

Public Record **(Updated March 2024)**

The Small Business Liability Relief and Brownfields Revitalization Act (SBLRBRA) was signed into law on January 11, 2002. The Act amends the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by adding Section 128(a). State response programs that receive Section 128(a) funding must establish and maintain a public record. In Nebraska, the State Response program is the Voluntary Cleanup Program (VCP). As required by the SBLRBRA, the Public Record is a list of sites at which response actions have been completed during the previous year or are planned to be addressed in the upcoming year. In addition, this Public Record identifies sites that have completed the VCP process prior to the reporting year. The Public Record is required to indicate whether a site, upon completion of the response action, will be suitable for unrestricted land use and, if not, shall identify the institutional controls relied on in the remedy. A separate institutional control tracking system has been developed to address this requirement and a report is included as an attachment to the Public Record. Although not required by the SBLRBRA, the institutional control tracking system also identifies Superfund National Priority List (NPL) and Resource Conservation and Recovery Act (RCRA) sites that are not suitable for unrestricted land use and have institutional controls.

Completed in the previous year:

The Cottages – Tiny Houses

Name of owner at time of cleanup: Arch Icon Development

Type of brownfields site: Former filling station and auto repair facility.

Location: 1528 N 16th Street, Omaha, NE 68102 – Douglas County

Latitude: +41.27414° N **Longitude:** -95.93781° W

Contaminants/Media:

Soil: Arsenic and Lead

Size of site: 2.50 acres

Date response action was completed: NFA Letter issued (4/11/2023)

To be addressed in the upcoming year:

48th & Dodge Redevelopment

Name of owner at time of cleanup: 48th Dodge, LLC

Type of brownfields site: Former fueling station and auto repair

Location: Between Dodge Street and Douglas Street, East of 48th Street
Omaha, NE 68132 – Douglas County

Latitude: +41.25925° **Longitude:** -95.98464°

Contaminants/Media:

Groundwater: Petroleum hydrocarbon related volatile organic compounds,
Trichloroethene (TCE)

Soil gas: Tetrachloroethene (PCE)

Size of site: 2.75 acres

AltEn, LLC

Name of owner at time of cleanup: AltEn, LLC

Type of brownfields site: Ethanol manufacturing facility

Location: 1332 County Road 10, Mead, NE 68041 – Saunders County

Latitude: +40.197222° **Longitude:** -96.480833°

Contaminants/Media:

Groundwater: Various pesticides

Soil: Various pesticides

Surface water: Various pesticides

Sediment: Various pesticides

Size of site: ~137 acres

Appleton Electric LLC

Name of owner at time of cleanup: Douglas Holdings, LLC

Type of brownfields site: Current-Carrying Wiring Device Manufacturing

Location: 2500 East 23rd Street, Columbus, NE 68601 – Platte County

Latitude: +41.436420° **Longitude:** -97.293783°

Contaminants/Media:

Groundwater: Chlorinated Hydrocarbons, Metals

Soil: Polycyclic Aromatic Hydrocarbons (PAHs), Metals

Size of site: 44.4 acres

Archer Daniels Midland

Name of owner at time of cleanup: Archer Daniels Midland Co.

Type of brownfields site: Soybean processing facility

Location: 7800 Thayer St., Lincoln, NE 68507 – Lancaster County

Latitude: +40.86680° **Longitude:** -96.61983°

Contaminants/Media:

Groundwater: Carbon Tetrachloride (CCl₄), Chloroform (CHCl₃), Chloromethane (CH₃Cl), 1,2-Dichloroethane (C₂H₄Cl₂), and Ethylene dibromide (C₂H₄Br₂)

Soil: Carbon Tetrachloride

Size of site: 251.15 acres

Baker Square – Former Max I Walker Drycleaners

Name of owner at time of cleanup: BRF II Baker Square, LLC

Type of brownfields site: Drycleaners

Location: 2928 S 132nd Street, Omaha, NE 68144 – Douglas County

Latitude: + 41.232541° N **Longitude:** - 96.120265° W

Contaminants/Media:

Groundwater: cis-1,2-Dichloroethene, trans-1,2-Dichloroethene, Trichloroethene (TCE), Vinyl Chloride (VC)

Soil: Tetrachloroethene (PCE), TCE, VC

Air: PCE, TCE, VC

Size of site: 14.37 acres

Becton, Dickinson and Company

Name of owner at time of cleanup: Becton, Dickinson and Company

Type of brownfields site: Medical Instrument Manufacturing

Location: 1852 10th Avenue, Columbus, NE 68601 – Platte County

Latitude: + 41.437574° N **Longitude:** - 97.340526° W

Contaminants/Media:

Groundwater: Various chlorinated solvents

Soil Gas: Various chlorinated solvents

Soil: 1,4-dioxane, trans-1,2-DCE

Size of site: 26.6 acres

Case New Holland

Name of owner at time of cleanup: CNH America LLC

Type of brownfields site: Farm Machinery & Equipment

Location: 3445 W Stolley Park Rd, Grand Island, NE 68803-5604 – Hall County

Latitude: +40.90056° **Longitude:** -98.38194°

Contaminants/Media:

Groundwater: Benzene (C₆H₆), Copper (Cu), 1,2-Dichloroethane (1,2-DCA), 1,1-Dichloroethene (1,1-DCE), 1,2-Dichloropropane (1,2-DCP), Iron (Fe), Lead (Pb), Manganese (Mn), Methylene Chloride (MC), and 1,1,1-Trichloroethane (1,1,1-TCA)

Soil: Arsenic (As), Chromium VI (Cr 6+), Ethylbenzene (C₈H₁₀), Lead, Naphthalene (C₁₀H₈), Tetrachloroethylene (PCE), and Xylene (CH₃)₂C₆H₄

Size of site: 137 acres

Dettmer Farms (Dettmer Lease Property)

Name of owner at time of cleanup: Union Pacific Railroad

Type of brownfields site: Farm cooperative, anhydrous ammonia tanks, loading/unloading of agricultural chemicals

Location: 500 feet NE of 9th Street and F Street, Auburn, NE 68305 – Nemaha County

Latitude: + 40.397222 ° **Longitude:** - 95.831389 °

Contaminants/Media:

Groundwater: Dieldrin (C₁₂H₈Cl₆O), Heptachlor (C₁₀H₅Cl₇), Nitrogen (N), Nitrite (NO₃⁻), Ammonia (NH₃), 4-DDD and 4,4-DDT, Naphthalene (C₁₀H₈)

Soil: Dieldrin, Total Petroleum Hydrocarbons (TPH), Ammonia

Size of site: 10.74 acres

Elster American Meter Company

Name of owner at time of cleanup: Elster American Meter Company

Type of brownfields site: Historical degreasing operations

Location: 2221 Industrial Road, Nebraska City, NE 68410 – Otoe County

Latitude: +40.667449° **Longitude:** -95.974265°

Contaminants/Media:

Groundwater: Trichloroethene (TCE), Tetrachloroethene (PCE), 1,1-Dichloroethane (1,1-DCA), cis-1,2-Dichloroethene (cis-1,2-DCE), Vinyl chloride (VC), 1,4-Dioxane (C₄H₈O₂)

Size of site: 32.32 acres

Farmland Industries Doniphan UAN Terminal (Former)

Name of owner at time of cleanup: AELS Administrative Services, LLC

Type of brownfields site: Urea Ammonium Nitrate Storage Facility

Location: 2070 W Binfield Road, Doniphan, NE 68832 – Hall County

Latitude: +40.756666° **Longitude:** -98.380000°

Contaminants/Media:

Groundwater: Urea-Nitrogen (Urea-N), Nitrate-Nitrogen (NO₃-N), Ammonia-Nitrogen (NH₃-N)

Soil: Urea-Nitrogen, Nitrate-Nitrogen, Ammonia-Nitrogen

Size of site: 9.98 acres

Flatwater Mews (Oak Lake Landfill)

Name of owner at time of cleanup: Oak Lake Development, LLC

Type of brownfields site: Landfill

Location: 1001 Sun Valley Boulevard, Lincoln, NE 68508 – Lancaster County

Latitude: + 40.827177° N **Longitude:** - 96.722595° W

Contaminants/Media:

Groundwater: Benzene, 1,4-dichlorobenzene, 1,2-dichloroethane

Soil: Arsenic

Soil Gas: Benzene, chloroform, vinyl chloride, methane, hydrogen sulfide

Size of site: 60.4 acres

Former AAA Welding

Name of owner at time of cleanup: City of Omaha Planning Department

Type of brownfields site: Former welding facility, salvage yard, and tire service and batteries.

Location: 1111, 1115, 1121 & 1125 North 18th Street and 1726 Nicholas Street

Omaha, NE 68132 – Douglas County

Latitude: + 41.270784° N **Longitude:** - 95.939534° W

Contaminants/Media:

Soil: Arsenic, Lead, Polycyclic Aromatic Hydrocarbons

Size of site: 0.89 acres

Former Citizens Gas FMGP

Name of owner at time of cleanup: Black Hills Nebraska, LLC

Type of brownfields site: Former manufactured gas plant

Location: 407 West A Street, McCook, NE 69001 – Red Willow County

Latitude: +40.198069° **Longitude:** -100.631086°

Contaminants/Media:

Soil: Arsenic (As), Polycyclic Aromatic Hydrocarbons (PAHs)

Groundwater: As, PAHs, volatile organic compounds

Size of site: 0.40 acres

Former Goodyear Lease Location #7522

Name of owner at time of cleanup: Union Bank and Trust

Type of brownfields site: Tire retreading facility and auto repair

Location: 1918 O Street, Lincoln, NE 68510 – Lancaster County

Latitude: + 40.813847° N **Longitude:** - 96.693291° W

Contaminants/Media:

Groundwater: Tetrachloroethene (PCE)

Soil: PCE

Size of site: 0.63 acres

Former U.S. Department of Agriculture Commodity Credit Corporation (USDA/CCC) Grain Storage Facilities – 332 sites

NDEE also oversees the prioritization, investigation, and cleanup of 332 former USDA/CCC grain storage facilities under a VCP Agreement with the USDA. For more information, contact the RCRA/Federal Facilities Section at 402-471-2181.

Hoover Materials Handling Group (Hoover Manufacturing)

Name of owner at time of cleanup: Hoover Materials Handling Group

Type of brownfields site: Used for storage by Hoover and former manufactured gas plant (FMGP), Industrial

Location: 700 South 7th St., Beatrice, NE 68310 – Gage County

Latitude: +40.259350° **Longitude:** -96.744683°

Contaminants/Media:

Groundwater: Polycyclic Aromatic Hydrocarbons (PAHs), Chlorinated Hydrocarbons, Aromatic Hydrocarbons, 1,4-Dioxane (C₄H₈O₂)

Soil: Benzene (C₆H₆), Polycyclic Aromatic Hydrocarbons

Size of site: 7.0 acres

International Sensor Systems, Inc.

Name of owner at time of cleanup: International Sensor Systems, Inc.

Type of brownfields site: Industrial, light and electric circuit manufacturing

Location: 103 Grant Street, Aurora, NE 68818 – Hamilton County

Latitude: +40.8737° N **Longitude:** -98.0219° W

Contaminants/Media: *Groundwater:* Chloroform (CHCl₃), cis-1,2 Dichloroethylene (cis-1,2-DCE), 1,1,1- Trichloroethane (1,1,1-TCA), Tetrachloroethylene (PCE), Trichloroethene (TCE)

Soil: Acetone (C₃H₆O), Tetrachloroethylene

Size of site: 1.0 acre

J.A. Woollam Co., Inc.

Name of owner at time of cleanup: J.A. Woollam Co., Inc.

Type of brownfields site: Optical instrument manufacturing

Location: 645 M Street, Lincoln, NE 68508 – Lancaster County

Latitude: 40.811286 **Longitude:** -96.712131

Contaminants/Media:

Soil: Arsenic (As), Benzo(a)anthracene (C₁₈H₁₂), Benzo(b)fluoranthene (C₂₀H₁₂), Benzo(k)fluoranthene (C₂₀H₁₂), Benzo(a)pyrene (C₂₀H₁₂), Chrysene (C₁₈H₁₂), Dibenz(a,h)anthracene (C₂₂H₁₄), Indeno(1,2,3-cd)pyrene (C₂₂H₁₂)

Size of site: 1.89 acres

Lewis & Clark Landing / Heartland of America Park Redevelopment

Name of owner at time of cleanup: City of Omaha

Type of brownfields site: Lead Smelter/Battery Recycling

Location: 500 Douglas St, Omaha, NE 68102-1895 – Douglas County

Latitude: +41.25861° **Longitude:** -95.92278°

Contaminants/Media:

Soil: Arsenic (As) and Lead (Pb)

Size of site: 23 acres

Omaha Steel Castings – Parish School Redevelopment

Name of owner at time of cleanup: University of Nebraska – Omaha Medical Center

Type of brownfields site: Rubber company and vehicle maintenance

Location: 4455 and 4469 Farnam Street, including 609 South 48th Street, Omaha, NE 68132 – Douglas County

Latitude: + 41.25783° N **Longitude:** - 95.98271° W

Contaminants/Media:

Groundwater: 1,2-Dichloroethane, Naphthalene, 1,2,4-Trimethylbenzene, Cadmium, Lead, Fluoranthene

Size of site: 6.28 acres

Union Pacific Railroad Nebraska Solvents

Name of owner at time of cleanup: Union Pacific Railroad

Type of brownfields site: Solvent Distributor

Location: 1200 E US Highway 30, Grand Island, NE 68801-8302 – Hall County

Latitude: + 40.929722 ° **Longitude:** - 98.325556 °

Contaminants/Media:

Groundwater: Benzene (C₆H₆), cis-1,2 Dichloroethylene (cis-1,2-DCE), Ethylbenzene (C₈H₁₀), Naphthalene (C₁₀H₈), Tetrachloroethylene (PCE), Trichloroethene (TCE), Toluene (C₇H₈), 1,2,4-Trimethylbenzene (1,2,4-TMB), 1,3,5-Trimethylbenzene (1,3,5-TMB), and Xylenes (CH₃)₂C₆H₄

Soil: cis-1,2 Dichloroethylene, 1,1-Dichloroethane (1,1-DCA), 1,1-Dichloroethene (1,1-DCE), Methyl Chloride (MC), p-Cymene (C₁₀H₁₄), Tetrachloroethylene, 1,1,1-Trichloroethane (1,1,1-TCA), and Trichloroethene

Size of site: 1.70 acres

Vishay Dale Electronics, Inc. (Former)

Name of owner at time of cleanup: Greater Norfolk Area Economic Development Foundation

Type of brownfields site: Electronic Component Manufacturer

Location: 2300 Riverside Boulevard, Norfolk, NE 68701 – Madison County

Latitude: +42.060300° **Longitude:** -97.424700 °

Contaminants/Media:

Groundwater: Tetrachloroethylene (PCE), Trichloroethene (TCE), 1,1-Dichloroethene (1,1-DCE), cis-1,2-Dichloroethene (cis-1,2 DCE), trans-1,2-Dichloroethene (trans-1,2 DCE), 1,1,1-Trichloroethane (1,1,1-TCA), Vinyl Chloride (VC)

Soil: Tetrachloroethylene

Size of site: 29 acres

Vishay Dale Electronics, Inc. Site #6

Name of owner at time of cleanup: Vishay Dale Electronics, LLC

Type of brownfields site: Electronic Component Manufacturer

Location: 2064 12th Avenue, Columbus, NE 68601 – Platte County

Latitude: +41.436222° **Longitude:** -97.341793°

Contaminants/Media:

Groundwater: Various chlorinated solvents

Soil: Various chlorinated solvents

Size of site: 4.4 acres

West Haymarket Block 4

Name of owner at time of cleanup: West Haymarket Joint Public Agency

Type of brownfields site: Lumber yard, scrap yard, and former manufactured gas plant.

Location: Northwest corner of the Intersection of N Street and Canopy Street

Lincoln, NE 68508 – Lancaster County

Latitude: + 40.812778° N **Longitude:** - 96.711944° W

Contaminants/Media:

Groundwater: Arsenic, Lead

Soil: Benzene, Polycyclic Aromatic Hydrocarbons

Size of site: 1.48 acres

Previously completed under the VCP:

20th and Center FMGP/Lynch Park

Name of owner at time of cleanup: Metropolitan Utility District – Omaha and the City of Omaha

Type of brownfields site: Former Manufactured Gas Plant

Location: 20th and Center Streets, Lynch Park, Omaha, NE 68108 – Douglas County

Latitude: + 41.2430° N **Longitude:** - 95.9427° W

Contaminants/Media:

Groundwater: Benzene, Polyaromatic Hydrocarbons (PAHs)

Soil: Antimony, Arsenic, Lead Selenium, Benzene, Ethylbenzene, Styrene, Toluene, PAHs.

Size of site: 25.2 acres

Date response action was completed: Acknowledgement Letter issued (10/01/2020)

AmFirst Bank Branch (Former)

Name of owner at time of cleanup: Pinnacle Bank and Bank of Colorado

Type of brownfields site: Former filling station and repair shop

Location: 602 West B Street, McCook, NE 69001 – Red Willow County

Latitude: +40.198412° **Longitude:** -100.633104°

Contaminants/Media:

Groundwater: Tetrachloroethene (PCE)

Size of site: 1.92 acres

Date response action was completed: NFA Letter issued (6/22/2020)

Beatrice FMGP (Market Place FMGP)

Name of owner at time of cleanup: City of Beatrice

Type of brownfields site: Former Manufactured Gas Plant

Location: 201 South First Street. Beatrice, NE 68310 – Gage County

Latitude: +40.26486 **Longitude:** - 96.75294

Contaminants/Media:

Groundwater: Benzene (C₆H₆), Toluene (CH₃), Ethylbenzene (C₈H₁₀), total Xylenes (BTEXs), Polycyclic Aromatic Hydrocarbons (PAHs), Arsenic (As), Cyanide (CN⁻)

Soil: Benzene, Toluene, Ethylbenzene, total Xylenes, Polycyclic Aromatic Hydrocarbons, Metals, Cyanide.

Size of site: 0.14 acres

Date response action was completed: NFA letter issued (8/22/2019)

Blair EMGP

Name of owner at time of cleanup: Black Hills Nebraska Gas Utility Company, LLC

Type of brownfields site: Black Hills Energy Maintenance Facility

Location: 1061 Grant Street, Blair, NE 68008 – Washington County

Latitude: +41.54185° **Longitude:** -96.127019°

Contaminants/Media:

Groundwater: Benzene (C₆H₆), Benzo(a)anthracene (C₁₈H₁₂), Benzo(a)pyrene (C₂₀H₁₂), Benzo(b)fluoranthene (C₂₀H₁₂), Dibenz(a,h)anthracene (C₂₂H₁₄), Fluorene (C₁₃H₁₀)

Soil: Acenaphthylene (C₁₂H₈), Antimony (Sb), Arsenic (As), Benzene, Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(k)fluoranthene (C₂₀H₁₂), Chrysene (C₁₈H₁₂), Ethylbenzene (C₈H₁₀), Fluoranthene (C₁₆H₁₀), Fluorene, Indeno(1,2,3-cd)pyrene (C₂₂H₁₂), Naphthalene (C₁₀H₈), Pyrene (C₁₆H₁₀), Selenium (Se), Styrene (C₈H₈), Toluene (C₇H₈)

Size of site: 0.42 acres

Date response action was completed: NFA Letter Issued (4/4/2016)

Burlington Northern & Santa Fe Railroad (Lot 9)

Name of owner at time of cleanup: Burlington Northern & Santa Fe (BNSF)

Type of brownfields site: Railyard and Maintenance Facility

Location: 6600 Burlington Ave, Lincoln, NE 68507-1499 – Lancaster County

Latitude: +40.85944° **Longitude:** -96.63028°

Contaminants/Media:

Soil: Lead (Pb)

Size of site: 4.32 acres

Date response action was completed: NFA Letter Issued (2/20/2001)

Composite Structures, Inc. (Witco Corporation)

Name of owner at time of cleanup: Composite Structures, Inc.

Type of brownfields site: Former Lubricants Storage Warehouse

Location: 6200 N 16th St, Omaha, NE 68110-1005 – Douglas County

Latitude: +41.315° **Longitude:** -95.93667°

Contaminants/Media:

Groundwater and Soil: Beryllium (Be), Chromium (Cr), Lead (Pb), Nickel (Ni), and Total Petroleum Hydrocarbons (TPH)

Size of site: 17 acres

Date response action was completed: NFA Letter Issued (6/29/1999)

CVS Pharmacy

Name of owner at time of cleanup: B & J Partnership Ltd, dba Speedway Properties

Type of brownfields site: Former drycleaner

Location: Northwest corner of 16th and South Street, Lincoln, NE 68502 – Lancaster County

Latitude: +40.792111° **Longitude:** -96.699111°

Contaminants/Media:

Groundwater and soil: Tetrachloroethylene (PCE)

Size of site: 1.59 acres

Date response action was completed: NFA Letter Issued (1/28/2015)

Farmland Industries

Name of owner at time of cleanup: Farmland Industries

Type of brownfields site: Petroleum Refinery

Location: 1002 Broadway, Scottsbluff, NE 69361-3524 – Scotts Bluff County

Latitude: +41.85806 ° **Longitude:** -103.6656°

Contaminants/Media:

Groundwater: Arsenic (As), Benzene (C₆H₆), Cadmium (Cd), Ethylbenzene (C₈H₁₀), Lead (Pb), Selenium (Se), Toluene (C₇H₈), Trichloroethylene (TCE), and Xylenes (CH₃)₂C₆H₄

Soil: Benzo(a)pyrene (C₂₀H₁₂), Chrysene (C₁₈H₁₂), Polycyclic Aromatic Hydrocarbons (PAH), and Pyrene (C₁₆H₁₀)

Size of site: 160 acres

Date response action was completed: No Further Action Letter Issued (7/02/09)

Farmland Industries (Equalizer Midwest Inc. Terminal)

Name of owner at time of cleanup: Equalizer Midwest Inc.

Type of brownfields site: Grain elevator

Location: 4955 E South St, Hastings, NE 68901-8267 – Adams County

Latitude: +40.58861° **Longitude:** -98.30667°

Contaminants/Media:

Groundwater and Soil: Carbon Tetrachloride (CCl₄) and Ethylene Dibromide (EDB)

Size of site: 3.25 acres

Date response action was completed: NFA Letter Issued (9/2/2003)

Fremont Trap Range (Izaak Walton)

Name of owner at time of cleanup: City of Fremont

Type of brownfields site: Agricultural land and former Izaak Walton Trap Range

Location: Intersection of Business Park Drive and Christensen Field Road, Fremont, NE, 68025 – Dodge County

Latitude: +41.444290° **Longitude:** -96.535990°

Contaminants/Media:

Soil: Lead (Pb)

Size of site: 17 acres

Date response action was completed: NFA Letter Issued (3/06/2012)

Haymarket Park

Name of owner at time of cleanup: City of Lincoln

Type of brownfields site: Traffic Engineering Department, Impound Lot

Location: 403 Line Drive Cir, Lincoln, NE 68508 – Lancaster County

Latitude: +40.82417° **Longitude:** -96.715°

Contaminants/Media:

Groundwater: Arsenic (As), Barium (Ba), and Chromium (Cr)

Soil: Arsenic, Barium, and Lead (Pb)

Size of site: 90 acres

Date response action was completed: NFA Letter Issued (9/1/2006)

JN Medical Corporation

Name of owner at time of cleanup: JN Medical Corporation

Type of brownfields site: Industrial

Location: 2720 North 47th Street, Omaha, NE 68134-6322 – Douglas County

Latitude: +41.288955° **Longitude:** -96.0443587°

Contaminants/Media:

Groundwater: Benzene (C₆H₆), cis-1,2 Dichloroethylene (cis-1,2-DCE), Tetrachloroethylene (PCE), Trichloroethene (TCE), Toluene (C₇H₈), trans-1,2 Dichloroethylene (trans-1,2-DCE), 1,1,2-Trichloroethane (1,1,2-TCA), 1,1-Dichloroethane (1,1-DCA)

Soil: cis-1,2 Dichloroethylene and Trichloroethene

Size of site: 2.68 acres

Date response action was completed: NFA Letter Issued (5/18/2016)

KN Energy (KMIGT Holdrege Pipeyard)

Name of owner at time of cleanup: Kinder Morgan Interstate Gas Trans, LLC

Type of brownfields site: Pipe Storage Yard

Location: 1119 W 4th Ave, Holdrege, NE 68949-3108 – Phelps County

Latitude: +40.436946° **Longitude:** -99.396771°

Contaminants/Media:

Soil: Asbestos

Size of site: 14.73 acres

Date response action was completed: NFA Letter issued (5/1/1997)

Lewis & Clark Landing / ASARCO

Name of owner at time of cleanup: City of Omaha

Type of brownfields site: Lead Smelter

Location: 500 Douglas St, Omaha, NE 68102-1895 – Douglas County

Latitude: +41.25861° **Longitude:** -95.92278°

Contaminants/Media:

Soil: Arsenic (As) and Lead (Pb)

Size of site: 23 acres

Date response action was completed: NFA Letter issued (10/11/2001)

Lewis and Clark Landing, Designated Work Area

Name of owner at time of cleanup: City of Omaha

Type of brownfields site: Former lead refining facility

Location: Immediately south of I-480 and southeast of pedestrian bridge from Heartland of America Park, Omaha, NE 68179 – Douglas County

Latitude: +41.259181° **Longitude:** -95.923557°

Contaminants/Media:

Soil: Antimony (Sb), Arsenic (As), Copper (Cu), Lead (Pb), Manganese (Mn), and

Zinc (Zn)

Size of site: 0.1 acre

Date response action was completed: NFA Letter Issued (12/29/2016)

Lincoln Plating Co.

