

RECEIVED/RECORDED		
MIDDLESEX COUNTY	05/04/95	152,336
CONSIDERATION	1.00 TAX	
DEED REC. FEE	145.00	
INSTRUMENT DEED	5623	

1.00  
145.00  
5623

DECLARATION OF ENVIRONMENTAL RESTRICTIONS

BK 4 236 PG 348

This Declaration of Environmental Restrictions, made as of the 24 day of April, 1995, by Cytec Industries Inc. Five Garret Mountain Plaza, West Paterson, New Jersey 07424 ("Owner").

WITNESSETH:

WHEREAS, Owner is the owner in fee simple of certain real property (the "Property") designated as Lot 21, Block 9.03; Lots 8-10, 12-21, Block 10; and Lots 8, 10-14, 28, Block 11.01, on the tax map of the Borough of Carteret, Middlesex County, more particularly described on Exhibit A attached hereto and made a part hereof; and

WHEREAS, the New Jersey Department of Environmental Protection ("the Department") has issued a remedial approval on February 6, 1995, for the Cytec Carteret Impoundments Site concerning the Property in which the Department has approved the use of non-residential soil standards, institutional controls, and/or engineering controls in accordance with P.L. 1993 c. 139 (S-1070); and

WHEREAS, this Declaration itself is not intended to create any interest in real estate in favor of the Department, nor to create a lien or encumbrance against the Property, but merely is intended to reflect the regulatory and statutory obligations imposed as a condition of using non-residential standards; and

WHEREAS, the areas described on Exhibit B attached hereto and made a part hereof (the "Affected Areas") contain contaminants; and

WHEREAS, the type, concentration and specific location of the contaminants are described on one or more diagrams, maps and/or tables on Exhibit B attached hereto and made a part hereof; and

WHEREAS, in accordance with the remedial approval, and in consideration of the terms and conditions of the remedial approval, and other good and valuable consideration Owner has agreed to subject the property to certain statutory and regulatory requirements which impose restrictions upon the use of the Property, and to restrict certain activities at the Property, as set forth below; and

WHEREAS, Owner intends to notify all interested parties that such regulatory and statutory restrictions shall be binding upon and enforceable against Owner and any person who operate at the Property ("Operator"); and

See Map File 1801 # 779

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WHEREAS, the Department will reevaluate the restrictions within five years to determine whether modifications to, or elimination of, the restrictions should be made;

NOW, THEREFORE, Owner agrees to be subject to the regulatory and statutory requirements applicable to those who seek to remediate property to non-residential standards and hereby notifies all interested parties, Owners, and Operators that the applicable regulations and statutes require of Owner and Operators while owning or operating the Property the following restrictions:

1. Restricted Uses. Owner, and all Operators of such portions of the Property, shall not allow any of the following uses of the following portions of the Property:

Portion of the Property

Restricted Use

The Affected Areas as identified in Exhibit B

The use shall be restricted pursuant to Paragraphs 2 and 3.

2. Emergencies. In the event of an emergency which presents a significant risk to human health, safety, or the environment, the application of Paragraph 1 above may be unilaterally suspended, by Owner, provided the Owner:

- [a] Immediately notifies the Department of the emergency;
- [b] Limits both the actual disturbance and the time needed for the disturbance to the minimum reasonable necessary to adequately respond to the emergency;
- [c] Implements all measures necessary to limit actual or potential, present or future risk of exposure to the residual contamination to humans or the environment; and
- [d] Implements restoration of the Affected Areas to the pre-emergency conditions to the extent reasonably possible, and provides a report to the Department of such emergency efforts.

3. Alterations, Improvements, and Disturbances. Owner and Operators shall not make, nor allow to be made, any alteration, improvement, or disturbance in, to, or about the Affected Areas which creates an unacceptable risk of exposure to contamination in the Affected Areas to humans or the environment, or result in a disturbance of any engineering control designed to contain or reduce exposure to the contaminants, without first obtaining the express written consent of the Department, which consent shall be given or withheld at the reasonable discretion of Department. Access shall be controlled by posting signs along the frontage of the Rahway River and the Arthur Kill to deter trespassing. Nothing herein shall constitute a waiver of the Owner's obligation to comply with all applicable laws and regulations.

Express written consent of the Department is not required for any alteration, improvement, or disturbance that:

- [a] provides for restoration of any disturbance of an engineering control to pre-disturbance conditions within sixty days, and
- [b] does not allow an exposure level above those noted under Restricted Uses; provided that all applicable worker health and safety laws and regulations are followed during the alteration, improvement, or disturbance.

4. Notice to Lessees and Other Holders of Property Interests.

- [a] Owner shall cause all leases, grants, and other written transfers of interest by the Owner in the Affected Areas and adjacent to the Affected Areas to contain a provision expressly requiring all holders thereof to take the property subject to the use restriction and not to violate any of the conditions of this Declaration of Environmental Restrictions.
- [b] Nothing contained in this paragraph 4 shall be construed as limited any obligation of Owner to provide any notice required by any law, regulation, or order of any governmental authority.

5. Enforcement of Violations. The restrictions provided herein are for the benefit of, and shall be enforceable against any person who knowingly violates this Declaration, solely by the Department. A violation of this Declaration of Environmental Restrictions shall not have an adverse impact on the status of the ownership of and title to the Property. To enforce violations of this Declaration of Environmental Restrictions, the Department may initiate an action in Superior Court or as otherwise allowed by law against any person who is responsible for a violation hereof and seek all available remedies, including without limitation, penalties and injunctive relief. Such enforcement proceedings shall not be initiated against past owners or operators who have not violated this Declaration.

6. Severability. If any court or other tribunal determines that any provision of this Declaration is invalid or unenforceable, such provision shall be deemed to have been modified automatically to conform to the requirements for validity and enforceability as determined by such court or tribunal. In the event that the provision invalidated is of such a nature that it cannot be so modified, the provision shall be deemed deleted from this instrument as though it had never been included herein. In either case, the remaining provisions of this Declaration shall remain in full force and effect.

7. Successors and Assigns. This Declaration shall be binding upon Owner, any Operator of the Affected Areas and the Department, its agents, contractors, and employees, and to any other person performing remediation at the Affected Areas under the direction of the Department.

8. Termination and Modification.

- [a] This Declaration shall terminate only upon filing of an instrument, executed by the Department, in the office of the Clerk, Register of Deeds and Mortgages of Middlesex County, New Jersey, expressly terminating this Declaration.
- [b] Owner may request in writing at any time that the Department modify or terminate this Declaration of Environmental Restrictions or execute termination proceedings based on, for example, the Owner's proposal that the property does not pose an unacceptable risk to human health or the environment. Within 90 calendar days after receiving the request the Department shall either:
- i. execute the termination or modification Declaration; or
  - ii. issue a draft notice of intent to deny.

The Department shall set forth in a draft notice of intent to deny the request its basis for its decision. The Owner can respond to the draft denial by providing new or additional information or data. The Department shall review any such new or additional information and issue a final decision to execute the agreement or deny the request within 60 calendar days of the Department's receipt of the Owner's response.

IN WITNESS WHEREOF, Owner has executed this Declaration as of the date first written above.

ATTEST:

