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September 16, 2025

Michael Eppoliti
Eppoliti Industrial Realty, Inc.
15 Great Pasture Rd Suite 3
Danbury, CT 06810

RE: Environmental Conditions
15 Great Pasture Road

Dear Mr. Eppoliti

CCA has prepared this letter at your request to address questions raised by the City of Danbury Environmental Impact Commission (EIC) during their July 23, 2025, meeting regarding the environmental condition of 15 Great Pasture Road (the “subject site”) as it relates to proposed development.

As CCA understands it, given the extensive environmental regulatory history at the subject site the EIC has questions and concerns regarding the regulatory status, current environmental conditions, and the potential for disturbance of contaminated soil during the proposed development.

CCA reviewed information provided by you, and thousands of pages of publicly available local, state and federal records.

SITE HISTORY

Audio tape was produced in the 75,000 square foot main building from 1957 to 1985. Polyester film was coated with a dispersion mixture comprised of iron oxide, binders, and solvents, principally tetrahydrofuran (THF) and toluene (T). Other solvents including Freon®, methyl isobutyl ketone (MIBK), isobutyl acetate (IBA), butyl acetate (BA), methyl ethyl ketone (MEK), and ethylbenzene (EB) were also used in much lesser quantities for cleaning and other operations. From 1969 to 1985 the dispersion solvents were recovered and reused. Vapors were captured by carbon adsorption, released from the carbon by steam stripping, and then distilled until usable.

REGULATORY STATUS

Connecticut Property Transfer Act

CTDEEP accepted a Connecticut Licensed Environmental Professional's (LEP's) final verification for the latest transfer of the subject site, a Form III filed on April 1, 2003, and considers that filing closed. The final verification is partly reliant on an Environmental Land Use Restriction and Grant of Easement (ELUR) originally filed in 2009 and refiled in 2015 which remains in place and restricts disturbance of soil below 10 feet within the area depicted on Exhibit A. The ELUR is filed with both City of Danbury and Town of Bethel Land Records.

RCRA

There do not appear to be any continuing obligations related to the former RCRA activities of Columbia Magnetics. By letter dated January 25, 2013, CTDEEP notified Eppoliti Industrial Realty, Inc. that an administrative decision was made to:

- Terminate Interim Status for the above referenced facility in accordance with Connecticut General Statutes ("CGS") 22a-6h and the Regulations of Connecticut State Agencies ("RCSA") 22a-449(c)- 110, incorporating 40 CFR 270.73 and applicable sections of 40 CFR 124;
- Issue the certificate of completion for clean-up activities; and
- Release CBS Corporation (successor to Columbia Magnetics) from the financial assurance and liability requirements pursuant to RCSA Section 22a-449(c)-105(a), incorporating 40 CFR 265.143(h) and 40 CFR 265.147(e).

A copy of the letter and certificate of completion is provided as Exhibit B.

CERCLA

There do not appear to be any continuing obligations related to CERCLA for the subject site.

- On May 29, 2012, CTDEEP requested USEPA issue a CERCLIS Archive Letter for CERCLIS No. CTD050628148.
- According to EPA database records CERCLIS No. CTD050628148 was archived on June 4, 2012.
- A copy of the database page listing the status of the subject site is provided as Exhibit C

SITE INVESTIGATIONS AND REMEDIAL ACTIONS

The site has been extensively investigated by CTDEP, USEPA and the former property owner and their respective consultants. Reports from CDM, W&C, RFW, NES, GZA, NUS consultants are in the files.

Thirteen Areas of Concern (AOCs) were identified and investigated by various investigators. Investigations comprised:

- 52 Soil Borings and associated soil samples,
- 8 wells installed with 40 quarters of monitoring data,
- 43 soil gas samples,
- 7 surface water samples, and
- 5 sediment samples.

The locations of the sample points are shown in Exhibit A

No releases were identified in eight of the thirteen AOCs. The other five AOCs had elevated solvent concentrations in soil and were remediated as follows:

AOC 1 (Downgradient of RCRA Drum Storage Area) &
AOC 5 (RCRA Drum Storage Area)

- Clean Closed under CTDEP Oversight
- 270 cubic yards of soil was removed and disposed of off- site.
- Post-excavation samples below action levels and RSRs.
- Down-gradient groundwater in compliance

AOC 2 (Solvent Tank Farm) &
AOC 3 (Process UST)

- 490 cubic yards of soil was removed and disposed of off- site.
- Post-excavation samples below action levels and RSRs.
- Down-gradient groundwater was in compliance

AOC 4 (Southwest corner of main building).

- 3,800 cubic yards of soil was removed and disposed of off- site.
- Soil was removed down to bedrock except near the building where it was sloped outward from the building footing and covered with an engineered barrier.
- Post excavation samples along the outer perimeter walls of the excavation were all ND.
- Down-gradient groundwater was in compliance.
- An ELUR limiting disturbance of contaminated soil was filed in Danbury on September 14, 2015, and in Bethel on October 8, 2015 (This is the same ELUR filed in 2009 which refiled to include a missing page). A copy of the ELUR is provided as Exhibit D.

CURRENT ENVIRONMENTAL CONDITIONS.

Investigations and Remedial Actions were conducted after tape manufacturing ceased. No known high-risk activities have been conducted on or releases reported at the subject site since tape manufacturing ceased. Therefore, current environmental conditions should be the same as documented in investigation and/or remedial action confirmation samples and most likely have improved by natural attenuation.

Environmental conditions are discussed below by media.

Soil

About 60 soil borings were advanced on the subject site and upwards of 100 soil samples were collected and laboratory analyzed. Although COCs were detected in soil at five AOCs, the concentrations in four of the areas were relatively low and the soil was successfully “clean closed” by excavation and removal of contaminated soil. Inaccessible soil with COCs above RSR criteria was left in place at the southeast corner of the building. This area is covered by the ELUR and is the only area of the subject site with concentrations of COCs in soil above RSR criteria.

Soil Gas

Forty-three (43) soil gas samples were taken below the building in former solvent handling areas. Solvents were detected in soil gas, but the concentrations were below the RSRs, including near

where the highest concentrations of solvents remain in site soil thus it is very unlikely soil-gas criteria would be exceeded anywhere on the subject site.

Groundwater

From 1986-1996 forty (40) rounds of quarterly groundwater sampling were conducted after completion of remedial actions. Although solvents were detected inconsistently in several wells, there were no exceedances of RSR criteria in the last 19 sampling rounds.

Sediment

Five sediment samples were collected in 1991 (after completion of remedial activities). Site specific COCs were not detected in the samples.

Surface water

Three surface water samples were collected in 1991 (after completion of remedial activities). Site specific COCs were not detected in the samples.

RESPONSES TO SPECIFIC QUESTIONS/ISSUES RAISED BY EIC

Questions and issues raised by the EIC at their July 23, 2025, meeting are paraphrased below in italics followed by our responses.

1. *What is the existing heat supply and what is the status of the two 15,000-gal fuel oil USTs adjacent to the southeast corner of the building?*

The building is heated by natural gas. There were no reported releases from the fuel-oil USTs, and they were removed in 1992. In 2003 a GPR survey was conducted to locate the tank graves, and a series of 10 soil borings were advanced in the areas of the tank graves. No VOCs or petroleum hydrocarbons were detected in soil samples collected from the soil borings. Semi-VOCs (SVOCs) were detected in two samples but were at concentrations below RSR criteria.

2. *Provide a copy of ELUR (possible missing page 2?) and explain why there is a 9-year difference for ELUR filing dates at Danbury and Bethel?*

A copy of the ELUR is provided as Exhibit D. The ELUR was originally filed in both Danbury and Bethel in 2009. The ELUR was refiled in Danbury on September 14, 2015, and in Bethel on October 8, 2015. The 2015 filings was to add page 2 of the Declaration of Environmental Land Use Restriction and Grant of Easement which was missing from both of the 2009 filings.

3. *Were any test pits conducted within the ELUR area? What was the cell tower (leased) install date – was there any ELUR disturbance?*

The owner is unaware of any test pits in the ELUR Area and states there was no ELUR disturbance by cell tower construction. The cell tower was completed in 2018.

4. *There was a historic discharge to the sewer – was there any wastewater discharge into septic?*

Reportedly production wastewater was not discharged to the septic system. In 2005 a GPR survey was conducted to locate the leach field, and two soil test borings were advanced to

bedrock – groundwater was not encountered. One soil sample was collected and analyzed for COCs – they were not detected.