Name of owner at time of cleanup: Lincoln Plating Company

Type of brownfields site: Plating Company

Location: 525 Garfield St, Lincoln, NE 68502-1931 – Lancaster County

Latitude: +40.796704° **Longitude:** -96.713675°

Contaminants/Media:

Groundwater: Cadmium (Cd), Chromium (Cr), Cyanide (CN⁻), Lead (Pb), and Trichloroethene (TCE)

Soil: Cadmium and Manganese (Mn)

Size of site: 0.326 acres

Date response action was completed: NFA letter Issued (7/26/12)

Magnolia Metal Corporation

Name of owner at time of cleanup: Magnolia Metal Corporation

Type of brownfields site: Industrial Bronze Foundry

Location: 63859 730th Road, Auburn, NE 68305 – Nemaha County

Latitude: +40.406400° **Longitude:** -96.8464000°

Contaminants/Media:

Soil: Lead (Pb)

Size of site: 10 acres

Date response action was completed: NFA Letter Issued (10/31/2013)

Magnus Farley, LLC

Name of owner at time of cleanup: Magnus Farley, LLC

Type of brownfields site: Brass Foundry

Location: 1300 Morningside Road, Fremont, NE 68025 – Dodge County

Latitude: +41.423092° **Longitude:** -96.481634°

Contaminants/Media:

Soil: Aluminum (Al), Antimony (Sb), Cadmium (Cd), Copper (Cu), Lead (Pb), Nickel (Ni), Silver (Ag), Tin (Sn), Zinc (Zn)

Size of site: 10.91 acres

Date response action was completed: NFA Letter Issued (8/23/2018)

Max I Walker Inc. Drop Store

Name of owner at time of cleanup: Plaza North Station LLC

Type of brownfields site: Dry Cleaner Facility

Location: 5413 N 90th Street, Omaha, NE 68134-1803 – Douglas County

Latitude: +41.307620° **Longitude:** -96.051850°

Contaminants/Media:

Groundwater: Tetrachloroethylene (PCE), Trichloroethene (TCE)

Soil: Tetrachloroethylene, Trichloroethene, cis-1,2 Dichloroethylene (cis-1,2-DCE)

Size of site: 18.8 acres

Date response action was completed: NFA Letter Issued (2/11/2014)

Nebraska Machine Products, Inc.

Name of owner at time of cleanup: Nebraska Machine Products

Type of brownfields site: Machine Shop, producer of electrical, agricultural, oil/gas, and automotive machine components

Location: 9370 North 45th Street, Omaha, NE 68138 – Douglas County

Latitude: +41.345800° **Longitude:** -95.979500°

Contaminants/Media:

Groundwater: Trichloroethene (TCE) and halogenated and non-halogenated hydrocarbons

Soil: Arsenic (As), and halogenated and non-halogenated hydrocarbons

Size of site: 1.43 acres

Date response action was completed: NFA Letter Issued (3/26/2018)

Omaha Riverfront Redevelopment (sub site) - Gallup Campus

Name of owner at time of cleanup: Riverfront NPS Inc. (RNPS)

Type of brownfields site: Salvage Yard

Location: 701 Abbott Dr, Omaha, NE 68102-4729 – Douglas County

Latitude: +41.26667° **Longitude:** -95.925°

Contaminants/Media:

Groundwater and Soil: Arsenic (As), Lead (Pb), and Polychlorinated Biphenyls (PCB)

Size of site: 79.625 acres

Date response action was completed: NFA Letter Issued (6/18/2003)

Omaha Riverfront Redevelopment (sub site) - Omaha Docks

Name of owner at time of cleanup: Omaha Dock Board

Type of brownfields site: Boat Dock

Location: 701 Abbott Dr, Omaha, NE 68102-4729 – Douglas County

Latitude: +41.26667° **Longitude:** -95.925°

Contaminants/Media:

Groundwater: Arsenic (As), Lead (Pb), and Naphthalene (C₁₀H₈)

Soil: Arsenic, Benzo(a)pyrene (C₂₀H₁₂), Dibenz(a,h)anthracene (C₂₂H₁₄), and Lead

Size of site: 15.858 acres

Date response action was completed: NFA Letter Issued (12/9/2003)

Omaha Riverfront Redevelopment (sub site) – West Gallup, Ed Miller & Sons Properties, Omaha Recycling Facility

Name of owner at time of cleanup: City of Omaha

Type of brownfields site: C & D Landfill

Location: 701 Abbott Dr, Omaha, NE 68102-4729 – Douglas County

Latitude: +41.26667° **Longitude:** -95.925°

Contaminants/Media:

Groundwater: Aluminum (Al), Arsenic (As), Iron (Fe), Lead (Pb), and Manganese (Mn)

Soil: Arsenic (As), Benzo(a)anthracene (C₁₈H₁₂), Benzo(a)pyrene (C₂₀H₁₂), Benzo(b)fluoranthene (C₂₀H₁₂), and Lead (Pb),

Size of site: 35.5 acres

Date response action was completed: NFA Letter Issued (11/9/2004)

Omaha Steel Castings – Saddle Creek Redevelopment Project

Name of owner at time of cleanup: University of Nebraska – Omaha Medical Center

Type of brownfields site: Steel foundry

Location: 4601 and 4525 Farnam Street; 404, 412, 414, 606, 620, and 708 South Saddlecreek Road; and 795 South 48th Street, Omaha, NE 68132 – Douglas County

Latitude: + 41.25783° N **Longitude:** - 95.98271° W

Contaminants/Media:

Groundwater: Motor Oil, Diesel, 1,1-Dichloroethane (1,1-DCA), Naphthalene

Soil: Chromium (Cr), Arsenic (As), Benzo(a)pyrene

Concrete: Polychlorinated Biphenyls (PCBs)

Size of site: 15.55 acres

Date response action was completed: NFA Letter issued (8/24/2020)

Plattsmouth FMGP

Name of owner at time of cleanup: Black Hills Nebraska Gas Utility Company, LLC

Type of brownfields site: Black Hills Energy Maintenance Facility

Location: 331 Lincoln Avenue, Plattsmouth, NE 68048 – Cass County

Latitude: + 40.008611° **Longitude:** - 95.880833°

Contaminants/Media:

Groundwater: Anthracene (C₁₄H₁₀), Benzene (C₆H₆), Benzo(a)anthracene (C₁₈H₁₂), Benzo(a)pyrene (C₂₀H₁₂), Benzo(b)fluoranthene (C₂₀H₁₂), Benzo(k)fluoranthene (C₂₀H₁₂), Chrysene (C₁₈H₁₂), Dibenz(a,h)anthracene (C₂₂H₁₄), Fluoranthene (C₁₆H₁₀), Indeno(1,2,3-cd)pyrene (C₂₂H₁₂), Naphthalene (C₁₀H₈), Pyrene (C₁₆H₁₀), Trimethylbenzenes (C₉H₁₂)

Soil: Antimony (Sb), Arsenic (As), Benzene, Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(k)fluoranthene, Chromium (Cr), Chrysene, Dibenz(a,h)anthracene, Dibenzofuran (C₁₂H₈O), Fluoranthene, Fluorene (C₁₃H₁₀), Indeno(1,2,3-cd)pyrene, Lead (Pb), Mercury (Hg), Naphthalene, Pyrene, Selenium (Se), Trimethylbenzenes

Size of site: 0.49 acres

Date response action was completed: NFA Letter Issued (4/4/2016)

Progress Rail Services

Name of owner at time of cleanup: Progress Rail Services Corp.

Type of brownfields site: Industrial Waste Disposal Area

Location: Huntsman Complex, 3224 Rd 107, Sidney, NE 69162-3322 – Cheyenne County

Latitude: +41.2225° **Longitude:** -103.0480°

Contaminants/Media:

Soil: Aluminum (Al), Barium (Ba), Calcium (Ca), Iron (Fe), Magnesium (Mg), and Potassium (K)

Size of site: 0.5 acres

Date response action was completed: NFA Letter Issued (1/3/2005)

Union Pacific Railroad Child Development Center

Name of owner at time of cleanup: Union Pacific Railroad

Type of brownfields site: Former Automobile Parts Cleaning Facility, Pesticides Handler

Location: 1408 California St, Omaha, NE 68102-4727 – Douglas County

Latitude: +41.26528° **Longitude:** -95.93528°

Contaminants/Media:

Groundwater and Soil: Arsenic (As), Benzene (C₆H₆), Benzo(a)pyrene (BaP), Dieldrin, Lead (Pb), Naphthalene (C₁₀H₈), and Tetrachloroethylene (PCE)

Size of site: 3.2 acres

Date response action was completed: NFA Letter Issued (1/13/2012)

West Haymarket Redevelopment Area North

Name of owner at time of cleanup: West Haymarket Joint Public Agency

Type of brownfields site: Industrial – railroad operations

Location: The site is approximately bounded to the south by O Street, east by 7th Street, north by City of Lincoln's Roads property and the west by City Mission and Salt Creek excluding BNSF railroad track corridor, Lincoln, NE – Lancaster County

Latitude: + 40.818064° **Longitude:** - 96.714256°

Contaminants/Media:

Groundwater: Lead (Pb), Arsenic (As), Mercury (Hg), and Naphthalene (C₁₀H₈)

Soil: Polycyclic aromatic hydrocarbons (PAHs), Naphthalene, Lead, Arsenic and Mercury

Size of site: 72.93 acres

Date response action was completed: NFA Letter Issued (12/29/2016)

West Haymarket Redevelopment Area South

Name of owner at time of cleanup: West Haymarket Joint Public Agency

Type of brownfields site: Industrial – railroad operations, oil storage, scrap yard

Location: 525 and 660 "N" Street, Lincoln, NE 68508 – Lancaster County

Latitude: + 40.813030° **Longitude:** - 96.712392°

Contaminants/Media:

Groundwater: Arsenic (As), Polycyclic aromatic hydrocarbons (PAHs), and chlorinated hydrocarbons

Soil: Polycyclic aromatic hydrocarbons, Arsenic, Lead (Pb), Polychlorinated biphenyl (PCB), chlorinated hydrocarbons

Size of site: 6.65 acres

Date response action was completed: NFA Letter Issued (9/18/2018)

Institutional Controls Tracking System

Facility Name:	Magellan Ammonia Pipeline, L.P.	Zip Code:	68002
City:	Arlington	County:	Washington

Geographic Area: See Legal Description in attachment.

Latitude: 41.442816 **Address:**

Longitude: -96.341041

Category: Proprietary **Media:** GroundWater

Type: Restrictive Covenant

Text: The Property is subject to the following activity and use limitations: Groundwater limitations - Drilling or constructing water wells on the Property for the purposes of domestic, lawn and gardening, or other means, which use involves or may involve human consumption and/or other possible human contact is prohibited. This restriction does not prohibit drilling, construction or use of water wells for crop irrigation or for containing impacts to groundwater, or for impacted groundwater recovery, monitoring, or other remediations activities as approved in writing by the NDEE.

Compliance Reporting: None.

Restrictions: Restrict groundwater use.

Facility Name:	Magellan Ammonia Pipeline, L.P.	Zip Code:	68003
City:	Ashland	County:	Saunders

Geographic Area: See Exhibit A in the attached document.

Latitude: 41.160491 **Address:**

Longitude: -96.401903

Category: Proprietary **Media:** GroundWater

Type: Restrictive Covenant

Text: The Property is subject to the following activity and use limitations: Groundwater limitations - Drilling or constructing water wells on the Property for the purposes of domestic, lawn and gardening, or other means, which use involves or may involve human consumption and/or other possible human contact is prohibited. The restriction does not prohibit drilling, construction or use of water wells for crop irrigation or for containing impacts to groundwater, or for impacted groundwater recovery, monitoring, or other remediation activities as approved in writing by the NDEE.

Compliance Reporting: None

Restrictions: Prohibit groundwater use.

Geographic Area: A tract of land being part of lots 8, 9, 10, 11, and 12, Block 71, a part of Lot 7, Block 96, a part of vacated Front Street, and a part of vacated Bell Street, all located in the Original Town of Beatrice, Gage County, Nebraska as more fully described on the Legal Description attached.

Latitude: 40.264400 **Address:**

Longitude: -96.753687

Category: Proprietary **Media:** GroundWater, Soil

Type: Restrictive Covenant - UECA

Text: The Property is subject to the following activity and use limitations: (a) Land use limitations: The Property shall not be used for any purpose other than open space, for existing utility infrastructure, and for access to the City property and utilities on the existing access road. Permanent buildings or other barriers or restrictions to conveyance of floodwater are prohibited. (b) Groundwater use limitations: Groundwater use is prohibited with the exception of sampling for water quality characterization or treatment. No wells other than water quality monitoring wells or closed loop ground heat exchange wells are allowed. (c) Disturbance limitations: Disturbance of clean fill cover or onsite excavation is limited to necessary access road maintenance, utility installation and repair or replacement, repair or maintenance of the site, and similar types of work. Any digging, excavating, grading, earth moving, or any other soil or land disturbance must be in accordance with the approved Operations and Maintenance Plan; and (d) Inspections: Until August 26, 2050, the Property shall be inspected annually and after significant flood events to maintain the integrity of the clean fill cover over the ISS columns, of the riverbank, of the vegetation, and to prevent or mitigate erosion and promote stability, as more fully set out in the Operation and Maintenance Plan dated March 2019 public record number 20190027559 as approved by the Agency on March 22, 2019 and as amended by public record number 20200064504 as approved by the Agency on April 23, 2020. The maintenance, mitigation, utility waste management and notification requirements of the amended Operation and Maintenance Plan remain in effect beyond said date.

Compliance Reporting: Annually by the then-current owner of the Property.

Restrictions: Limit Land Use; Prohibit Groundwater Use; Limit Ground Intrusive Activities; Adhere to Approved Operation and Maintenance Plan; Inspect Site Annually and After Flooding Events until August 26, 2050.

Facility Name:	Magellan Ammonia Pipeline, L.P.	Zip Code:	68137
City:	Bennet	County:	Lancaster

Geographic Area: See Legal Description in Exhibit A attached.

Latitude: 40.63379 **Address:**

Longitude: -96.55164

Category: Proprietary **Media:** GroundWater

Type: Restrictive Covenant

Text: The Property is subject to the following activity and use limitations: Groundwater limitations - Drilling or constructing water wells on the Property for the purposes of domestic, lawn and gardening, or other means, which use involves or may involve human consumption and/or other possible human contact is prohibited. The restriction does not prohibit drilling, construction or use of water wells for crop irrigation or for containing impacts to groundwater,

Restrictions: Limit future land use Prohibit groundwater well installation/construction, except investigation/remediation wells Prohibit soil disturbance or excavation except in compliance with excavation management plan

Facility Name:	Bruno Co-op Grain Association	Zip Code:	68014
City:	Bruno	County:	Butler

Geographic Area: Within one mile of the Village of Bruno corporate limits.

Latitude: NA **Address:**

Longitude: NA

Category: Government **Media:** GroundWater

Type: Local Ordinance

Text: All persons within 300' of any water main now laid or laid in the future shall be required upon notice by the Village Board to hook-up to the Village water system. Existing private wells shall only be used for outdoor purposes only, they are forbidden to be used for a potable water supply or to be hooked into the Village water system in any manner

Compliance Reporting: Superfund 5-year review

Restrictions: Prohibit Ground Water Well Installation/ Construction Prohibit Existing Wells from Being Used as a Potable Water Supply

Facility Name:	Columbus 10th Street Superfund Site	Zip Code:	68601
City:	Columbus	County:	Platte

Geographic Area: An area bounded by Mahood Drive/24th Street on the north, Loup River on the south, 33rd Avenue on the west, and 16th Avenue on the east.

Latitude: NA **Address:**

Longitude: NA

Category: Government **Media:** GroundWater

Type: Local Ordinance

Text: (A) It shall be unlawful to operate or maintain any domestic water well within the Columbus Institutional Control Area, except as provided hereinafter. (B) Any existing drinking water well within the Columbus Institutional Control Area on the effective date of this subchapter may remain in use so long as the water, either at the wellhead, or after point of use treatment, meets the drinking water standards established by Title 179, Neb. Admin. Code, Ch. 2, § 002. (C) Any existing drinking water well within the Columbus Institutional Control Area shall be exempt from the requirement to connect to a public water supply main so long as the well is operable. At such time as replacement of such well is necessary or ownership of said property is sold, the property shall become subject to this section and the property owner shall make the application to the City for connection to the public water supply. (D) The City shall not issue a building permit for any new structure within the Columbus Institutional Control Area until it is satisfied that the water service to such structure will be connected to the public water supply.

Compliance Reporting: Superfund 5-year review
Restrictions: Prohibit Domestic Ground Water Well Installation/ Construction Without Approval

Geographic Area: Sub-Site of Columbus 10th Street Superfund Site: Liberty Cleaners; the north 1/3 of the north 1/2 of Lot Five (5), Block One Hundred Seventeen (117), Original City of Columbus, Platte County, Nebraska

Latitude: 41.426667 **Address:** 1061 25th Avenue

Longitude: -97.358056

Category: Proprietary **Media:** GroundWater,Soil

Type: Restrictive Covenant

Text: The Property is subject to the following Activity and Use Limitations: (a) Extraction and use of groundwater underlying the Property, except for investigation or remediation approved by the Agencies, is prohibited. (b) Except where excavation is necessary to prevent or address a previously unknown threat to human health or the environment, any digging, drilling, excavating, constructing, earth moving, or other land disturbing activities that extend below the depth of the water table are prohibited without the prior written approval of the Agencies. The water table generally fluctuates between 13 and 18 feet below ground surface. (c) No structures capable of human occupancy (including residences, offices, or other workplaces, etc.) may be built on the Property without a properly designed and constructed vapor mitigation system approved by the Agencies that is designed to prevent airborne concentrations of volatile organic compounds within the structure from exceeding the applicable risk-based standards.

Compliance Reporting: Annually by the current fee simple owner of the Property.

Restrictions: Prohibit Extraction and Use of Underlying Groundwater. Prohibit Disturbance of Soil or Excavation Without Approval. All Structures Must Have a Proper Vapor Mitigation System.

Geographic Area: Sub-Site of Columbus 10th Street Superfund Site: Jackson Services Inc.; Lot Eight (8) and the East 50 feet of Lot Seven (7), in Block One Hundred Twenty-Eight (128) of the Original City of Columbus, Platte County, Nebraska.

Latitude: 41.42527 **Address:** 960 24th Avenue

Longitude: 41.42527

Category: Proprietary **Media:** GroundWater,Soil

Type: Restrictive Covenant

Text: The Property is subject to the following Activity and Use Limitations: (a) Extraction and use of the groundwater underlying the Property, except for investigation or remediation approved by the Agencies, is prohibited. (b) Except where excavation is necessary to prevent or address a previously unknown threat to human health or the environment, any digging, drilling, excavating, constructing, earth moving, or other land disturbing activities that extend below the depth of the water table is prohibited without the prior written approval of the Agencies. The water table generally fluctuates between 12 and 16 feet below ground surface. (c) Structures capable of human occupancy (including residences, offices, or other workplaces, etc.) are prohibited on the Property without a properly designed and constructed vapor mitigation system approved by the Agencies that is designed to prevent airborne concentrations of volatile organic compounds within the structure from exceeding the applicable risk-based standards.

Restrictions: Limit Ground Water Use Activities

Geographic Area: See Exhibit A and Exhibit B in the attached covenant.

Latitude: 41.436102 **Address:** 4025 E 23rd Street

Longitude: -97.276848

Category: Proprietary **Media:** GroundWater

Type: Restrictive Covenant - UECA

Text: The Property is subject to the following activity and use limitations: (a) No person shall drill, construct, install, develop, operate or use any ground water well, or extract, or cause the extraction of, or use any groundwater, located at or underlying the Property for drinking water or any other potable purpose. (b) Use of the Property shall be limited to industrial uses as defined by the Columbus, Nebraska zoning code.

Compliance Reporting: Annually by the then-current fee simple owner.

Restrictions: Prohibit new groundwater wells and use of underlying groundwater for domestic purposes. Limit future land use.

Facility Name:	Columbus Industrial Site LLC	Zip Code:	68601
City:	Columbus	County:	Platte

Geographic Area: Property legally described as Lot 1 EXC N27', All Lots 2-3-4-5-6-7 & N137' Lot 8, BLK 1, Columbus Industrial Site, Columbus, Platte County, Nebraska. (See Appendix A)

Latitude: 41.438039 **Address:**

Longitude: -97.346131

Category: Proprietary **Media:** GroundWater,Soil

Type: Restrictive Covenant

Text: (A) Owners of the Property shall notify all occupants or tenants of the Property of these Activity and Use Limitations and shall condition all occupancy and tenancy on compliance with these Activity and Use Limitations. Failure by any occupant or tenant to comply with these Activity and Use Limitations does not excuse compliance by the then existing owner with these Activity and Use Limitations. (B) The Property shall not be used for any purpose other than commercial or industrial. The Property shall not be used for residential use or use where children may be present for extended periods of time, including school or day care. (C) Except for monitoring wells authorized by the Agency, installation and/or use of wells for potable water supply, for human or animal consumption, is prohibited. Existing monitoring wells located on the Property shall not be abandoned or closed without the approval of the Agency. (D) Owner shall maintain the integrity of the capped area, including but not limited to maintaining the gravel cover and promptly repairing any erosion or other damage. Excavation or construction activities that may disturb in any way, including construction on top of or adding fill materials to, the capped area as depicted in Appendix "A" to this Covenant are prohibited unless such excavation and construction shall have prior written approval by the Agency, unless the excavation or construction is part of an Environmental Response Project that has been approved by the Agency. The Agency shall be given not less than 30 days prior notice of the planned activities. Such prior notice and approval is not required for emergency circumstances, in which case notice must be given as soon as possible. (E) If during the time

of its ownership, tenancy or occupancy, the owner, tenant, or occupant observes or is given notice that some other party, including but not limited to a utility easement holder, is, without Agency approval required under these Activity and Use Limitations, undertaking either emergency or non-emergency excavation or construction activities in the capped area, shall (i) promptly provide a copy to such other party engaged in such activities of these Activity and Use Limitations; (ii) promptly notify such other party that all appropriate and necessary assessments and precautions should be taken prior to such activities, including but not limited to employee protection and hazardous substance management; (iii) promptly notify the Agency of the other party's activity or planned activity and contact information for such other party, if known, and (iv) promptly notify such other party that the materials generated at or from the excavation or construction activities must be properly managed as may be required by law, making all appropriate and necessary assessment prior to such management.

Compliance Reporting: The then-current fee simple owner of the property shall report compliance to the Agency annually.

Restrictions: Limit future land use. Prohibit potable well installation. Maintain soil cap. Prohibit soil disturbance or excavation without approval.