E. J. Malone  
Assistant Secretary

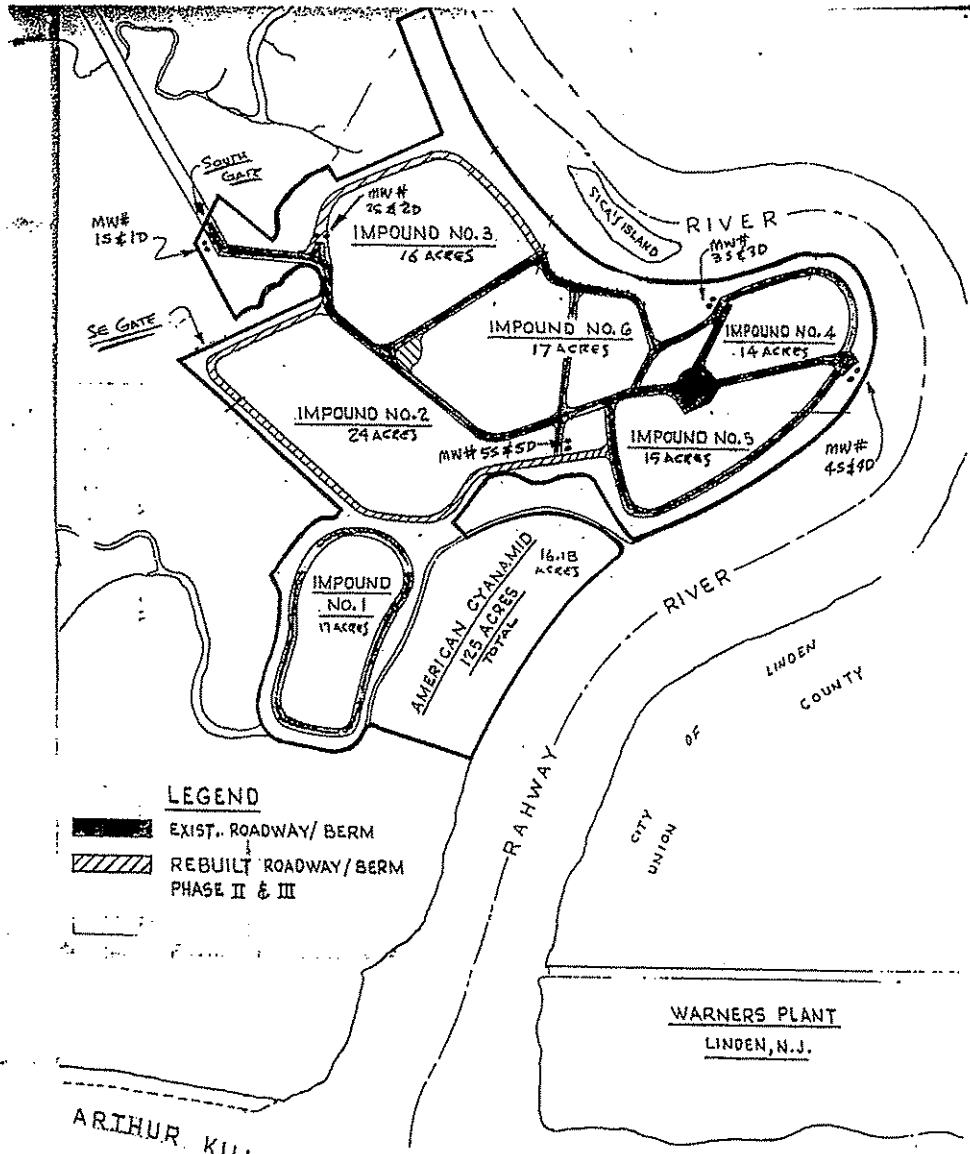
CYTEC INDUSTRIES INC.

By: J.B. Reid  
Vice President, Manufacturing



kk/as/dclbre.agt

EXHIBIT A

Tax Map



**LEGEND**

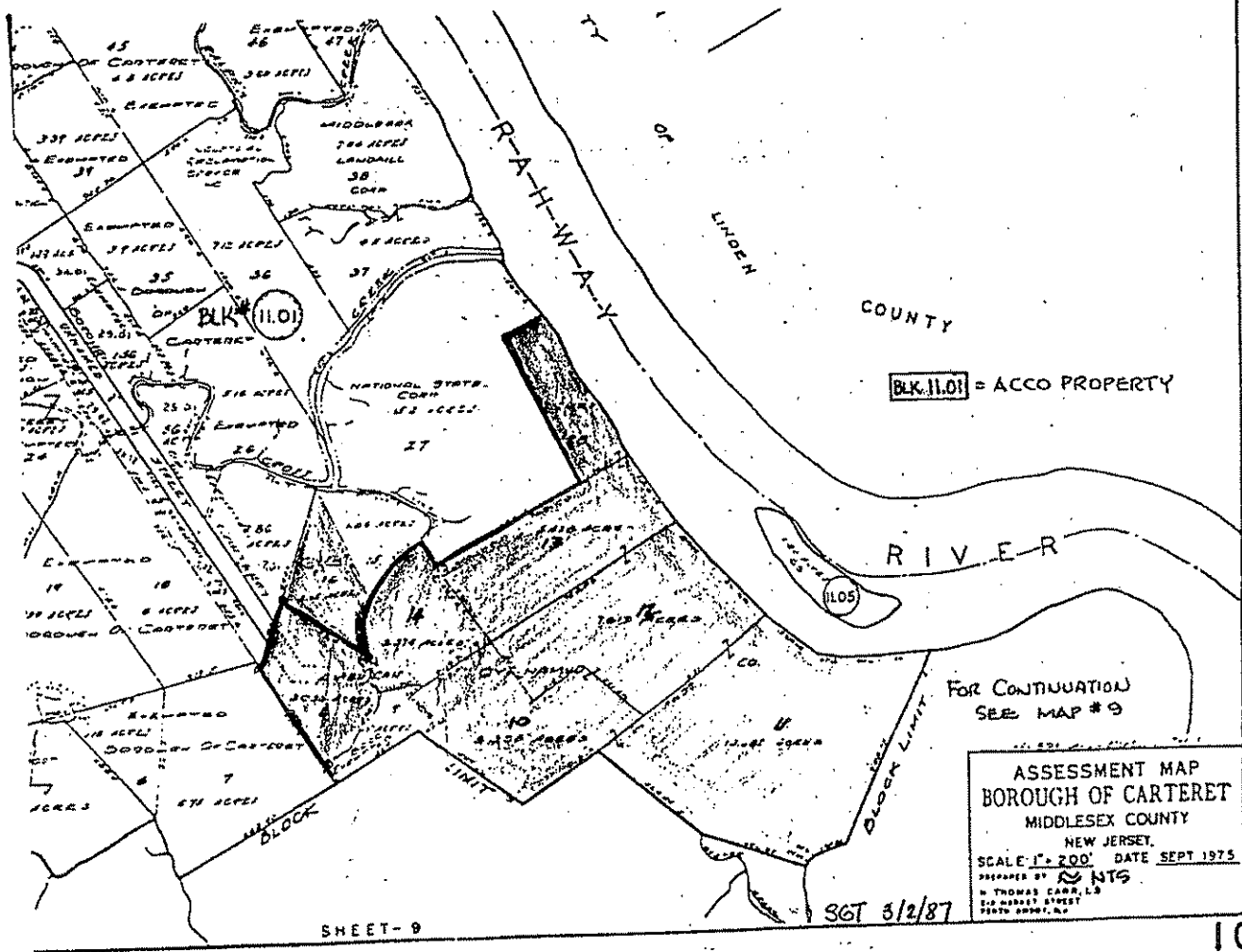
-  EXIST. ROADWAY/ BERM
-  REBUILT ROADWAY/ BERM PHASE II & III

ARTHUR KILL

WARNERS PLANT  
LINDEN, N.J.

CARTERET LANDFILL	
VEGETATION AND RESTORATION OF BERM	
SCALE 1" = 300'	
PLANT WARNERS	STOR YARD
DRAWN BY BUDAY	DATE 4-28-85
CHECKED BY [Signature]	DATE 5/15/85 APPROVED BY [Signature]
AMERICAN CYANAMID CO.	
LINDEN, N. J.	
10-6111	SKW-X-15740