5. *Historic solvent recovery – adjacent to SW corner of building (east of proposed retention pond) - 15k storage tanks for recycled toluene?*

The solvent recovery system utilized 15 aboveground storage tanks containing solvent and solvent contaminated water in the area identified as Former Process Solvent Tank Farm (AOC#2) and 9 underground storage tanks containing spent solvent in the area identified as the Former Underground Storage Area (AOC#3). The entire capacity of the solvent recovery system was reportedly 12,500 gallons.

6. *Sludge disposal offsite – residual from imprinting on magnetic tape (iron oxide sludge)?*

Reportedly all sludge was disposed of off-site. Prior to 1984 the sludge was disposed of at the Danbury Municipal Landfill and thereafter it was drummed and removed from the site.

7. *NFRAP – is it off the Active CERCLIS list? Confirm status with EPA.*

The site was archived on June 4, 2012 (see Exhibit C).

8. *Engineering Control – where are barriers locations, provide a description of the barriers?*

There is only one engineered barrier, it is located in the ELUR area against the south and west walls of the south west corner of the building. The barrier was designed to prevent percolation of water through the contaminated soil and to prevent accidental disturbance of the contaminated soil. Barrier location maps and details are provided in Exhibit E.

9. *Former drum storage area – include on site plan.*

Exhibit A is the Proposed Site Plan with Environmental Sampling and Remedial Action Areas overlain

Respectfully submitted,



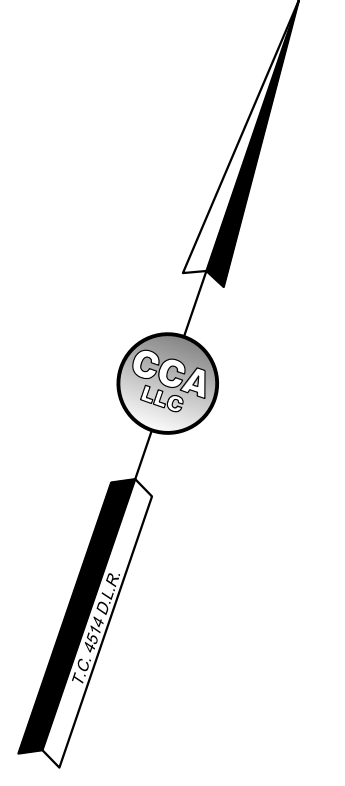
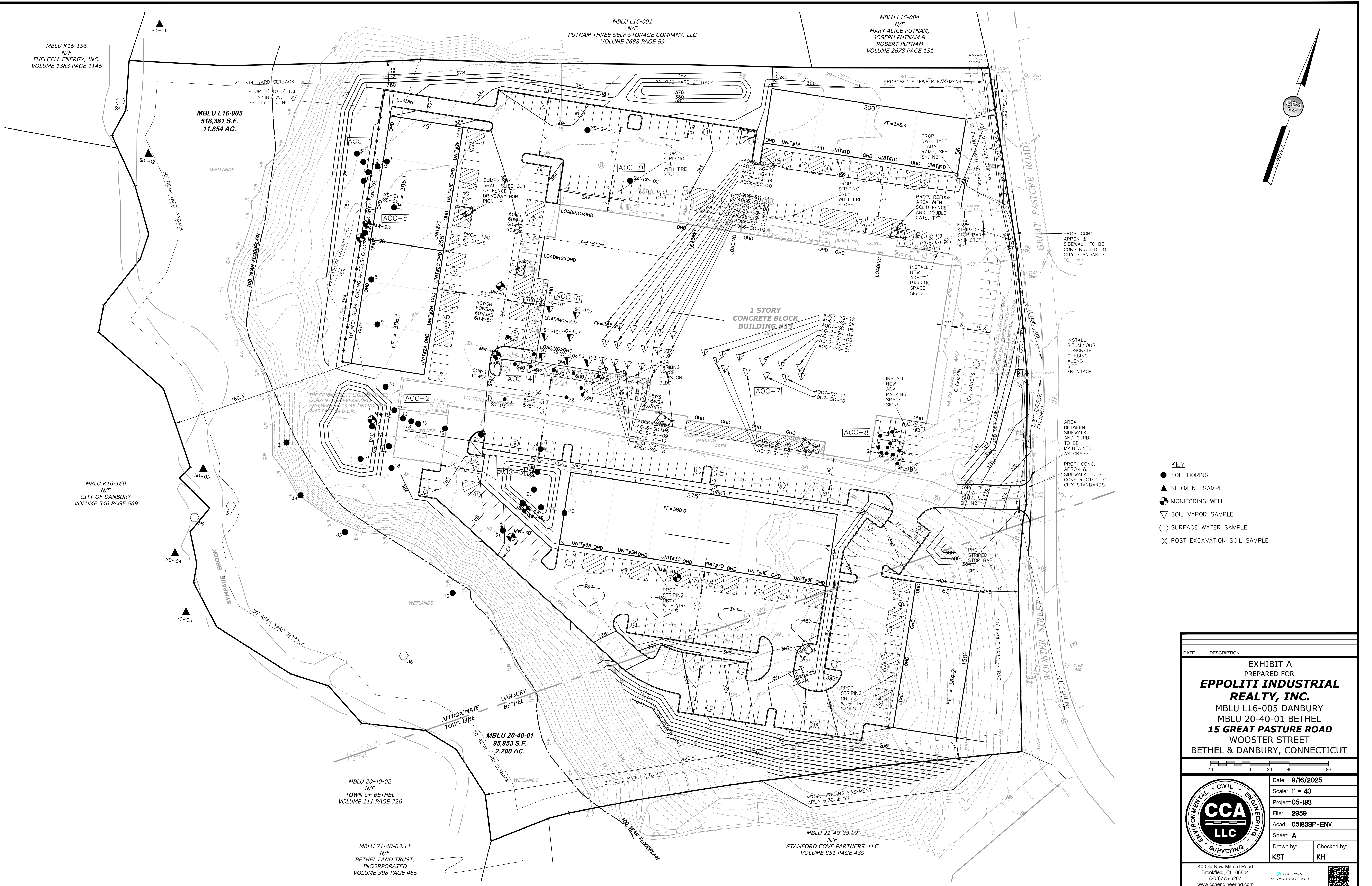
Kerry M. Hanlon, PG, LEP

CCA LLC

Attachments

- Exhibit A: Proposal Site Plan with Environmental Sampling and Remedial Action Areas
- Exhibit B: RCRA Closure Certificate of Completion
- Exhibit C: CERCLA Database Listing
- Exhibit D: Environmental Land Use Restriction
- Exhibit E: Engineered Barrier Details

EXHIBIT A



- KEY**
- SOIL BORING
 - ▲ SEDIMENT SAMPLE
 - ⊕ MONITORING WELL
 - ▽ SOIL VAPOR SAMPLE
 - SURFACE WATER SAMPLE
 - × POST EXCAVATION SOIL SAMPLE

DATE	DESCRIPTION

EXHIBIT A
 PREPARED FOR
EPPOLITI INDUSTRIAL REALTY, INC.
 MBLU L16-005 DANBURY
 MBLU 20-40-01 BETHEL
15 GREAT PASTURE ROAD
 WOOSTER STREET
 BETHEL & DANBURY, CONNECTICUT

Date:	9/16/2025
Scale:	1" = 40'
Project:	05-183
File:	2959
Acad:	05183SP-ENV
Sheet:	A
Drawn by:	KST
Checked by:	KH

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 Brookfield, Ct. 06804
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EXHIBIT B



January 25, 2013

79 Elm Street • Hartford, CT 06106-5127

www.ct.gov/deep

Affirmative Action/Equal Opportunity Employer

**Termination of Interim Status
Completion of Clean-Up Activities/Release from Financial Requirements**

Marcia Ippoliti
Secretary/Treasurer
Eppoliti Industrial Realty, Inc.
37 Danbury Rd, Suite 203
Ridgefield, CT 06877



Re: Former Columbia Magnetics, 15 Great Pasture Road, Danbury, CT.
EPA ID. No. CTD050628148

Dear Ms. Ippoliti:

The Department of Energy and Environmental Protection ("the Department") hereby gives notice that a final administrative decision regarding the former Columbia Magnetics facility, located at 15 Great Pasture Road, Danbury, Connecticut has been made to:

1. Terminate Interim Status for the above referenced facility in accordance with Connecticut General Statutes ("CGS") 22a-6h and the Regulations of Connecticut State Agencies ("RCSA") 22a-449(c)-110, incorporating 40 CFR 270.73 and applicable sections of 40 CFR 124;
2. Issue the certificate of completion for clean-up activities; and
3. Release CBS Corporation (successor to Columbia Magnetics) from the financial assurance and liability requirements pursuant to RCSA Section 22a-449(c)-105(a), incorporating 40 CFR 265.143(h) and 40 CFR 265.147(e).