Facility Name:	Columbus FMGP	Zip Code:	68601
City:	Columbus	County:	Platte

Geographic Area: Part of Lot Three (3) and Lot Four (4) of Block Ninety-seven (97) and vacated 22nd Avenue in the City of Columbus, Platte County, NE. [See attachment, Exhibit A]

Latitude: 41.427589 **Address:**

Longitude: -97.354325

Category: Proprietary **Media:** GroundWater, Soil

Type: Restrictive Covenant

Text: (a) The Property shall not be used for residential, recreational, child care or school use. (b) Existing remedial systems to control and/or abate vapor intrusion of Site Contaminants into any existing enclosed buildings at the Property must be operated and maintained in accordance with standards for protectiveness of human health and the environment. (c) Any new construction of enclosed buildings at the Property must prevent, or include remedial systems to control and/or abate, vapor intrusion of Site Contaminants into any such new construction at the Property, and must be operated and maintained in accordance with standards for protectiveness of human health and the environment. (d) Extraction and use of groundwater underlying the Property, except for investigation or remediation approved by EPA is prohibited. (e) Except where excavation is necessary to prevent or address a previously unknown threat to human health or the environment, including without limitation a natural gas pipeline leak, any digging, drilling, excavating, constructing, earth moving or other land disturbing activities that extend below the depths of contaminated soil excavated during the environmental removal action conducted at the Property, as depicted on the Removal Action Site Map attached to this Environmental Covenant as Exhibit B, are prohibited without five days prior written notice to the EPA.

Compliance Reporting: None

Restrictions: Limit future land use. Maintain existing vapor intrusion remedial systems. Ensure future structures have vapor mitigation systems that are properly operated and maintained. Prohibit use of groundwater except for investigation or remediation. Must provide written notice prior to any disturbance of soil or excavation.

Facility Name:	Curtis Metals	Zip Code:	69025
City:	Curtis	County:	Frontier

Geographic Area: Located in Frontier County, Nebraska at U.S. Highway 18 in Curtis, Nebraska, more particularly described in Exhibit A attached to the covenant.

Latitude: 40.62778 **Address:**

Longitude: -100.51583

Category: Proprietary **Media:** Soil

Type: Restrictive Covenant

Text: The following covenants, conditions, and restrictions apply to the use of the Property, run with the land and are binding on the Grantor, its heirs, successors, transferees, and assigns for the benefit of the Grantee and its successors, and assigns: (A)Unless approved in writing by the EPA or its assigns, the Facility shall not be used for residential purposes conducive to the sustained use by children nor for any purpose that could reasonably be expected to attract children for significant periods of time, including, but not limited to, schools, playgrounds, and child care facilities; and (B)Unless approved in writing by EPA or its assigns, there shall be no disturbance of surface or subsurface of the Facility by filling, drilling, excavation, removal of topsoil, rock or minerals, or change of topography in any manner.

Compliance Reporting: None

Restrictions: Limit Future Land Use Prohibit Disturbance of Soil or Excavation

Facility Name:	Magellan Ammonia Pipeline, L.P.	Zip Code:	68020
City:	Decatur	County:	Burt

Geographic Area: See Exhibit A in Attachment

Latitude: 41.992512 **Address:**

Longitude: -96.246309

Category: Proprietary **Media:** GroundWater

Type: Restrictive Covenant

Text: The Property is subject to the following Activity and Use Limitations: Groundwater limitations - Drilling or constructing water wells on the Property for the purposes of domestic, lawn and gardening, or other means, which use involves or may involve human consumption and/or other possible human contact is prohibited. This restriction does not prohibit drilling, construction or use of water wells for crop irrigation or for containing impacts to groundwater, or for impacted groundwater recovery, monitoring, or other remediation activities as approved in writing by NDEE.

Compliance Reporting: None

Restrictions: Restrict use of groundwater.

intrusive work. Copies of any such written notice shall be maintained for a period of at least 10 years and shall be provided to the Agency and/or Holder upon request. (c) Restricted Area. The Restricted Area is subject to the following activity and use limitations (i) Any ground intrusive work (including, but not limited to excavation, digging, and drilling) is prohibited in the Restricted Area unless conducted in accordance with the Soil/Material Management Plan, NDEE document ID 2019-0057417, approved by the NDEE on August 19, 2019. (ii) Disturbance of the surface soil, gravel and/or concrete covering the Restricted Area, shall be prohibited without prior notification and approval from the Agency.

Compliance Reporting: Annually by the then-current fee simple owner of the Property.

Restrictions: Limit future land use. Do not disturb monitoring wells. Prohibit groundwater use. Prohibit new well installation. Prohibit ground intrusive work. Notify future workers of residual contamination. Adhere to approved Material Management Plan. Do not disturb protective coverings.

Facility Name:	Magnus, LLC	Zip Code:	68025
City:	Fremont	County:	Dodge

Geographic Area: See attached Exhibit A

Latitude: 41.423566 **Address:**

Longitude: -96.481533

Category: Proprietary **Media:** Soil

Type: Restrictive Covenant - UECA

Text: The Property is subject to the following activity and use limitations: (a) Future land use of the Property is limited to industrial and commercial use, excluding child care facilities, and such uses shall not require review or approval by the NDEQ. Notwithstanding this covenant, Grantor may, subject to local zoning approval, change the land use to a use other than industrial and commercial use (excluding child care facilities) for the portions of the Property designated as Areas 1 and 3A on Exhibit "B" provided that Grantor first completes a voluntary response action under the Act for Areas 1 and 3A that consists of (i) a soil cover consistent with the soil cover for the VCP Response Area of the Property or (ii) excavation and confirmation sampling of affected soil in Areas 1 and 3A and the plan for such response action is approved by the NDEQ. (b) The soil cover described in the VCP Plan shall be maintained in place in the VCP Response Area. An Operations and Maintenance (O&M) Plan has been prepared and approved for the VCP Response Area to prescribe actions and documentation requirements to be performed to maintain the integrity of the soil cover described in the VCP Plan. (c) Procedural controls shall be maintained regarding construction or utility work to be performed within areas of impacted soil in the VCP Response Area, including control measures and monitoring requirements for any soil removal activities associated with such work.

Compliance Reporting: Annual reporting by the then-current fee simple owner of the property.

Restrictions: Limit future land use. Maintain any protective soil cover. Maintain procedural controls during work activities in affected areas.

Facility Name:	AGROMAC International	Zip Code:	69341
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southwesterly along the north boundary of Division Street to the northeasterly corner of the intersection of Division Street and Adams Street; thence running northwesterly along the east boundary of Adams Street to the point of beginning.

Latitude: NA **Address:**
Longitude: NA
Category: Government **Media:** GroundWater
Type: Local Ordinance

Text: Groundwater pumped from wells within the Groundwater Control Area shall not be used for any human consumption including drinking water, cooking, washing or other household uses. Because groundwater from wells within the groundwater control area may be contaminated and present a hazard to the health, safety and welfare of persons exposed to said water, any known human consumption of groundwater from wells within the Groundwater Control Area is a violation of this Article and is declared a public nuisance subject to abatement as provided hereafter. This Article shall not apply to uses of groundwater pumped from wells within the Groundwater Control Area which do not involve human consumption, including, but not limited to non-contact cooling water for industrial, commercial or residential uses and watering of vegetation other than gardens, plants and trees producing food for human consumption. All wells for which drilling has commenced or existing within the Groundwater Control Area as of the effective date of this Article shall be registered with the Building Inspection Department by the person owning the real estate on which the well is located. There shall be no fee for registering an existing well. No person shall drill or install a well within the Groundwater Control Area prior to applying for and obtaining a well permit from the Building Inspection Department. There shall be a nonrefundable fee of \$50 paid to the Building Inspection Department contemporaneously with making an application for a well permit.

Compliance Reporting: Superfund 5-year review.

Restrictions: Prohibit Installation/ Construction of Groundwater Wells Used for Human Consumption Require Registration of New and Existing Wells Require a Well Permit before Drilling/ Installing a Well

Facility Name:	Cornhusker Army Ammunition Plant	Zip Code:	68802
City:	Grand Island	County:	Hall

Geographic Area: Applies to land overlaying the groundwater explosives plume, designated as the "Overlay Zone," as described in the annual Long Term Monitoring report plume map. However, groundwater use restrictions within the "Overlay Zone" greater than two (2) miles outside the city limits cannot be enforced by the City of Grand Island

Latitude: NA **Address:**
Longitude: NA
Category: Government **Media:** GroundWater
Type: Local Ordinance

Text: Groundwater pumped from wells within Groundwater Control Area No. 2 shall not be used for any human consumption including drinking water, cooking, washing or other household uses. Because groundwater from wells within the groundwater control area may be contaminated and present a hazard to the health, safety, and welfare of persons exposed to said water, any known human consumption of groundwater from wells within Groundwater Control Area No. 2 is a violation of this Article and is declared a public nuisance subject to abatement as provided hereafter. This Article shall not apply to uses of groundwater pumped from wells

within Groundwater Control Area No. 2 which do not involve human consumption, including, but not limited to, non-contact cooling water for industrial, commercial or residential uses and watering of vegetation other than gardens, plants, and trees producing food for human consumption. (A)All wells for which drilling has commenced or existing within Groundwater Control Area No. 2 as of the effective date of this Article shall be registered with the Building Department by the person owning the real estate on which the well is located. There shall be no fee for registering an existing well. (B)No person may drill or install a well within Groundwater Control Area No. 2 prior to applying for and obtaining a well permit from the Building Department. (C)No person may drill or install a well within Groundwater Control Area No. 2 which penetrates two or more water- bearing zones unless water-tight casings are installed which conform to the regulations governing water well construction, pump installation, and water well decommissioning standards of the Nebraska Department of Health and Human Services, Regulation and Licensure Division.

Compliance Reporting: Annual reporting by responsible party pursuant to approved remedy, and Superfund 5-year review

Restrictions: Prohibit Installation/ Construction of Groundwater Wells Used for Human Consumption Require Registration of New and Existing Wells Require a Well Permit before Drilling/ Installing a Well

Geographic Area: Applies to the entire former Cornhusker Army Ammunition Plant

Latitude: NA **Address:** NA

Longitude: NA

Category: Government **Media:** Soil

Type: Base Use Plan

Text: The Hall County Reuse Plan will enforce former facility land designation for agriculture, recreation, conservation, warehousing, industrial and special events zoning which includes the restriction of sites for residential purposes.

Compliance Reporting: Annual reporting by responsible party pursuant to approved remedy, and Superfund 5-year review.

Restrictions: Limit Future Land Use

Geographic Area: Various parcels located throughout the former Cornhusker Army Ammunition Plant.

Latitude: NA **Address:** NA

Longitude: NA

Category: Proprietary **Media:** GroundWater, Soil

Type: Easement – Unspecified Type

Text: See individual property easements.

Compliance Reporting: Annual reporting by responsible party pursuant to approved remedy, and Superfund 5-year review.

Restrictions: Restrictions on individual parcels range from - Restrict land use to commercial, industrial or agricultural; and prohibit residential - Restrict land use to agricultural, conservation or recreation; and prohibit residential - No groundwater shall be used for domestic purposes - Restrict use of existing buildings containing lead-based paint and/or asbestos - Restrict land use that would threaten existing archaeological site, wetland, or endangered species habitat

Facility Name:	Parkview Well Superfund Site	Zip Code:	68803
City:	Grand Island	County:	Hall

Geographic Area: A tract of land comprising a part of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section Twenty Seven (27), Township Eleven (11) North, Range Ten (10) West of the 6th P.M. in Hall County, Nebraska, more particularly described as follows: Beginning at a point on the East line of said Section Twenty Seven (27), said point being Fifty Five (55.0) feet North of the Southeast corner of said Section Twenty Seven (27), thence Westerly parallel to the South line of said Section Twenty Seven (27), and along the North line of Husker Highway, a distance of Five Hundred Seventy Nine (579.0) feet; thence Northerly parallel to the East line of said Section Twenty Seven (27), a distance of Eight Hundred (800.0) feet thence Easterly parallel to the South line of said Section Twenty Seven (27); thence Southerly along the East line of said Section Twenty Seven (27), a distance of Eight Hundred (800.0) feet to the place of the beginning.

Latitude: N/A
Longitude: N/A

Address:

Category: Proprietary
Type: Restrictive Covenant - UECA

Media: GroundWater, Soil

Text: The Property is subject to the following activity and use limitations: a) The Property shall not be used for residential, child care or school use. b) Extraction and use of the ground water underlying the Property, except for investigation or remediation approved by EPA or NDEQ, is prohibited. c) Any digging, drilling, excavating, constructing, earth moving, or other land disturbing activities that extend beyond the depth of ten feet below ground surface, including any repair, renovation or demolition of existing structures on the Property that extend beyond such a depth, are prohibited without the prior written approval of EPA or NDEQ in order to protect remedial systems and prevent exposure.

Compliance Reporting: Annual reporting by property owner pursuant to covenant, and Superfund 5-year review.

Restrictions: Limit Future Land Use Prohibit Excavation Below 10 feet without Approval Prohibit Ground Water Well Installation/Construction, Except Monitoring Wells

Geographic Area: The boundaries of Groundwater Control Area No. 3 are described as follows: Commencing at the southeasterly corner of the intersection of County Road 27/State Highway 34 and New State Highway 30; thence running easterly along the north boundary of State Highway 34 to the southwesterly corner of the intersection of Garland Street; thence running northerly and then easterly along the west boundary of Garland Street to the northwesterly corner of the intersection of Garland Street and South Blaine Street; thence running northerly along the west boundary of South Blaine Street to the northwesterly corner of the intersection of South Blaine Street and Stagecoach Road; thence running easterly along the north boundary of Stagecoach Road to the intersection of Stagecoach Road and Stagecoach Road; thence running predominately northeasterly along the north boundary of Stagecoach Road to the northwesterly corner of the intersection of Stagecoach Road and South August Street; thence running northerly along the west boundary of South August Street to the southwesterly corner of the intersection of South August Street and West Stolley Park Road; thence running westerly along the south boundary of West Stolley Park Road to the southwesterly corner of the intersection of West Stolley Park Road and Old State Highway 30; thence running southwesterly along the south boundary of Old State Highway 30, merging with New State Highway 30 and continuing southeasterly along the south boundary of New State Highway 30 to the point of beginning. A map of the boundaries of Groundwater Control Area No. 3 shall be maintained in the City's

Geographical Information System MapSifter (or any successor application, if any) using information provided by EPA.

Latitude:

Address:

Longitude:

Category:

Government

Media:

GroundWater

Type:

Local Ordinance

Text:

Prohibited Groundwater Uses (A)Groundwater pumped from wells within Groundwater Control Area No. 3 shall not be used for any domestic use which may result in human exposures. Such uses include drinking, food preparation, washing, bathing, showering, and other household uses which result in human exposures to contaminated groundwater. Because groundwater from wells within Groundwater Control Area No. 3 may be contaminated and presents a hazard to the health, safety, and welfare of persons exposed to such water, any human consumption or prohibited use of groundwater from wells within Groundwater Control Area No. 3 is a violation of this Article and is declared to be a public nuisance subject to abatement as provided in § 35-91 of this Article. (B) No new well with a design capacity of more than 50 gallons per minute (gpm) may be drilled or installed in Groundwater Control Area No. 3 unless and until the party proposing the well installation has demonstrated, by a hydrogeological study performed by a competent environmental consulting firm, that the operation of the well will not cause the movement of the groundwater contamination or adversely affect the remedial action provided for in the RODs for the Site. Any such hydrological study shall be submitted to EPA for review and approval prior to well installation. (C) This Section on Prohibited Groundwater Uses shall not prohibit uses of groundwater pumped from wells within Groundwater Control Area No. 3 which do not result in human exposure to contaminated groundwater, including, but not limited to, groundwater monitoring wells, EPA or NDNR remediation wells, wells that produce 50 gpm or less for dewatering purposes, wells used for non-contact cooling water for industrial, commercial or residential uses, or wells used for watering vegetation not used for human consumption. Discharges from dewatering wells must be appropriately handled and disposed of in accordance with applicable City, State and Federal laws including National Pollution Discharge Elimination System permits under the Clean Water Act. Well Installation (A) No person shall drill or install a well with a design capacity of more than 50 gallons per minute within Groundwater Control Area No. 3 prior to applying for and obtaining a well permit from the Central Platte Natural Resource District and the City's Building Department. There shall be a nonrefundable fee in accordance with the City's Fee Schedule paid to the City's Building Department contemporaneously with making an application for a well permit. (B) No person may install a well within Groundwater Control Area No. 3 which penetrates two or more water bearing zones unless water-tight casings are installed which conform to the regulations governing water well construction, pump installation, and water well decommissioning standards of the Nebraska Department of Health and Human Services, Regulation and Licensure Division (178 NAC 12, Section 003.11D – Contaminated Water-Bearing Zones).

Compliance Reporting:

Superfund 5 year review

Restrictions:

Prohibit Installation/ Construction of Groundwater Wells Used for Human Consumption Require a Well Permit before Drilling/Installing a Well with a Capacity greater than 50 Gallons Per Minute

Facility Name:	Nebraska Solvents Company	Zip Code:	68801
City:	Grand Island	County:	Hall

Geographic Area: The boundaries of Groundwater Control Area No. 4 are described as follows and are shown on the attached map. Commencing 135 feet to the west of the intersection of Museum Drive and East Seedling Mile Road; thence running westerly to the western lease boundary of the 1200 Highway 30 East Site; thence running east-southeasterly to the intersection of the lease boundary and Highway 30 East; thence running east-southeasterly to the intersection of Stuhr Road and an extension of the East Gregory Street; thence running easterly along Gregory Street to Shady Bend Road, thence running east-northeasterly to East Seedling Mile Road; thence following East Seedling Mile Road to the intersection with Gunbarrel Road; thence southerly to the Wood River; thence east-northeasterly along a path 350 feet south of and Parallel to Fort Kearney Road to the intersection with a southerly extension of Beck Road; thence running northerly along Beck Road to the farm access road 2,270 feet south of Highway 30 east, thence running westerly for 1,000 feet; thence running southwesterly along a path 1,130 feet south of and parallel to Highway 30 East to the point of the beginning. A map of the boundaries of Groundwater Control Area No. 4 shall be maintained in the City's Geographical Information System MapSifter (or any successor application, if any).

Latitude: 40.9225

Address:

Longitude: -98.35194444

Category: Government

Media:

GroundWater

Type: Local Ordinance

Text: §35-98. Prohibited Groundwater Uses (A) Groundwater pumped from wells within Groundwater Control Area No. 4 shall not be used for any domestic use which may result in human exposures. Such uses include drinking, food preparation, washing, bathing, showering, and other household uses which result in human exposures to contaminated groundwater. Because groundwater from wells within Groundwater Control Area No. 4 may be contaminated and presents a hazard to the health, safety, and welfare of persons exposed to such water, any human consumption or prohibited use of groundwater from wells within Groundwater Control Area No. 4 is a violation of this Article and is declared to be a public nuisance subject to abatement as provided in §§35-101 to §§35-102 of this Article. (B) No new well with a design capacity of more than 50 gallons per minute (gpm) may be drilled or installed in Groundwater Control Area No. 4 unless and until the party proposing the well installation has demonstrated, by a hydrogeological study performed by a competent environmental consulting firm, that the operation of the well will not cause the movement of the groundwater contamination or adversely affect the remedial action provided for in the RAP for the Site. Any such hydrogeological study shall be submitted to NDEQ for review and approval prior to well installation. (C) This Section on Prohibited Groundwater Uses shall not prohibit uses of groundwater pumped from wells within Groundwater Control Area No. 4 which do not result in human exposure to contaminated groundwater, including, but not limited to groundwater monitoring wells, EPA, NDNR, or NDEQ remediation wells, wells that produce 50 gpm or less for dewatering purposes, for non-contact cooling water for industrial, commercial, or residential uses, or wells used for irrigation. Discharges from dewatering wells must be appropriately handled and disposed of in accordance with applicable City, State and Federal laws including National Pollution Discharge Elimination System permits under the Clean Water Act. §35-99. Well Installation (A) No person shall drill or install a well with a design capacity of more than 50 gallons per minute within Groundwater Control Area No. 4 prior to applying for and obtaining a well permit from the Central Platte natural Resources District. (B) No person may install a well within Groundwater Control Area No. 4 which penetrates two or more water-bearing zones unless water-tight casing are installed with conform to the regulations governing water well construction, pump installation, and water well decommissioning standards of the Nebraska Department of Health and Human Services, Regulation and Licensure Division (178 NAC 12, Section 003.11D-Contaminated Water-Bearing Zones).

Compliance Reporting: None

Restrictions: Prohibit Installation/ Construction of Groundwater Wells Used for Human Consumption Require a Well Permit before Drilling/Installing a Well with a Capacity greater than 50 Gallons Per Minute

Facility Name:	Magellan Ammonia Pipeline, L.P.	Zip Code:	68366
City:	Greenwood	County:	Cass

Geographic Area: SW 1/4 of Section 30, Township 12 North, Range 9 East located approximately 0.25 miles east of 190th Street and 1.5 miles northwest of the Village of Greenwood. (See Exhibit A in attachment.)

Latitude: 40.97509 **Address:**

Longitude: -96.45675

Category: Proprietary **Media:** GroundWater

Type: Restrictive Covenant

Text: The Property is subject to the following activity and use limitations: Groundwater limitations - Drilling or constructing water wells on the Property for the purposes of domestic, lawn, gardening, or other means, which use involves or may involve human consumption and/or other possible human contact is prohibited. This restriction does not prohibit drilling, construction or use of water wells for crop irrigation or for containing impacts to groundwater, or for impacted groundwater recovery, monitoring, or other remediation activities as approved in writing by the NDEE.

Compliance Reporting: None.

Restrictions: Restrict groundwater use.

Facility Name:	Farmland Industries (Equalizer Midwest Inc Terminal)	Zip Code:	68901-8267
City:	Hastings	County:	Adams

Geographic Area: Beginning at the intersection of 12th Street and Highland Road in Hastings; thence East on 12th Street to Maxon Avenue; thence South on Maxon Avenue to Prairie Lake Road; thence west on Prairie Lake Road to Baltimore Avenue; thence north on Baltimore Avenue to Idlewilde Road; thence west on Idlewilde Road to Marian Road; thence north on Marian Road to Highway 6, also known as J Street; thence west on Highway 6, also known as J Street, to Southern Hills Drive; thence north on Southern Hills Drive, and continuing north on Highland Drive to the point of beginning.

Latitude: NA **Address:**

Longitude: NA

Category: Informational **Media:** GroundWater

Type: Local Ordinance

Text: The Hastings City Council finds and determines that certain contaminants have, for many years, existed in certain areas of the groundwater in and near the City of Hastings, and that

certain legislation is necessary and appropriate for the purpose of supplementing the various measures undertaken by the City of Hastings and others, aimed at reducing or eliminating the possibility that humans will come into contact with such contaminants. It is the intention of the City that existing water wells within the area where contaminated groundwater exists, which area shall be hereafter known as the Hastings Institutional Control Area, shall be allowed to remain in existence only if reasonable safeguards are implemented so that there is no reasonable likelihood of human contact with the contaminants in the groundwater. It is also the intention of the City that no new domestic water wells may be installed within the Hastings Institutional Control Area. Within sixty days after the effective date of this ordinance, all existing water wells within the Hastings Institutional Control Area, other than public water supply wells, shall be registered in the office of the City Board of Public Works or the Hastings Department of Development Services by the owner of the real estate upon which the well is located.

Compliance Reporting: Superfund 5-year review.

Restrictions: Prohibit Domestic Ground Water Well Installation/ Construction Require Registration of Existing Wells

Facility Name:	Hastings 2nd Street Superfund Subsite	Zip Code:	68901-5236
City:	Hastings	County:	Adams

Geographic Area: Beginning at the intersection of 12th Street and Highland Road in Hastings; thence East on 12th Street to Maxon Avenue; thence South on Maxon Avenue to Prairie Lake Road; thence west on Prairie Lake Road to Baltimore Avenue; thence north on Baltimore Avenue to Idlewilde Road; thence west on Idlewilde Road to Marian Road; thence north on Marian Road to Highway 6, also known as J Street; thence west on Highway 6, also known as J Street, to Southern Hills Drive; thence north on Southern Hills Drive, and continuing north on Highland Drive to the point of beginning.

