

**Special Conditions for Property Access License
Former Trader Allen's Truck Stop Site at 39 South Hunt Road**

VERY IMPORTANT: The Licensee is not authorized to enter City-owned parcel(s) subject to this License unless the Licensee has: 1) discussed the proposed work and the access issues with the Department of Public Works Director Robert Desmarais P.E. who is in control of this parcel, and 2) provided copies of the executed License and Special Conditions attachment to any of its Agents. It is understood that it is the Licensee's responsibility to discuss the relevant portions of these Special Conditions with each of its Agents to ensure that all parties understand their obligations and responsibilities. NOTE: Agents working on behalf of Licensee and that have not provided the City of Amesbury with applicable insurance coverage naming the City of Amesbury as the additional insured are not authorized to enter this City-owned parcel.

- A. This License authorizes Sun Edison and its Agents temporary access to one (1) City of Amesbury owned parcel identified as the Former Trader Allen Truck Stop, 39 South Hunt Road.
- B. This License specifically excludes access to any other City-owned parcel or parcels owned by other parties. It is the Licensee's responsibility to obtain permission from other City agencies or other owners, as may be required, should the Licensee desire access to parcels not subject to this License.
- C. The application information submitted by the Licensee for work at the Former Trader Allen's Truck Stop includes a brief scope of work prepared by the Sun Edison. The scope of work for the project involves the temporary parking of vehicles, construction equipment, and storage bins on City of Boston property. The City of Amesbury is not involved with the work being undertaken by Sun Edison and is allowing this activity as a courtesy for the above Licensee. This special condition of this license agreement must comply with the conditions in Attachment A of this document.
- D. It is the Licensee's responsibility to contact the DPW Director, for this parcel at (978) 388-8116 x 308 at least two days prior to the start of work to discuss access to this parcel. Licensee should speak directly with the DPW Director as soon as possible to a) make arrangements for contractor equipment access, b) keep him informed of the nature of all Licensee activities on this parcel, and c) notify him of any work delays or if conditions may indicate a potential safety concern.
- E. Licensee and its Agents should ensure that during their work, vehicles and equipment minimize noise and generation of dust, and also do not block access to nearby private driveways and public roads. Waste materials and trash generated during the work under this License should be contained and properly disposed of during the period of this License.

- F. As the City is the current owner of this parcel, the Licensee shall immediately and individually inform the City of Amesbury Director of Energy & Environment, Thomas Barrasso if at any time site conditions indicate a release of oil and/or hazardous materials has occurred that may be/is subject to the MCP or the Bureau of Solid Waste. Contact Mr. Thomas Barrasso, at (978) 388-8110 x 314 immediately. Regardless of whether environmental conditions trigger a DEP notification requirement, the Licensee or its Agents are not authorized to notify DEP.
- G. Should a new release subject to the MCP become associated with this parcel, it is the Licensee's responsibility to ensure that work is: 1) performed under the direct oversight of a LSP, 2) conducted in accordance with the MCP, and if required, 3) meets any other requirements or deadlines established by DEP.
- H. Upon completion of the work, the Licensee shall provide the City of Amesbury with a complete copy of any report or plan identifying the MCP issues. Copies should be sent to Mr. Thomas Barrasso, 62 Friend Street Amesbury, MA 01913.
- I. The City of Amesbury assumes no responsibility for conducting response actions subject to the MCP for releases of oil and/or hazardous material generated from equipment and materials brought onto City-owned parcels by Licensee or any of their Agents, including consultants, contractors, or other subcontractors.
- J. The Licensee must remove all equipment and materials used and/or generated by the Licensee and/or its Agents during work on the subject parcel.

Attachments: A – Environmental Requirements,
B – Environmental Concern Questionnaire

ATTACHMENT A

ENVIRONMENTAL REQUIREMENTS

Staging of vehicles and equipment on City of Amesbury Property

Many activities on site have the potential to release toxic pollutants. For example, trucks and machinery use fuels, hydraulic fluids and coolants that can leak if equipment breaks down, or may be spilled on site. Planned maintenance and worker training must be employed to minimize release of these toxic materials.

Help prevent pollution it's the law!

Causing water pollution and environmental damage is against the law! As a construction site owner, land developer, property owner, or construction worker (employee or subcontractor), you have a legal responsibility to prevent pollution. Failing to do so can result in regulatory sanctions, restoration and restitution requirements, fines, and even imprisonment.

Definitions

Bulk Storage Container: Any container used to store oil. These containers are used for purposes including, but not limited to, the storage of oil prior to use, while being used, or prior to further distribution in commerce. Oil-filled electrical, operating, or manufacturing equipment is not a bulk storage container. Bulk storage containers include items such as tanks, containers, drums, and mobile or portable totes.