BK4236PG353



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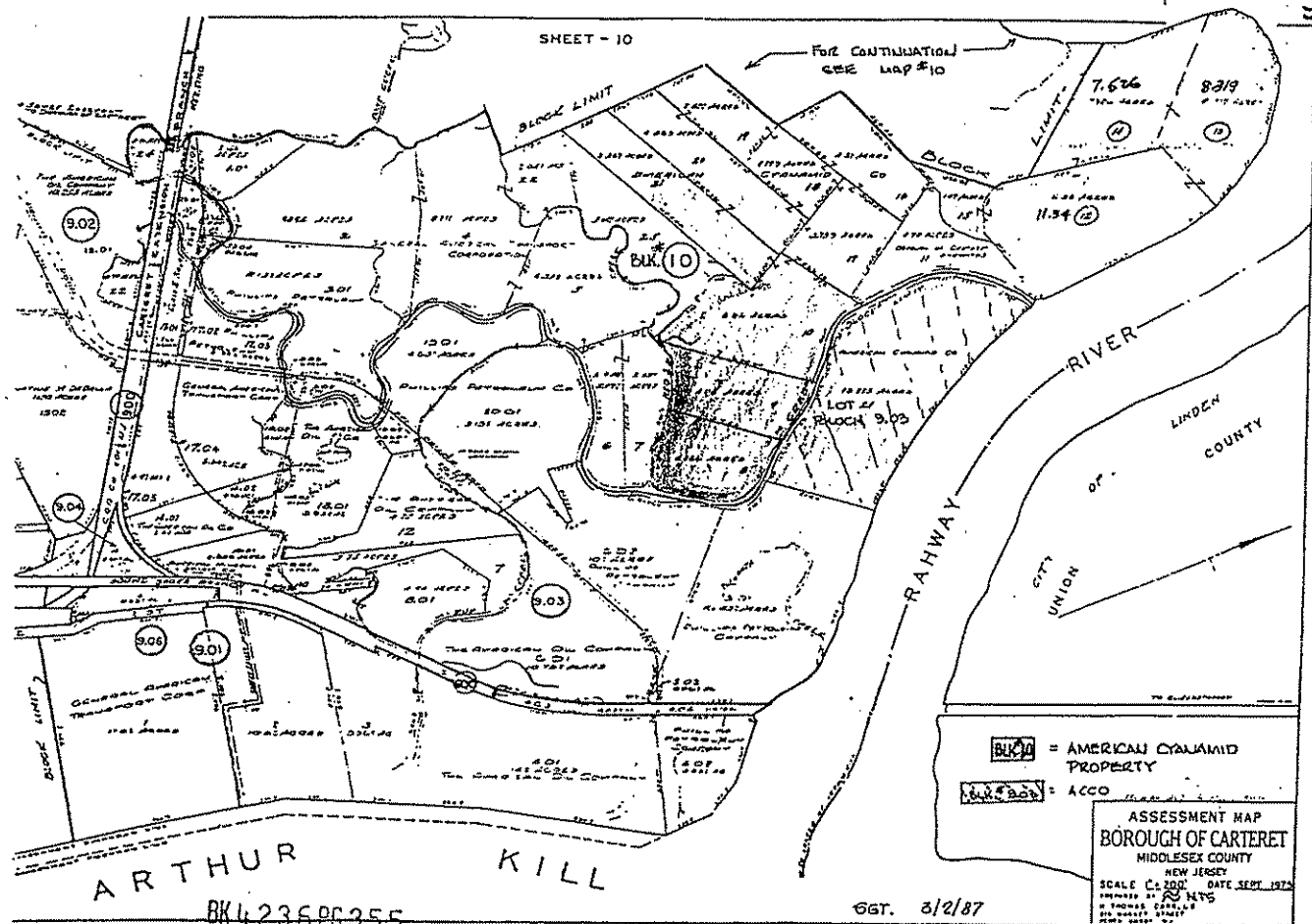




EXHIBIT B

Description of Affected Areas

kk/as/declare.sgt

7

BK4236FG356

EXHIBIT B

- SITE DESCRIPTION
- HISTORICAL OPERATION
- SITE LOCATION MAP
- TABLES 2 & 3  
SUMMARY OF ANALYTICAL RESULTS
- TEST BORING, MAP

BK4236PG357

## EXHIBIT B

### SITE DESCRIPTION

The Carteret Impoundments are located on a 110-acre tract encompassing 21 lots on three tax map blocks in Carteret, Middlesex County, New Jersey: Block 9.03, Lot 21; Block 10, Lots 8, 9, 10, 12 through 21; and Block 11.01, Lots 8, 10 through 14, and 28. Figure 1 illustrates the site location.

The Rahway River bounds the north and east portions of the site. American Oil Company and Phillips Petroleum operate petroleum storage facilities adjacent to the south and southeast property bounds, respectively. The Borough of Carteret owns a closed municipal landfill to the west, across Cross Creek. Industrial Reclamation Service, Inc. operates a salvage yard along the western property boundary, where unauthorized extension of salvage operations onto Cyanamid property was corrected by removal actions in 1987 during monitoring well installation.

### HISTORICAL OPERATION

In the 1930s, Cyanamid began use of the Carteret Impoundments for management of residues from their alum and YPS production processes at the Warners Plant. The YPS residue deposition was terminated in 1970, and the alum residue deposition was terminated in 1974.

Alum, or aluminum sulfate  $\{Al_2(SO_4)_3\}$ , is commonly used as a flocculating agent in the treatment of drinking water. Alum production at the Warners plant involved the digestion of aluminum ore (bauxite) with sulfuric acid, resulting in a silica byproduct referred to as alum mud. Water was added to the alum mud to form a slurry, which was neutralized by addition of sodium hydroxide, prior to transfer to the Carteret Impoundments for settling and drying. Alum production and settling and drying of Alum mud at the Carteret Impoundments ceased in December 1974.

YPS, or sodium ferrocyanide  $\{Na_4Fe(CN)_6\}$ , has a variety of practical uses, including anti-caking of table and road salts, film development, electroplating, dyeing of textiles, and trace metal removal (American Cyanamid 1953). YPS production at the Warners Plant involved the reaction of calcium cyanide  $\{Ca(CN)_2\}$  with ferrous sulfate (green copperas,

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$\text{FeSO}_4$ ) and soda ash ( $\text{Na}_2\text{CO}_3$ ) to yield sodium ferrocyanide. During the reaction, calcium carbonate ( $\text{CaCO}_3$ ) and calcium sulfate ( $\text{CaSO}_4$ ) precipitated. Calcium ferrocyanide is decomposed by addition of soda ash, then filtered. The filtrate is concentrated and the sodium ferrocyanide crystallizes (American Cyanamid 1953). YPS production at the Warners Plant was terminated in 1970.

Records indicate that for much of the period of deposition, the two residues were combined. The alkaline filtrate, or YPS mud, consisting primarily of calcium carbonate and calcium sulfate, was slurried with water, and combined with the alum mud, providing additional neutralization of the alum mud. A neutral residue resulting from the combination of the two process muds was then pumped via piping from the Warners Plant to the south side of the Rahway River, where settling of solids occurred in a series of six impoundments. Appendix A provides a plate depicting the configuration of the six impoundments.

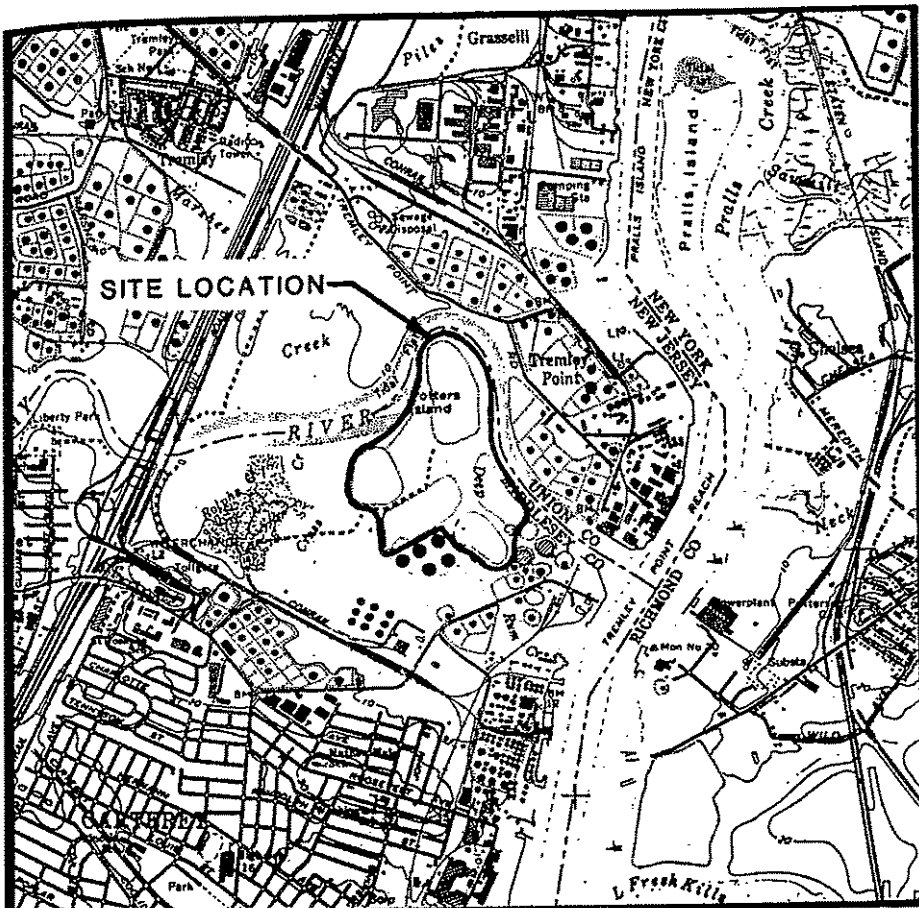
The six impoundments were developed by building berms of imported soils. The estimated size and approximate age of each of the impoundments are as follows:

Impoundment	Size (Acres)	Approximate Age (years)
No. 1	12	62
No. 2	18	57
No. 3	15	57
No. 4	10	47
No. 5	15	42
No. 6	20	32

Impoundment No. 6 was the last impoundment in service at Carteret. Residue management in the Carteret Impoundments was terminated in 1974. Section 2.6 describes mitigative measures that have been completed since 1974 to enhance residue containment.