CBS Corporation completed closure activities and certified closure of the former hazardous waste storage facility in June 1987. The investigation and remediation required at the facility pursuant to the Form III filed with the Department by the current property owner, K&E Realty, on April 1, 2003 pursuant to CGS Section 22a-134a et seq. has been completed. This fulfills the requirements of RCSA Section 22a-449(c)-104(a)(2)(O) and RCSA 22a-449(c)-105(h).

Pursuant to CGS Section 22a-6h and RCSA Section 22a-449(c)-110, the tentative determination of the Department's intent to Terminate the Interim Status of this facility appeared in the Classified Section of the Danbury News-Times and was broadcast on WLAD-AM on October 15, 2012. In addition, pursuant to RCSA Section 22a-449(c)-110(a) (2) (III), a public informational meeting regarding this permit decision was held on November 14, 2012. No comments were received and no requests for a public hearing were received during the public comment period.

Specifically, the Department has determined, after providing an opportunity for public comment, that no RCRA Part B permit is needed since the facility is no longer operating, RCRA Closure is complete, and RCRA Corrective Action is complete. The Department's determination that remediation is complete and that a permit is not needed means that the facility's interim status will be terminated, provided that the facility remains in compliance with the Remediation Standard Regulations and institutional controls. The

Former Columbia Magnetics
15 Great Pasture Road
Danbury, CT
Page 2

basis for this decision is summarized in the Statement of Basis that accompanied the Department's tentative determination that was public noticed on October 15, 2012.

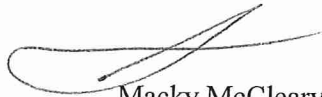
Consequently, the tentative determination is now final and CBS is no longer required to maintain financial assurance pursuant to RCSA Section 22a-449(c)-105 and 40 CFR 265.143(h) or liability coverage for sudden and non-sudden accidental occurrences pursuant to 40 CFR 265.147(e) for the above referenced facility.

A Certificate of Completion is enclosed to memorialize that all obligations for the investigation and remediation as required by overlapping federal and state authorities are complete. The issuance of this certificate is based on the completion of environmental clean-up work required by Federal and state laws and regulations, including RCRA Corrective Action and Closure, as determined by compliance with Connecticut's Hazardous Waste Management Regulations and Remediation Standard Regulations. This clean-up is consistent with the requirements of Connecticut's Property Transfer Act defined in Connecticut General Statutes Sections 22a-134 and 22a-134(a) through (e), and may be used as the basis for submitting a Form II pursuant to Connecticut's Property Transfer Act.

The United States Environmental Protection Agency has authorized Connecticut to implement RCRA Closure and RCRA Corrective Action and has supported Connecticut in its review of the investigation and remediation.

If you have any questions, please feel free to contact Sheila Gleason of the Remediation Division, sheila.gleason@ct.gov or at (860) 424-3767.

Sincerely,



Macky McCleary
Deputy Commissioner

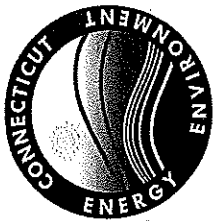
MM/SG

Enclosure: Certificate of Completion

CC (without enclosure):

- Mark D. Boughton, Mayor, Danbury City Hall, 155 Deer Hill Avenue Danbury, CT 06810
- Corporation Counsel: Robert J. Yamin, Danbury City Hall, 155 Deer Hill Avenue Danbury, CT 06810
- Fire Department Chief: Geoff Herald, 19 New Street, Danbury, CT 06810
- Danbury-Health and Human Services Director: Scott T. Leroy, 155 Deer Hill Ave Danbury, CT 06810
- State Senator: The Hon. Michael McLachlan, Legislative Office Building, Room 3400, Hartford, CT 06106
- State Representative: The Hon. Bob Godfrey, 13 Stillman Avenue, Danbury, CT 06810-8007
- Daniel Wainberg, US EPA Region I, Office of Site Remediation and Restoration, 5 Post Office Sq, Suite 100, Boston, MA 02109-3912
- Director of Economic Development, Wayne Shepperd, 155 Deer Hill Avenue Danbury, CT 06810
- Leo Brausch, CBS Corporation, 20 Stanwix Street, 10th Floor, Pittsburgh, PA 15222
- Nick Hastings, Woodard & Curran Inc., 1520 Highland Avenue, Cheshire, CT 06410
- Sheila Gleason, DEEP
- Diane Duva, DEEP





CERTIFICATE OF COMPLETION

The Commissioner of Energy and Environmental Protection has made a final administrative decision that no activities are being conducted that require a RCRA permit at the former Columbia Magnetics facility, EPA ID No. CTD050628148, located at **15 Great Pasture Road, Danbury, Connecticut.**

Environmental investigation and remediation activities are complete at the facility. Opportunities for public comment were provided related to the environmental investigation and remediation. Opportunity for public comment was also provided related to the Commissioner's proposed disposition of the facility's permit status.

The issuance of this certificate is based on the completion of environmental clean-up work required by state laws and regulations, including RCRA Corrective Action and Closure, as determined by compliance with Connecticut's Hazardous Waste Management Regulations and Remediation Standard Regulations. This clean-up is consistent with the requirements of Connecticut's Property Transfer Act defined in Connecticut General Statutes Sections 22a-134 and 22a-134(a) through (e), and may be used as the basis for submitting a Form II pursuant to Connecticut's Property Transfer Act.

Macky McCleary
Deputy Commissioner

EXHIBIT C

RUN DATE: 06/23/2025
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 VERSION: 200

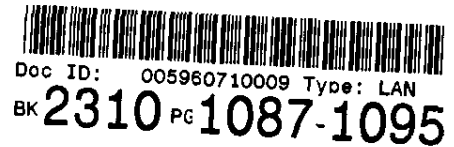
U.S. EPA SUPERFUND PROGRAM
 Source: SEMS Superfund Public User Database
 FOIA-008 - CERCLA to RCRA Site Associations

This report reflects site information tracked in EPA's Superfund Enterprise Management System (SEMS) and may not reflect subsequent revisions to RCRA Handler names and ID numbers tracked in EPA's RCRAInfo database.