Latitude: NA

Address:

Longitude: NA

Category: Government

Media:

GroundWater

Type: Local Ordinance

Text: The Hastings City Council finds and determines that certain contaminants have, for many years, existed in certain areas of the groundwater in and near the City of Hastings, and that certain legislation is necessary and appropriate for the purpose of supplementing the various measures undertaken by the City of Hastings and others, aimed at reducing or eliminating the possibility that humans will come into contact with such contaminants. It is the intention of the City that existing water wells within the area where contaminated groundwater exists, which area shall be hereafter known as the Hastings Institutional Control Area, shall be allowed to remain in existence only if reasonable safeguards are implemented so that there is no reasonable likelihood of human contact with the contaminants in the groundwater. It is also the intention of the City that no new domestic water wells may be installed within the Hastings Institutional Control Area. Within sixty days after the effective date of this ordinance, all existing water wells within the Hastings Institutional Control Area, other than public water supply wells, shall be registered in the office of the City Board of Public Works or the Hastings Department of Development Services by the owner of the real estate upon which the well is located.

Compliance Reporting: Superfund 5-year review.

Restrictions: Prohibit Domestic Ground Water Well Installation/ Construction Require Registration of Existing Wells

Geographic Area: 109 West Second Street and surrounding properties, legally described as follows: Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), and ten (10), in Block Twenty-Four (24), Johnson's Addition to the City of Hastings, Adams County, Nebraska.

Latitude: 40.589722 **Address:** 109 W. Second Street

Longitude: -98.391944

Category: Proprietary **Media:** GroundWater, Soil

Type: Restrictive Covenant - UECA

Text: The property is subject to the following activity and use limitations. Unless otherwise approved in writing by EPA and NDEQ, Grantor shall not allow any person to: (A) Utilize the ground water underlying the Property for human use or consumption; (B) Cause or allow a disturbance of the subsurface of the Subsite; or (C) Use the property for residential or childcare purposes.

Compliance Reporting: Annual reporting by property owner pursuant to covenant and Superfund 5-year review.

Restrictions: Limit Future Land Use Prohibit Disturbance of Soil or Excavation Without Approval Prohibit Installation/ Construction of Groundwater Wells Used for Human Consumption Without Approval

Facility Name:	Hastings Area Superfund Site	Zip Code:	68901
City:	Hastings	County:	Adams

Geographic Area: Beginning at the intersection of 12th Street and Highland Road in Hastings; thence East on 12th Street to Maxon Avenue; thence South on Maxon Avenue to Prairie Lake Road; thence west on Prairie Lake Road to Baltimore Avenue; thence north on Baltimore Avenue to Idlewilde Road; thence west on Idlewilde Road to Marian Road; thence north on Marian Road to Highway 6, also known as J Street; thence west on Highway 6, also known as J Street, to Southern Hills Drive; thence north on Southern Hills Drive, and continuing north on Highland Drive to the point of beginning.

Latitude: NA **Address:**

Longitude: NA

Category: Government **Media:** GroundWater

Type: Local Ordinance

Text: The Hastings City Council finds and determines that certain contaminants have, for many years, existed in certain areas of the groundwater in and near the City of Hastings, and that certain legislation is necessary and appropriate for the purpose of supplementing the various measures undertaken by the City of Hastings and others, aimed at reducing or eliminating the possibility that humans will come into contact with such contaminants. It is the intention of the City that existing water wells within the area where contaminated groundwater exists, which area shall be hereafter known as the Hastings Institutional Control Area, shall be allowed to remain in existence only if reasonable safeguards are implemented so that there is no reasonable likelihood of human contact with the contaminants in the groundwater. It is also the intention of the City that no new domestic water wells may be installed within the Hastings

Institutional Control Area. Within sixty days after the effective date of this ordinance, all existing water wells within the Hastings Institutional

Compliance Reporting: Annual reporting by responsible party pursuant to approved remedy, and Superfund 5-year review.

Restrictions: Prohibit Domestic Ground Water Well Installation/ Construction Require Registration of Existing Wells

Facility Name:	Garvey Elevators Incorporated	Zip Code:	68901-7711
City:	Hastings	County:	Adams

Geographic Area: Beginning at the intersection of 12th Street and Highland Road in Hastings; thence East on 12th Street to Maxon Avenue; thence South on Maxon Avenue to Prairie Lake Road; thence west on Prairie Lake Road to Baltimore Avenue; thence north on Baltimore Avenue to Idlewilde Road; thence west on Idlewilde Road to Marian Road; thence north on Marian Road to Highway 6, also known as J Street; thence west on Highway 6, also known as J Street, to Southern Hills Drive; thence north on Southern Hills Drive, and continuing north on Highland Drive to the point of beginning.

Latitude: 40.56416667

Address:

Longitude: -98.41416667

Category: Proprietary

Media:

GroundWater,Soil

Type: Restrictive Covenant

Text: Restrictions on Use: The following covenants, conditions, and restrictions apply to the use of the Property, run with the land and are binding on the Declarant. Unless otherwise approved in writing by EPA, NDEQ, Declarant shall not: a) Utilize the ground water underlying the Property for human use or consumption; b) Cause or allow a disturbance of the subsurface of the Site; and c) Use the Property for residential purposes

Compliance Reporting: n/a

Restrictions: Prohibit Disturbance of Soil or Excavation Prohibit Potable Water Well Installation/Construction Restrict land use to agricultural, conservation or recreation, and prohibit residential

Geographic Area: Hastings Institutional Control Area

Latitude:

Address:

Longitude:

Category: Government

Media:

GroundWater

Type: Local Ordinance

Text: The Hastings City Council finds and determines that certain contaminants have, for many years, existed in certain areas of the groundwater in and near the City of Hastings, and that certain legislation is necessary and appropriate for the purpose of supplementing the various measures undertaken by the City of Hastings and others, aimed at reducing or eliminating the possibility that humans will come into contact with such contaminants. It is the intention of the City that existing water wells within the area where contaminated groundwater exists, which area shall be hereafter known as the Hastings Institutional Control Area, shall be allowed to remain in existence only if reasonable safeguards are implemented so that there is no

reasonable likelihood of human contact with the contaminants in the groundwater. It is also the intention of the City that no new domestic water wells may be installed within the Hastings Institutional Control Area.

Compliance Reporting: Annual reporting by responsible party pursuant to approved remedy, and Superfund-5-year Review

Restrictions: Prohibit domestic groundwater well installation/construction and require registration of existing wells.

Facility Name:	KN Energy	Zip Code:	68949-3108
City:	Holdrege	County:	Phelps

Geographic Area: Lot 1, Block 1, Kansas-Nebraska Addition to the City of Holdrege, Nebraska

Latitude: 40.436946 **Address:**

Longitude: -99.396771

Category: Proprietary **Media:** GroundWater, Soil

Type: Restrictive Covenant

Text: Grantee hereby covenants and agrees that the Asbestos Control Area shall not be excavated, disturbed, nor otherwise encroached upon by the Owner, its agents, one of its partners, joint ventures, joint interest owners or affiliates or successors in activity will pose unacceptable environmental risks as defined by applicable Nebraska environmental and safety regulations which regulate asbestos and asbestos containing materials. Owner hereby covenants that no domestic water wells shall be drilled within this property described as the Asbestos Control Area. Owner hereby covenants that no building of any type, whether residential or commercial, shall be constructed within this property described as the Asbestos Control Area in such a way that such activity will pose unacceptable environmental risks as defined by applicable Nebraska environmental and safety regulations which regulate asbestos and asbestos containing materials.

Compliance Reporting: None

Restrictions: Limit Future Land Use Prohibit Disturbance of Soil or Excavation Prohibit Domestic Ground Water Well Installation/ Construction

Facility Name:	Eaton Corporation	Zip Code:	68847
City:	Kearney	County:	Buffalo

Geographic Area: Legally described in Exhibit A and depicted in Exhibit B attached.

Latitude: 40.709961 **Address:**

Longitude: -99.024631

Category: Proprietary **Media:** GroundWater

Type: Restrictive Covenant - UECA

Text: The Property is subject to the following Activity and Use Limitations: (a) No groundwater at, on, or under the Property, or any portion thereof, shall be used for consumption by humans or animals, irrigation or any other purpose that might bring it into contact, directly or indirectly with humans or animals, except to the extent allowed or required under any groundwater remediation and monitoring plans that have been approved by the Agency.

Compliance Reporting: Annually by the current fee simple owner of the Property.

Restrictions: Restrict Use of Groundwater.

Facility Name:	5th and Lincoln Street	Zip Code:	68850
City:	Lexington	County:	Dawson

Geographic Area: Lots 5 and 6, in Block 53, Original Town of Plum Creek, now City of Lexington

Latitude: 40.77772 **Address:**

Longitude: -99.74263

Category: Proprietary **Media:** GroundWater, Soil

Type: Restrictive Covenant - UECA

Text: The Property is subject to the following activity and use limitations: (a) The Property shall not be used for residential purposes, which for purposes of this Environmental Covenant include but are not limited to: single family homes, duplexes, multiplexes, apartments, condominiums, schools, dormitories, retirement or senior/child-care centers, or any land use where persons can be expected to reside. (b) The existing soil contamination on the Property shall not be disturbed in any manner without prior written Agency approval, except in the case of emergency utility repair activities or other subsurface work necessary for human health and safety. In these cases, Agency shall be notified within 48 hours after initiation of emergency work at the Property. Any contaminated soil disturbed as part of an emergency response action must be returned to its original location and depth, or properly characterized, managed and disposed of, in accordance with all applicable local, state and federal requirements. (c) Except for purposes of investigation or remediation approved by the Agency, extraction and use of the groundwater underlying the Property is prohibited. Installation of any new groundwater wells on the Property is prohibited, except for wells used for investigative, monitoring and/or remediation purposes installed in accordance with an Agency-approved work plan. (d) In the event that construction work is to be performed that may expose workers to contaminated soil and/or groundwater on the Property, Owner/Transferee shall ensure that appropriate protective measures are taken to protect such workers' health and safety in accordance with applicable health and safety laws and regulations and that such work is conducted in accordance with this Environmental Covenant. Except as otherwise provided in this Environmental Covenant for emergencies, no work shall commence prior to 30 days after notifying the Agency of the planned work. Based on the potential hazards associated with the disturbance activities, the Agency may deny the request or may require specific protective or remedial actions before allowing such activities to occur, including requiring a Soil/Materials Management Plan. (e) To prevent or minimize exposures to vapors from contaminated groundwater, any building or structure planned for human occupancy and that will be constructed in the future on the Property shall be constructed to include an appropriate vapor barrier or vapor mitigation system. A copy of pre-construction plans of barrier or mitigation systems must be provided to the Agency at least 30 days prior to the construction. Vapor barrier or mitigation systems in buildings constructed in the future on the Property shall be

maintained so that the system continues to meet the intended function to protect human health from vapors.

Compliance Reporting: Annually from the then-current fee simple owner of the Property.

Restrictions: No residential land use. No disturbance of soil contamination. No groundwater use. Prevent construction worker exposure. Mitigate vapor intrusion.

Facility Name:	Haymarket Park	Zip Code:	68508
City:	Lincoln	County:	Lancaster

Geographic Area: An area within three miles of the corporate limits of the City of Lincoln.

Latitude: NA **Address:**

Longitude: NA

Category: Government **Media:** GroundWater

Type: Local Ordinance

Text: It shall be unlawful to construct, maintain, or use within the limits of the city a water well for domestic use; provided, that a water well for domestic use existing immediately prior to the effective date of this chapter may be continued although such use does not conform to the provisions hereof. Such well shall comply with the other provisions of this chapter and with the regulations, standards, and ordinances adopted by the City Council. The use of private wells within the limits of the city for domestic purposes shall be permitted only when the city's water distribution system is not available to the premises on which water is required. Whenever the Health Director shall find from a bacteriological test that the water from any well or cistern within the limits of the city used for domestic purposes is impure, contaminated, and unfit for drinking purposes and will introduce or spread contagious, infectious, or malignant diseases within the city, it shall be the Health Director's duty to serve or cause to be served on the owner, tenants, or lessee of the property on which such well or cistern is located a notice in writing that such water shall no longer be used for drinking or domestic purposes, and the owner, tenant, or lessee of the property on which such well or cistern, the water in which is found to be impure, contaminated, and unfit for drinking purposes, is located shall within forty-eight hours from the time of service of such notice close up and destroy said well or cistern.

Compliance Reporting: None

Restrictions: Prohibit Domestic Ground Water Well Installation/ Construction Without Approval

Geographic Area: Haymarket Park; Lot 2, Block 1, Lincoln Ballpark Addition, Lincoln, Lancaster County, Nebraska.

Latitude: 40.82417 **Address:** 403 Line Drive Circle

Longitude: -96.715

Category: Informational **Media:** Soil

Type: Notice – Deed Notice

Text: Take notice of the area of concern as identified in the attached diagram indication a zone where buried underground metals were located and encapsulated in-situ as part of the approved development of the site commencing in the year 1999, subject to institutional

controls to restrict human contact, including this notice to be filed of record on the property with the Register of Deeds Office, Lancaster County Nebraska, in accordance with the Nebraska Department of Environmental Quality approved RAP.

Compliance Reporting: None

Restrictions: None - Informational Device Only

Facility Name:	Telex Communications Incorporated	Zip Code:	68507-9740
City:	Lincoln	County:	Lancaster

Geographic Area: Restricted area (see map attached to covenant) of Lot 39 in the NW 1/4 exclude that part of Lot 39 lying in the SW 1/4, Section 35, Township 11 North, Range 7 East, 6th Principal Meridian, Lancaster County, Nebraska

Latitude: NA

Address:

Longitude: NA

Category: Proprietary

Media: GroundWater

Type: Restrictive Covenant - UECA

Text: No potable water supply well shall be used or constructed in the area depicted as being so restricted in the attached map of the Property. Holder shall notify Agency of any water wells that may come to be installed in the restricted area depicted in the attached map of the Property, whether or not for a potable water supply. Grantor may replace or install any wells on the Property without notification to Agency, but subject to the use restrictions in the Covenant. The Property shall be subject to reasonable access by the Holder and the Agency for the purposes of ascertaining compliance with the activity and use limitations created hereby.

Compliance Reporting: None

Restrictions: Prohibit Potable Water Well Installation/ Construction

Geographic Area: Lot 45 in the SW 1/4, Section 35, Township 11 North, Range 7 East, 6th Principal Meridian, Lancaster County, Nebraska.

Latitude: NA

Address: NA

Longitude: NA

Category: Proprietary

Media: GroundWater, Soil

Type: Restrictive Covenant

Text: The Property shall not be used or developed in any manner that shall impair, degrade or compromise the environmental response project performed pursuant to the AOC. The Property shall not be used for any purpose other than industrial or commercial, and specifically shall not be used for child care facilities. No water well shall be installed on the Property in areas where groundwater contamination has come to be located... The Property shall be subject to reasonable access by the Holder and the Agency...

Compliance Reporting: None

Restrictions: Limit Future Land Use Prohibit Ground Water Well Installation/ Construction

Geographic Area: Lot 38 in the NW 1/4 and Part of Lot 29 in the NE 1/4, Section 34, Township 11 North, Range 7 East, 6th Principal Meridian, Lancaster County, Nebraska. Part of Lot 29 in the NW 1/4, Section 34, Township 11 North, Range 7 East, 6th Principal Meridian, Lancaster County, Nebraska. Lot 33 in the SW 1/4 and Lot 35 in the SE 1/4, Section 34, Township 11 North, Range 7 East, 6th Principal Meridian, Lancaster County, Nebraska

Latitude: NA **Address:** NA

Longitude: NA

Category: Proprietary **Media:** GroundWater

Type: Restrictive Covenant

Text: No potable water supply well shall be used or constructed in the area depicted as being so restricted in the attached map of the Property. Holder shall notify Agency of any water wells that may come to be installed in the restricted area depicted in the attached map of the Property, whether or not for a potable water supply. Grantor may replace or install any wells on the Property without notification to Agency, but subject to the use restrictions in the Covenant. The Property shall be subject to reasonable access by the Holder and the Agency for the purposes of ascertaining compliance with the activity and use limitations created hereby.

Compliance Reporting: None

Restrictions: Prohibit Potable Water Well Installation/ Construction

Geographic Area: Restricted area (see map attached to covenant) of Lot 37 in the west 1/2, Section 35, Township 11 North, Range 7 East, 6th Principal Meridian, Lancaster County, Nebraska.

Latitude: NA **Address:** NA

Longitude: NA

Category: Proprietary **Media:** GroundWater

Type: Restrictive Covenant

Text: No potable water supply well shall be used or constructed in the area depicted as being so restricted in the attached map of the Property. Holder shall notify Agency of any water wells that may come to be installed in the restricted area depicted in the attached map of the Property, whether or not for a potable water supply. Grantor may replace or install any wells on the Property without notification to Agency, but subject to the use restrictions in the Covenant. The Property shall be subject to reasonable access by the Holder and the Agency for the purposes of ascertaining compliance with the activity and use limitations created hereby.

Compliance Reporting: None

Restrictions: Prohibit Potable Water Well Installation/ Construction

Geographic Area: Restricted area (see map attached to covenant) of Lot 38 in the SW 1/4 and that part of Lot 39 lying in the SW 1/4, Section 35, Township 11 North, Range 7 East, 6th Principal Meridian, Lancaster County, Nebraska.

Latitude: NA **Address:** NA

Longitude: NA

Category: Proprietary **Media:** GroundWater
Type: Restrictive Covenant

Text: No potable water supply well shall be used or constructed in the area depicted as being so restricted in the attached map of the Property. Holder shall notify Agency of any water wells that may come to be installed in the restricted area depicted in the attached map of the Property, whether or not for a potable water supply. Grantor may replace or install any wells on the Property without notification to Agency, but subject to the use restrictions in the Covenant. The Property shall be subject to reasonable access by the Holder and the Agency for the purposes of ascertaining compliance with the activity and use limitations created hereby.

Compliance Reporting: None

Restrictions: Prohibit Potable Water Well Installation/ Construction

Geographic Area: Restricted area (see map attached to covenant) of Lot 13 in the SE 1/4, Section 35, Township 11 North, Range 7 East, 6th Principal Meridian, Lancaster County, Nebraska.

Latitude: NA **Address:** NA

Longitude: NA

Category: Proprietary **Media:** GroundWater
Type: Restrictive Covenant

Text: No potable water supply well shall be used or constructed in the area depicted as being so restricted in the attached map of the Property. Holder shall notify Agency of any water wells that may come to be installed in the restricted area depicted in the attached map of the Property, whether or not for a potable water supply. Grantor may replace or install any wells on the Property without notification to Agency, but subject to the use restrictions in the Covenant. The Property shall be subject to reasonable access by the Holder and the Agency for the purposes of ascertaining compliance with the activity and use limitations created hereby.

Compliance Reporting: None

Restrictions: Prohibit Potable Water Well Installation/ Construction

Facility Name:	Burlington Northern & Santa Fe - Havelock Lot 9	Zip Code:	68507-1499
City:	Lincoln	County:	Lancaster

Geographic Area: Lot 9, Cornhusker Business Center, Lincoln, Lancaster County, Nebraska.

Latitude: 40.859444 **Address:**

Longitude: -96.63027778

Category: Proprietary **Media:** Soil
Type: Restrictive Covenant

Text: The Property shall be used only for commercial, industrial or other similar business purposes; provided, however, the Property shall not be used as a church, library, school, hospital,

indoor theater, child-care facility, or residence (except for resident watchmen and caretakers and supervisory personnel employed and residing on the Property).

Compliance Reporting: None

Restrictions: Limit Future Land Use

Facility Name:	Lincoln Plating Company Incorporated	Zip Code:	68502
City:	Lincoln	County:	Lancaster

Geographic Area: Lots Four (4) through Six (6), Block Six (6), Woods Brothers Country Club Park, Lincoln, Lancaster County, Nebraska

Latitude:

Address:

Longitude:

Category: Proprietary

Media: Soil

Type: Restrictive Covenant - UECA

Text: The Property shall not be used for any use other than industrial or commercial use, excluding child care facilities, which shall be prohibited. This limitation is intended to protect human health and the environment.

Compliance Reporting: Annual reporting by then-current fee simple owner of the property

Restrictions: Restrict Land Use to Commercial and Industrial; and Prohibit Child Care Facilities and Residential

Geographic Area: Lots Eight (8) through Ten (10), Block Six (6), Woods Brothers Country Club Park, Lincoln, Lancaster County, Nebraska.

Latitude:

Address: 530 Sumner Street

Longitude:

Category: Proprietary

Media: Soil

Type: Restrictive Covenant - UECA

Text: The Property shall not be used for any use other than industrial or commercial use, excluding child care facilities, which shall be prohibited. This limitation is intended to protect human health and the environment.

Compliance Reporting: Annual reporting by then-current fee simple owner of the property

Restrictions: Restrict Land Use to Commercial and Industrial; and Prohibit Child Care Facilities and Residential

Facility Name:	Brunswick Corp Defense Division	Zip Code:	68504
City:	Lincoln	County:	Lancaster

Geographic Area: A tract of land in the North One-Half (N1/2) of the Northwest Quarter (NW1/4) of Section Seven (7), Township Ten (10) North, Range Seven (7) East of the 6th P.M., Lancaster County,

Nebraska, more particularly described as beginning at a point forty (40) feet south from and seven hundred three (703) feet east of the Northwest Corner of said Section Seven (7) as the place of beginning, thence southerly seven hundred three (703) feet east from and parallel to the west line of said Northwest Quarter (NW1/4) a distance of five hundred and one-tenth feet (500.1), thence easterly on a line five hundred forty and one-tenth (540.1) feet southerly from and parallel to the North line of said Northwest Quarter (NW1/4) a distance of one thousand three hundred sixty and one tenth (1360.1) feet to intersect the westerly Chicago & Northwestern Railroad right-of-way line, thence in a northeasterly direction along said Chicago & Northwestern Railroad right-of-way line a distance of five hundred twelve and one tenth (512.1) feet to a point forty (40) feet Southerly from the north line of said Northwest Quarter (NW1/4), thence westerly on a line forty (40) feet southerly from and parallel to the north line of said Northwest Quarter (NW1/4) a distance of one thousand four hundred sixty-six and three tenths (1466.3) feet to the place of beginning, containing 16.22 acres. Also known as Lot 154 and Lot 155 of irregular tracts in the North One-Half of the Northwest Quarter of said Section 7. Description of Additional Land: Lot 22, Lincoln Industrial Addition, in the NW1/4 Section 7, Township 10 North Range 7 East, 6th P.M., Lincoln, Lancaster County, Nebraska. Described as follows: Beginning at the SW Corner Lot 94 I.T., NW1/4 said Section 7; thence easterly along south line said Lot 94 on an assumed bearing of N 89° -11' East, a distance of 1360.1 feet to a point on the west right-of-way line of the Chicago, North Western Railroad Track, 50 feet from the centerline said track, measured normally to same; thence S 11° -54' W, along said right-of-way, a distance of 652.4 feet; thence S 89° -53' W, a distance of 1224.9 feet to the east line Industrial Avenue; thence North along said east line a distance of 621 feet to point of beginning. Containing 18.7 acres, more or less.

Latitude:	40.85527778	Address:	
Longitude:	-96.67916667		
Category:	Proprietary	Media:	GroundWater,Soil
Type:	Restrictive Covenant - UECA		

Text: a. The Property shall only be used for industrial or commercial purposes; provided, however, the Property specifically shall not be used for childcare, preschool, dormitory or nursing home facilities. b. Potable water supply wells are prohibited on any part of the property c. Except as allowed by this paragraph, no groundwater supply wells may be installed on the Property in or through the upper aquifer because there is a plume of contaminants in groundwater under the Property. Extraction and monitoring wells may be installed as part of the environmental response project, as approved by the Agency. A non-potable water supply well may be installed if it can be shown to the Agency's satisfaction that (i) the water supply well can be installed on the Property without impacting the contaminant plume in the upper aquifer, (ii) such water supply well will be constructed in a manner that will prevent human exposure to the plume contaminants, and (iii) the installation of such well is in accordance with local ordinances and state regulations. d. Areas of the Property where contamination may be encountered in soils, based on historical results and as depicted on the cross-hatched area depicted on Figure 1, shall not be disturbed without compliance with OSHA and RCRA requirements and 30-day prior written notice to the Agency, except in the case of emergency utility repair activities or other subsurface work necessary for human health and safety. In these cases, Agency shall be notified within 10 working days after initiation of emergency work at the Property. e. To prevent or minimize exposure to soil gas vapors, any building or structure planned for human occupancy and that will be constructed in the future on the Property shall be constructed to include a vapor mitigation system. The vapor mitigation system shall generally conform to vapor mitigation systems described in "The Vapor Intrusion Pathway: A Practical Guideline," dated January 2007 and prepared by the Interstate Technology & Regulatory Council. The Agency, upon request, shall be provided with a copy of the construction plans for the as-built vapor mitigation system. f. Vapor mitigation system in buildings constructed in the future on the Property shall be maintained so that they system continues to meet the intended function to protect human health from soil gas vapors. g.