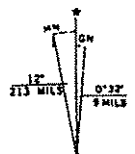
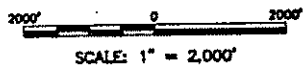
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**SITE LOCATION**

SOURCE:  
 - ARTHUR KILL, N.Y., N.J.  
 7.5 MINUTE QUADRANGLE  
 CONTOUR INTERVAL 10 FEET



UTM GRID AND 1981 MAGNETIC NORTH  
 DECLINATION AT CENTER OF SHEET

DECEMBER 1, 1982 26-1424  
 TERRACON CONSULTANTS

 <b>BLASLAND, BOUCK &amp; LEE</b> ENGINEERS & SCIENTISTS	
AMERICAN CYANAMID COMPANY CARTERET, NEW JERSEY <b>WORK PLAN</b>	
<b>SITE LOCATION          MAP</b>	FIGURE <b>1</b>

BX 4236 PG 360

BK 14236 PG 361

Table 2  
Summary of Analytical Results - Organics  
1981/1981 Residue Sampling  
Carteret Superfund Site  
Carteret, New Jersey

Impoundment No.	1	1	2	2	2	2	3	3	3	3	4	4	4	4	5	5	5
Sample No.	S-1	S-2	S-1	S-2	S-5	S-6	S-1	S-2	S-3	S-3	S-9	S-9 Dup	S-10	S-11	S-7	S-7 Dup	S-8
Date	1981	1981	1981	1981	1981	1981	1981	1981	1981	1981	1981	1981	1981	1981	1981	1981	1981
VOC (ug/g)	nr	nr	nr	nr			nr	nr									
Acetone									20								
Carbon disulfide									1.3B								
Methylene chloride					18 JB	17 JB			8 B				19 JB	17 JB	19 B	26 B	2 JB
Toluene									1 J	6 BJ							17 JB
EVOC (ug/g)	nr	nr	nr	nr			nr	nr									22 B
Acenaphthylene					11 J												nr
Acenaphthene									89 J								
Anthracene					18 J				1400								
Benzo[a]anthracene					28 J				2100	7 J							
Benzo[b]fluoranthene									1800	18 J	25 J						
Benzo[k]fluoranthene									1200								
Benzo[a]pyrene									1400								
Benzo[e]pyrene									1100								
Benzo[ghi]perylene									290 BJ								
Butylbenzylphthalate					350 BJ	200 BJ			870	200 BJ	150 BJ	150 BJ	240 BJ	150 BJ	110 BJ	110 BJ	100 BJ
Carbazole						20 J			280 J								
Chrysene									470 J								
Dibenz[ah]anthracene					45 J				2800	21 J	30 J						
Dibenzofuran									320 J								
Di-n-butyl phthalate					5 J				970	3 J							
Fluorene					350 BJ	610 BJ			210 BJ	340 BJ	340 BJ	620 BJ	680 B	1000 B	640 BJ	410 BJ	430 BJ
Fluoranthene									1300								
Hexachlorobenzene					90 J	22 J			4100	44 J	66 J						
Indeno[1,2,3-cd]pyrene					110 J	88 J			84 J	170 J							
2-Methylanthracene									580 J								
Naphthalene					12 J	11 J			1600	5 J	12 J			7 J			
Perfluorophthalate									610 J	19 J	32 J				7 J		
Phenanthrene									4400	68 J	31 J			15 J			
Pyrene					66 J	21 J			5100	34 J	44 J			17 J			
PCBs (ug/g)	ND	ND	ND	ND	ND	ND	ND	ND	170 JP	ND	ND	ND	ND	ND	ND	ND	nr
Aroclor-1254																	ND
Polychloro alpha-Chloronaphthalene	ND	ND	ND	ND	ND	ND	ND	ND	12P	ND	ND	ND	ND	ND	ND	ND	nr

Blank spaces indicate that analysis was not detected in sample  
 ND: not detected  
 nr: not reported; nr: not analyzed  
 B: amount detected at smaller concentration in a blank sample  
 J: questionable amount

Table 3  
Summary of Analytical Results - Inorganics  
1981/1991 Residue Sampling  
Current Impoundments  
Carteret, New Jersey

Impoundment No.	1	1	2	2	2	2	3	3	3	3	3	4	4	4	4	5	5	5
Sample No.	S-1	S-2	S-1	S-2	S-5	S-6	S-1	S-2	S-1	S-2	S-3	S-9	S-9	S-10	S-11	S-7	S-7	S-8
Date	1981	1981	1981	1981	1991	1991	1981	1981	1991	1991	1991	1991	1991	1991	1991	1991	1991	1991
Inorganics (mg/kg)																		
Aluminum	3289	4057	110	76.8	27200	21400	5482	241	16400	27700	25800	6260	8870	15900	11700	10400	na	4450
Antimony	nr	nr	nr	nr	nr	9.9 B	nr	nr	3.1 B	3.8 B	nr	nr	nr	8.8 B	2.2	1.2 B	na	5.9 B
Arsenic	nr	nr	nr	nr	3.5	3.5	nr	nr	6	8.9	3	nr	1.8 B	2.2	1.2 B	na	na	na
Barium	nr	nr	nr	nr	59.2	41.1 B	nr	nr	333	61.4	49.4	105	64.5	40.7 B	21.9 B	78.1	na	45
Beryllium	nr	nr	nr	nr	1.8	0.81 B	nr	nr	1.2	0.94	0.56 B	0.70 B	0.99	1.2	0.79 B	0.57 B	na	0.36 B
Calcium	nr	nr	nr	nr	209000	219000	nr	nr	8590	167000	195000	233000	264000	244000	218000	247000	na	194000
Cobalt	nr	nr	nr	nr	4.3 B	4.8 B	nr	nr	13.1	4.4 B	2.4 B	4.0 B	3.3 B	5.5 B	2.3 B	na	na	na
Copper	4.75	5.33	2.87	2.5	15.5	nr	3.33	3.33	127	3.2 B	10.7	4.9	11.7	11.1	1.5 B	2.2 B	na	na
Chromium	10.8	11.7	3.42	3.76	25	18.3	5.49	3.43	24.7	27.1	28.1	12	16.7	25.1	16.4	12.9	na	6.7
Iron	nr	nr	nr	nr	10400	8850	nr	nr	18200	10700	9060	3070	3930	5890	2780	742	na	1360
Lead	16.7	13.9	nr	nr	40.9	28.9	nr	nr	174	44.8	32.3	21.4	30.4	25.9	12.6	18.3	na	10.7
Magnesium	nr	nr	nr	nr	12300	31500	nr	nr	4320	13500	15700	3270	4390	13600	2570	752 B	na	1850
Manganese	105	133	105	46.5	296	261	148	69	260	330	253	53.1	97.7	253	55.3	11.4	na	38.8
Mercury	nr	nr	nr	nr	nr	nr	nr	nr	0.19	0.65	0.36	nr	nr	nr	nr	nr	na	na
Nickel	nr	nr	nr	nr	13.3	nr	nr	nr	27.5	4.0 B	6.8 B	6.7 B	6.5 B	6.7 B	7.2 B	na	na	na
Potassium	nr	nr	nr	nr	774.8	473.8	nr	nr	2920	474.8	nr	412.8	469.8	300.8	348.8	na	na	na
Sodium	nr	nr	nr	nr	2750	11300	nr	nr	1880	2340	3500	12100	11800	1740	1200	2110	na	5210
Vanadium	nr	nr	nr	nr	30.2	31.5	nr	nr	29.6	38.3	30	17.4	30	31.3	19.6	12.3	na	9.9
Zinc	37.3	58.4	2.07	3.58	32	15.6	42.5	2.55	914	38.5	29.4	10.5	25.9	22.4	2.5 B	3.4 B	na	na
Cyanide (mg/kg)																		
Total Cyanide	852	815	622	528	766	153	2198	2374	3.9	337	472	872	103	1020	66.7	9.7	na	403
Soluble Cyanide	180	33	35	29	na	na	425	416	na	na	na	na	na	na	na	na	na	na
Traditional Parameters																		
pH	7.8	7.8	9.3	9.2	na	na	7.6	8.1	na	na	na	na	na	na	na	na	na	na

BK 4 236 PG 362

Blank species indicate that analyte was not detected in sample  
 ND: not detected  
 nr: not reported; na: not analyzed  
 B: constituent detected at similar concentration in a blank sample  
 J: quantitative estimate

CERTIFICATION

State of New Jersey |  
Passaic | ss:  
County of Middlesex |

I certify that on April 26, 1995, <sup>E.F. MALONE</sup> J.B. Reid personally came before me, and I acknowledge under oath, that:

- a) I am the Assistant Secretary of Cytec Industries Inc.
- b) I am the attesting witness to the signing of this document by the proper corporate officer who is the Vice President of the Corporation;
- c) This document was signed and delivered by the corporation as its voluntary act and was duly authorized;
- d) The proper seal of the corporation was affixed to this document; and
- e) I sign this proof to attest to the truth of these facts.