Region	State	SEMS Site Name / (Associated RCRAInfo Handler Name)	SEMS EPA ID / (RCRAInfo Handler ID)	NPL Ind	SAA Ind	Inventory	Address	City	County	Zip	FF Ind	Non NPL Status Code	NPL/Non NPL Status Date
01	CT	BUCKS CORNER PLAZA (DELUXE CLEANERS & TAILORS)	CTD982193781 (CTD982193781)	N	N	Active	2249 NEW LONDON TURNPIKE	GLASTONBURY	HARTFORD	06073	N	NF	09/25/18
01	CT	C. R. R. A. (CT RESOURCE RECOVERY AUTHORITY WALLINGFORD)	CTD991288960 (CTD991288960)	N	N	Archive	25 PENT ROAD	WALLINGFORD	NEW HAVEN	06492	N	DR	05/24/85
01	CT	CARPENTER TECHNOLOGY CORPORATION (DERECKTOR SHIPYARD CT LLC)	CTD002344257 (CTD002344257)	N	N	Active	837 SEAVIEW AVENUE	BRIDGEPORT	FAIRFIELD	06607	N	OS	10/10/01
01	CT	CEE ASSOC (CEE ASSOC)	CTD044121697 (CTD044121697)	N	N	Archive	80 PICKETT DISTRICT ROAD	NEW MILFORD	LITCHFIELD	06776	N	DR	07/01/92
01	CT	CENTURY BRASS PRODUCTS NEW MILFORD PLANT (CENTURY BRASS PRODS NEW MILFORD PLT)	CTD000847707 (CTD000847707)	N	N	Archive	12 SCOVILL STREET	NEW MILFORD	LITCHFIELD	06776	N	DR	12/16/88
01	CT	COLTSVILLE HERITAGE PARK INC (COLTSVILLE HERITAGE PARK INC)	CTD001157106 (CTD001157106)	N	N	Archive	140 HUYSHOPE AVENUE	HARTFORD	HARTFORD	06102	N	DR	07/07/92
01	CT	COLUMBIA MAGNETICS (COLUMBIA MAGNETICS)	CTD050628148 (CTD050628148)	N	N	Archive	15 GREAT PASTURE ROAD	DANBURY	FAIRFIELD	06810	N	NF	06/04/12
01	CT	CONNECTICUT AIR NATIONAL GUARD ORANGE BASE (ORANGE AIR NATIONAL GUARD STAT)	CTD983895384 (CTD983895384)	N	N	Active	206 BOSTON POST ROAD	ORANGE	NEW HAVEN	06477	Y	NF	06/13/19
01	CT	CONNECTICUT ARMY NATIONAL GUARD BRADLEY BASE (CT MIL DEPT A A S F)	CTD983869785 (CTD983869785)	N	N	Active	Bradley Field Route 75	WINDSOR LOCKS	HARTFORD	06096	Y	NF	06/25/19
01	CT	CONNECTICUT YANKEE HADDAM NECK (CT YANKEE HADDAM NECK)	CTD042306720 (CTD042306720)	N	N	Archive	362 INJUN HOLLOW ROAD	HADDAM	MIDDLESEX	06438	N	DR	09/08/92
01	CT	CONTRACT PLATING (CONTRACT PLATING CO INC)	CTD001180462 (CTD001180462)	N	N	Archive	540 LONG BROOK AVENUE	STRATFORD	FAIRFIELD	06614	N	NF	06/23/11
01	CT	CORBIN RUSSWIN INC (CORBIN RUSSWIN INC)	CTD052541695 (CTD052541695)	N	N	Archive	225 EPISCOPAL ROAD	BERLIN	HARTFORD	06037	N	DR	06/03/92
01	CT	CT RESOURCE RECOVERY AUTHORITY (CT RESOURCE RECOVERY AUTHORITY SHELTON)	CTD000604546 (CTD000604546)	N	N	Archive	866 RIVER ROAD	SHELTON	NEW HAVEN	06488	N	DR	09/01/84
01	CT	CYTEC INDUSTRIES INC WALLINGFORD CT PLANT (ALLNEX USA INC)	CTD001173467 (CTD001173467)	N	N	Archive	SOUTH CHERRY STREET	WALLINGFORD	NEW HAVEN	06492	N	DR	08/25/86
01	CT	DANBURY MUNICIPAL LANDFILL (DANBURY LANDFILL)	CTD000841163 (CTD000841163)	N	N	Archive	23 PLUMTREES ROAD	DANBURY	FAIRFIELD	06810	N	DR	04/01/83
01	CT	DELTA RUBBER COMPANY (HUTCHINSON PRECISION SEALING SYSTEMS)	CTD046238630 (CTD046238630)	N	N	Archive	39 WAUREGAN ROAD	KILLINGLY (DANIELSON)	WINDHAM	06239	N	DR	08/01/86
01	CT	DOD/USN SB/AREA A LANDFILL #2 (NAVAL SUBMARINE BASE NEW LONDON (SUBASENLON))	CT4170022020 (CT4170022020)	A	N	Active	US NAVAL SUBMARINE BASE	GROTON	NEW LONDON	06349	Y		
01	CT	DONHAM CRAFT INC (UNIMETAL SURFACE FINISHING LLC)	CTD001450006 (CTD001450006)	N	N	Archive	EAST WATERBURY ROAD	NAUGATUCK	NEW HAVEN	06770	N	DR	08/18/88
01	CT	DOW NORTH AMERICA ALLYNS POINT PLANT (AMERICAS STYRENICS LLC ALLYN'S POINT STYRENICS PLANT)	CTD001159730 (CTD001159730)	N	N	Archive	1761 ROUTE 12	LEDYARD(GALES FERRY)	NEW LONDON	06335	N	DR	06/28/89
01	CT	DOW UNITED TECHNOLOGIES	CTD057794984	N	N	Archive	15 STERLING DRIVE	WALLINGFORD	NEW HAVEN	06492	N	DR	04/25/13

EXHIBIT D

EXHIBIT D



Town of Danbury
Town of Bethel

DOCUMENT COVER SHEET

This is the First Page of the Document – Do Not Remove

This document is being re-recorded to add this Cover Sheet and Page 2 of 4 of the Declaration of Environmental Land Use Restriction and Grant of Easement.

Town of Danbury Book 2058 Page 956-962

Town of Bethel Book 978, Page 68-74

Doc ID: 001310560007 Type: LAN
 Book 978 Page 68 - 74
 File# 2009-00003743

Doc ID: 002306000007 Type: LAN

2058 Pg 956-962

DECLARATION OF ENVIRONMENTAL LAND USE RESTRICTION
 AND GRANT OF EASEMENT

This Declaration of Environmental Land Use Restriction and Grant of Easement is made this 25th day of AUGUST, 2009, between K&E Realty, Inc. now known as Eppoliti Industrial Realty, Inc. (the "Grantor") and the Commissioner of Environmental Protection of the State of Connecticut (the "Grantee").

WITNESSETH:

WHEREAS, Grantor is the owner in fee simple of certain real property (the "Property") K&E Realty, Inc. now known as Eppoliti Industrial Realty, Inc., 15 Great Pasture Road, located in the City of Danbury, Fairfield County, designated as Map # 6755, Lot # 5, on the tax map of the City of Danbury, Fairfield County, more particularly described on Exhibit A which is attached hereto and made a part hereof; and

WHEREAS, the Grantee has determined that the environmental land use restriction set forth below is consistent with regulations adopted pursuant to Section 22a-133k of the Connecticut General Statutes; and

WHEREAS, the Grantee has determined that this environmental land use restriction will effectively protect public health and the environment from the hazards of pollution; and

WHEREAS, the Grantee's written approval of this environmental land use restriction is contained in the document attached hereto as Exhibit B (the "Decision Document") which is made a part hereof; and

WHEREAS, the property or portion thereof identified in the class A-2 survey (the "Subject Area") which survey is attached hereto as Exhibit C which is made a part hereof, contains pollutants; and

WHEREAS, to prevent exposure to or migration of such pollutants and to abate hazards to human health and the environment and in accordance with the Decision Document, the Grantor desires to impose certain restrictions upon the use, occupancy, and activities of and at the Subject Area, and to grant this environmental land use restriction to the Grantee on the terms and conditions set forth below; and

WHEREAS, Grantor intends that such restrictions shall run with the land and be binding upon and enforceable against Grantor and Grantor's successors and assigns;

NOW, THEREFORE, Grantor agrees as follows:

1. Purpose. In accordance with the Decision Document, the purpose of this environmental land use restriction is to assure that humans are not exposed to soils at the Subject Area polluted with substances in concentrations exceeding the direct exposure criteria established in R.C.S.A. sections 22a-133k-1 through 22a-133k-3, inclusive,

2. Restrictions Applicable to the Property and the Subject Area. In furtherance of the purposes of this environmental land use restriction, Grantor shall assure that use, occupancy, and activity of and at the Subject Area are restricted as follows:

A. Disturbances. Inaccessible soil in the Subject Area at the southwest corner of the site building more than 10 feet below grade shall not be exposed as a result of excavation, demolition or other activities.

3. Except as provided in Paragraph 4 below, no action shall be taken, allowed, suffered, or omitted if such action or omission is reasonably likely to:

i. Create a risk of migration of pollutants or a potential hazard to human health or the environment; or

ii. Result in a disturbance of the structural integrity of any engineering controls designed or

Declaration of Environmental Land Use Restriction and Grant of Easement
 Eppoliti Industrial Realty, Inc.
 15 Great Pasture Road
 Danbury, Connecticut

utilized at the Property to contain pollutants or limit human exposure to pollutants.

4. **Emergencies.** In the event of an emergency which presents a significant risk to human health or the environment, the application of Paragraphs 2 and 3 above may be suspended, provided such risk cannot be abated without suspending such Paragraphs and the Grantor:

- i. Immediately notifies the Grantee of the emergency;
- ii. Limits both the extent and duration of the suspension to the minimum reasonably necessary to adequately respond to the emergency;
- iii. Implements all measures necessary to limit actual and potential present and future risk to human health and the environment resulting from such suspension; and
- iv. Implements a plan approved in writing by the Grantee, on a schedule approved by the Grantee, to ensure that the Subject Area is remediated in accordance with R.C.S.A. sections 22a-133k-1 through 22a-133k-3, inclusive, or restored to its condition prior to such emergency.

5. **Release of Restriction; Alterations of Subject Area.** Grantor shall not make, or allow or suffer to be made, any alteration of any kind in, to, or about any portion of any of the Subject Area inconsistent with this environmental land use restriction unless the Grantor has first recorded the Grantee's written approval of such alteration upon the land records of Danbury, Connecticut. The Grantee shall not approve any such alteration and shall not release the Property from the provisions of this environmental land use restriction unless the Grantor demonstrates to the Grantee's satisfaction that Grantor has remediated the Subject Area in accordance with R.C.S.A. sections 22a-133k-1 through 22a-133k-3, inclusive.