Removal/demolition of any existing building shall include appropriate protection for workers to account for potential unacceptable exposure to contamination in soil or groundwater as described in 4.d above. The foundation or other cover above the crosshatched area depicted in Figure 1 shall remain in place and shall not be disturbed without EPA approval, except in the case of emergency utility repair activities or other subsurface work necessary for human health and safety. In these cases, the Agency shall be notified within 10 working days after initiation of emergency work on the foundation or other cover above the crosshatched area depicted in Figure 1, and the foundation or other cover above the crosshatched area depicted in Figure 1 shall be repaired. h. If it can be shown that the environmental contamination is no longer a threat and/or unacceptable exposures are eliminated to the Agency's satisfaction, the use restrictions and other obligations imposed by Section 4 may be rescinded upon written approval from the Agency.

Compliance Reporting: Annual reporting by then-current simple fee owner

Restrictions: Limit Future Land Use Limit Ground Water Use Activities Prohibit Potable Water Well Installation/ Construction Prohibit Soil Disturbance or Excavation without Approval Ensure Future Structures have Vapor Mitigation Systems that are Properly Maintained

Facility Name:	Lincoln Airport Authority	Zip Code:	68524
City:	Lincoln	County:	Lancaster

Geographic Area: Across a part of Lot 1, Lot 4, Lot 5, Lot 15, Lot 17, Lot 19, Lot 20, and Lot 21 of irregular tracts and the W 1/2 of the NE 1/4 all in Section 17, and Lot 15 and Lot 24 of irregular tracts in Section 16, all in Township 10 North, Range 6 East, Lancaster County, Nebraska

Latitude: 40.85111 **Address:**

Longitude: 96.75917

Category: Proprietary **Media:** Soil

Type: Restrictive Covenant

Text: (a) The surface of the Property shall be used only in connection with the operation of an active airport, including, but not limited to, take offs and landings of aircraft, and related ground operations, and the construction, installation, operation, replacement, repair and maintenance of runways, taxiways, lighting, signal equipment, radio equipment, utilities, landscaping, and other similar appurtenances necessary or convenient for the operation of an airport. (b) In the event of any construction, repair or other work that might or will disturb the subsurface of the Property, the Grantor will notify Holder/Grantee, which shall then provide supervision and guidance so as to avoid any disturbance of the underground portions of the PILC cable system being abandoned in place by LES. (c) Monuments at the corners of the Property shall be maintained in good and visible condition subject to airport security and safety requirements. (d) The Grantor shall notify the Agencies of any excavation or construction at the Property that may expose the PILC cable system or present an opportunity for its removal. (e) The Grantor shall notify all occupants or tenants or persons engaged in excavation work thereon of these Activity and Use Limitations and shall condition all occupancy and tenancy or excavation work on compliance with these Activity and Use Limitations. Failure by any occupant or tenant or person engaged in excavation work to so comply does not excuse compliance by the Grantor with these Activity and Use Limitations. (f) The Grantor reserves to itself and its successors all rights and privileges in and to the use of the Property that are not incompatible with the limitations set forth.

Compliance Reporting: Upon written request of the Agency, Grantor shall submit to the Agency written documentation verifying that the Activity and Use Limitations remain in place and are being complied with. Any

signatory to this Environmental Covenant shall notify the Agency as soon as possible of conditions that would constitute a breach of the Activity and Use Limitations.

Restrictions: Limit land use. Notify the Agency of any activity that disturbs the subsurface. Monuments must be properly displayed. Make restrictions known to all occupants.

Facility Name:	West Haymarket Redevelopment Site	Zip Code:	68508
City:	Lincoln	County:	Lancaster

Geographic Area: Hudl Property; legally described as Lot 1, West Haymarket 2nd Addition (f/n/a the north 1/2 of Lot 3, except for the south 5 feet thereof, Block 6, West Haymarket Addition)

Latitude: 40.815600 **Address:**

Longitude: -96.712460

Category: Proprietary **Media:** GroundWater,Soil

Type: Restrictive Covenant - UECA

Text: (a) Groundwater shall not be used as a potable drinking water source. (b) Contact with contaminated soils shall be prevented by maintaining hard surface (building floor slabs, roadways, sidewalks, etc.) and/or a minimum of three ft. thick soil cover (East Flank). (c) Any ground intrusive work (including, but not limited to excavation, digging, and drilling) conducted must be conducted in accordance with the West Haymarket Area Environmental Operations and Maintenance Plan (Benesch, 2015).

Compliance Reporting: Annual reporting by the then-current fee simple owner of the property.

Restrictions: Prohibit groundwater use for domestic purposes. Maintain protective soil covers. Any ground disturbance must be conducted according to the West Haymarket Area Environmental Operations and Maintenance Plan.

Geographic Area: Arena and City owned property - East Flank; legally described as Lots 1 and 2, Block 3; Lots 1 and 2, Block 6 and Outlot E, West Haymarket Addition; Lots 1 and 3, West Haymarket 1st Addition (f/n/a Lots 1 and 3, Block 7, West Haymarket Addition)

Latitude: 40.817166 **Address:** Arena and City owned property - East Flank

Longitude: -96.712519

Category: Proprietary **Media:** GroundWater,Soil

Type: Restrictive Covenant - UECA

Text: (a) Groundwater shall not be used as a potable drinking water source. (b) Contact with contaminated soils shall be prevented by maintaining hard surface (building floor slabs, roadways, sidewalks, etc.) and/or a minimum of three ft. thick soil cover (East Flank). (c) Any ground intrusive work (including, but not limited to excavation, digging, and drilling) conducted must be conducted in accordance with the West Haymarket Area Environmental Operations and Maintenance Plan (Benesch, 2015).

Compliance Reporting: Annual reporting by the then-current fee simple owner of the property.

Restrictions: Prohibit groundwater use for domestic purposes. Maintain protective soil covers. Any ground disturbance must be conducted according to the West Haymarket Area Environmental Operations and Maintenance Plan.

Geographic Area:	Deck 1 Parking Garage; legally described as Lot 1, Block 4, West Haymarket Addition		
Latitude:	40.816514	Address:	Deck 1 Parking Garage
Longitude:	40.816514		
Category:	Proprietary	Media:	GroundWater,Soil
Type:	Restrictive Covenant - UECA		
Text:	(a) Groundwater shall not be used as a potable drinking water source. (b) Contact with contaminated soils shall be prevented by maintaining hard surface (building floor slabs, roadways, sidewalks, etc.) and/or a minimum of three ft. thick soil cover (East Flank). (c) Any ground intrusive work (including, but not limited to excavation, digging, and drilling) conducted must be conducted in accordance with the West Haymarket Area Environmental Operations and Maintenance Plan (Benesch, 2015). (d) Prior to engaging in any construction activities at the Free Product Location that will penetrate the three-foot cap, a plan must be submitted to and approved by the Agency. In general, the plan shall describe how petroleum free product and/or vapor intrusion will be evaluated and potentially mitigated prior to new surface construction. (e) Any ground intrusive work in the Free Product Location must be conducted so as not to disturb the existing free product monitoring well and recovery system.		
Compliance Reporting:	Annual reporting by the then-current fee simple owner of the property.		
Restrictions:	Prohibit groundwater use for domestic purposes. Maintain protective soil covers. Any ground disturbance must be conducted according to the West Haymarket Area Environmental Operations and Maintenance Plan. Must submit plan to penetrate cap that evaluates impact to free product and vapor intrusion. Do not disturb the existing monitoring well and recovery system.		
Geographic Area:	TDP Phase One; located on the NE corner of the block bounded by R Street on the north, Canopy Street on the east, Q Street on the south, and Pinnacle Arena Drive on the west and legally described as Lot 2, Block 4, West Haymarket Addition.		
Latitude:	40.816849	Address:	TDP Phase One
Longitude:	-96.712326		
Category:	Proprietary	Media:	GroundWater,Soil
Type:	Restrictive Covenant - UECA		
Text:	(a) Groundwater shall not be used as a potable drinking water source. (b) Contact with contaminated soils shall be prevented by maintaining hard surface (building floor slabs, roadways, sidewalks, etc.) and/or a minimum of three ft. thick soil cover (East Flank). (c) Any ground intrusive work (including, but not limited to excavation, digging, and drilling) conducted must be conducted in accordance with the West Haymarket Area Environmental Operations and Maintenance Plan (Benesch, 2015). (d) Prior to engaging in any construction activities at the Free Product Location that will penetrate the three-foot cap, a plan must be submitted to and approved by the Agency. In general, the plan shall describe how petroleum free product and/or vapor intrusion will be evaluated and potentially mitigated prior to new surface construction. (e) Any ground intrusive work in the Free Product Location must be conducted so as not to disturb the existing free product monitoring well and recovery system.		
Compliance Reporting:	Annual reporting by the then-current fee simple owner of the property.		

Restrictions: Prohibit groundwater use for domestic purposes. Maintain protective soil covers. Any ground disturbance must be conducted according to the West Haymarket Area Environmental Operations and Maintenance Plan. Must submit plan to penetrate cap that evaluates impact to free product and vapor intrusion. Do not disturb the existing monitoring well and recovery system.

Geographic Area: TDP Phase Two; legally described as Lot 3, Block 4, West Haymarket Addition

Latitude: 40.816035 **Address:** TDP Phase Two

Longitude: -96.712404

Category: Proprietary **Media:** GroundWater,Soil

Type: Restrictive Covenant - UECA

Text: (a) Groundwater shall not be used as a potable drinking water source. (b) Contact with contaminated soils shall be prevented by maintaining hard surface (building floor slabs, roadways, sidewalks, etc.) and/or a minimum of three ft. thick soil cover (East Flank). (c) Any ground intrusive work (including, but not limited to excavation, digging, and drilling) conducted must be conducted in accordance with the West Haymarket Area Environmental Operations and Maintenance Plan (Benesch, 2015). (d) Prior to engaging in any construction activities at the Free Product Location that will penetrate the three-foot cap, a plan must be submitted to and approved by the Agency. In general, the plan shall describe how petroleum free product and/or vapor intrusion will be evaluated and potentially mitigated prior to new surface construction. (e) Any ground intrusive work in the Free Product Location must be conducted so as not to disturb the existing free product monitoring well and recovery system.

Compliance Reporting: Annual reporting by the then-current fee simple owner of the property.

Restrictions: Prohibit groundwater use for domestic purposes. Maintain protective soil covers. Any ground disturbance must be conducted according to the West Haymarket Area Environmental Operations and Maintenance Plan. Must submit plan to penetrate cap that evaluates impact to free product and vapor intrusion. Do not disturb the existing monitoring well and recovery system.

Geographic Area: TDP Phase Three; legally described as Lot 2, West Haymarket 2nd Addition (f/n/a south 1/2 of Lot 3 and the south 5 feet of the north 1/2 of Lot 3, Block 6, West Haymarket Addition)

Latitude: 40.815382 **Address:** TDP Phase Three

Longitude: -96.713029

Category: Proprietary **Media:** GroundWater,Soil

Type: Restrictive Covenant - UECA

Text: (a) Groundwater shall not be used as a potable drinking water source. (b) Contact with contaminated soils shall be prevented by maintaining hard surface (building floor slabs, roadways, sidewalks, etc.) and/or a minimum of three ft. thick soil cover (East Flank). (c) Any ground intrusive work (including, but not limited to excavation, digging, and drilling) conducted must be conducted in accordance with the West Haymarket Area Environmental Operations and Maintenance Plan (Benesch, 2015).

Compliance Reporting: Annual reporting by the then-current fee simple owner of the property.

Restrictions: Prohibit groundwater use for domestic purposes. Maintain protective soil covers. Any ground disturbance must be conducted according to the West Haymarket Area Environmental Operations and Maintenance Plan.

Geographic Area: Project Oscar; located on the NE corner of the block bounded by P Street on the north, Canopy Street on the east, O Street on the south, and Pinnacle Arena Drive on the west and legally described as Lot 2, West Haymarket 1st Addition.

Latitude: 40.814357 **Address:** Project Oscar

Longitude: -96.712492

Category: Proprietary **Media:** GroundWater,Soil

Type: Restrictive Covenant - UECA

Text: (a) Groundwater shall not be used as a potable drinking water source. (b) Contact with contaminated soils shall be prevented by maintaining hard surface (building floor slabs, roadways, sidewalks, etc.) and/or a minimum of three ft. thick soil cover (East Flank). (c) Any ground intrusive work (including, but not limited to excavation, digging, and drilling) conducted must be conducted in accordance with the West Haymarket Area Environmental Operations and Maintenance Plan (Benesch, 2015).

Compliance Reporting: Annual reporting by the then-current fee simple owner of the property.

Restrictions: Prohibit groundwater use for domestic purposes. Maintain protective soil covers. Any ground disturbance must be conducted according to the West Haymarket Area Environmental Operations and Maintenance Plan.

Geographic Area: West Flank; Outlot B, West Haymarket Addition

Latitude: 40.817498 **Address:** West Flank

Longitude: -96.715521

Category: Proprietary **Media:** GroundWater,Soil

Type: Restrictive Covenant - UECA

Text: (a) Groundwater shall not be used as a potable and/or irrigation water source. (b) Any ground intrusive work (including, but not limited to excavation, digging, and drilling) must be conducted in accordance with the terms and conditions of the Conservation Easement and the West Haymarket Area Environmental Operations and Maintenance Plan (Benesch, 2015). (c) The Property shall only be used for purposes compatible with open space, recreational or wetlands management practices as set forth in paragraph 1.A of the Conservation Easement Agreement. Non-compatible uses as set forth in paragraph 1.B of the Conservation Easement are prohibited.

Compliance Reporting: Annual reporting by the then-current fee simple owner of the property.

Restrictions: Prohibit groundwater use for domestic/irrigation purposes. Any ground disturbance must be conducted according to the Conservation Easement and the West Haymarket Area Environmental Operations and Maintenance Plan. Limit future land use.

Geographic Area: North Flank; legally described as Lot 3, Block 1, West Haymarket Addition.

Latitude: 40.820078 **Address:** North Flank
Longitude: -96.715656
Category: Proprietary **Media:** GroundWater,Soil
Type: Restrictive Covenant - UECA

Text: (a) Groundwater shall not be used as a potable drinking water source. (b) Contact with contaminated soils shall be prevented in the area shown on Attachment "A" - Figure 4 - North Flank Boundary Map as the Soil/Concrete Cap Boundary Area by maintaining either a minimum of 18 inches of clean fill material or 6 inches of concrete (North Flank). (c) Any ground intrusive work (including, but not limited to excavation, digging, and drilling) must be conducted in accordance with the West Haymarket Area Environmental Operations and Maintenance Plan (Benesch, 2015). (d) No residential development or uses by other noncommercial/nonindustrial sensitive receptors including, but not limited to, hospitals, schools, childcare facilities, elderly housing and convalescent facilities is allowed.

Compliance Reporting: Annual reporting by the then-current fee simple owner of the property.

Restrictions: Prohibit groundwater use for domestic purposes. Maintain protective covers. Any ground disturbance must be conducted according to the West Haymarket Area Environmental Operations and Maintenance Plan. Limit future land use.

Facility Name:	Archer Daniels Midland Company	Zip Code:	68507
City:	Lincoln	County:	Lancaster

Geographic Area: Legally described in Exhibit A attached and bordered in a bolded black line in Exhibit B attached. Lancaster County Parcel ID 17-03-100-010-000

Latitude: 40.866384 **Address:**
Longitude: -96.617713
Category: Proprietary **Media:** GroundWater,Soil
Type: Restrictive Covenant - UECA

Text: The Property is subject to the following activity and use limitations: (a) The Property shall not be used for residential purposes, childcare facilities or school use (Preschool - 12th grade), or any land use where persons can be expected to reside. (b) Extraction and use of groundwater underlying the Property, except for investigation or remediation approved by the NDEE, is prohibited. Installation of any new wells for remediation or investigation must be done in accordance with an NDEE-approved work plan. Disturbance of investigation or remediation wells will be prohibited without prior notification and approval from NDEE. (c) Any ground intrusive work (including, but not limited to excavation, digging, drilling) is prohibited in the area bordered in a bolded black line in the inset in Exhibit C (from Figure 2-16A of the approved RAP), unless actual notice is provided in advance, both verbally and in writing, to any person or entity performing any work that may result in exposure to such soil or groundwater, so that appropriate protective measures are taken to protect such workers' health and safety in accordance with applicable health and safety laws and regulations. Such notice shall include, but not be limited to, providing a copy of this Environmental Covenant to any individual responsible for the intrusive work. Copies of any such written notice shall be maintained for a period of at least 5 years and shall be provided to the Agency upon request.

Compliance Reporting: None

Restrictions: Limit future land use. Prohibit new well installation without approval. Prohibit ground intrusive work without approval.

Facility Name:	Former Brunswick Corp. - Miller Seed Co.	Zip Code:	68504
City:	Lincoln	County:	Lancaster

Geographic Area: Lot 188, IT, formerly Lot 93 IT except the north 10 feet thereof, and Lot 189 IT, formerly Lot 170 except the north 10 feet thereof (See attachment.)

Latitude: 40.85478 **Address:**

Longitude: -96.67235

Category: Proprietary **Media:** GroundWater

Type: Restrictive Covenant - UECA

Text: The Property is subject to the following activity and use limitations for the Areas depicted in Exhibit 1: A. The portion of the Property depicted as Area 3 on Exhibit 1 shall not be used for residential, childcare, preschool, elementary or secondary school, dormitory or nursing home facilities. B. Extraction and use of the groundwater underlying the Property is prohibited within Areas 2, 3 and 4 as depicted on Exhibit 1, except for investigation or remediation thereof approved by the Agency. C. Any new building or structure planned for human occupancy constructed on the Property within Area 3 as depicted and described in Exhibit 1 must be constructed with a vapor mitigation system or any other acceptable technologies as appropriate to protect human health, unless groundwater sampling indicates that levels of Site Contaminants in the groundwater are below levels acceptable to the Agency, with such acceptance provided in writing. Upon request, the Agency shall be provided with a copy of the construction plans for the as-built vapor mitigation technology. D. Any such remedial system must be operated and maintained in accordance with standards for protectiveness of human health and the environment, unless or until groundwater sampling indicates that levels of Site Contaminants in the groundwater are below levels acceptable to the Agency.

Compliance Reporting: Any signatory shall notify the Agency as soon as possible of conditions known to constitute a breach of the activity and use limitations.

Restrictions: Limit future land use. Prohibit groundwater use. Vapor mitigation system required. Properly maintain vapor mitigation system.

Facility Name:	Snyder Industries, Inc	Zip Code:	68504
City:	Lincoln	County:	Lancaster

Geographic Area: A & H Industrial Park, Lot 1-4, & Lot 5 EX W 150'

Latitude: 40.84930 **Address:**

Longitude: -96.6538

Category: Proprietary **Media:** GroundWater

Type: Restrictive Covenant - UECA

Text: The Property is subject to the following activity and use limitations: a) Residential Use Limitation. The Property shall not be converted or redeveloped for a residential, domestic, or school use or for any purpose other than industrial or commercial use, excluding childcare facilities, which shall be prohibited. b) Groundwater Limitations. The groundwater under the

Property will not be used for human consumption or otherwise be used in a way that necessitates human contact.

Compliance Reporting: Annually from the then-current fee simple owner.

Restrictions: Limit future land use. Prohibit consumption of groundwater.

Facility Name:	Magellan Ammonia Pipeline, L.P.	Zip Code:	68461
City:	Lincoln	County:	Lancaster

Geographic Area: See Legal Description in Exhibit A attached.

Latitude: 40.734150 **Address:**

Longitude: -96.522042

Category: Proprietary **Media:** GroundWater

Type: Restrictive Covenant

Text: The Property is subject to the following activity and use limitations: Groundwater limitations - Drilling or constructing water wells on the Property for the purposes of domestic, lawn and gardening, or other means, which use involves or may involve human consumption and/or other possible human contact is prohibited. This restriction does not prohibit drilling, construction or use of water wells for crop irrigation or for containing impacts to groundwater, or for impacted groundwater recovery, monitoring, or other remediation activities as approved in writing by the NDEE.

Compliance Reporting: None.

Restrictions: Restrict groundwater use.

Facility Name:	Cotswold Management, LLC	Zip Code:	68508
City:	Lincoln	County:	Lancaster

Geographic Area: Lot One (1), West Haymarket 4th Addition. See Exhibit A in attachment.

Latitude: 40.811286 **Address:**

Longitude: -96.712131

Category: Proprietary **Media:** GroundWater, Soil

Type: Restrictive Covenant - UECA

Text: The Property is subject to the following activity and use limitations: (a) The Property shall not be used for residential purposes, childcare facilities, school use, or any land use where persons can be expected to reside. (b) The groundwater beneath the Property shall not be used as a potable water supply without the prior written approval by NDEE. (c) Contact with underlying contaminated soil shall be prevented by inspecting and maintaining all hard surface covers (including, but not limited to a building slab, sidewalk, walkway, patio, parking lot, street, or driveway) and the minimum 12-inch-thick soil cover in unpaved areas. Inspection and maintenance schedule and procedures shall be conducted in accordance with the Materials Management Plan, NDEE document ID 20220155989, received by the NDEE on

June 1, 2022, or any approved amendments. (d) Any ground intrusive work (including, but not limited to excavation, digging and drilling) is prohibited unless conducted in accordance with the Materials Management Plan, NDEE document ID 20220155989, received by the NDEE on June 1, 2022, or any approved amendments.

Compliance Reporting: Annually by the then-current fee simple owner.

Restrictions: Restrict land use. Prohibit groundwater use. Maintain surface covers. Adhere to Materials Management Plan.

Facility Name:	Former AmFirst Bank Branch	Zip Code:	69001
City:	McCook	County:	Red Willow

Geographic Area: Lots 13, 14, 15, the west 90 feet of lot 16, the south 55 feet of Lots 1-4 and all of Lots 5 and 6, Block 9, 9th Addition to the City of McCook, Red Willow County, Nebraska

Latitude: 40.198402 **Address:**

Longitude: -100.633186

Category: Proprietary **Media:** GroundWater

Type: Restrictive Covenant - UECA

Text: The Property is subject to the following activity and use limitations: (a) Extraction and use of the groundwater underlying the Property, except for investigation or remediation approved by the NDEE, is prohibited. (b) Permanent residential occupancy, or occupancy by any business serving primarily sensitive populations (such as child or elder care), shall be prohibited on the ground level of any structure.

Compliance Reporting: Annually by the then-current fee simple owner.

Restrictions: Prohibit use of groundwater. Limit land use.

Facility Name:	Van Diest Supply Company	Zip Code:	69001
City:	McCook	County:	Red Willow

Geographic Area: The Property is legally described in Exhibit A attached.

Latitude: 40.19635 **Address:**

Longitude: -100.62096

Category: Proprietary **Media:** GroundWater, Soil

Type: Restrictive Covenant - UECA

Text: The Property is subject to the following activity and use limitations: (a) Extraction and use of the ground water underlying the Property is prohibited, except for investigation or remediation approved by the NDEE. The construction or installation of any new water wells on the Property (other than groundwater monitoring wells or remediation wells) shall be prohibited. (b) Permanent residential occupancy, or occupancy by any business serving sensitive populations (such as child or elder care of athletic facilities), shall be prohibited. (c) The use of the Property shall be limited to industrial and commercial as defined by the McCook,

Nebraska zoning code. (d) Construction limitation - No new structures capable of human occupancy shall be built on the Property without a properly designed and constructed vapor mitigation system. The mitigation system must be approved by the Agency in order to demonstrate that it is designed to prevent airborne concentration of volatile organic compounds (VOCs) within the structure from exceeding applicable risk-based standards. (e) The concrete cap on the Property must be maintained in accordance with the facility's Permit. Any alterations of the cap must receive prior written approval of the Agency in accordance with the Agency's applicable permit modification procedures, except to maintain the cap or the groundwater monitoring wells.

Compliance Reporting: Annually by the then current fee simple owner of the Property.

Restrictions: Prohibit groundwater use. Prohibit residential occupancy. Restrict use to industrial and commercial only. Require vapor mitigation systems in new structures. Properly maintain concrete cap.