E.F. Malone  
E.F. Malone  
Assistant Secretary

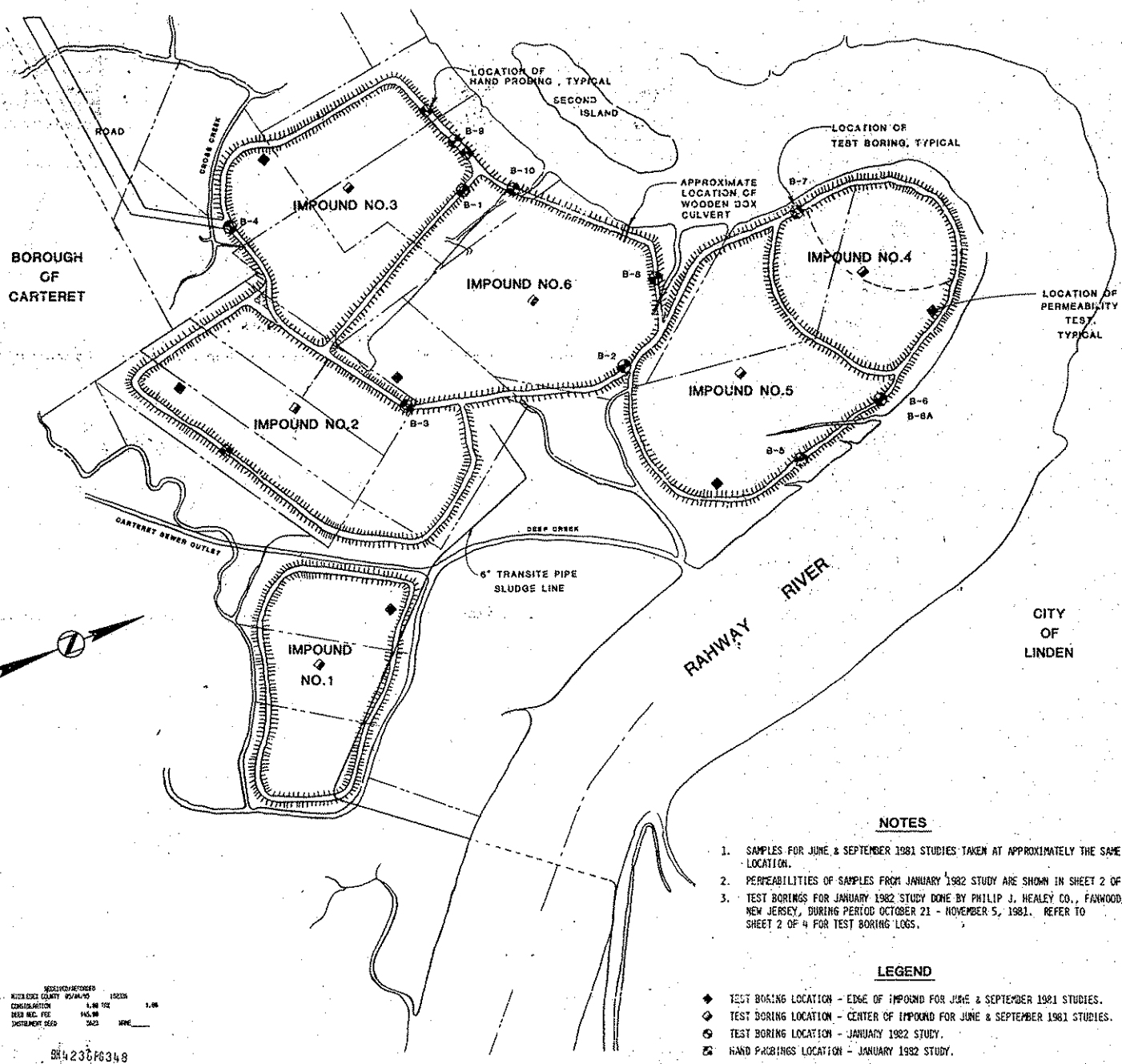
Signed and Sworn before me on  
April 26, 1995.  
Rosary A. Gaffney  
ROSARY A. GAFFNEY  
NOTARY PUBLIC OF NEW JERSEY  
COMMISSION EXPIRES 1/23/98  
Notary Public

RETURN TO  
RETURN TO  
CYTEC INDUSTRIES  
P.O. BOX 31  
LINDEN, NJ 07036  
ATTN: MR J JEROME

kt/sd/declrc.act



June Map 7-12-1801# 779



JUNE 1981 STUDY		
LOCATION	TOP SLUDGE LAYER	
	FIELD DENSITY LBS./CU.FT.	PERMEABILITY CM./SEC.
IMPOUND #1		
EDGE	89.90	$1.19 \times 10^{-6}$
CENTER	81.81	$6.87 \times 10^{-6}$
IMPOUND #2		
EDGE	88.72	$8.81 \times 10^{-6}$
CENTER	46.78	$6.05 \times 10^{-6}$
IMPOUND #3		
EDGE	81.08	$4.02 \times 10^{-5}$
CENTER	81.87	$2.82 \times 10^{-6}$
IMPOUND #4		
EDGE	81.82	$1.09 \times 10^{-4}$
CENTER	68.08	$6.73 \times 10^{-6}$
IMPOUND #5		
EDGE	83.70	$1.08 \times 10^{-6}$
CENTER	60.60	$2.24 \times 10^{-6}$
IMPOUND #6		
EDGE	80.67	$1.24 \times 10^{-6}$
CENTER	42.81	$1.82 \times 10^{-6}$

SEPTEMBER 1981 STUDY		
LOCATION	PERMEABILITY CM./SEC.	
	BOTTOM SLUDGE LAYER	UNDERLYING SOIL
IMPOUND #1		
EDGE	$1.49 \times 10^{-6}$	$1.07 \times 10^{-6}$
CENTER	$3.45 \times 10^{-5}$	$2.43 \times 10^{-6}$
IMPOUND #2		
EDGE	$1.87 \times 10^{-5}$	$3.00 \times 10^{-6}$
CENTER	$1.00 \times 10^{-5}$	$2.30 \times 10^{-7}$
IMPOUND #3		
EDGE	$2.28 \times 10^{-4}$	$1.93 \times 10^{-6}$
CENTER	$6.80 \times 10^{-4}$	$1.44 \times 10^{-6}$
IMPOUND #4		
EDGE	$9.07 \times 10^{-5}$	$0.34 \times 10^{-6}$
CENTER	$3.06 \times 10^{-3}$	$4.87 \times 10^{-6}$
IMPOUND #5		
EDGE	$8.00 \times 10^{-5}$	$3.87 \times 10^{-6}$
CENTER	$3.08 \times 10^{-5}$	$2.40 \times 10^{-7}$
IMPOUND #6		
EDGE	$9.16 \times 10^{-5}$	$4.12 \times 10^{-6}$
CENTER	$2.87 \times 10^{-5}$	$3.20 \times 10^{-7}$

JANUARY 1982 STUDY			
LOCATION	TOTAL BOREHOLE DEPTH, FT.	TOTAL DIKE MATERIAL DEPTH, FT.	REMARKS
B-1	28	13	FILL OVERLIES 5 FT. SLUDGE
B-2	23	33	NO SLUDGE OR MEADOW MAT ENCOUNTERED
B-3	28	19	FILL OVERLIES 4 FT. SLUDGE
B-4	28	9	FILL OVERLIES 5 FT. SLUDGE
B-5	26	10	SLUDGE ABOVE AND BELOW FILL
B-6	15	10	SLUDGE ABOVE AND BELOW FILL
B-6A	21	9	SLUDGE ABOVE AND BELOW FILL
B-7	19	10	FILL ABOVE AND BELOW SLUDGE
B-8	24	22	FILL LIES ON MEADOW MAT
B-9	10	0	NO FILL. SLUDGE LIES ON MEADOW MAT
B-10	24	24	FILL LIES ON MEADOW MAT

- NOTES**
1. SAMPLES FOR JUNE & SEPTEMBER 1981 STUDIES TAKEN AT APPROXIMATELY THE SAME LOCATION.
  2. PERMEABILITIES OF SAMPLES FROM JANUARY 1982 STUDY ARE SHOWN IN SHEET 2 OF 4.
  3. TEST BORINGS FOR JANUARY 1982 STUDY DONE BY PHILIP J. HEALEY CO., FAWOOD, NEW JERSEY, DURING PERIOD OCTOBER 21 - NOVEMBER 5, 1981. REFER TO SHEET 2 OF 4 FOR TEST BORING LOGS.

