

Exhibit C

Narrative Describing the Basis for Activity and Use Limitation (AUL)

Riverwalk Condominiums
16, 18, 20R, and Parcel B of 20 Franklin Street, Salem, Massachusetts
Release Tracking Number (RTN): 3-36220

This narrative describing the basis for the AUL was prepared in accordance with 310 CMR 40.1074(2)(e) through (g) of the Massachusetts Contingency Plan (MCP). The MCP requirements are shown in **bold italic text** in the following sections of this exhibit with the obligatory information provided in normal text.

40.1074(2)(e) 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;

Remedial actions included the implementation of a targeted soil management program to reduce human health risk associated with exposure to petroleum hydrocarbons (specifically extractable petroleum hydrocarbons (EPH)), metals, SVOCs, asbestos containing material (ACM) and dioxin-impacted soils at the Property. Impacted soil was relocated and encapsulated on-Site under a constructed cap comprised of a geotextile marker liner and at least one and one-half feet to three (3) feet of clean soil to prevent exposure and reduce risk. The intent of the barrier layer is to provide a material that is resistant to penetration by hand tools in an area where the isolation layer is less than three-feet thick. In addition, Site improvements (i.e., building foundation and paving) resulted in capping those contaminated soils in place without excavation and relocation to also prevent exposure and reduce risk.

A Method 3 Risk Characterization performed in 2021 to evaluate the potential health risks posed by the remaining EPH, metals, SVOCs, ACM and dioxin-contaminated soil concluded that a condition of No Significant Risk (NSR) is present under current and reasonably foreseeable Property uses for employees, construction workers, and trespassers. A condition of NSR could not be concluded at that time for residential use. The risk to future residents is now mitigated by the placement of a cap with marker layer, concrete slab, and asphalt surfaces to restrict potential exposure to the underlying impacted soil and the implementation of an Activity and Use Limitation to ensure the maintenance of the cap, concrete floor, and pavement. With these controls in place, a condition of No Significant Risk (NSR) is achieved under current and reasonably foreseeable Property uses for residents, employees, construction workers, and trespassers. The risk characterization concluded that a condition of NSR exists with respect to public welfare, safety, and the environment.

Therefore, the purpose of this AUL is to restrict certain potential exposure pathways (e.g., residential use) to contaminants. Certain exposure pathways at the Site are being restricted since such exposures could potentially result in a significant risk to health due to possible frequent, intensive, and long-term contact with contaminated soils. Thus, the implementation of the AUL is appropriate to ensure that Site activities and uses will not result in potential risk of harm to human health and is necessary to support a Permanent Solution and condition of No Significant Risk at

the Site. Finally, RTN 3-36220 will achieve regulatory closure with the filing of a Permanent Solution with Conditions (PSC) Statement concurrently with the implementation of an AUL.

40.1074(2)(f) a concise summary of the oil and/or hazardous material release event(s) or site history (i.e., date of the release(s), to the extent known, release volumes(s), and response actions taken to address the release(s) that resulted in the contaminated media subject to the Notice of Activity and Use Limitation;

The Property consists of four parcels of land: 16 Franklin Street, 18 Franklin Street, 20R Franklin Street, and Parcel B of 20 Franklin Street. Together, the four parcels total 2.03 acres of land. A 1,028-square-foot, single-story building constructed of masonry with a poured concrete floor was formerly located on the western side of the Property. The building was constructed in 1952. The Property is relatively level and the local topography slopes downward to the east toward the North River, a tidal estuary connected to the Danvers River and Beverly Harbor.

An 1890 fire insurance map shows a building present along the southern Property boundary. The building, which was part of a larger tannery complex located to the south and southwest of the Property, is labeled on the map as destroyed by fire. At that time, the central and northern portions of the Property were part of the North River. A 1938 aerial photograph shows the northern portion of the Property had been filled, but the central portion of the Property was still part of the North River. A 1952 aerial photograph shows the central portion of the Property filled and the Property appearing largely as it does today. According to historical reports, municipal waste was historically burned at the Property and used as fill. Demolition debris and municipal incinerator ash were also used as fill material in the central and northern portions of the Property.