Facility Name:	Magellan Ammonia Pipeline, L.P.	Zip Code:	68003
City:	Memphis	County:	Saunders

Geographic Area: See Exhibit A in the attached document.

Latitude: 41.11930 **Address:**

Longitude: -96.40941

Category: Proprietary **Media:** GroundWater

Type: Restrictive Covenant

Text: The Property is subject to the following activity and use limitations: Groundwater limitations - Drilling or constructing water wells on the Property for the purposes of domestic, lawn and gardening, or other means, which use involves or may involve human consumption and/or other possible human contact is prohibited. The restriction does not prohibit drilling, construction or use of water wells for crop irrigation or for containing impacts to groundwater, or for impacted groundwater recovery, monitoring, or other remediation activities as approved in writing by the NDEE.

Compliance Reporting: None

Restrictions: Restrict groundwater use.

Geographic Area: See Exhibit A in the attached document.

Latitude: 41.109897 **Address:** Mile Post 206

Longitude: -96.413434

Category: Proprietary **Media:** GroundWater

Type: Restrictive Covenant

Text: The Property is subject to the following activity and use limitations: Groundwater limitations - Drilling or constructing water wells on the Property for the purposes of domestic, lawn and gardening, or other means, which use involves or may involve human consumption and/or other possible human contact is prohibited. This restriction does not prohibit drilling,

construction or use of water wells for crop irrigation or for containing impacts to groundwater, or for impacted groundwater recovery, monitoring, or other remediation activities as approved in writing by the NDEE.

Compliance Reporting: None
Restrictions: Restrict groundwater use.

Geographic Area: See Exhibit A in the attached document.

Latitude: 41.110644 **Address:** Mile Post 206 West

Longitude: 41.110644

Category: Proprietary **Media:**

Type: Restrictive Covenant

Text: The Property is subject to the following activity and use limitations: Groundwater limitations - Drilling or constructing water wells on the Property for the purposes of domestic, lawn and gardening, or other means, which use involves or may involve human consumption and/or other possible human contact is prohibited. This restriction does not prohibit drilling, construction or use of water wells for crop irrigation or for containing impacts to groundwater, or for impacted groundwater recovery, monitoring, or other remediation activities as approved in writing by the NDEE.

Compliance Reporting: None.

Restrictions: Restrict groundwater use.

Facility Name:	Sherwood Medical Company	Zip Code:	68701
City:	Norfolk	County:	Madison

Geographic Area: Part of the southwest Quarter of Section 3, Township 23 North, Range 1 West of the 6th P.M., Madison County, Nebraska; more particularly described in the covenant.

Latitude: 41.99361 **Address:**

Longitude: -97.4214

Category: Proprietary **Media:** GroundWater, Soil

Type: Restrictive Covenant

Text: Restrictive Covenant/Deed Restriction for soil disturbances in the Underground Storage Tank (UST) and CS/CN areas of the above described premises prohibiting the following: (A) Land disturbance activities not related to the Remedial Action (RA), at the CS/CN area until completion of the soil excavation and treatment actions; (B) Land disturbance activities not related to the RA or to the servicing of Sherwood Medical Company's underground utilities, at the UST area, until completion of the soil excavation and treatment actions Restrictive Covenant/Deed Restriction for groundwater use on the Sherwood Medical Company property which is identified as containing VOCs above the groundwater performance standards, prohibiting the following: Installation and/or use of groundwater supply wells, located on the Sherwood Medical Company property, which are not a part of the RA, and which are operated in such a manner as to negatively impact the contaminated groundwater cleanup.

Compliance Reporting: Superfund 5-year review.
Restrictions: Prohibit Disturbance of Soil or Excavation Prohibit Ground Water Well Installation/ Construction

Geographic Area: Lot 1, Ewin Properties 2nd Addition

Latitude: 41.99342 **Address:** 3207 S 12th Street

Longitude: -97.42407

Category: Proprietary **Media:** GroundWater

Type: Restrictive Covenant - UECA

Text: The Property is subject to the following activity and use limitations: (a) Groundwater from the Property shall not be consumed or otherwise used for any purpose, except for the collection of groundwater samples for environmental analysis or collection or treatment of groundwater for remediation purposes related to the Sherwood Medical Company Superfund site, but only to the extent arising out of that site. (b) The Property shall remain connected to the public community water supply for its potable water.

Compliance Reporting: Annually by the then-current fee simple owner.

Restrictions: Restrict groundwater use.

Geographic Area: Lot 2 of Ewin Properties 2nd Addition

Latitude: 41.99424 **Address:** 915 Bonita Drive

Longitude: 41.99424

Category: Proprietary **Media:** GroundWater

Type: Restrictive Covenant - UECA

Text: The Property is subject to the following activity and use limitations: (a) Groundwater from the Property shall not be consumed or otherwise used for any purpose, except for the collection of groundwater samples for environmental analysis or collection or treatment of groundwater for remediation purposes related to the Sherwood Medical Company Superfund site, but only to the extent arising out of that site. (b) The Property shall remain connected to the public community water supply for its potable water.

Compliance Reporting: Annually by the then-current fee simple owner.

Restrictions: Restrict groundwater use.

Geographic Area: Lot 1, Ewin Properties Addition

Latitude: 41.99428 **Address:** 1115 Bonita Drive

Longitude: -97.42270

Category: Proprietary **Media:** GroundWater

Type: Restrictive Covenant - UECA

Text: The Property is subject to the following activity and use limitations: (a) Groundwater from the Property shall not be consumed or otherwise used for any purpose, except for the collection of groundwater samples for environmental analysis or collection or treatment of groundwater for remediation purposes related to the Sherwood Medical Company Superfund site, but only to the extent arising out of that site. (b) The Property shall remain connected to the public community water supply for its potable water.

Compliance Reporting: Annually by the then-current fee simple owner.

Restrictions: Restrict groundwater use.

Facility Name:	Vishay Dale Electronics	Zip Code:	68702-0074
City:	Norfolk	County:	Madison

Geographic Area: Property located at 2300 Riverside Drive, Norfolk, NE, described as: Located in the North 1/2 of the NW 1/4 and the SW 1/4 of the NW 1/4 of Section 15, Township 24 North, Range 1 West of the 6th PM, Madison County, Nebraska (legal description annexed as Exhibit A)

Latitude: 42.059174 **Address:**

Longitude: -97.424047

Category: Proprietary **Media:** GroundWater

Type: Restrictive Covenant

Text: Property shall not be used for any purpose other than industrial or commercial use, excluding child care facilities, which shall be prohibited. Use of groundwater from beneath the property is prohibited except for those uses the NDEQ declares necessary to characterize or remediate contamination. Water wells of any type shall not be drilled or maintained without prior written authorization from NDEQ. Groundwater monitoring wells shall not be disturbed without prior written authorization from NDEQ.

Compliance Reporting: Then-current fee simple owner shall report compliance to NDEQ annually.

Restrictions: Limit future land use Prohibit groundwater well installation/construction, except monitoring wells
Limit groundwater use activities

Facility Name:	Iowa/Nebraska Light & Power FMGP	Zip Code:	68701
City:	Norfolk	County:	Madison

Geographic Area: Legal Address is Lots 5 through 13, inclusive, Block 1 of Koenigstein's Third Addition to Norfolk, and the vacated alley adjacent to Lots 5 through 12 of said Block 1, Madison County, Nebraska

Latitude: 42.03163 N **Address:**

Longitude: -97.41775 W

Category: Proprietary **Media:** GroundWater, Soil

Type: Restrictive Covenant

Text: (a) The Property shall not be used for residential, recreational, child care, or school use.(b) Existing remedial systems to control and/or abate vapor intrusion of Site Contaminants into

any existing enclosed buildings at the Property must be operated and maintained in accordance with standards for protectiveness of human health and the environment. (c) Any new construction of enclosed buildings at the Property must prevent, or include remedial systems to control and/or abate, vapor intrusion of Site Contaminants into any such new construction at the Property, and must be operated and maintained in accordance with standards for protectiveness of human health and the environment. (d) Extraction and use of the groundwater underlying the Property, except for investigation or remediation approved by EPA, is prohibited. (e) Except where such excavation is necessary to prevent or address a substantial previously unknown threat to human health or the environment, including without limitation, a natural gas pipeline leak or an emergency where electrical service must be restored to NPPD's customers, including the City of Norfolk, NPPD, the holder of the Property, will provide EPA five days prior written notice prior to the commencement of any digging, drilling, excavating, constructing, earth moving, or other land disturbing activities that occur below an existing building, renovation or demolition of existing structures on the Property; provided, however, that so long as NPPD is the holder of the Property, NPPD shall only be required to provide such notice to EPA where such activities extend below the depth of five feet below the ground surface.

Compliance Reporting:

None

Restrictions:

Limit future land use. Maintain vapor intrusion remedial systems and include them in future construction at the site. Groundwater for domestic purposes is prohibited. Must notify EPA prior to any land disturbing activities.

Geographic Area:

Lots 1 and 2 of Chas. B. Durland's subdivision of Lots 1, 2, and 3 in Block 1 of Koenigstein's Third Addition to Norfolk, Madison County, Nebraska; and Lot 4, Block 1, Koenigstein's Third Addition to Norfolk, Madison County, Nebraska.

Latitude:

42.03272

Address:

701 Norfolk Avenue

Longitude:

-97.41691

Category:

Proprietary

Media:

GroundWater, Soil

Type:

Restrictive Covenant

Text:

(a) The Property shall not be used for residential, recreational child care or school use. (b) Existing remedial systems to control and/or abate vapor intrusion of Site Contaminants into any existing enclosed buildings at the Property must be operated and maintained in accordance with standards for protectiveness of human health and the environment. (c) Any new construction of enclosed buildings at the Property must prevent, or include remedial systems to control and/or abate, vapor intrusion of Site Contaminants into any such new construction at the Property, and must be operated and maintained in accordance with standards for protectiveness of human health and the environment. (d) Extraction and use of the groundwater underlying the Property, except for investigation or remediation approved by EPA is prohibited. (e) Except where excavation is necessary to prevent or address a previously unknown threat to human health or the environment, including without limitation a natural gas pipeline leak, any digging, drilling, excavating, constructing, earth moving or other land disturbing activities that extend below the depths of contaminated soil excavated during the environmental removal action conducted at the Property, as depicted on the Removal Action Site Map attached to this Environmental Covenant as Exhibit A, are prohibited without five days prior written notice to EPA.

Compliance Reporting:

None

Restrictions: Limit future land use. Maintain vapor intrusion remedial systems and include them in future construction at the site. Groundwater for domestic purposes is prohibited. Must notify EPA prior to any land disturbing activities.

Facility Name:	Norfolk CRD Landfill	Zip Code:	68701
City:	Norfolk	County:	Madison

Geographic Area: Parcel 1: Southeast Quarter of Section 13, Township 23 North, Range 1 West of the 6th Principal Meridian, Madison County, Nebraska consisting of approximately 160 acres. Parcel 2: Northeast Quarter of Section 13, Township 23 North, Range 1 West of the 6th Principal Meridian, Madison County, Nebraska, except for the West 2 Rods thereof and except burial lot 12 feet square in the Southwest corner of the Southeast Quarter of the Northeast Quarter of said Section 13, consisting of approximately 158 acres.

Latitude: 41.964

Address:

Longitude: -97.372

Category: Proprietary

Media: GroundWater, Soil

Type: Restrictive Covenant

Text: The Property is subject to the following activity and use limitations: (a) The Property shall only be used for the following purposes: i. Agricultural, industrial, or commercial purposes to the extent they do not interfere with the integrity of the landfill cover system, ground water monitoring system, landfill gas collection and monitoring system, and remediation systems; provided, however, (a) the Property specifically shall not be used for residential, child care, preschool, dormitory, nursing home facilities, or any land use which would result in unacceptable exposures to the remaining contamination unless otherwise approved by the Agency; and (b) the Property specifically shall not be used for raising agricultural crops for human consumption. ii. The Property, with the exception of the portion of the Property occupied by the landfill cap, remediation systems, landfill gas collection and monitoring systems, and groundwater monitoring systems, may be used for livestock grazing. (b) Groundwater beneath the Property shall not be extracted for human or animal use, except that ground water may be extracted (i) for the purpose of investigation or remediation thereof; or (ii) with the prior written approval of the Agency. (c) Except as authorized by the approved Revised RAP, to prevent exposures caused by digging, drilling, excavating, grading, constructing, earth moving, or any other land disturbing activities, the soils will not be disturbed in the vicinity of the landfill disposal area, the remediation systems, the landfill gas collection and monitoring systems, including, without limitation, the landfill cap, and the landfill ground water monitoring well systems (i) without the prior written approval of the Agency or (ii) except to maintain the landfill cap, the landfill gas collection and monitoring systems, the remediation systems, or the ground water monitoring wells. (d) The area of the landfill cap, the remediation systems, and the gas collection and monitoring systems shall be secured with fencing and posted with no trespassing signs that prohibit unauthorized access to the landfill and associated remediation and monitoring systems. (e) Construction on the Property, other than structures relating to the operation and maintenance of the landfill cap and associated remediation and monitoring systems, shall be limited to those areas not impacted by the landfill cap, the remediation systems, the landfill gas collection and monitoring systems, and the ground water monitoring wells. In addition, any proposed construction of structures on the Property shall be restricted without the prior written approval of the Agency.

Compliance Reporting:

Then-current fee simple owner shall report compliance annually to NDEQ.

Restrictions: Limit future land use. Prohibit groundwater for human or animal use. Written approval needed prior to any land disturbance activities. Keep area secure with appropriate fencing and signs. Construction prohibited without prior written approval.

Facility Name:	Nucor Corporation	Zip Code:	68701
City:	Norfolk	County:	Stanton

Geographic Area: See survey record in the attached environmental covenant.

Latitude: 42.078005 **Address:**

Longitude: -97.365414

Category: Proprietary **Media:** GroundWater

Type: Restrictive Covenant - UECA

Text: The property is subject to the following Activity & Use limitations: a) Except for purposes of investigation or remediation approved by the Agency, extraction and/or use of the groundwater underlying the Property is prohibited; (b) Installation of any new groundwater wells in the Property is prohibited, except for wells used for investigative, monitoring and/or remediation purposes installed in accordance with an Agency-approved work plan; (c) Existing monitoring wells located in the Property shall be preserved and maintained, and shall not be abandoned or closed without the approval of the Agency; (d) Construction workers shall not be exposed to groundwater at the Property in any manner without the prior written approval of the Agency. If an Owner/Transferee desires to disturb soil beneath the water table in the Property, then such Owner/Transferee shall request permission to do so from the Agency at least 30 days before the soil disturbance activities are scheduled to begin. Contaminated groundwater may be disturbed if necessary during an emergency such as water or gas main break, fire, explosion, or natural disaster, in which case the Owner/Transferee shall ensure that notification is provided to the Agency verbally or in writing as soon as practicable, but no later than 24 hours after the disturbance. Any contaminated groundwater disturbed as part of an emergency response action must remain in the excavation, or be properly characterized, managed and disposed of in accordance with all applicable local, state, and federal requirements. Within 30 days after such emergency has been abated, the Owner/Transferee shall provide a written report to the Agency describing the emergency and any response actions; and (e) In the event that construction work is to be performed that may expose workers to contaminated groundwater in the Property, Owner/Transferee shall ensure that actual notice is provided in advance, both verbally and in writing, to any person or entity performing any work that may result in exposure to such groundwater, so that appropriate protective measures are taken to protect such workers' health and safety in accordance with applicable health and safety laws and regulations. Such notice shall include, but not be limited to, providing a copy of this Covenant to any individuals responsible for the construction.

Compliance Reporting: Annual reporting by the then-current fee simple owner of the property.

Restrictions: Prohibit groundwater use. Prohibit new groundwater wells. Preserve existing wells. Prevent exposure to groundwater. Notify Agency and obtain approval prior to conducting activities that may expose groundwater. Notify Agency within 24 hours of groundwater exposure from emergency response activities. Provide notice to construction workers to ensure their health and safety.

Facility Name:	Ogallala Public Water Supply	Zip Code:	69153
City:	Ogallala	County:	Keith

Geographic Area: All private property within the City of Ogallala.

Latitude: NA **Address:**

Longitude: NA

Category: Government **Media:** GroundWater

Type: Local Ordinance

Text: No private wells shall be drilled, constructed, or used on any private property within the city if the water is being used for human consumption, including drinking, culinary, or domestic purposes, if the water being used for human consumption has been determined by proper authority not to meet safe drinking water requirements.

Compliance Reporting: Superfund 5-year review.

Restrictions: Prohibit Installation/ Construction of Groundwater Wells Used for Human Consumption Without Approval

Facility Name:	Lewis & Clark Landing/ASARCO	Zip Code:	68102-1895
City:	Omaha	County:	Douglas

Geographic Area: Parcel 2: A parcel of land being portions of Lots 8, 9, 10, and 12, in Block 32, in the Original City of Omaha, as surveyed and lithographed, in Douglas County, Nebraska, together with a portion of vacated Cass Street adjacent thereto on the South, and together with a portion of the vacated alley in said Block 32 adjacent to said Lot 9 on the North, all described as follows...(for complete legal description see description in covenant).

Latitude: 41.25861 **Address:**

Longitude: -95.92278

Category: Proprietary **Media:** GroundWater,Soil

Type: Restrictive Covenant

Text: The Property and every portion thereof shall not be used, developed or operated in any manner except for the following uses, as are then permitted by applicable valid governmental zoning ordinances, to wit: 1) park, open space, recreational, or park-related concession uses; 2) such non-residential and non-industrial uses as may be located on the approximately 20,000 square foot elevated soil pad designated in the Remediation Documents; or, 3) non-residential uses specifically authorized in writing by NDEQ or its successor agency. Actions and activities which have a reasonable degree of scientific probability of penetrating or causing damage to the Geosynthetic Clay Liner shall be prohibited. Domestic, irrigation, and other water wells of any type shall not be drilled or maintained on the Site, except for groundwater monitoring wells. Groundwater beneath the Property shall not be used as a source of drinking water or for other direct contact purposes.

Compliance Reporting: None

Restrictions: Limit Future Land Use Limit Ground Water Use Activities Prohibit Any Activity that May Disturb the Integrity of an Engineering Control Prohibit Ground Water Well Installation/ Construction, Except Monitoring Wells

Facility Name:	Omaha Riverfront Development	Zip Code:	68102-4729
City:	Omaha	County:	Douglas

Geographic Area: The City of Omaha

Latitude: NA **Address:**

Longitude: NA

Category: Government **Media:** GroundWater

Type: Local Ordinance

Text: Sec. 49-1510 No well shall be drilled or maintained on any property that is adjacent to a public water supply without the approval of the plumbing board and the Douglas County Health Department. No well shall be drilled or maintained on any property for supplying water features or non-potable use without the approval of the Douglas County Health Department. Sec. 12-116 A well shall be located so as to no nearer than 100 feet to any septic tank soil absorption system, cesspool or any other known or suspected means of contamination. Whenever a well must be located on the downstream side of a known source of contamination, specific design criteria shall apply to the well, and shall be established by the Douglas County health department.

Compliance Reporting: None

Restrictions: Prohibit Ground Water Well Installation/ Construction Without Approval

Geographic Area: West Gallup, Ed Miller and Sons, and Omaha Recycling; known as Lots 11, 12, 13, 14, 15, and 17 of the Gallup University Riverfront Campus, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, and located in Omaha, Nebraska.

Latitude: 41.26667 **Address:** 701 Abbott Drive

Longitude: 95.925

Category: Proprietary **Media:** GroundWater, Soil

Type: Restrictive Covenant

Text: Use of the property for residential use (but not hotel use) is specifically limited to multi-functional structures with no dwelling units constructed on the ground floor. The Property shall not be used to store, treat or dispose of wastes of any kind, except garbage, rubbish, trash or wastes generated in the ordinary course of the occupant's business and stored, treated and disposed of in accordance with all applicable laws, rules and regulations of governmental authorities. The Property shall have no development where foundation loads shall be increased above loads specified in any engineering plans approved by the Permits and Inspections Division of the City of Omaha Planning Department or its successor agency. Domestic, irrigation and water well of any type shall not be drilled or maintained on the Property, except for groundwater monitoring wells. Groundwater beneath the Property shall not be used as a source of drinking water. If the soil capping system described in RAP 3 is penetrated to a depth that has a reasonable degree of scientific probability of interfering with or impairing the integrity of the soil capping system, additional engineering steps will be taken

to protect human health and the environment until the integrity of the capping system is restored. Prior to a planned penetration of the soil capping system, a protocol shall be developed for testing and proper management of any contaminated environmental media that may be encountered. Prior to implementation of any planned penetration of the soil capping system, the protocol will be provided to NDEQ for review and approval. No actions or development shall be allowed on the Property that will have a reasonable degree of scientific probability of altering the drainage patterns such that the integrity of the soiling capping system would be compromised, or resulting in unstable slopes on the Property or damaging the rip rap and shoreline armoring. Changes in use or development to the Property to any use other than commercial, office building, hotel, public parks, open spaces, recreational areas or riverboat concession will require the approval of NDEQ.

Compliance Reporting:

None

Restrictions:

Limit Future Land Use Prohibit Any Activity that May Disturb the Integrity of an Engineering Control Prohibit Ground Water Well Installation/ Construction, Except Monitoring Wells

Geographic Area:

Gallup Campus; legally described as Lot 1 and Lots 6 through 10, inclusive, Gallup University Riverfront Campus, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, and Lots 2 and 2A, Gallup University Riverfront Campus Replat 1, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, as well as additional real estate in the vicinity of the Property.

Latitude:

41.26667

Address:

701 Abbott Drive

Longitude:

41.26667

Category:

Proprietary

Media:

GroundWater,Soil

Type:

Restrictive Covenant

Text:

The City covenants that the City shall at all times comply with the obligations of the City with respect to the Property set forth in RAP 1 and the other Remediation Documentation, not withstanding conveyance of any portion of the Property to RCD or to any other party. The Property shall not be used to store, treat or dispose of wastes of any kind, except garbage, rubbish, trash or wastes generated in the ordinary course of the occupant's business and stored, treated and disposed of in accordance with all applicable laws, rules and regulations of governmental authorities. The Property shall have no development where foundation loads shall be increased above loads specified in any engineering plans approved by the Permits and Inspections Division of the City of Omaha Planning Department or its successor agency. Domestic, irrigation and water well of any type shall not be drilled or maintained on the Property, except for groundwater monitoring wells. Groundwater beneath the Property shall not be used as a source of drinking water. If the soil capping system described in RAP 1 is penetrated to a depth that has a reasonable degree of scientific probability of interfering with or impairing the integrity of the soil capping system, additional engineering steps will be taken to protect human health and the environment until the integrity of the capping system is restored. Any party, prior to a planned penetration of the soil capping system, shall develop a protocol for testing and proper management of any contaminated environmental media that may be encountered. The protocol will be provided to NDEQ for review and approval prior to implementation. No actions or development shall be allowed on the Property that will have a reasonable degree of scientific probability of altering the drainage patterns such that the integrity of the soiling capping system would be compromised, or resulting in unstable slopes on the Property or damaging the rip rap and shoreline armoring

Compliance Reporting:

None

Restrictions: Limit Future Land Use Prohibit Any Activity that May Disturb the Integrity of an Engineering Control Prohibit Ground Water Well Installation/ Construction, Except Monitoring Wells

Geographic Area: Omaha Docks; known as Lots 3, 4, 5, 16, 18, 19, 20, and 22 of the Gallup University Riverfront Campus, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska and located in Omaha, Nebraska.

Latitude: 41.26667 **Address:** 701 Abbott Drive

Longitude: -95.925

Category: Proprietary **Media:** GroundWater, Soil

Type: Restrictive Covenant

Text: The Property shall not be used to store, treat or dispose of wastes of any kind, except garbage, rubbish, trash or wastes generated in the ordinary course of the occupant's business and stored, treated and disposed of in accordance with all applicable laws, rules and regulations of governmental authorities. The Property shall have no development where foundation loads shall be increased above loads specified in any engineering plans approved by the Permits and Inspections Division of the City of Omaha Planning Department or its successor agency. Domestic, irrigation and water well of any type shall not be drilled or maintained on the Property, except for groundwater monitoring wells. Groundwater beneath the Property shall not be used as a source of drinking water or for other direct contact purposes. If the soil capping system described in RAP 2 is penetrated to a depth that has a reasonable degree of scientific probability of interfering with or impairing the integrity of the soil capping system, additional engineering steps will be taken to protect human health and the environment until the integrity of the capping system is restored. Prior to a planned penetration of the soil capping system, a protocol shall be developed for testing and proper management of any contaminated environmental media that may be encountered. Prior to implementation of any planned penetration of the soil capping system, the protocol will be provided to NDEQ for review and approval. No actions or development shall be allowed on the Property that will have a reasonable degree of scientific probability of altering the drainage patterns such that the integrity of the soiling capping system would be compromised, or resulting in unstable slopes on the Property or damaging the rip rap and shoreline armoring. Changes in use or development to the Property to any use other than commercial, office building, multi-functional hotel or residential use with no ground floor dwelling units, public parks, open spaces, recreational areas, sewer grit station, marina, or pedestrian bridge terminus, will require the approval of NDEQ.