- LEGEND**
- ◆ TEST BORING LOCATION - EDGE OF IMPOUND FOR JUNE & SEPTEMBER 1981 STUDIES.
  - ◊ TEST BORING LOCATION - CENTER OF IMPOUND FOR JUNE & SEPTEMBER 1981 STUDIES.
  - ⊙ TEST BORING LOCATION - JANUARY 1982 STUDY.
  - ⊠ HAND PROBINGS LOCATION - JANUARY 1982 STUDY.

REVISIONS

DESIGNED BY B.R. DRAWN BY M.D.D. CHECKED BY M.D.	<b>MICHAEL DISKO, P.E.</b> PROFESSIONAL ENGINEER N.J. LICENSE NO. 12950 <i>Michael Disko 1/8/82</i>	<b>M. DISKO ASSOCIATES</b> CONSULTING ENGINEERS 2005 U.S. HIGHWAY NO. 22 P.O. BOX 1627 UNION, NEW JERSEY 07083	<b>AMERICAN CYANAMID COMPANY</b> WARNER'S PLANT LINDEN, NEW JERSEY	<b>LOCATION OF TEST BORINGS &amp; PERMEABILITY TESTS</b>	SCALE 1"=200' DATE JANUARY 1982 SHEET NUMBER 1 OF 4
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THE STATE OF NEW JERSEY:

TO ALL TO WHOM THESE PRESENTS SHALL COME OR MAY CONCERN,  
GREETING:

W H E R E A S, Pursuant to an act of the Legislature of said State, approved April 8, 1915, entitled "An Act creating a department to be known as the Board of Commerce and Navigation," being Title 12, Commerce and Navigation, Article 1, Section 12:2-1 of Revised Statutes of New Jersey, approved December 20, 1937, AMERICAN CYANAMID COMPANY, a corporation of the State of Maine, having the necessary consent and permission from the owners of the upland, has applied to the Board of Commerce and Navigation for the right or easement to use the lands under water belonging to the State of New Jersey, hereinafter described, for the construction, use and maintenance in, through and under the said lands of two (2) six inch (6") steel pipes, and to have the said Board of Commerce and Navigation fix the locus of the said lands under water, and determine the price or compensation to be paid to the State therefor and the terms and conditions of the said right or easement;

A N D W H E R E A S, the said Board of Commerce and Navigation, to wit: J. SPENCE SMITH, JOHN MURLAND, FRANK DORSEY, JAMES W. COSTELLO, HAROLD L. JONES, JAMES J. KELLY, LESLIE S. STERLING, and EDWARD CRABBE, having due regard to the interest of navigation and the interests of the State, have agreed to grant a right or easement in perpetuity to use the lands under water hereinafter described upon the terms herein set forth, and have determined the sum of ONE HUNDRED(\$100.00) DOLLARS as the price or reasonable compensation to be paid to the State for such right or easement;

N O W T H E R E F O R E, the said State of New Jersey, by the said Board of Commerce and Navigation, the Governor, approving, in consideration of the premises, the terms and conditions hereinafter contained, and the said sum of ONE HUNDRED (\$100.00) DOLLARS duly paid by the said AMERICAN CYANAMID COMPANY to the said State, the receipt whereof is hereby

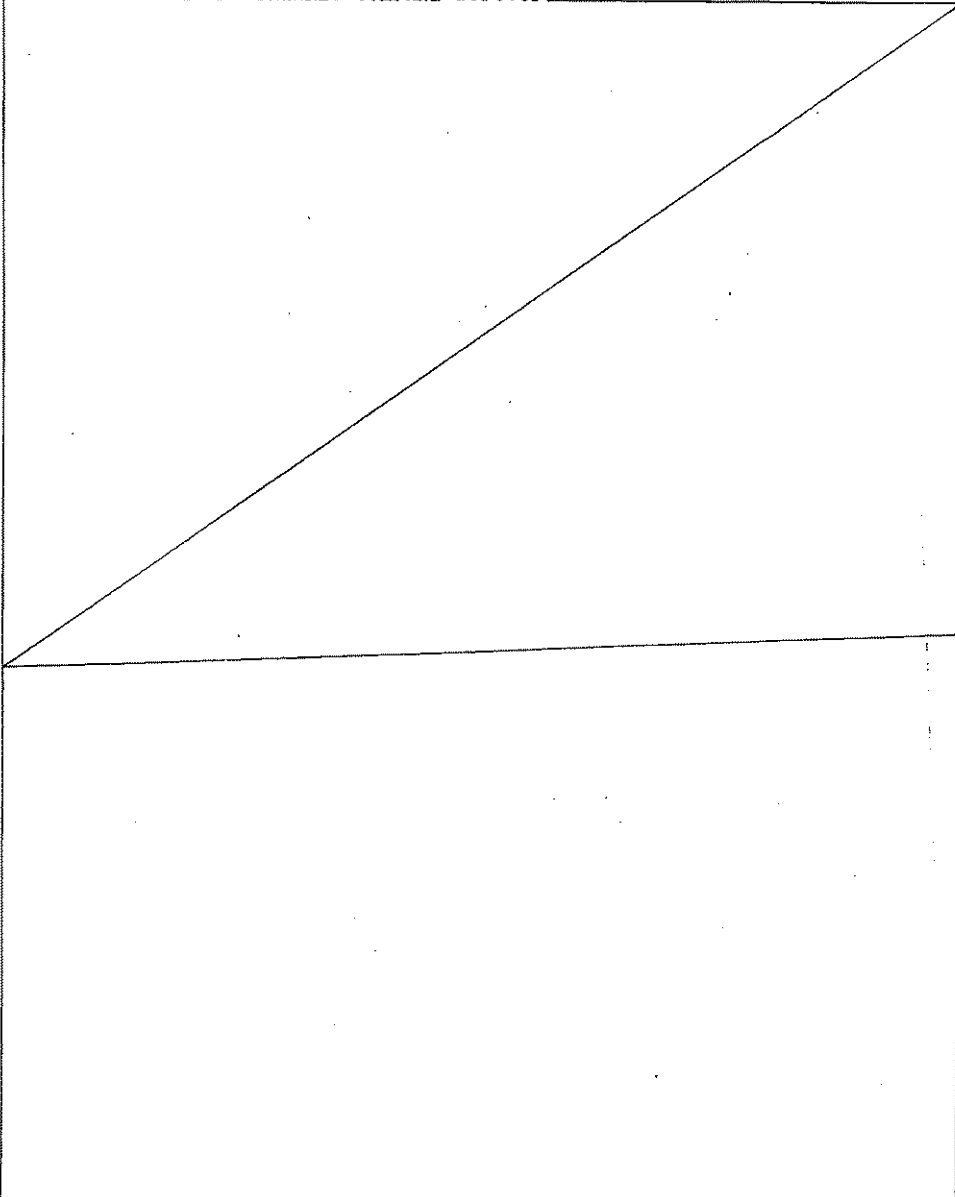
acknowledged, does hereby grant, bargain, sell and convey to the said AMERICAN CYANAMID COMPANY forever, the right or easement to construct, use and maintain, in, through, under or over and across the lands of the State as hereinafter described, two (2) six inch (6") diameter steel pipes in a trench two (2) feet below the bed and across Rahway River approximately two thousand (2,000) feet upstream from its mouth between a point in the mean high water line of said Rahway River on the southerly side in the property of the American Oil Company in the Borough of Carteret, County of Middlesex, and a point in the mean high water line of the property of Cities Service Asphalt Products Company (formerly Warner-Quinlan Company) in the Town of Linden, Union County. Said pipe line to be laid across a channel one hundred sixty (160) feet wide at a depth of fifteen (15) feet below mean low tide. As shown on a plan hereto attached and made part hereof.

EXPRESSLY SUBJECT to the conditions now or hereafter imposed by the United States War Department and by the Board of Commerce and Navigation for the protection of navigation; and upon the further express condition that if in the future it shall appear that, in the opinion of the Board of Commerce and Navigation, or their successors, or any other arm or branch of the government of the State of New Jersey, it shall be found necessary to make any change of a road or waterway, or any other natural or artificial feature or structure at or near the site of said pipe line, so as to require the change of location of such pipe line, the grantee hereof shall promptly, at its own expense, upon notice from the State of New Jersey immediately lower or otherwise move the said pipe line to such new location as is or may be determined and indicated by said State of New Jersey or any of its agencies or Boards; and upon failure or refusal so to do or upon failure to comply with any of the other terms, condition or covenants hereinabove or hereinafter contained, then the right or easement to use and maintain such pipe line as aforesaid, shall immediately cease and terminate and come to an end, and this instrument shall become and be void, and all the rights and privileges hereby given and granted as aforesaid shall cease.

