landfill was not closed properly and groundwater on and off-site contains numerous organic contaminants. Due to the population and municipal wells, a potential health threat existed, per the regulatory write-up. Remedial action was started on September 30, 1988 and was completed on March 31, 1993. This property was deleted from the NPL on June 2, 2004.

#### Map Findings Summary

Database	Radii Searched (mi.)	Site Listings	Significant Listings Within the Search Radii
NPL	1	0	
DELISTED NPL	1	0	See the above discussion.
CERCLIS	0.5	0	See the above discussion.
CERCLIS-NFRAP	0.5	0	
CORRACTS	1	0	
RCRA-TSDF	0.5	0	
RCRA-LQG	0.25	0	
RCRA-SQG	0.25	1	The Site, addressed at 81 International Drive (Sams Club), is identified as a RCRA-SQG with no violations on-file. Sam's Club has been a generator since September 20, 2004. Multiple wastes are associated with the RCRA listing including but not limited to arsenic, cadmium and mercury.
US ENG CONTROLS	0.5	0	See the above discussion.
US INST CONTROL	0.5	0	
ERNS	TP	0	
US BROWNFIELDS	0.5	0	
FINDS	TP	2	The Site, addressed at 61 International Drive (Mount Olive Wireless) and 81 International Drive South (Sams Club), is identified in the FINDS database.
ROD	1	0	See the above discussion.
RCRA-NonGen	0.25	0	No adjacent properties were identified.
NJ BROWNFIELDS	0.5	0	
NJ UST	0.25	0	RJS reviewed the listed sites within the appropriate radii. None of the sites listed are likely to have a negative impact on the Site.
NJ VCP	0.5	0	RJS reviewed the listed sites within the appropriate radii. None of the sites listed are likely to have a negative impact on the Site.
NJ HWS RE-EVAL	1	0	RJS reviewed the listed sites within the appropriate radii. None of the sites listed are likely to have a negative impact on the Site.
NJ ISRA	0.5	0	No adjacent properties were identified.

Database	Radii Searched (mi.)	Site Listings	Significant Listings Within the Search Radii
NJ HIST LUST	0.5	0	A nearby property, addressed at 35 Route 46 East (Texaco Service Station), is identified in the LUST database. Case No. 84-05-21-05N involved the confirmed soil and ground water contamination and has a status of "assigned to program" by the NJDEP. An additional LUST is identified for this property with a status of "case awaiting assignment."  RJS reviewed the remaining listed sites within the appropriate radii. None of the sites listed are likely to have a negative impact on the Site.
NJ SHWS	1	0	RJS reviewed the listed sites within the appropriate radii. None of the sites listed are likely to have a negative impact on the Site.
MANIFEST	0.25	1	The Site, addressed at 81 International Drive (Sams Club), is identified in the MANIFEST database, likely due to the above RCRA listing.
INDIAN LUST	0.5	0	
INDIAN UST	0.25	0	
INDIAN VCP	0.5	0	
INDIAN ODI	0.5	0	
INDIAN RESERV	1	0	

The Site was identified in the FINDS, MANIFEST and RCRA-SQG database; such are consistent with the on-site automotive maintenance operations and do not suggest a concern. Numerous database listings were associated with adjacent/nearby properties,

## 7.2 Enforcement Actions/Permitted Activities/Institutional Controls

RJS has not been made aware of nor has discovered evidence of enforcement actions, institutional controls or environmentally permitted activities associated with the Site.

## 7.3 Interviews/User Provided Information

No title records were provided to RJS by the User.

Issue/Question	Response
Do you have any knowledge of environmental liens or use limitations such as land use restrictions or institutional controls for the site?	No.
Do you have any specialized knowledge or experience related to the site or nearby properties that would be material in identifying a potential environmental issue?	No.
Are you aware of any commonly known information suggesting an environmental concern on-site (include information regarding the presence or likely presence of contamination on-site)?	Hydraulic lifts in Sam's Space.
What is the reason for completing this study?	Acquisition and financing.
Type of property transaction (sale, purchase, refinance, etc.), if any?	Purchase.
If applicable, is the purchase price significantly below the anticipated market price for no apparent reason?	No.
Are you aware of any pending, threatened, or past litigation relevant to hazardous substances or petroleum products in, on, or from the property? If yes, please explain.	No.

Issue/Question	Response
Are you aware of any pending, threatened, or past administrative proceedings relevant to hazardous substances or petroleum products in, on or from the property? If yes, please explain.	No.
Are you aware of any notices from any governmental entity regarding any possible violation of environmental laws or possible liability relating to hazardous substances or petroleum products?	No.

#### Current Owner/Operators/Site Occupants/Site Manager

As indicated above, the owner/key site manager was not completed. RJS cannot be liable for information known only to the site contact/owner.

#### Local Government Officials

As indicated above, the Montgomery County Building Inspector would not provide an interview.

A FOIL was submitted to the NJDEP on July 5, 2012. All departments have yet to respond to the FOIL. Should records not yet reviewed by RJS identify environmental concerns, which have yet to be identified for the Site, an addendum to this report will be issued.