Compliance Reporting: None

Restrictions: Limit Future Land Use Prohibit Any Activity that May Disturb the Integrity of an Engineering Control Prohibit Ground Water Well Installation/ Construction, Except Monitoring Wells

Facility Name:	Union Pacific Railroad Yard - Omaha	Zip Code:	68110
City:	Omaha	County:	Douglas

Geographic Area: The City of Omaha.

Latitude: NA **Address:**

Longitude: NA

Category: Government **Media:** GroundWater, Soil

Type: Local Ordinance

Text: Sec. 49-1510 No well shall be drilled or maintained on any property that is adjacent to a public water supply without the approval of the plumbing board and the Douglas County Health Department. No well shall be drilled or maintained on any property for supplying water features or non-potable use without the approval of the Douglas County Health Department. Sec. 12-116 A well shall be located so as to no nearer than 100 feet to any septic tank soil absorption system, cesspool or any other known or suspected means of contamination. Whenever a well must be located on the downstream side of a

Compliance Reporting: None

Restrictions: Prohibit Ground Water Well Installation/ Construction Without Approval

Geographic Area: Union Pacific Railroad Yard - Omaha; Parcels A, B, C, F, and G; see legal description and map attached to covenant.

Latitude: NA **Address:** NA

Longitude: NA

Category: Proprietary **Media:** GroundWater,Soil

Type: Restrictive Covenant

Text: Neither the Premises, nor any portion thereof, shall be used now or hereafter for any residential, day care, preschool, playground, athletic field, picnic ground, dormitory or nursing home purposes, or for any industrial purposes which generate, treat, store or dispose of "hazardous waste". Notwithstanding the previous sentence, the Premises can contain hotels or other types of short-term transient accommodations, convention center/arena, and related buildings and facilities, and any educational activities incidental to the use of the Premises as a convention center/arena, and playground, athletic field or picnic ground uses on any portions of the Premises covered with hard surface by the City or its successors or assigns, or under control of the City and covered with at least one foot of clean fill by the City or its successors or assigns and not located in areas delineated on the excavation management plan referred to in Paragraph 2 of this Declaration No excavation of the soil on the Premises shall be made except in compliance with the excavation management plan ... and as may otherwise be required by the United States Environmental Protection Agency or its successor and the Nebraska Department of Environmental Quality or its successor. Domestic, irrigation and other water wells of any type shall not be drilled or maintained on the Premises, except for groundwater monitoring wells, and temporary dewatering wells for construction purposes. Groundwater beneath the Premises must not be used as a source of drinking water or for other direct contact purposes, including fountains. No lakes or other surface impoundments are allowed on the Premises. The Declarant, the City, the EPA and the NDEQ and any of their duly authorized agents and contractors shall have a permanent nonexclusive easement to enter or come on the Premises to monitor compliance with the terms of this Declaration. In addition, Declarant, its successors and assigns, and duly authorized agents and contractors employed on behalf of the Declarant, shall have a permanent, nonexclusive easement to enter or come on the Premises to: perform thereon any environmental investigation or remediation required...; perform any maintenance or monitoring required by any agency; and sample, repair, or reconstruct any environmental monitoring, investigation, or remediation systems.

Compliance Reporting: None

Restrictions: Limit Future Land Use Prohibit Ground Water Well Installation/ Construction Prohibit Soil Disturbance or Excavation Except in Compliance with Excavation Management Plan

Geographic Area: Union Pacific Railroad Yard - Omaha; Lot 10; see legal description attached to covenant.

Latitude: NA **Address:** NA

Longitude: NA

Category: Proprietary **Media:** GroundWater,Soil

Type: Restrictive Covenant - UECA

Text: The Premises must not be used or developed for any day care, preschool, playground, athletic field, picnic ground, dormitory, nursing home, or residential purposes, provided that the foregoing shall not be construed to prohibit development or use of the Premises for a hotel, restaurant, swimming pool, nightclub, or surface parking lot. The Premises must not be used to treat, store or dispose of hazardous waste as defined in the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., any successor statute, and any rules and regulations promulgated under RCRA. Domestic, irrigation and other water wells of any type must not be drilled or maintained on the Premises, except for groundwater monitoring wells and temporary dewatering wells for construction purposes. Groundwater beneath the Premises must not be used as a source of drinking water or for other direct contact purposes, including fountains. USEPA, Union Pacific, their successors and assigns, and any of their authorized agents and contractors, have a permanent nonexclusive easement to enter the Premises to monitor compliance with the terms of this Environmental Covenant, and to perform any environmental investigation, response, monitoring or remediation required by any federal, state or local government agency, department, or other authority with jurisdiction.

Compliance Reporting: None

Restrictions: Limit Future Land Use Prohibit Ground Water Well Installation/ Construction

Geographic Area: Union Pacific Railroad Yard - Omaha; Tracts 1A, 1C, and 1D; see legal description attached to covenant

Latitude: NA **Address:** NA

Longitude: NA

Category: Proprietary **Media:** GroundWater,Soil

Type: Restrictive Covenant

Text: Neither the Premises, nor any portion thereof, shall be used now or hereafter for any residential, day care, preschool, playground, athletic field, picnic ground, dormitory or nursing home purposes, or for any industrial purposes which generate, treat, store or dispose of "hazardous waste". Notwithstanding the previous sentence, the Premises can contain hotels or other types of short-term transient accommodations, convention center/arena, and related buildings and facilities, and any educational activities incidental to the use of the Premises as a convention center/arena, and playground, athletic field or picnic ground uses on any portions of the Premises covered with hard surface by the City or its successors or assigns, or under control of the City and covered with at least one foot of clean fill by the City or its successors or assigns and not located in areas delineated on the excavation management plan referred to in Paragraph 2 of this Declaration No excavation of the soil on the Premises shall be made except in compliance with the excavation management plan ... and as may otherwise be required by the United States Environmental Protection Agency or its successor and the Nebraska Department of Environmental Quality or its successor. Domestic, irrigation and other water wells of any type shall not be drilled or maintained on the Premises, except for groundwater monitoring wells, and temporary dewatering wells for construction purposes. Groundwater beneath the Premises must not be used as a source of drinking water or for

other direct contact purposes, including fountains. No lakes or other surface impoundments are allowed on the Premises. The Declarant, the City, the EPA and the NDEQ and any of their duly authorized agents and contractors shall have a permanent nonexclusive easement to enter or come on the Premises to monitor compliance with the terms of this Declaration. In addition, Declarant, its successors and assigns, and duly authorized agents and contractors employed on behalf of the Declarant, shall have a permanent, nonexclusive easement to enter or come on the Premises to: perform thereon any environmental investigation or remediation required...; perform any maintenance or monitoring required by any agency; and sample, repair, or reconstruct any environmental monitoring, investigation, or remediation systems.

Compliance Reporting: None

Restrictions: Limit Future Land Use Prohibit Ground Water Well Installation/ Construction Prohibit Soil Disturbance or Excavation Except in Compliance with Excavation Management Plan

Facility Name:	Union Pacific Railroad Child Development Center	Zip Code:	68102
City:	Omaha	County:	Douglas

Geographic Area: Known as Lots 1, 2, 3, and 4, Block 8, The Original City of Omaha, as surveyed and lithographed, in Douglas County, Nebraska; together with, Lots 5, 6, 7, and 8, Block 8, The Original City of Omaha, as surveyed and lithographed, in Douglas County, Nebraska; together with, the alley situated between Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block 8, The Original City of Omaha, as surveyed and lithographed in Douglas County, Nebraska. See the covenant for a more complete legal description.

Latitude: 41.26528
Longitude: -95.93528

Address:

Category: Proprietary

Media: GroundWater, Soil

Type: Restrictive Covenant - UECA

Text: The Property will not be used, developed or operated in any manner that will impair, degrade or compromise the remediation performed pursuant to the RAP. (A)The clean fill system and the vapor barrier system shall not be penetrated in a manner that will interfere or impair the integrity of the systems. A request to penetrate the clean fill system and the vapor barrier system may be submitted to NDEQ for review and approval. Additional engineering steps may be required by NDEQ. (B)Prior to any penetration of the clean fill system and the vapor barrier system approved by NDEQ, a protocol shall be developed for testing and proper management of any contaminated environmental media that may be encountered. (C)Exceptions to the activity and use limitations (listed above) include minor excavations necessary to install, maintain or repair utility poles, fence posts, sidewalks, paving, and other comparable activities, as well as minor excavations necessary to maintain or repair existing underground utilities and minor excavations in connection with landscaping activities. The Property will not be used to treat, store or dispose of hazardous waste as defined in the Resource Conservation and Recovery Act Domestic, irrigation and other water wells of any type must not be drilled or maintained on the Property, except for groundwater monitoring wells and temporary dewatering wells for construction purposes. Groundwater beneath the Property must not be used as a source of drinking water or for other direct contact purposes, including fountains. NDEQ shall be notified of any changes in use or development to the Property Union Pacific grants to NDEQ and their authorized representatives and contractors a permanent nonexclusive license to enter the Property to monitor compliance with the terms of this

Environmental Covenant, and to perform any environmental investigation, response, monitoring or remediation required by any federal, state or local government

Compliance Reporting: Annual reporting by property owner pursuant to covenant.

Restrictions: Prohibit Any Activity that May Disturb the Integrity of an Engineering Control Prohibit Ground Water Well Installation/ Construction Provide Notification of Land Use Changes

Geographic Area: The City of Omaha

Latitude: NA **Address:** NA

Longitude: NA

Category: Government **Media:** GroundWater

Type: Local Ordinance

Text: Sec. 49-1510 No well shall be drilled or maintained on any property that is adjacent to a public water supply without the approval of the plumbing board and the Douglas County Health Department. No well shall be drilled or maintained on any property for supplying water features or non-potable use without the approval of the Douglas County Health Department. Sec. 12-116 A well shall be located so as to no nearer than 100 feet to any septic tank soil absorption system, cesspool or any other known or suspected means of contamination. Whenever a well must be located on the downstream side of a known source of contamination, specific design criteria shall apply to the well, and shall be established by the Douglas County health department.

Compliance Reporting: None

Restrictions: Prohibit Ground Water Well Installation/ Construction Without Approval

Facility Name:	Composite Structures Inc	Zip Code:	68110-1005
City:	Omaha	County:	Douglas

Geographic Area: The city of Omaha

Latitude: NA **Address:**

Longitude: NA

Category: Government **Media:** GroundWater

Type: Local Ordinance

Text: Sec. 49-1510 No well shall be drilled or maintained on any property that is adjacent to a public water supply without the approval of the plumbing board and the Douglas County Health Department. No well shall be drilled or maintained on any property for supplying water features or non-potable use without the approval of the Douglas County Health Department. Sec. 12-116 A well shall be located so as to no nearer than 100 feet to any septic tank soil absorption system, cesspool or any other known or suspected means of contamination. Whenever a well must be located on the downstream side of a known source of contamination, specific design criteria shall apply to the well, and shall be established by the Douglas County health department.

Compliance Reporting: None

Restrictions: Prohibit Installation/ Construction of Groundwater Wells Used for Human Consumption Without Approval

Facility Name:	Economy Products	Zip Code:	68102-4216
City:	Omaha	County:	Douglas

Geographic Area: Applies to the OHARCO property -- South 264 feet of Tax Lot 6 except the irregular East 1.125 feet of the South 264 feet in Section 15, Township 15 North, Range 13 East of the Sixth P.M., Douglas County, Nebraska.

Latitude: NA

Address:

Longitude: NA

Category: Informational

Media: Soil

Type: Notice – Deed Notice

Text: Notice is hereby given that in light of the toxaphene contamination that may remain below the top 12 inches of soil, special precautions may be needed to protect workers, prevent off-site migration of contaminants and/or recontamination of the surface soil in the event of excavation, trenching or digging on the Affected Portion of the above-described parcel. Prior to the initiation of any such activity, contact should be made with the Nebraska Department of Environmental Quality, Hazardous Waste Division.

Compliance Reporting: None

Restrictions: None - Informational Device Only

Facility Name:	Douglas County Landfill-State Street	Zip Code:	
City:	Omaha	County:	Douglas

Geographic Area: Municipal Landfill [The West 20 Acres of the E-1/2 of the SW-1/4 of S19, T16N, R12E of the 6th P.M. in Douglas County, NE; The East 60 Acres of the E-1/2 of the SW-1/4 of S19, T16N, R12E of the 6th P.M in Douglas County, NE; The W1/2 of the SW1/4 of S19, T16N, R12E of the 6th P.M.; see map attached to environmental covenant]

Latitude:

Address:

Longitude:

Category: Proprietary

Media: GroundWater,Soil

Type: Restrictive Covenant - UECA

Text: A) The property shall not be used for purposes other than commercial or industrial uses; B) Childcare facilities shall be prohibited, and the Property must not be used for residential, recreational, agricultural or other such use. If any person desires in the future to use the Property for residential or other such purposes, such person shall seek amendment of this Environmental Covenant in accordance with Paragraph 11 of the Environmental Covenant; C) The Property shall not be used, developed or operated in any manner that will impair, degrade, or compromise the Impacted Areas; D) Soils located on the Property shall not be excavated without prior written approval from the USEPA and NDEQ, except for minor

excavations necessary to install, maintain or repair utility poles, fence posts, sidewalks, paving, and other comparable activities, as well as minor excavations necessary to maintain or repair existing underground utilities and minor excavations in connection with landscaping activities or tree removal, and excavations associated with Landfill Gas Collection & Control System maintenance and repairs; E) Any excavations on the Property shall be conducted in accordance with worker protection and soil disposal requirements as may be required by applicable laws and regulations; F) Domestic, irrigation and other wells of any type shall not be installed or maintained on the Property, except with the prior written approval of USEPA and NDEQ in each instance.

Compliance Reporting: Annual reporting by current fee simple owner

Restrictions: Limit Future Land Use Prohibit Disturbance of Soil or Excavation without Approval Prohibit Ground Water Well Installation/ Construction Without Approval

Geographic Area: The NE1/4 of the NE1/4 of S25, T16N, R11E of the 6th P.M of Douglas County, NE [See map attached to environmental covenant]

Latitude: **Address:**

Longitude:

Category: Proprietary **Media:** GroundWater,Soil

Type: Restrictive Covenant - UECA

Text: A) The Property shall not be used for purposes other than commercial, industrial, utilities conveyance, or public highway uses; B) Childcare facilities shall be prohibited, and the Property must not be used for residential, recreational, agricultural, or other such use. If any person desires in the future to use the Property for residential or other such purposes, such person shall seek amendment of this Environmental Covenant in accordance with Paragraph 11 of the Environmental Covenant. C) The Property shall not be used, developed or operated in any manner that will impair, degrade, or compromise the groundwater monitoring wells or the shallow groundwater; D) Soils located on the Property shall not be excavated to a depth that exposes the uppermost aquifer without prior written approval from USEPA and NDEQ; and E) Domestic, irrigation, and other wells of any type shall not be installed or maintained on the Property, except with the prior written approval of USEPA and NDEQ in each instance.

Compliance Reporting: Annual reporting by current fee simple owner

Restrictions: Limit Future Land Use Prohibit Ground Water Well Installation/ Construction Without Approval Prohibit Excavation Without Approval

Facility Name:	Malnove Incorporated	Zip Code:	68137
City:	Omaha	County:	Douglas

Geographic Area: Lot 1, Omaha Industrial Foundation District No. 3, Replat 8, A Subdivision in Douglas County, Nebraska, as Surveyed, Platted, and Recorded

Latitude: 41.219750 **Address:**

Longitude: -96.124280

Category: Proprietary **Media:** GroundWater,Soil

Type: Restrictive Covenant - UECA

Text: (A) The Property shall only be used for industrial or commercial purposes; provided, however, the Property specifically shall not be used for childcare, preschool, dormitory, nursing home facilities, or any land use which would result in unacceptable exposures to the remaining contamination unless otherwise approved by the Agencies. (B) Groundwater beneath the Property shall not be extracted for human or animal use, except that groundwater may be extracted for the purpose of obtaining analytical samples. (C) No person shall remove or make subsequent changes to the warehouse addition and concrete floor described in paragraph D in the Recitals except in accordance with and subject to the requirements of the RCRA permit. (D) Soil disturbance and digging in the area of the warehouse addition beyond surficial landscape activities within three feet of the surface is restricted, except as necessary to maintain or repair existing underground utilities, unless otherwise approved by the Agencies.

Compliance Reporting: Annual reporting by then-current fee simple owner of the property

Restrictions: Limit Future Land Use Prohibit Any Activity that May Disturb the Integrity of an Engineering Control Prohibit Disturbance of Soil or Excavation Without Approval Prohibit the Use of Groundwater except for Groundwater Monitoring Purposes

Facility Name:	JN Medical Corporation	Zip Code:	68134
City:	Omaha	County:	Douglas

Geographic Area: 2704 North 84th Street is 0.61 acres in size and legally described as West Benson Lot 25, Block 4½ Vac Alley Adj & Lots 22 thru 25. 2720 North 84th Street is 0.94 acres in size and legally described as West Benson Lot 31, Block 4½ Vac Alley Adj on N & on W & all Lots 26 thru 31.

Latitude: 41.283889 **Address:**

Longitude: -96.043611

Category: Proprietary **Media:** GroundWater, Soil

Type: Restrictive Covenant - UECA

Text: Activity and Use Limitations: a. The entire property, as depicted on the attached Figure, can be used only for industrial/commercial purposes, excluding child care. b. Groundwater beneath the entire Property shall not be used as a source of potable water. c. Any ground intrusive work (including, but not limited to excavation, digging and drilling) conducted in the Area of Residual Contamination (defined as that portion of the property described as West Benson Lot 25, Block 4½ Vac Alley Adj & Lots 22 thru 25) as depicted on the attached Figure, must be conducted in accordance with a health and safety plan that complies with Occupational Safety and Health Act Requirements. d. Any groundwater pumped or otherwise removed from the Area of Residual Contamination must be tested, properly characterized and disposed of in an appropriate manner. Water pumped under NPDES dewatering authorization NEG671035/10472 is specifically excluded from this requirement. e. Any soil excavated or otherwise removed from the Area of Residual Contamination, must be tested, properly characterized and disposed of in an appropriate manner. f. Prior to any building construction/ground intrusive activity within the Area of Residual Contamination, a minimum 30 days prior notice must be provided to NDEQ. g. Maintain and ensure the continued operation and effectiveness of the subslab depressurization system installed on site. h. Any permanent structures, including but not limited to, buildings and storage facilities constructed or installed within the portion of the Property containing residual contamination in the southern portion of the Property, will need to be constructed with an engineered vapor mitigation system (e.g., sub-slab depressurization system or vapor barrier). The engineered vapor

mitigation system (active or passive, as appropriate) must be compatible with the chlorinated solvents present at concentrations as presented in the 2010 Annual Report, Former Pfizer Omaha Site (Golder, April 2011).

Compliance Reporting: Annual reporting by then-current simple fee owner

Restrictions: Limit Ground Water Use Activities Prohibit Disturbance of Soil or Excavation Without Approval Prohibit Potable Water Well Installation/Construction Restrict Land Use to Commercial and Industrial; and Prohibit Child Care Facilities and Residential Ensure Future Structures have Vapor Mitigation Systems that are Properly Maintained Prohibit Any Activity that May Disturb the Integrity of an Engineering Control

Geographic Area:

Latitude: 41.283889 **Address:** 2720 North 84th St

Longitude: -96.043611

Category: Proprietary **Media:** GroundWater, Soil

Type: Restrictive Covenant - UECA

Text: Activity and Use Limitations: a. The entire property, as depicted on the attached Figure, can be used only for industrial/commercial purposes, excluding child care. b. Groundwater beneath the entire Property shall not be used as a source of potable water. c. Any ground intrusive work (including, but not limited to excavation, digging and drilling) conducted in the Area of Residual Contamination (defined as that portion of the property described as West Benson Lot 25, Block 4½ Vac Alley Adj & Lots 22 thru 25) as depicted on the attached Figure, must be conducted in accordance with a health and safety plan that complies with Occupational Safety and Health Act Requirements. d. Any groundwater pumped or otherwise removed from the Area of Residual Contamination must be tested, properly characterized and disposed of in an appropriate manner. Water pumped under NPDES dewatering authorization NEG671035/10472 is specifically excluded from this requirement. e. Any soil excavated or otherwise removed from the Area of Residual Contamination, must be tested, properly characterized and disposed of in an appropriate manner. f. Prior to any building construction/ground intrusive activity within the Area of Residual Contamination, a minimum 30 days prior notice must be provided to NDEQ. g. Maintain and ensure the continued operation and effectiveness of the subslab depressurization system installed on site. h. Any permanent structures, including but not limited to, buildings and storage facilities constructed or installed within the portion of the Property containing residual contamination in the southern portion of the Property, will need to be constructed with an engineered vapor mitigation system (e.g., sub-slab depressurization system or vapor barrier). The engineered vapor mitigation system (active or passive, as appropriate) must be compatible with the chlorinated solvents present at concentrations as presented in the 2010 Annual Report, Former Pfizer Omaha Site (Golder, April 2011).

Compliance Reporting: Annual reporting by then-current simple fee owner

Restrictions: Limit Ground Water Use Activities Prohibit Disturbance of Soil or Excavation Without Approval Prohibit Potable Water Well Installation/Construction Restrict Land Use to Commercial and Industrial; and Prohibit Child Care Facilities and Residential Ensure Future Structures have Vapor Mitigation Systems that are Properly Maintained Prohibit Any Activity that May Disturb the Integrity of an Engineering Control

Facility Name:	Plaza North Station	Zip Code:	68134-1803
City:	Omaha	County:	Douglas

Geographic Area: Lots One (1) and Two (2), Plaza North, An Addition to the City of Omaha, Douglas County, Nebraska. SW 1/4 of SW 1/4 of SE 1/4 of Section 34, Township 16 North, Range 12 East.

Latitude: 41.307620 **Address:**

Longitude: -96.051850

Category: Proprietary **Media:** GroundWater

Type: Restrictive Covenant - UECA

Text: a. Land use limitations – The Property shall not be used for any use other than industrial or commercial use, excluding child care facilities, which shall be prohibited. This limitation is intended to protect human health and the environment. Notwithstanding the restrictions provided above in this Section 4(a), the following uses shall be permitted: any off-site dry cleaning operations for pick-up and drop-off only, any technical or secondary/post-secondary educational institution, any training facilities catering primarily to trainees including but not limited to beauty schools or cosmetology schools and any tutorial institutions including but not limited to Sylvan Learning Centers. b. Ground water limitations – Domestic, irrigation, and other water wells of any type must not be drilled or maintained on the Property, except for groundwater monitoring wells and temporary dewatering wells for construction purposes. Groundwater beneath the property must not be used as a source of drinking water or for other direct contact purposes, including fountains. c. Other limitations – It is required that the sub-slab depressurization system remain in operation in units 5413 and 5415 for the duration of the building existence.

Compliance Reporting: One year from the effective date of this Environmental Covenant, and on an annual basis thereafter until such time as this Environmental Covenant is terminated, the then-current fee simple owner of the Property shall submit to the Agency written documentation verifying that the activity and use limitations remain in place and are being complied with. Any signatory to this Environmental Covenant shall notify the Agency as soon as possible of conditions that would constitute a breach of the activity and use limitations.