6. **Grant of Easement to the Grantee.** Grantor hereby grants and conveys to the Grantee, the Grantee's agents, contractors, and employees, and to any person performing pollution remediation activities under the direction thereof, a non-exclusive easement (the "Easement") over the Subject Area and over such other parts of the Property as are necessary for access to the Subject Area or for carrying out any actions to abate a threat to human health or the environment associated with the Subject Area. Pursuant to this Easement, the Grantee, the Grantee's agents, contractors, and employees, and any person performing pollution remediation activities under the direction thereof, may enter upon and inspect the Property and perform such investigations and actions as the Grantee deems necessary for any one or more of the following purposes:

- i. Ensuring that use, occupancy, and activities of and at the Property are consistent with this environmental land use restriction;
- ii. Ensuring that any remediation implemented complies with R.C.S.A. sections 22a-133k-1 through 22a-133k-3, inclusive;
- iii. Performing any additional investigations or remediation necessary to protect human health and the environment;

7. **Notice and Time of Entry onto Property.** Entry onto the Property by the Grantee pursuant to this Easement shall be upon reasonable notice and at reasonable times, provided that entry shall not be subject to these limitations if the Grantee determines that immediate entry is necessary to protect human health or the environment.

8. **Notice to Lessees and Other Holders of Interests in the Property.** Grantor, or any future holder of any interest in the property, shall cause any lease, grant, or other transfer of any interest in the Property to include a provision expressly requiring the lessee, grantee, or transferee to comply with this declaration of environmental land use restriction and grant of easement. The failure to include such provision shall not affect the validity or applicability to the Property of this declaration of environmental land use restriction and grant of easement.

Declaration of Environmental Land Use Restriction and Grant of Easement
Eppoliti Industrial Realty, Inc.
15 Great Pasture Road
Danbury, Connecticut

9. **Persons Entitled to Enforce Restrictions.** The restrictions in this environmental land use restriction on use, occupancy, and activity of and at the Property shall be enforceable in accordance with section 22a-133p of the General Statutes.

10. **Severability and Termination.** If any court of competent jurisdiction determines that any provision of this declaration environmental land use restriction or grant of easement 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. In the event that the provision invalidated is of such 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 instrument shall remain in full force and effect. Further, in either case, the Grantor shall submit a copy of this restriction and of the judgement of the Court to the Grantee in accordance with R.C.S.A. section 22a-133q-1(l). This environmental land use restriction shall be terminated if the Grantee provides notification pursuant to R.C.S.A. section 22a-133q-1(l).

11. **Binding Effect.** All of the terms, covenants and conditions of this declaration of environmental land use restriction and grant of easement shall run with the land and shall be binding on the Grantor, the Grantor's successors and assigns, and each owner and any other party entitled to possession or use of the Property during such period of ownership or possession.

12. **Terms Used Herein.** The definitions of terms used herein shall be the same as the definitions contained in sections 22a-133k-1 and 22a-133q-1 of the Regulations of Connecticut State Agencies as such sections existed on the date of execution of this environmental land use restriction.

[Signature Page Follows]

EXHIBIT A

CM - WARRANTY DEED - LONG FORM

GRVEST

ALL-STATE MOAL SUPPLY CO. OF BRIDGEVILLE, N. J. 07077

BOOK 858 PAGE 281

To all People to Whom these Presents Shall Come. Greeting

Know Ye, That

CBS Inc., a New York corporation having an office at 51 West 52nd Street, New York, New York 10019

For the consideration of ten dollars and 00/100 dollars and other good and valuable consideration received to the full satisfaction of the Grantees hereby given, bargain, sell and convey to

K & E REALTY, Inc., a Connecticut corporation having an office at 5 Diamond Avenue, Bethel, Connecticut 06801

herein referred to as the Grantees.

ALL THAT-CERTAIN piece or parcel of land, situated, lying and being in the Towns of Danbury and Bethel, County of Fairfield and State of Connecticut, bounded and described as follows:

Beginning at a point on the Westerly line of Great Pasture Road, as the same is intersected by the Northeastly corner of the herein described premises and the Southeastly corner of land now or formerly of George F. Keating at or; thence running from said point of beginning and along the Westerly line of Great Pasture Road the following courses and distances:

South 27° 24' East 185.26 feet to a point; thence South 23° 50' 17" East 128.46 feet to a point; thence South 18° 35' 9" East 133.53 feet to a point in a stone wall; thence along said stone wall South 6° 21' East 15 feet to a point; thence continuing along said last named stone wall the following courses and distances: South 14° 8' 40" East 61.09 feet; South 20° 5' 50" East 176.06 feet to a stone wall separating the herein described premises from land now or formerly of William H. and Elizabeth C. Skidd; thence leaving the Westerly line of Great Pasture Road and running along said last named stone wall the following courses and distances: South 55° 22' 16" West 148.87 feet; South 63° 53' West 149.82 feet; South 61° 55' 20" West 102.70 feet; South 60° 7' 40" West 64.41 feet; South 58° 14' 40" West 21.43 feet to a wire fence separating the herein described premises from land now or formerly of said William H. and Elizabeth C. Skidd; thence along said wire fence South 45° 34' West 43.00 feet to the center line of a brook; thence along said center line of said brook the following courses and distances: North 25° 55' 30" West 47.71 feet; North 31° 40' West 54.82 feet; North 77° 20' West 36.90 feet; South 77° 39' 40" West 65.51 feet; North 60° 23' 40" West 50.61 feet; South 88° 34' 10" West 40.01 feet; North 76° 25' 30" West 89.50 feet; North 46° 35' 30" West 50.93 feet; North 8° 58' 20" West 19.24 feet; North 30° 72' 40" West 33.62 feet; North 20° 46' 20" East 31.02 feet; North 64° 01' 30" West 43.38 feet; North 28° 33' 50" East 15.65 feet; North 37° 49' West 34.81 feet; North 67° 50' West 87.46 feet; North 8° 7' 50" West 28.28 feet; North 19° 39' 10" East 59.46 feet; due North 00° 00' 27 feet; North 34° 37' 30" West 51.04 feet; North 45° 34' 10" West 56.59 feet; North 9° 47' East 29.43 feet; and North 15° 00' 10" West 50.89 feet to a point which is the Southwestly corner of land now or formerly of the Joseph F. Keating Realty Co., thence North 74° 15' 10" East 98 feet along the Southerly line of land now or formerly of said Joseph F. Keating Realty Co. part of said distance being along a stone wall separating the herein described premises from said land now or formerly of said Joseph F. Keating Realty Co., thence continuing along said last named stone wall the following courses and distances: North 69° 48' 50" East 119.98 feet; North 68° 32' East 78.91 feet; North 72° 49' 28" East 123.97 feet; North 71° 42' East 140.49 feet; North 72° 28' 20" East 131.50 feet; North 71° 10' 10" East 180.35 feet to the point or place of beginning.

Said above described premises are more particularly delineated on a map entitled, "Map Showing Property of The Old Colony Company located on Great Pasture Road in the Towns of Danbury and Bethel, Connecticut", which map is certified substantially correct November 7, 1960 by Sydney A. Hupp, C.E. and L.E. and which map is on file in the office of the Town Clerk of said Town of Danbury as Map No. 2960.

(continued on the next page)

1500-37- Conveyance Tax received Michael R. Peas Town Clerk of Danbury 506250

To Have and to Hold the above described lands and premises, with the privileges and appurtenances thereof, unto the Grantees and to the Grantees' heirs, successors and assigns forever and to the Grantees' and their own proper use and behoof; And the Grantors do for themselves, their heirs, successors and assigns covenant with the Grantees, their heirs, successors and assigns that at and until the ensuing of these presents, the Grantors are well seized of the premises as a good indefeasible estate in FEE SIMPLE; and have good right to grant and convey the same in manner and form as herein written; and the same are free from all incumbrances whatsoever, except as above stated.

~~BOOK 858 PAGE 283~~

Exhibit A

1. Any restrictions or limitations imposed or to be imposed by governmental authority, including, without limitation, zoning and planning, laws, rules and regulations.
2. The state of facts appearing on a plot plan prepared by Surveying Associates, P.C. dated September 10, 1974 and any state of facts brought down to date.
3. The liens of real estate taxes, sewer taxes and charges and water charges not yet due and payable.
4. Riparian rights of others.
5. Certificate of the Danbury Zoning Board of Appeals recorded on March 27, 1980 in Volume 637 at Page 451.

No x
found ←

Decision Document (Exhibit B)
Former Columbia Magnetics Facility
15 Great Pasture Road, Danbury, Connecticut

**EXHIBIT B
DECISION DOCUMENT**

The purpose of this decision document is to describe:

1. The type and location of pollutants in soil at the specific area noted below at the K&E Realty property located at 15 Great Pasture Road in the City of Danbury, Connecticut (the "Property") for which an Environmental Land Use Restriction ("ELUR") is necessary;
2. The provisions of the ELUR and the reasons why such restrictions or limitations on the use of the Property or portions of the property are necessary to adequately protect human health and the environment; and
3. Why the ELUR is consistent with the Remediation Standard Regulations, Sections 22a-133k-1 through 22a-133k-3 of the Regulations of Connecticut State Agencies ("R.C.S.A.").