Contaminated Soil: Means soil that contains oil and/or hazardous materials as a result of a release to the environment. This includes anthropogenic contaminants, regardless of whether the contaminant levels exceed the applicable Reportable Concentration (RC) under section 310 CMR 40.1600 of the MCP. This definition of Contaminated Soil is broader than that in 310 CMR 40.0006 since it includes soil contaminated at less than the RCs

Oil: Oil of any kind or in any form, including, but not limited to: petroleum; fuel oil; sludge; oil refuse; oil mixed with wastes other than dredged spoil; fats, oils or greases of animal, fish, or marine mammal origin; vegetable oils, including oil from seeds, nuts, fruits, or kernels; and other oils and greases, including synthetic oils and mineral oils.

Soil: Means any unconsolidated mineral and organic matter overlying bedrock that has been subjected to and influenced by geologic and other environmental factors, excluding sediment as defined in 310 CMR 40.006

Storage Capacity: The shell capacity of the container (i.e., the maximum volume of the storage container used to store oil, not the actual amount of product stored in the container).

Management of Materials

Fuel and oil storage

Always store fuels in approved fuel-storage containers labeled with the type of fuel. Oils and machine fluids (e.g., transmission and brake fluids) should be stored in their original, labeled containers. Storage areas should have a floor made of concrete or another impermeable surface that has a spill barrier. Areas should be well ventilated to prevent heat and fumes from building up. They should also be secured from theft, children, and pets.

Disposal of fuel, machine fluids and batteries

Using up extra gasoline, diesel fuel, kerosene, and motor oil poses the least risk of water pollution. If these cannot be used up, they should be recycled where possible. Check with your local recycling program for additional information on what can be recycled on your site and where it can be recycled. If any of these products cannot be recycled, they must be disposed of as hazardous waste. Dispose of waste properly and clean up the site. Never bury or leave waste. Never bury waste at the work site or leave it behind and available to vandals.

Prevent pollution from vehicles

Designate one area for vehicle parking, refueling, and routine equipment maintenance. This area should be well away from gutters or storm drains. Make major equipment repairs off-site or in an enclosed maintenance building. Wash vehicles at a designated off-site wash area.

Inspections

Frequently inspect fuel, oil, hazardous waste, and chemical storage and handling facilities.

Visually inspect tanks, hoses, pumps, and nozzles, prior to using the construction equipment and parking.

Ensure all containers are properly labeled.

Containment

Utilize proper containment to prevent spills from entering any surface water or groundwater. Containments should be either a concrete or earthen dike and must be able to hold a volume equal to the largest single tank within the area, with allowance for snow and rainwater.

Maintain an onsite spill-kit sufficient to handle a large spill of petroleum, and or hazardous material.

Training

Ensure all employees are adequately trained on these requirements.

Management of Soils/Stockpiles

It will be the responsibility of Sun Edison to conform to all appropriate MCP regulations and MA DEP guidelines for the management of soils from sites. This includes, but not limited to using forms such as a Bill of Lading for the transport of soils from the site of origin to any temporary facility, and then to their final place of disposal.

ATTACHMENT B

ENVIRONMENTAL CONCERN QUESTIONNAIRE

Use of dumpsters, roll-offs, containers, and temporary stockpiles on City of Amesbury Property

1. Will construction debris contain any of the following actual or potential environmental contaminants?
 - Medical waste from doctor/dentist offices
 - Dry cleaning solvents
 - Pesticides/herbicides
 - Construction debris such as paint cans, tar, glues
 - Paint thinners
 - Cleaning solvents and degreasers
 - Petroleum (i.e., gasoline, diesel, fuel oils, and waste oils)
 - Lead, asbestos, PCBs and radioactive material
 - Formaldehyde
 - Mercury
 - Florescent lighting
2. Will there be soil stockpiles?
3. Are the soil stockpiles generated from construction activities, or from environmental remediation efforts, or both?
4. Will ground cover be used, such as polyethylene tarps, to separate the piles from the soils native to the site?
5. What will be the final disposition of the waste?
6. Who is the waste hauler?
7. What will the duration of storage be?

8. Will the dumpster/roll-off or stockpile be covered?

9. Is there a dust control plan?

10. Is there a daily inspection of the dumpster/roll-off, or stockpile?

11. How will the dumpster/roll-off or stockpile be secured?

Review and Acceptance Signatures

Special Conditions Applicant:

Name	Signature	Company Name	Date
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City of Amesbury Environmental Sign-off:

Name	Signature	Date
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City of Amesbury Department Head:

Name	Signature	Date
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