Restrictions: Limit Future Land Use Prohibit Any Activity that May Disturb the Integrity of an Engineering Control Prohibit Ground Water Well Installation/ Construction, Except Monitoring Wells

Facility Name:	20th & Center FMGP (aka Lynch Park)	Zip Code:	68108
City:	Omaha	County:	Douglas

Geographic Area: Lot Four(4) and the West Twenty-Seven (27) feet and the East Twenty-Three (23) feet of Lot Three (3) in Block Four (4), together with those portions of the vacated alley lying adjacent thereto on the south, in Improvement Association Addition to the City of Omaha, Douglas County, Nebraska

Latitude: 41.241227 **Address:**

Longitude: -95.941697

Category: Proprietary **Media:** GroundWater, Soil

Type: Restrictive Covenant

Text: The Property is subject to the following activity and use limitations: (a) No groundwater drinking wells shall be installed on the Property. (b) The Property shall not be used for any purpose other than commercial or industrial, and shall not be used for residential use where children may be present for extended periods of time, including schools and day care

facilities. (c) Any ground intrusive work (including, but not limited to excavation, digging and drilling) on the property must be conducted in accordance with the Operation and Maintenance Plan (Burns and McDonnell, September 2017). (d) Prior to construction of any structure, a plan shall be submitted and approved by the Agency. In general, the plan will evaluate vapor intrusion and how any exposure will be mitigated.

Compliance Reporting: Annual reporting by then-current fee simple owner of the Property.

Restrictions: Prohibit drinking wells. Limit land use. Any land disturbance must follow Operation and Maintenance Plan. Obtain prior approval of new structures.

Geographic Area: Campbells Addition, Lot 13 Block 1, Campbells Addition, Lot 30 Block 1, and LANDS N 128 S 290 E 128 W 770 FT, NW 1/4 SW 1/4 - 0.37 AC, located in the Southwest 1/4 of Section 27, Township 15 North, Range 13 East in Douglas County, NE

Latitude: 41.2450 **Address:** 20th and Center Street

Longitude: -95.9427

Category: Proprietary **Media:** GroundWater,Soil

Type: Restrictive Covenant - UECA

Text: The property is subject to the following activity and use limitations: (a) The property will be restricted to park use only and the property cannot be conveyed. (b) Contact with contaminated soils shall be prevented by maintaining a minimum of 18 inches of soil cover. (c) Any ground intrusive work, including but not limited to excavation, digging and drilling, must be conducted in accordance with the Materials Management Plan (City of Omaha, 2017). (d) No groundwater drinking water wells shall be installed on the property.

Compliance Reporting: Annual reporting by the then-current fee simple owner of the property.

Restrictions: Limit future land use. Maintain soil cover. Adhere to Materials Management Plan. Forbid groundwater drinking wells.

Facility Name:	Nebraska Machine Products, Inc.	Zip Code:	68512
City:	Omaha	County:	Douglas

Geographic Area: See attached Exhibit A

Latitude: 41.346022 **Address:**

Longitude: -95.979443

Category: Proprietary **Media:** GroundWater,Soil

Type: Restrictive Covenant

Text: The Property is subject to the following activity and use limitations: a) Land use limitation - The Property shall not be used for residential, domestic, or school use or for any other purpose other than industrial or commercial use, excluding child care facilities which shall be prohibited. b) Construction limitation - No structures capable of human occupancy may be built on the Property without a properly designed and constructed vapor mitigation system. The mitigation system must be approved by the Agency in order to demonstrate that it is designed to prevent airborne concentrations of vinyl chloride and trichloroethene within the structure from exceeding the applicable VCP risk-based standards. c) Groundwater limitation -

The construction or installation of any new water wells on the Property (other than groundwater monitoring wells or remediation wells) shall be prohibited.

Compliance Reporting: Annual reporting by then-current simple fee owner.

Restrictions: Limit future land use. Approval needed prior to construction activities. Prohibit new water wells.

Facility Name:	Former Seagate Technology Inc.	Zip Code:	68137
City:	Omaha	County:	Douglas

Geographic Area: The City of Omaha

Latitude: 41.214979 **Address:**

Longitude: -96.093606

Category: Government **Media:** GroundWater

Type: Local Ordinance

Text: Sec. 49-1510 No well shall be drilled or maintained on any property that is adjacent to a public water supply without the approval of the plumbing board and the Douglas County Health Department. No well shall be drilled or maintained on any property for supplying water features or non-potable use without the approval of the Douglas County Health Department. Sec. 12-116 A well shall be located so as to be no nearer than 100 feet to any septic tank soil absorption system, cesspool or any other known or suspected means of contamination. Whenever a well must be located on the downstream side of a known source of contamination, specific design criteria shall apply to the well, and shall be established by the Douglas County health department.

Compliance Reporting: None

Restrictions: Prohibit installation/construction of groundwater wells used for human consumption without approval.

Facility Name:	Former Omaha Steel Castings	Zip Code:	68106
City:	Omaha	County:	Douglas

Geographic Area: See attached Exhibit A

Latitude: 41.2564 **Address:**

Longitude: -95.9839

Category: Proprietary **Media:** GroundWater, Soil

Type: Restrictive Covenant - UECA

Text: The Property is subject to the following Activity and Use Limitations: (a) A minimum 12-inch soil cover shall be maintained on the Property in areas that are not replaced with surface cover (a building or pavement cover). (b) Any future ground intrusive work (including, but not limited to excavation, digging and drilling) at the Property must be conducted in accordance with the approved Materials Management Plan (Terracon, June 2016, NDEE Document ID

20160039739) and Materials Management Plan Addendum (Terracon, June 2018, NDEE Document ID 20180059740) for the Property. (c) Groundwater beneath the entire Property shall not be used as a source of potable water.

Compliance Reporting: Annually by the then-current fee simple owner of the Property

Restrictions: Maintain soil cover and protective barriers. Adhere to Materials Management Plans. Prohibit groundwater use.

Facility Name:	Baker Square - Former Max I. Walker	Zip Code:	68144
City:	Omaha	County:	Douglas

Geographic Area: Baker's Square, Lot 1, being a replating of Lot 385, Kingswood Estates.

Latitude: 41.23248 **Address:**

Longitude: -96.12029

Category: Proprietary **Media:** GroundWater, Soil

Type: Restrictive Covenant - UECA

Text: The Property is subject to the following activity and use limitations: a. Land use limitations - The Property shall not be used for any use other than industrial or commercial use, excluding childcare facilities, which shall be prohibited. b. Ground water limitations - Domestic, irrigation, and other water wells of any type must not be drilled or maintained on the Property, except for groundwater monitoring wells and temporary dewatering wells for construction purposes. Groundwater beneath the Property must not be used as a source of drinking water or for other direct contact purposes, including fountains. c. Other limitations - Annual assessments and operation and maintenance of the sub-slab depressurization system in operation in units 2928 and 2936 must adhere to the Agency approved Operation and Maintenance Plan, NDEE Document ID 20230003682, received January 6, 2023, until environmental conditions at the Property deem continued use of the sub-slab depressurization system unwarranted. Any changes in the use of the sub-slab depressurization system must receive prior approval by the Agency.

Compliance Reporting: Annually by the then-current fee simple owner.

Restrictions: Limit future land use. Prohibit wells and groundwater use. Maintain sub-slab depressurization system.

Facility Name:	Carter White Lead North Site	Zip Code:	
City:	Omaha, NE	County:	Douglas

Geographic Area: The following described real property, situated in Omaha, Douglas County, Nebraska, together with all buildings and improvements located thereon: Lots Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11) in Block Five (5), in East Omaha Land Company's Subdivision, in the City of Omaha, Douglas County, Nebraska, being a subdivision of the South Half (1/2) of Lot Six (6) and the North Half (1/2) of Lot Fifteen (15), East Omaha Land Company's Land and described as being within the Northeast Quarter of the Southwest Quarter (NE1/4 of SW 1/4) of Section Twelve (Sec 12), Township Fifteen North (T 15 N), Range Thirteen East (R 13 E), Sixth (6th) Principal Meridian in Douglas County, Nebraska, formerly described as part of the

Southeast Quarter of the Northeast Quarter (SE 1/4 of NE 1/4) of Section Twenty One (Sec 21), Township Seventy Five North (T 75 N), Range Forty Four West (R 44 W), Fifth (5th) Principal Meridian, Pottawattamie County, Iowa. Lots Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16) and Seventeen (17), all in Block Five (5), East Omaha Land Company's Subdivision of Lots Six (6) and Fifteen (15), East Omaha Land Company's Land, an Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska. Lot 3, Open Door Mission Addition, as surveyed, platted and recorded in Douglas County, Nebraska.

Latitude:		Address:	
Longitude:			
Category:	Informational	Media:	Soil
Type:	Restrictive Covenant - UECA		
Text:	<p>Land Use Limitations There are three types of caps at the Property: 1) an asphalt/concrete cap is in use in some areas; 2) the existing building(s) on the Property serves as a cap for the area covered; and 3) the clean soil cover placed on unpaved portions of the Property pursuant to the environmental response project, as hereinafter described. As long as the foregoing caps are maintained at the Property there shall be no land use limitation on the use of the Property. Disturbance Limitations Lead impacted soils may exist beneath the building(s) and the asphalt/concrete paved surfaces (see Appendix B). If any portion of the building or asphalt/concrete paved surfaces will be demolished or removed, potential lead-impacted soils beneath these features must be addressed appropriately and the work approved by the Agencies. Construction limitations in these areas may apply. Unpaved areas of the Property are being remediated to a depth of 12 inches to 24 inches below ground surface through a process of excavation of the contaminated soils and replacement of those soils with clean soil. Brightly colored geotextile fabric are being placed at the base of the excavation prior to the placement of the clean soil to demarcate the depth of excavation and the potential presence of lead-impacted soils below that point. If the demarcation fabric or soils beneath the demarcation fabric are disturbed and remain in the disturbed area, the demarcation layer must be replaced and impacted soils addressed appropriately and the work approved by the Agencies. Construction limitations may apply. Construction Limitations The fee simple owner of the Property will be responsible for the maintenance, repair or replacement of the soil cover in the unpaved and remediated areas and shall maintain the integrity of all development-oriented barriers, i.e., building, asphalt or concrete covers installed on the Property. Prior to the start of any construction activities at the Property that will disturb lead-impacted soils, approval must be obtained from the Agencies. In general, any lead-impacted soils should be treated, capped or disposed of appropriately and any cap/barrier should be maintained appropriately in perpetuity. Other Anyone engaged in subsurface activities at the Property, such as utility or construction workers, must be notified of the presence of residual contamination. A Health and Safety Plan which addresses work to be conducted in lead-impacted soils at the Property must be developed prior to the start of construction. Removal or management of lead-impacted soil areas must be completed by personnel with a level of Occupational Safety and Health Administration (OSHA) Hazardous Waste Operations (Hazwoper) training appropriate to the work being performed.</p>		
Compliance Reporting:	Annual reporting by then-current simple fee owner		
Restrictions:	Prohibit Soil Disturbance or Excavation without Approval Prohibit Construction/Demolition Activities without Approval Require Notification of Residual Contamination for anyone who may Conduct Subsurface Activities Maintain Engineering Controls		
Geographic Area:	The following described real property, situated in Omaha, Douglas County, Nebraska, together with all buildings and improvements located thereon: Lots 1, 2, 3, 4, 5, 18, 19, 20, 21, 22, A-I,		

A-2 and P, all in Block 5, in East Omaha Land Company Subdivision, an Addition to the City of Omaha, in Douglas County, Nebraska, sometimes known as Lots in Block 5 in East Omaha and being a subdivision of Lot 6 of East Omaha Land Company's land (Tax Lot 6) and being located in the accretions to Government Lot 10 in Section 1, Township 15 North, Range 13 East of the 6th P.M., Douglas County, Nebraska.

Latitude: **Address:** 2107 East Locust St., Omaha, NE, 68110

Longitude:

Category: Proprietary **Media:** Soil

Type: Restrictive Covenant - UECA

Text: Land Use Limitations There are three types of caps at the Property: 1) an asphalt/concrete cap is in use in some areas; 2) the existing building on the Property serves as a cap for the area it covers; and 3) the clean soil cover placed on unpaved portions of the Property pursuant to the environmental response project, as hereinafter described. As long as the foregoing caps are maintained at the Property there shall be no land use limitation on the use of the Property. Disturbance Limitations Lead impacted soils may exist beneath the Open Door Mission building and the asphalt/concrete paved surfaces (see Appendix B). If any portion of the building or asphalt/concrete paved surfaces will be demolished or removed, potential lead-impacted soils beneath these features must be addressed appropriately and the work approved by the Agencies. Construction limitations in these areas may apply. Unpaved areas of the Property are being remediated to a depth of 12 inches to 24 inches below ground surface through a process of excavation of the contaminated soils and replacement of those soils with clean soil. Brightly colored geotextile fabric are being placed at the base of the excavation prior to the placement of the clean soil to demarcate the depth of excavation and the potential presence of lead-impacted soils below that point. If the demarcation fabric or soils beneath the demarcation fabric are disturbed and remain in the disturbed area, the demarcation layer must be replaced and impacted soils addressed appropriately and the work approved by the Agencies. Construction limitations may apply. Construction Limitations The fee simple owner of the Property will be responsible for the maintenance, repair or replacement of the soil cover in the unpaved and remediated areas and shall maintain the integrity of all development-oriented barriers, i.e., building, asphalt or concrete covers installed on the Property. Prior to the start of any construction activities at the Property that will disturb lead-impacted soils, approval must be obtained from the Agencies. In general, any lead-impacted soils should be treated, capped or disposed of appropriately and any cap/barrier should be maintained appropriately in perpetuity. Other Anyone engaged in subsurface activities at the Property, such as utility or construction workers, must be notified of the presence of residual contamination. A Health and Safety Plan which addresses work to be conducted in lead-impacted soils at the Property must be developed prior to the start of construction. Removal or management of lead-impacted soil areas must be completed by personnel with a level of Occupational Safety and Health Administration (OSHA) Hazardous Waste Operations (Hazwoper) training appropriate to the work being performed.

Compliance Reporting: Annual reporting by then-current simple fee owner

Restrictions: Prohibit construction/demolition activities without approval Require notification of residual contamination for anyone who may conduct subsurface activities Prohibit Soil Disturbance or Excavation without Approval Maintain Engineering Controls

Facility Name:	Rhylander Park	Zip Code:	68048
City:	Plattsmouth	County:	Cass

Geographic Area: Lot 8 and the West 30' of Lot 9 - Block 48; a fraction of Lot 3, all of Lots 4 through 7, a fraction of Lot 8, all of Lot 9, and a fraction of Lot 10 - Block 49; all of Block 63 lying easterly of Lincoln Avenue; all of Block 64; all of Lots 9 through 14 - Block 65; all of Block 179 lying easterly of Lincoln Avenue; all of Lots 8 through 14 - Block 171; together with all parts of alleys and streets adjoining all of the above and embraced within this boundary, all being in the Original Town of Plattsmouth; and all of Lots 11 through 14 - Block 4, Thompson's Addition to Plattsmouth; and Lot 21 all in Section 18-T12N-R14E; and Lot 24 in Section 19-T12N-R14E of the 6th PM, Cass County, Nebraska

Latitude: 41.00886 **Address:**
Longitude: -95.88201
Category: Proprietary **Media:** GroundWater,Soil
Type: Restrictive Covenant

Text: The property or any portion thereof shall not be used for any purpose other than a city park. Construction of permanent school facilities, child care facilities, and residential dwellings is prohibited. Use of groundwater from beneath the property is prohibited except for those uses the NDEQ declares necessary to characterize or remediate contamination. No water wells shall be drilled without prior written authorization of the NDEQ. Digging, drilling, excavating, grading, constructing, earth moving, or any other land/soil/pavement disturbing activities shall be in accordance with an approved materials management plan on file with the NDEQ.

Compliance Reporting: Then-current fee simple owner shall submit written confirmation of compliance to NDEQ annually.

Restrictions: Prohibit groundwater well installation/construction, except investigation/remediation wells Limit future land use

Facility Name:	Plattsmouth FMGP	Zip Code:	68048
City:	Plattsmouth	County:	Cass

Geographic Area: Lots 9, 10, 11, and 12, Block 48, except the west 30 feet of lot 9, Original Town of Plattsmouth, Cass County, Nebraska

Latitude: 41.008695 **Address:**
Longitude: -95.881241
Category: Proprietary **Media:** GroundWater,Soil
Type: Restrictive Covenant - UECA

Text: A. The property shall not be used for residential purposes, including child care facilities. B. Extraction and use of groundwater underlying the property, except for investigation or remediation approved by NDEQ, is prohibited. C. Except where excavation is necessary to prevent or address a previously unknown threat to human health or the environment, including without limitation a natural gas pipeline leak, excavation activities on the property that affect impacted groundwater are prohibited unless an Occupational Health and Safety Administration-compliant health and safety plan is developed and implemented.

Compliance Reporting: Then-current fee simple owner shall submit written documentation of compliance with activity and use limitations one year from the effective date of the Environmental Covenant, and on an annual basis thereafter.

Restrictions: Limit future land use Prohibit groundwater well installation/construction, except investigation/remediation wells Prohibit soil disturbance or excavation except in compliance with excavation management plan

Facility Name:	Farmland Industries Site	Zip Code:	69361-4524
City:	Scottsbluff	County:	Scotts Bluff

Geographic Area: Part of Tax Lots 41 and 42, with accretion, in the NW1/4 of Section 26, T22N, R55W, 6th P.M., City of Scottsbluff, Scotts Bluff County, Nebraska; more particularly described in the covenant.

Latitude: NA **Address:**

Longitude: NA

Category: Proprietary **Media:** GroundWater

Type: Restrictive Covenant - UECA

Text: (A) No surface water impoundment shall be constructed on the Property, and no surface water shall be diverted to the subsurface. (B) No wells for any use other than groundwater monitoring shall be drilled or installed in the Property. (C) No change from the current undeveloped condition shall occur without prior notice and approval of the Agency.

Compliance Reporting: Annual reporting by property owner pursuant to the covenant.

Restrictions: Prohibit Ground Water Well Installation/ Construction Provide Notification of Land Use Changes Prohibit Surface Water Impoundments

Facility Name:	Progress Rail	Zip Code:	69162-3322
City:	Sidney	County:	Cheyenne

Geographic Area: Approximately 0.5 acres in the southwest quarter of the southwest quarter of the southwest quarter of Section 34, Township 15 North, Range 50, West, Cheyenne County, Nebraska, more particularly described in the deed notice.

Latitude: 41.2225 **Address:**

Longitude: -103.0480

Category: Informational **Media:** GroundWater, Soil

Type: Notice – Deed Notice

Text: As required under Title 132 Chapter 3, 005.09, no person shall excavate, disturb the final cover or remove any deposited materials from the area without having received prior approval from the NDEQ. In addition; Surface and subsurface soils found on the Property must be managed in accordance with the requirements of the RAP and other applicable state and federal laws. Groundwater which is migrating under the Property shall not be used for any domestic purpose.

Compliance Reporting: None

Restrictions: None - Informational Device Only

Facility Name:	Valmont Industries, Inc.	Zip Code:	68064
City:	Valley	County:	Douglas

Geographic Area: See Exhibit A in the attached Environmental Covenant

Latitude: 41.3249 **Address:**

Longitude: -96.3659

Category: Proprietary **Media:** GroundWater, Soil

Type: Restrictive Covenant

Text: The Property is subject to the following activity and use limitations: (a) No new drinking water well shall be constructed or installed at the Covenant Areas within the cross-hatched area outlined in Figure 2 (attached hereto), without the prior written approval of the NDEQ and the USEPA. This prohibition shall not prohibit the operation and/or use of the existing groundwater wells identified on Figure 2 for purposes other than drinking water uses which are inclusive of ingestion by drinking or through food preparation and hygienic uses such as showering, hand washing, etc. (b) No portion of the Covenant Areas within the cross-hatched area outlined in Figure 1 (attached hereto) shall be used for any use other than industrial or commercial use, however, commercial uses of child care, preschool, dormitory, nursing home facilities, or any land use which would result in unacceptable exposures to the remaining contamination shall be prohibited unless otherwise approved by the Agencies. (c) No surface or subsurface soil or sediments shall be excavated or removed at the Central Drainage Ditch (CDD), Former Open Trench Area (FOT) or Former Petroleum Underground Storage Tanks (FPUST) areas identified on Figure 1 (attached hereto), except for (1) excavation or removal in conformance with an NDEQ and USEPA-approved Corrective Measures Implementation Plan; or (2) minor excavations necessary to install, maintain or repair utility poles, fence posts, sidewalks, paving, and other comparable activities, as well as minor excavations necessary to maintain or repair existing underground utilities and minor excavations in connection with landscaping activities. (d) Appropriate warning signs and permanent markers shall be installed and maintained at the Covenant Areas to identify the impacted portions of the CDD, FOT, and FPUST. (e) No construction, repair or alteration activities shall be performed at the Covenant Areas within the CDD, FOT, or FPUST areas outlined in Figure 1 (attached hereto) that would damage or interfere with the prior corrective measures implemented for these areas, unless such activities are approved by the NDEQ and USEPA and are in accordance with an amended Corrective Measures Implementation Plan for the Covenant Areas. (f) Notwithstanding the foregoing activity and use restrictions, the restrictions set forth under Paragraph 4 (attached hereto) may be modified by Grantor upon receiving approval from NDEQ and USEPA.

Compliance Reporting: Annual reporting by then-current fee simple owner of the property.

Restrictions: Prohibit new wells. Limit land use. Excavation prohibited without prior approval. Display appropriate warning signs. Prohibit any alteration activities without prior approval. Restrictions may be modified following approval.

Facility Name:	Magellan Ammonia Pipeline, L.P.	Zip Code:	68064
City:	Valley	County:	Douglas

Geographic Area: See Legal Description in attachment.

Latitude: 41.357223 **Address:**
Longitude: -96.380024
Category: Proprietary **Media:** GroundWater
Type: Restrictive Covenant

Text: The Property is subject to the following activity and use limitations: Groundwater limitations - Drilling or constructing water wells on the Property for the purposes of domestic, lawn and gardening, or other means, which use involves or may involve human consumption and/or other possible human contact is prohibited. This restriction does not prohibit drilling, construction or use of water wells for crop irrigation or for containing impacts to groundwater, or for impacted groundwater recovery, monitoring, or other remediation activities as approved in writing by the NDEE.

Compliance Reporting: None
Restrictions: Restrict groundwater use.

Facility Name:	Magellan Ammonia Pipeline, L.P.	Zip Code:	68073
City:	Yutan	County:	Saunders

Geographic Area: See Exhibit A is the attached document

Latitude: 41.160491 **Address:**
Longitude: -96.401903
Category: Proprietary **Media:** GroundWater
Type: Restrictive Covenant

Text: The Property is subject to the following activity and use limitations: Groundwater limitations - Drilling or constructing water wells on the Property for the purposes of domestic, lawn and gardening, or other means, which use involves or may involve human consumption and/or other possible human contact is prohibited. The restriction does not prohibit drilling, construction or use of water wells for crop irrigation or for containing impacts to groundwater, or for impacted groundwater recovery, monitoring, or other remediation activities as approved in writing by the NDEE.

Compliance Reporting: None
Restrictions: Prohibit groundwater use.

Geographic Area: See Exhibit A in the attached document.

Latitude: 41.160491 **Address:** Mile Post 202.2
Longitude: -96.401903
Category: Proprietary **Media:** GroundWater
Type: Restrictive Covenant

Text: The Property is subject to the following activity and use limitations: Groundwater limitations - Drilling or constructing water wells on the Property for the purposes of domestic, lawn and

gardening, or other means, which use involves or may involve human consumption and/or other possible human contact is prohibited. The restriction does not prohibit drilling, construction or use of water wells for crop irrigation or for containing impacts to groundwater, or for impacted groundwater recovery, monitoring, or other remediation activities as approved in writing by the NDEE.

Compliance Reporting: None

Restrictions: Prohibit groundwater use.

Geographic Area: See Exhibit A in the attached document.

Latitude: 41.11930

Address: Mile Post 207.3

Longitude: 41.11930

Category: Proprietary

Media: GroundWater

Type: Restrictive Covenant

Text: The Property is subject to the following activity and use limitations: Groundwater limitations - Drilling or constructing water wells on the Property for the purposes of domestic, lawn and gardening, or other means, which use involves or may involve human consumption and/or other possible human contact is prohibited. The restriction does not prohibit drilling, construction or use of water wells for crop irrigation or for containing impacts to groundwater, or for impacted groundwater recovery, monitoring, or other remediation activities as approved in writing by the NDEE.

Compliance Reporting: None

Restrictions: Prohibit groundwater use.