The ELUR prohibits certain activities at the Property, and within the Subject Area, as depicted on Exhibit C. The Subject Area is located at the southwest corner of the on-site building.

Within the Subject Area on the Property, toluene is present in soil at a concentration in excess of the direct exposure criteria, as defined in Section 22a-133k-1 of the R.C.S.A. The polluted soil is located more than four feet beneath the ground surface and is therefore inaccessible. Such polluted soil does not pose a risk to human health, provided the soil is not exposed, excavated or disturbed such that people may come into contact with it. If humans were to come into contact with the pollutants present in such polluted soil, these pollutant(s) may pose an unacceptable risk to human health. As required by 22a-133k-2(b)(3) of the R.C.S.A., the ELUR prohibits inaccessible soil from being exposed as a result of excavation or other intrusive activities.

Public Notice of Grantor's intent to record the ELUR was published in the Danbury News-Times on February 11, 2009. No comments from the public were received during the 30-day comment period.

Approval of this Decision Document is hereby granted. Grantee, the Commissioner of Environmental Protection, by her duly designated agent, Betsy Wingfield, Bureau Chief, Bureau of Water Protection and Land Reuse.

7/7/09
Date


Betsy Wingfield, Bureau Chief
Bureau of Water Protection and Land Reuse
Department of Environmental Protection

The News-Times

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STATE OF CONNECTICUT
COUNTY OF FAIRFIELD SS. DANBURY

**LEGAL NOTICE
NOTICE OF INTENT
TO RECORD AN ENVIRONMENTAL
LAND USE RESTRICTION**

K&E Realty, Inc., hereby gives notice that it intends to record an Environmental Land Use Restriction pursuant to Section 22a-132a-1(c) of the Regulations of Connecticut State Agencies ("R.C.S.A.") on the property located at 16 Great Pasture Road, Danbury, Connecticut (the "Property").

The purpose of this Environmental Land Use Restriction is to ensure that the subject area on the property shall not be disturbed in any manner, including without limitation, activities such as digging, excavation, tunneling, and other intrusive activities.

Interested persons may obtain copies of the proposed environmental land use restriction from Attorney James Duda, Bulkeley, Richardson and Gellman, LLP, 1500 Main Street, Suite 2700, Springfield, MA 01118-5507, or Ms. Sheila Gleason, Bureau of Water Protection and Land Reuse, Department of Environmental Protection, 79 Elm Street, Hartford, Connecticut 06106.

Public comments on the proposed environmental land use restriction may be submitted in writing to the Department of Environmental Protection, c/o Ms. Sheila Gleason, Property Transfer Program, Bureau of Water Protection and Land Reuse, 79 Elm Street, Hartford, Connecticut 06106, with a copy to Attorney James Duda at the above listed address for thirty days after the date of the publication of this notice.

ON THIS 17th OF Feb., 2009 PERSONALLY APPEARED BEFORE THE UNDERSIGNED, A NOTARY PUBLIC, WITHIN AND FOR SAID COUNTY AND STATE JACQUELINE PEREIRA OF THE NEWS-TIMES A DAILY NEWSPAPER PUBLISHED AT DANBURY IN SAID COUNTY OF FAIRFIELD AND STATE OF CT, WHO, BEING DULY SWORN, STATES ON OATH THAT THE FOLLOWING ADVERTISEMENT(S) APPEARED IN THE NEWS-TIMES ON THE BELOW LISTED DATES.

Jacqueline Pereira
JACQUELINE PEREIRA

SUBSCRIBED AND SWORN TO BEFORE ME, ON THIS 17 DAY OF Feb A.D. 2009

Virginia Olsen
NOTARY PUBLIC 103109

PUBLICATION	EXPIRE DATE	AD CAPTION	# TIMES	AMOUNT
THE NEWS TIMES 02/11/2009	02/11/2009	DRIVE RESULTS	1	\$ 254.66

PUBLISHED DAILY SINCE 1883

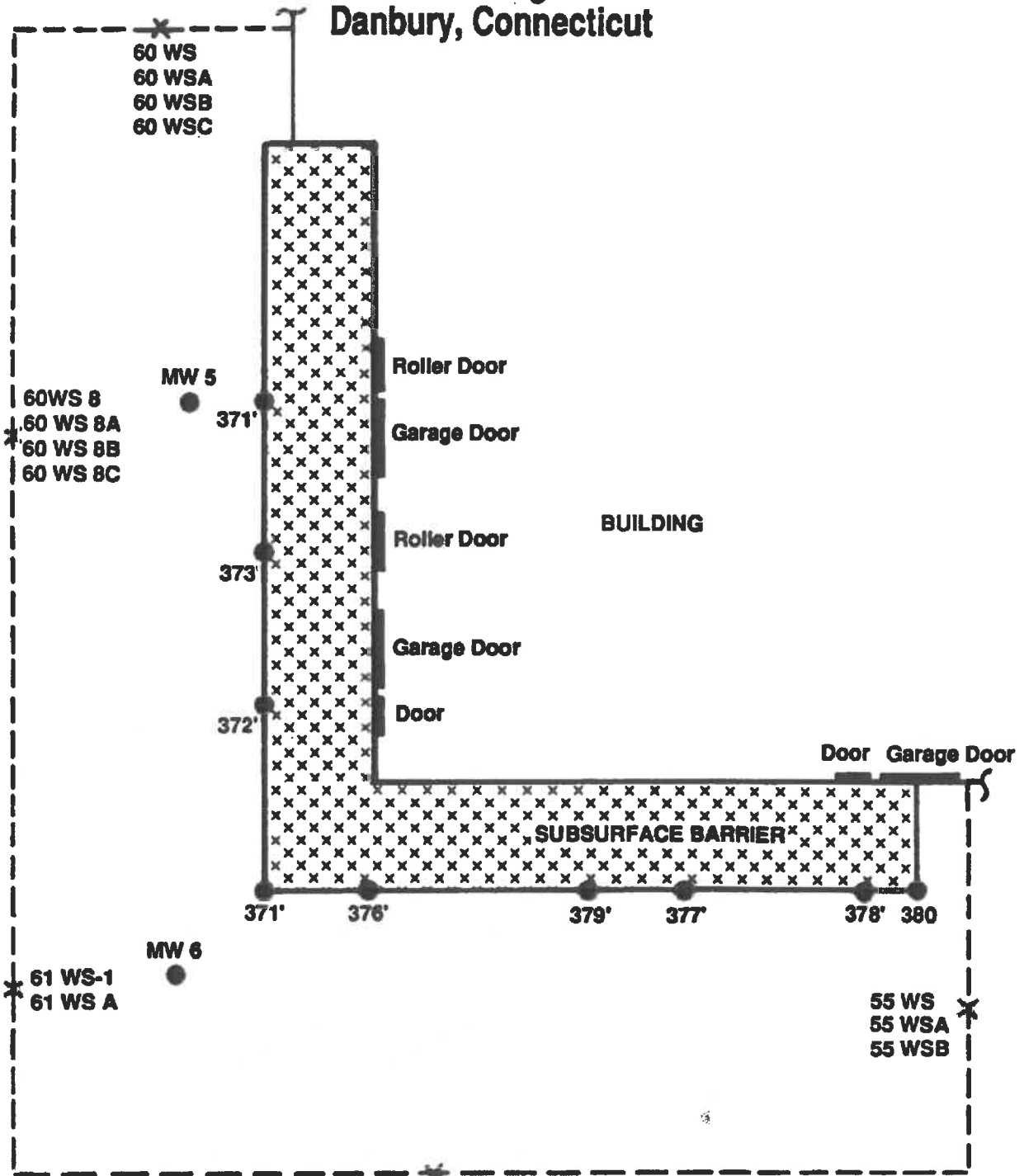
Received for Record at Danbury, CT
On 04/16/2015 At 12:28:34 pm

Received for Record at Bethel, CT
On 09/02/2009 At 12:23:42 pm

Received for Record at Danbury, CT
On 08/26/2009 At 2:41:40 pm

EXHIBIT E

Figure 1
Subsurface Barrier and Excavation Extent Location
Columbia Magnetics
Danbury, Connecticut