A N D A L S O P R O V I D E D, that if the said AMERICAN CYANAMID COMPANY is not the owner, or has not the necessary consent and permission of the owner of the upland at the landing places of said pipe lines, then and in that event this instrument, so far as the same binds the State and all the covenants herein on the part of the State shall be void.

A N D A L S O P R O V I D E D, that the right or easement hereby granted, shall not interfere with the rights of any riparian or shore owner as defined by law.

T O H A V E A N D T O H O L D all and singular the above easement subject to the terms, conditions and limitations aforesaid, unto the said AMERICAN CYANAMID COMPANY forever.



IN WITNESS WHEREOF the said Board of Commerce and Navigation have hereunto respectively set their hands, and these presents have been signed by the Governor and the Great Seal of the said State has been hereunto affixed and attested by the Secretary of State, this eleventh day of July in the year nineteen hundred and thirty-eight.

A. HARRY MOORE  
Governor

J. SPENCER SMITH

JOHN MURLAND

FRANK DORSEY

H. L. JONES

JAMES W. COSTELLO

L. S. STERLING

JAMES KELLY

EDWARD CRABBE

(GREAT SEAL OF THE  
STATE OF NEW JERSEY)

THOMAS A. MATHIS  
SECRETARY OF STATE

Witness: FRANK D. HOLMES, JR.

STATE OF NEW JERSEY }  
COUNTY OF MERCER } SS:

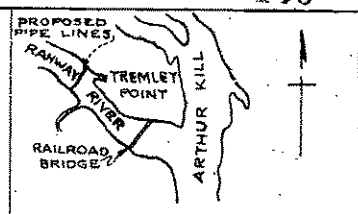
BE IT REMEMBERED, That on this 18th day of July, nineteen hundred and thirty-eight, before me, the subscriber, a Master in Chancery of New Jersey, personally appeared FRANK D. HOLMES, JR., who being by me duly sworn on his oath, saith that he saw J. SPENCER SMITH, JOHN MURLAND, FRANK DORSEY, H. L. JONES, JAMES W. COSTELLO, L. S. STERLING, JAMES KELLY and EDWARD CRABBE, the within named Board of Commerce and Navigation sign and deliver the within easement as their voluntary act, and that he, the said FRANK D. HOLMES, JR. thereupon subscribed his name as an attesting witness thereto.

Sworn and subscribed before me  
at TRENTON the day and  
year aforesaid.

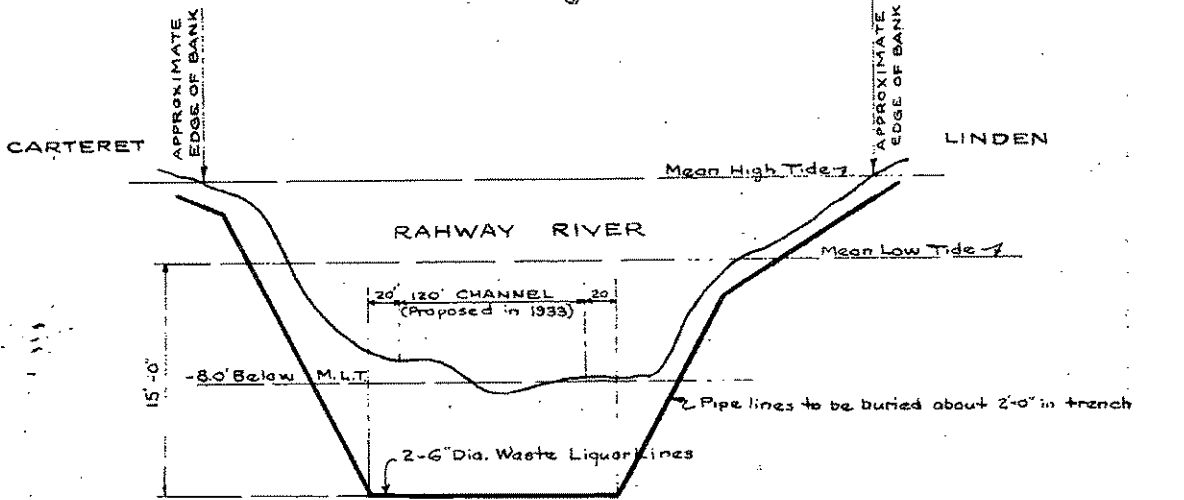
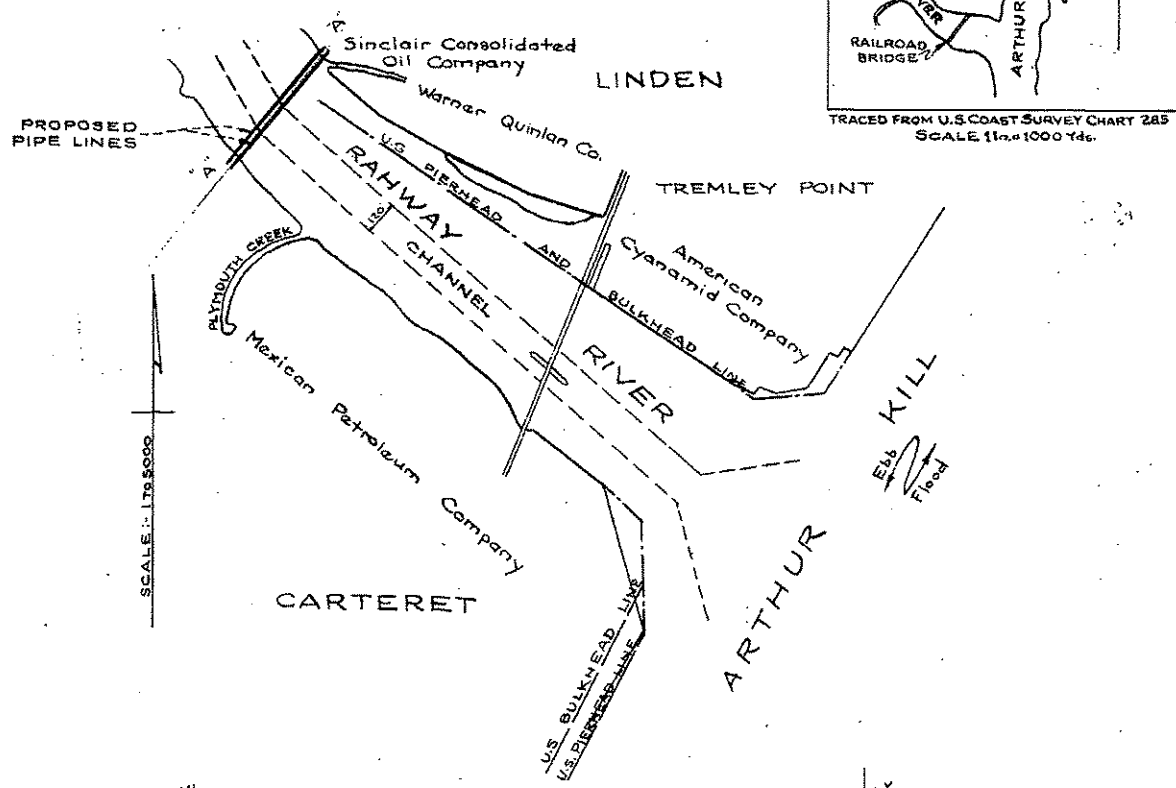
FRANK D. HOLMES, JR.