#### Former Owner/Operators

Former site owners/operators were not interviewed as part of this study.

### 7.4 Summary of Regulatory/User Provided Information

The Site is located in a commercial area that has had numerous releases to the environment. While no spill incidents were identified in connection with the Site, on-site and adjacent/nearby operations could have impacted the Site/environment. This is not considered a significant concern.

## 8.0 RADON AND VAPOR ENCROACHMENT CONDITIONS

### 8.1 Radon

Research in the area of the Site suggests an average basement radon concentration of greater than four pCi/L relative to Morris County, New Jersey. However, based on the commercial nature of the Site, as the existing building does not include a basement, radon should not be a concern.

Source: EDR Database Report.

## 8.2 Vapor Encroachment Conditions

This assessment included review of the regulatory database discussed above in relation to section 8.3 of the ASTM E2600-10 Standard Guide for Vapor Encroachment Screening on Property Involved in Real Estate Transactions. If soil or groundwater is contaminated with a volatile compound (that is, something that can escape from water or soil to air, such as gasoline and solvents), that contaminant can migrate through the soil and end up in the air inside of buildings, especially within basement areas. The ASTM standard named this a VEC. Soil vapors do not necessarily migrate along groundwater flow paths. Vapors can move up hydraulic gradients and can extend beyond a groundwater plume. Over the last few years, there has been a significant number of sites where vapor intrusion has been discovered. The state and federal environmental regulators have "reopened" numerous spill and waste sites in order to assess whether this issue needs to be assessed and/or addressed.

None of the information obtained/reviewed as part of this assessment suggested the potential for a VEC at the Site.

## 9.0 WETLANDS AND FLOOD ZONES

The EDR database report includes general information relative to wetlands and flood zones. The eastern portion of the Site is identified in the State Wetlands Inventory. Further, RJS was provided documentation indicating that there are restrictions associated with future development in this area of the Site.

## 10.0 LIMITATIONS

This report was completed in accordance with the contract terms and the scope of service agreed to by RJS' client. It is also subject to the limitations detailed in ASTM Standard E1527-05. The principles defined within ASTM E1527-05, and followed within this study, include the following.

- This practice is intended to reduce, but not eliminate, uncertainty regarding the potential for RECs in connection with a property.
- All appropriate inquiry does not mean an exhaustive assessment of a clean property. One of the purposes of this practice is to identify a balance between limiting costs/time and the reduction of uncertainty about unknown conditions.
- The level of inquiry is variable and depends on the type of property, risk level of the user and information developed in the course of the inquiry.
- Subsequent environmental assessments should not be used as standards to evaluate the appropriateness of prior inquiries based on hindsight, new information or new techniques.

## 11.0 USER RESPONSIBILITIES

It should be noted that the due diligence does not merely include this study. The following information is the responsibility of the user and not of the environmental professional.

- Searches for environmental cleanup liens against the Site that are filed or recorded under any federal, tribal, state or local law, as required by 40 CFR section 312.25.
- Assessments of any specialized knowledge or experience on the part of the landowner, as required by 40 CFR section 312.28.
- An assessment of the relationship of the purchase price to the fair market value of the Site, if the property was not contaminated, as required by 40 CFR 312.29.
- An assessment of commonly known or reasonably ascertainable information about the Site, as required by 40 CFR section 312.30.

In addition, there are other requirements within 40 CFR 312 of the user post-purchase.

- Acquired the property after all disposal of hazardous substances has ceased and not liable for or did not contribute to such releases.
- Provide all legally required notices with respect to the discovery or release of any hazardous substances.
- Comply with and do not impede the effectiveness of land use restrictions or institutional controls.
- Exercise appropriate care and reasonable steps to stop continuing or prevent future releases.
- Provide full cooperation, assistance, and access to authorized personnel conducting response actions or natural resource restoration.
- Comply with CERCLA information requests and administrative subpoenas.

Failure to identify a release, land use restrictions, or institutional controls does not release a property owner from continuing obligations.

Such should be reviewed with counsel.

## 12.0 USER PROTECTIONS

Under CERCLA, persons may be held strictly liable for releases or threatened release of hazardous substances at properties they owned or operated at the time of release. This rule means that a potentially responsible party may be liable for contamination based solely on property ownership without regard to fault. AAI, which is an outgrowth of the 2002 Small Business Liability Relief and Revitalization Act (also known as the Brownfields Amendments), provides the following expanded CERCLA landowner liability protections:

- 1) Bona Fide Prospective Purchaser - for the first time, a purchaser may knowingly acquire contaminated property while limiting future CERCLA liability.
- 2) Contiguous Property Owner - also a new defense category which provides protection from CERCLA liability for contamination caused by a neighbor's actions.
- 3) Innocent Landowner - this pre-existing defense provides CERCLA protection to those who, after performance of appropriate due diligence, find at a later date that they have unknowingly acquired contaminated property.

A property owner can meet one of the requirements for the aforementioned CERCLA landowner liability protections by performing AAI prior to the purchase of a property.

## 13.0 REFERENCES

1. EDR Database Report, dated June 28, 2012