LEGEND

- Elevation Above Mean Sea Level
- X Sample Locations



38530

Figure 2
Subsurface Barrier
Columbia Magnetics
Danbury, Connecticut

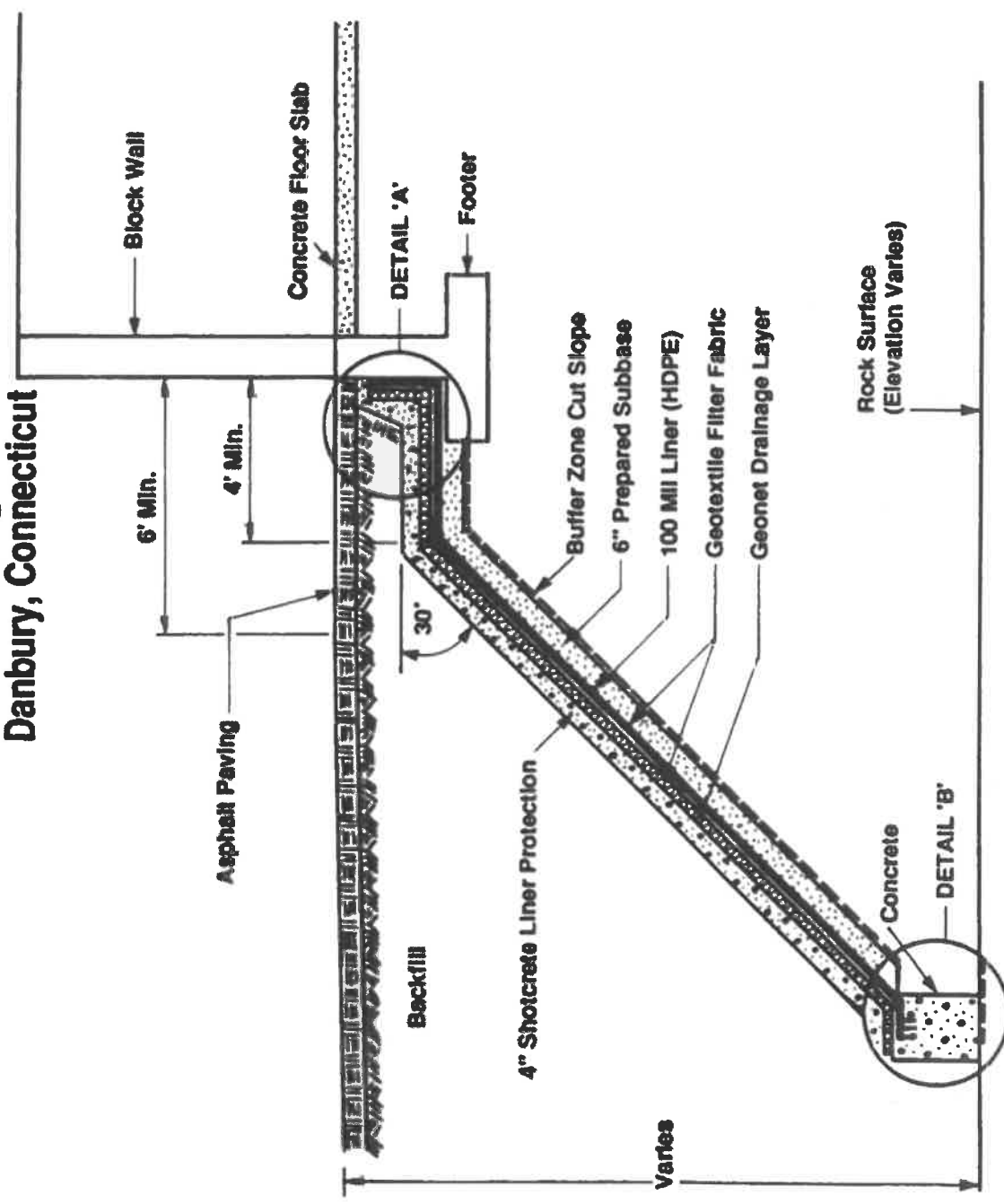


Figure 2
Subsurface Barrier
Detail 'A'
Columbia Magnetics
Danbury, Connecticut

Not to Scale

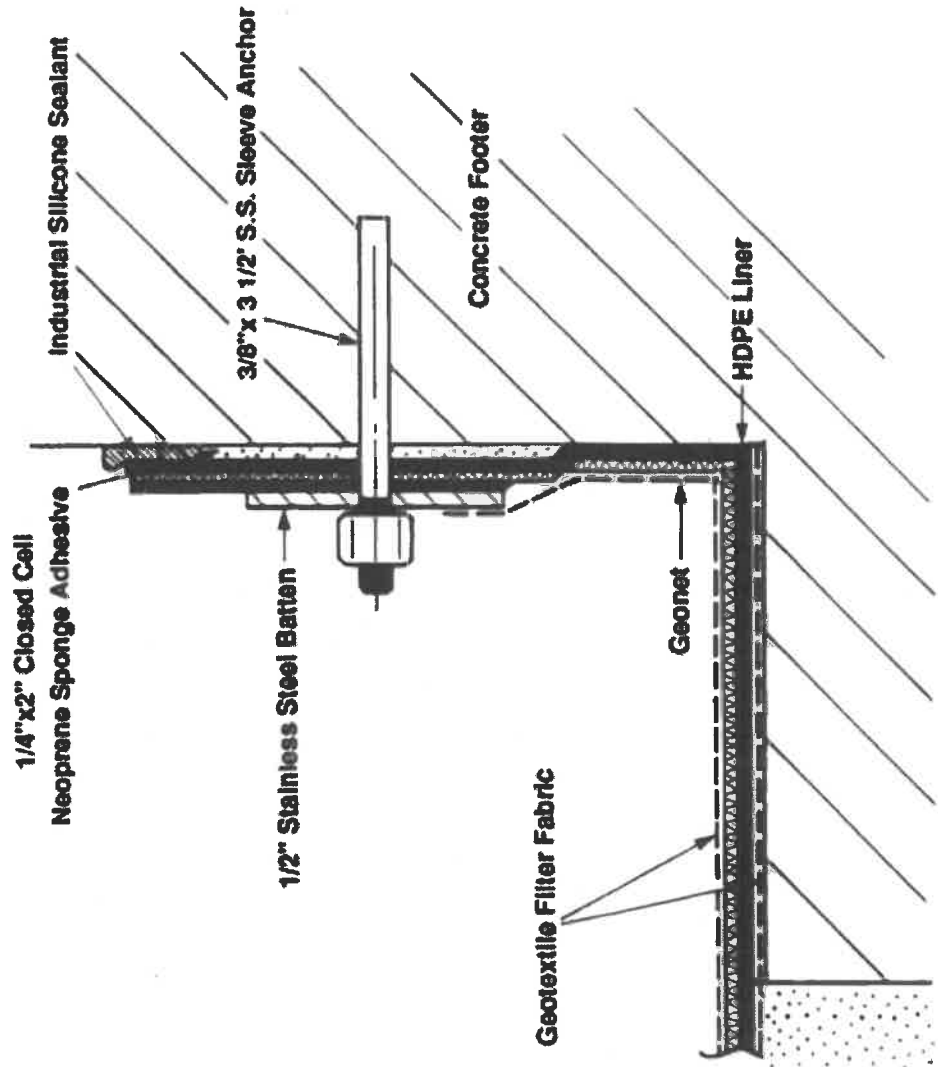


Figure 2
Subsurface Barrier
Detail 'B'
Columbia Magnetics
Danbury, Connecticut

Not to Scale

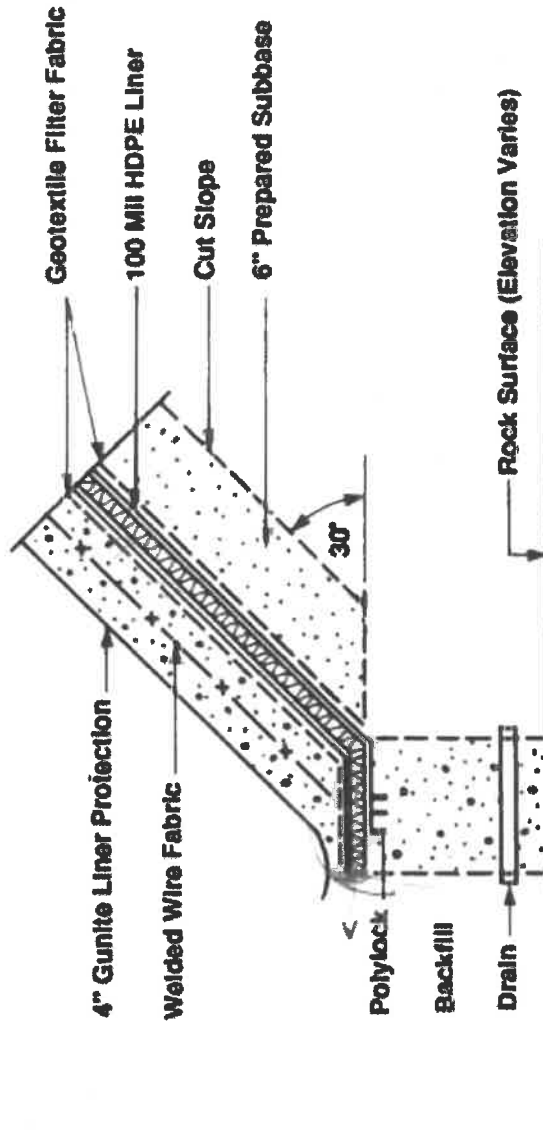


Figure 3
Subsurface Barrier Location Plan Map
Columbia Magnetics
Danbury, Connecticut

