

Summary of Deed Notice and Financial Assurance Information

- Capping will be used as a remedy to address impacted fill material present throughout much of the site.
- Capping is a well-established and widely accepted remedy for addressing contaminants such as metals and PAHs since they tend to be immobile and therefore not a threat to future ground water quality.
- Building foundations and paved parking areas will serve as part of the cap. In all cases, the cap design will be consistent with DEP-approved capping remedies for residential sites, also known as “Presumptive Remedies”.
- Once the cap is in place, a deed notice will be prepared and filed with the County to provide notice to subsequent owners, lessors, lessees and operators of the restrictions on the property. The deed notice will include a description of contamination remaining at the property, the location of the contamination, details related to the cap, and the restrictions placed on disturbing the cap.
- Once the deed notice is recorded, and all other remediation work has been completed, FEA will prepare a Remedial Action Report and an application for a Remedial Action Permit. Once DEP issues the permit, a Response Action Outcome letter (or RAO) will be issued to close the case.
- Country Classics will be listed as a permittee on the Remedial Action Permit and they will be responsible for complying with all permit requirements including monitoring, conducting cap maintenance or repairs, paying permit fees, and making periodic submissions to DEP.
- Prior to the permit being issued, Country Classics will be required to post financial assurance for future cap-related costs such as maintenance, inspection, and permit fees. Financial assurance is a funding mechanism which DEP can access in the event Country Classics fails to maintain the cap in the future.

If the Property is Sold

- DEP regulations require that Country Classics continue to be a permittee and the “Party Responsible for Conducting the Remediation” in the future, even if the property is sold. If the property is sold, the new owner will become a co-permittee, but will not be responsible for cap-related costs such as maintenance, inspection, and permit fees unless they elect to take on this responsibility.
- A change of property owner requires a Remedial Action Permit Transfer/Change of Ownership Application which must be submitted within 30 days after transaction.
- The person/party that has “Primary Responsibility for Permit Compliance” can be changed through the submission of a permit modification form. However, as stated above, Country Classics will always be a permittee and the “Party Responsible for Conducting the Remediation”.