SACKETT M. DICKINSON  
MASTER IN CHANCERY OF NEW JERSEY

3707-B



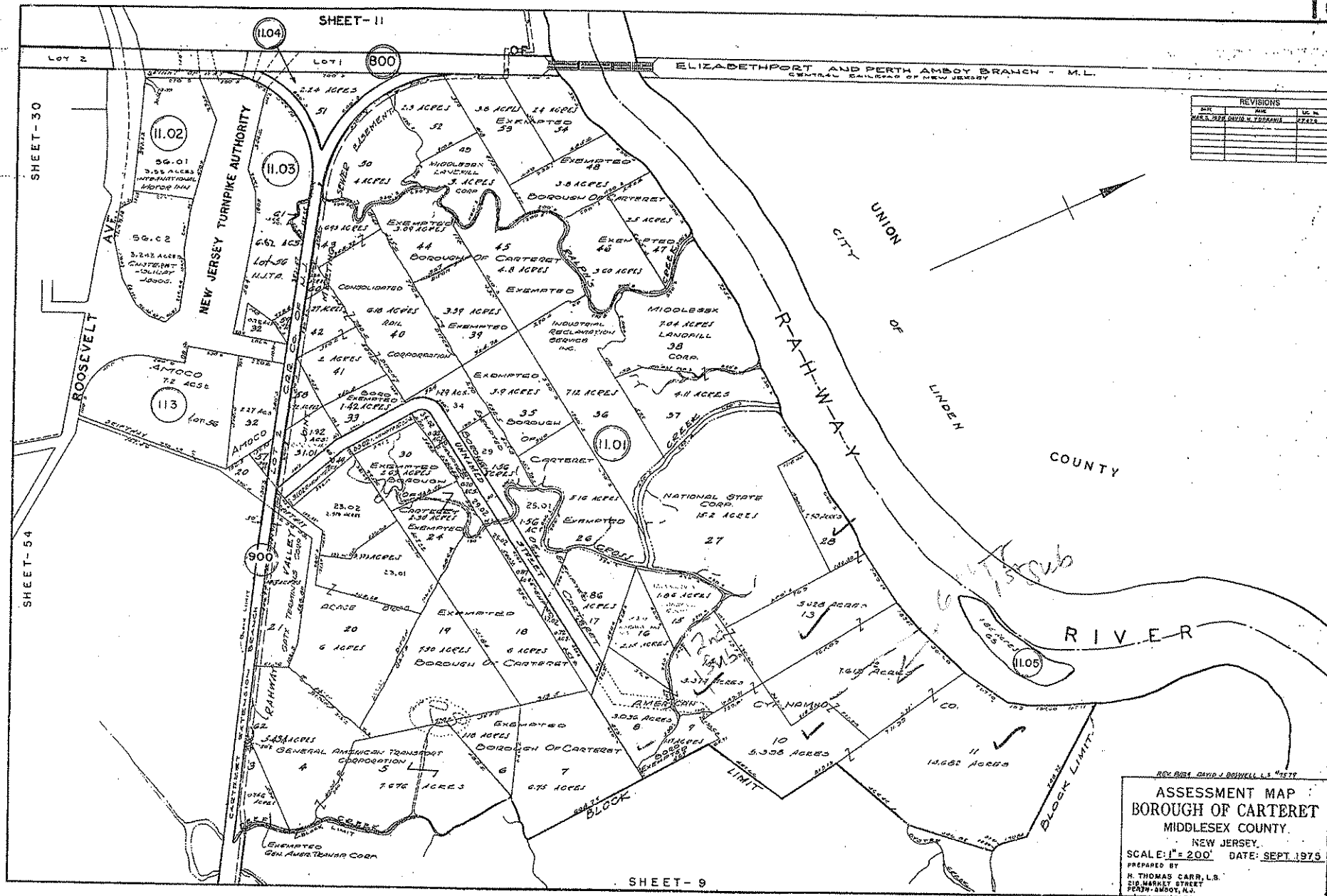
TRACED FROM U.S. COAST SURVEY CHART 285  
SCALE 1/16" = 1000 Yds.



**SECTION A-A**  
 HORIZONTAL SCALE = 1 INCH = 80 FEET  
 VERTICAL SCALE = 1 INCH = 8 FEET

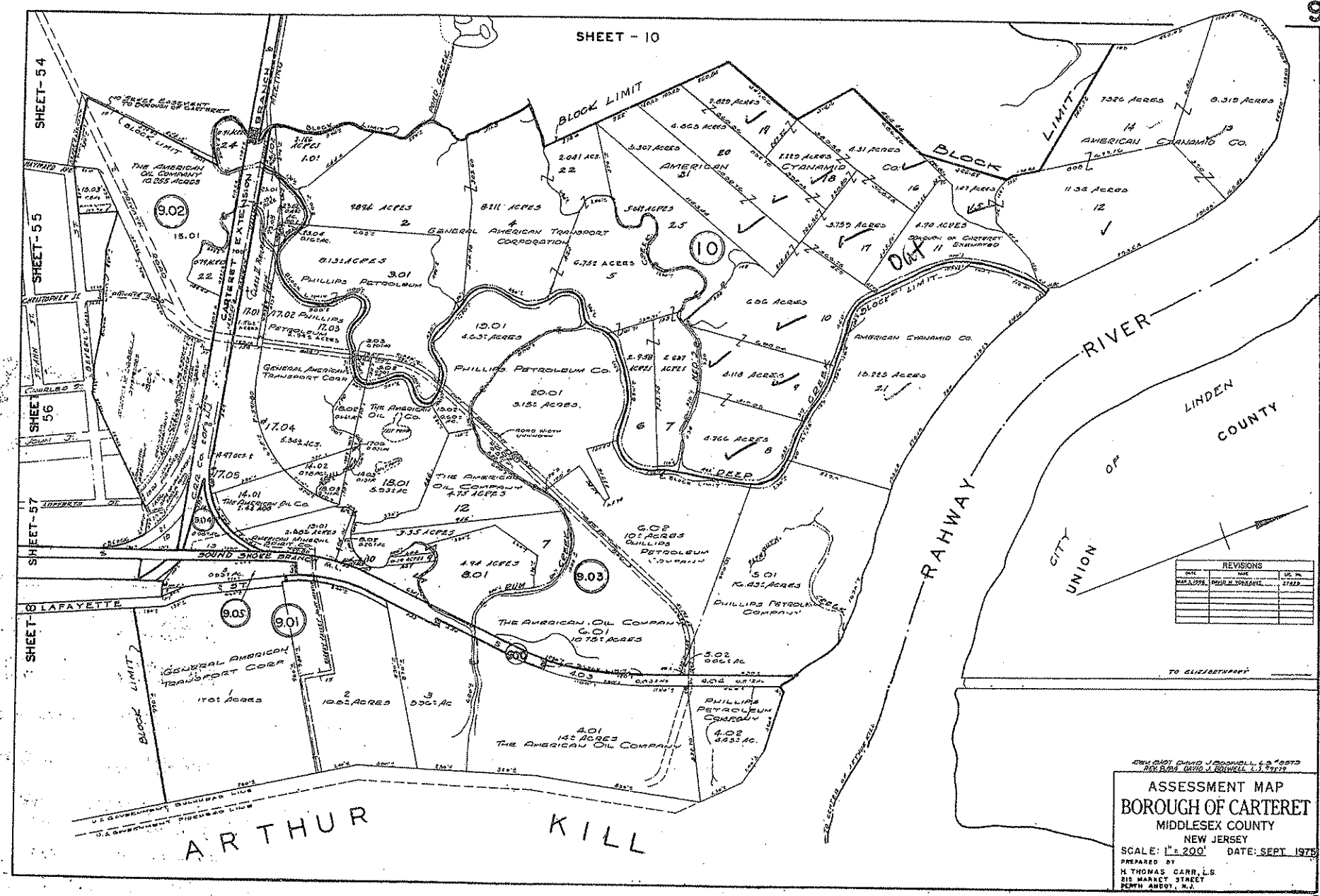
STATE OF NEW JERSEY  
 BOARD OF COMMERCE AND NAVIGATION  
 MAP SHOWING  
 LANDS UNDER TIDE-WATER SITUATE  
 IN THE TOWNSHIP OF LINDEN IN THE COUNTY OF UNION  
 IN THE BOROUGH OF CARTERET IN THE COUNTY OF MIDDLESEX  
 UNDER WHICH EASEMENT TO LAY TWO PIPE LINES WAS  
 GRANTED TO  
 AMERICAN CYANAMID COMPANY  
 JULY 11, 1938

*Oliver W. Starnford*  
 ACTING CHIEF ENGINEER



REVISIONS		
NO.	DATE	BY

REP. BY: DAVID J. BOSWELL, L.S. 45177  
**ASSESSMENT MAP**  
**BOROUGH OF CARTERET**  
**MIDDLESEX COUNTY,**  
**NEW JERSEY.**  
 SCALE: 1" = 200' DATE: SEPT. 1975  
 PREPARED BY  
 H. THOMAS CARR, L.S.  
 519 MARKET STREET  
 PERTH AMBOY, N.J.



REVISIONS		
DATE	BY	REVISION

4541 0107 DAVID J. BOONWELL, L.S. 70873  
 4541 0108 DAVID J. BOONWELL, L.S. 70873  
**ASSESSMENT MAP**  
**BOROUGH OF CARTERET**  
 MIDDLESEX COUNTY  
 NEW JERSEY  
 SCALE: 1" = 200' DATE: SEPT. 1978  
 PREPARED BY  
 H. THOMAS CARR, L.S.  
 818 MARKET STREET  
 BIRNHAMPTON, N.J.