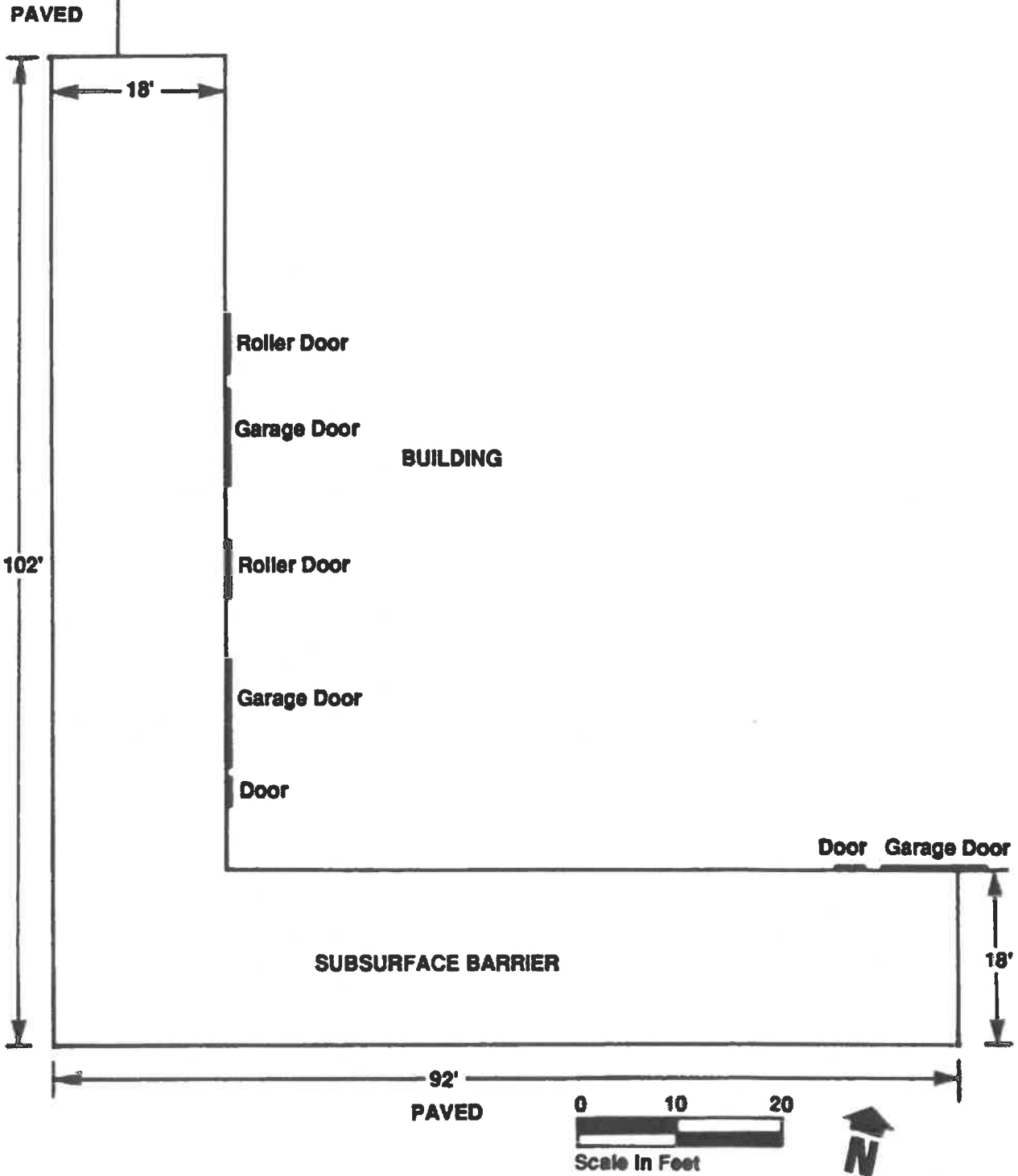


Figure 4
Subsurface Barrier
South Wall
Columbia Magnetics
Danbury, Connecticut

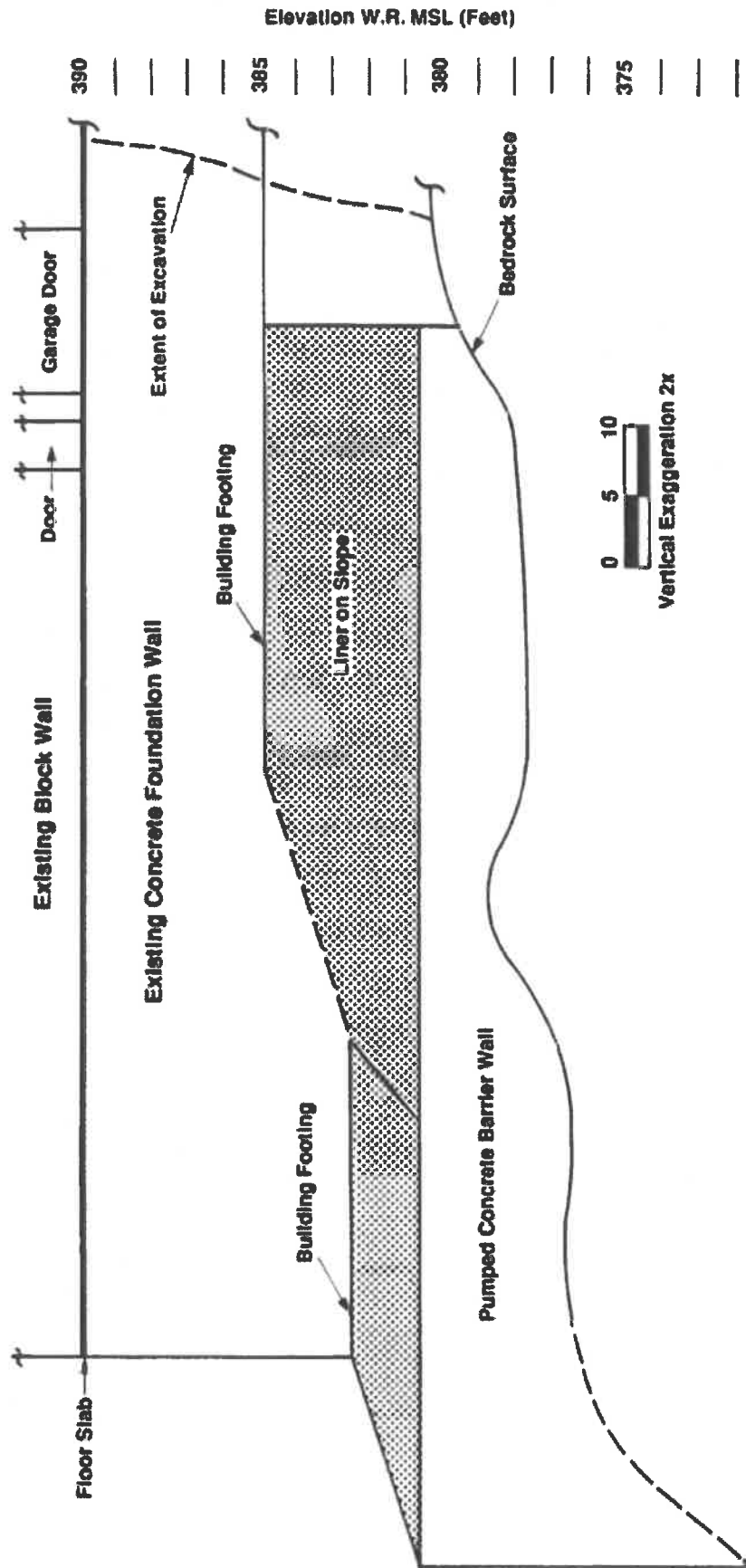


Figure 5 Subsurface Barrier West Wall Columbia Magnetics Danbury, Connecticut