The 16, 18, and 20R Franklin Street parcels were owned by the Ferris family from 1952 until 2020 and were used as an automotive salvage and repair facility. The salvage facility also operated on Parcels A and B of the abutting 20 Franklin Street property to the north. Fire insurance maps dated 1957, 1965, and 1970 label the Property building as a filling station. According to Ed Ferris, a representative of the former Property owner, the gas station operated from 1952 through 1957 at which time the storage tanks were removed.

To better define the nature and extent of fill material placed on the Site, subsurface investigations were conducted between August 2013 and December 2020.

On July 8, 2020, 18 Franklin Street, LLC submitted a Release Notification Form to MassDEP. The Release Notification Form notified the MassDEP that EPH, PAHs, lead, and trivalent chromium concentrations were detected that exceeded the Reportable Concentrations for soil category RCS-1. The MassDEP assigned RTN 3-36220 to the release condition

Based on the results of the site characterization investigations, a preliminary Method 3 risk assessment was prepared to evaluate potential risks to human health, public welfare, safety, and the environment associated with soil and groundwater impacts at the Property.

The results of the risk characterization indicated that the Hazard Index and the Excess Lifetime Cancer Risk for future residents were above the MassDEP risk limit for surface soil. The Hazard Index for future residents was above the MassDEP risk limit for soil from grade to 15 feet bgs,

while the Excess Lifetime Cancer Risk was below the MassDEP risk limit for soil from grade to 15 feet below grade.

According to the criteria contained in the MCP, a condition of No Significant Risk (NSR) to safety exists or has been achieved if conditions at the disposal site related to the release of OHM currently do not pose a threat of physical harm or bodily injury to human receptors.

Current and reasonably foreseeable conditions at the disposal site were evaluated to confirm that:

- rusted or corroded drums, open pits, lagoons, or other dangerous structures were not present;
- the disposal site does not pose a threat of fire or explosion, including the presence of explosive vapors, resulting from the release of OHM;
- uncontained materials, resulting from the release that exhibit the characteristics of corrosivity, reactivity, or flammability were not observed; and
- other conditions resulting from the release at the disposal site and that may pose a threat to physical harm or bodily injury are not present.

Based upon this evaluation, a condition of NSR to safety exists at the disposal site.

Risks to public welfare are evaluated by comparing data collected at the disposal site to Method 3 Ceiling limits (M3CLs) and evaluating potential nuisance and/or other conditions that could have significant effects on the community. M3CLs were established by MassDEP to protect public welfare and the environment from harm that could occur from the presence of OHM at elevated concentrations. EPCs for COCs in soil and groundwater do not exceed M3CLs and there are no known nuisance or other conditions that are expected to have significant effects on the community.

40.1074(2)(g) a description of the contaminated media (i.e., media type(s), contaminant type(s), approximate vertical and horizontal extent) subject to the Notice of Activity and Use Limitation.

On August 27, 2013, SP Engineering provided oversight during the advancement of four soil borings (TB-1 through TB-4) at the Property. Soil encountered during advancement of the borings generally consisted of 1 foot to 2 feet of gravel followed by a fill material containing ash, cinders, glass, wood, and bark to depths of up to 9 feet bgs. Native soil, consisting of a fine to medium grey sand and silt or a green/gray clay, was encountered at depths between 8 feet and 11 feet bgs. Groundwater was encountered between 3 feet and 6 feet bgs.

On December 21, and 22, 2020, GeoInsight oversaw the advancement of six soil borings (B-1 through B-6) in areas throughout the Property. Soils encountered in the borings consisted primarily of dark brown to brown fine to medium sand and silt and apparent fill materials (glass, ash, brick, wood, and organics).

Contamination at the Site is widespread throughout the property and restricted to the historic fill. The analytical data set indicates that OHM at concentrations above Method 1 standards is generally present within the fill material. The fill material varies in thickness from 6 feet to 12 feet and extends to the Property boundaries. The predominant impacts in soil are PAHs, arsenic, chromium, lead, and zinc.

Groundwater is generally located at depths between three feet and five feet bgs. Given the proximity of the Property to the North River, the direction of groundwater flow is anticipated to be tidally influenced and is expected to ultimately flow toward the North River. Detected concentrations of metals and volatile organic compound (VOCs) in the January 2021 groundwater samples were below applicable Method 1 standards.

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