

COUNTY OF NORTHAMPTON

RECORDER OF DEEDS

NORTHAMPTON COUNTY GOVERNMENT CENTER
669 WASHINGTON STREET
EASTON, PENNSYLVANIA 18042-7486
Area Code (610) 559-3077

Ann L. Achatz - Recorder
Andrea F. Suter - Lead Deputy
Dorothy J. Edelman - Deputy



Book - 2011-1 Starting Page - 110693

*Total Pages - 9

Instrument Number - 2011014989

Recorded On 5/26/2011 At 4:11:49 PM

* Instrument Type - COVENANTS

Invoice Number - 679640

* Grantor - VENEZIA ENTERPRISES

* Grantee - VENEZIA ENTERPRISES

User - HMT

* Customer - EARTH DATA NORTHEAST INC

NCGIS Registry UPI Certification
On May 26, 2011 By HG

* FEES

STATE WRIT TAX	\$0.50
RECORDING FEES	\$21.00
COUNTY RECORDS	\$2.00
IMPROVEMENT FEE	
DEEDS RECORDS	\$3.00
IMPROVEMENT FEE	
UPI CERTIFICATION FEE	\$10.00
TOTAL PAID	\$36.50

*RECORDED BY:

EARTH DATA NORTHEAST INC
924 SPRINGDALE DR
EXTON, PA 19341
ATTN: RYAN B BEEBE

I hereby CERTIFY that this document is recorded in the
Recorder's Office Of Northampton County, Pennsylvania

RECEIVED
JUN 10 2011

BY:.....



Ann L. Achatz

Ann L. Achatz
Recorder of Deeds

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW THE FIRST PAGE
OF THIS LEGAL DOCUMENT

Book: 2011-1

Page: 110693

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* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

Environmental Covenant

When recorded, return to:
Edward B. Kern, *Chief Financial Officer*, Venezia, Inc.
P.O. Box 909, Royersford, PA 19468.

The County Parcel Identification No. of the Property is: K7-18-14
GRANTOR: Venezia Enterprises
PROPERTY ADDRESS: 3987 Easton-Nazareth Highway/Route 248
Nazareth, PA 18064

ENVIRONMENTAL COVENANT

This Environmental Covenant is executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act No. 68 of 2007, 27 Pa. C.S. §§ 6501 – 6517 (“UECA”). This Environmental Covenant subjects the Property identified in Paragraph 1 to the activity and/or use limitations in this document. As indicated later in this document, this Environmental Covenant has been approved by the Pennsylvania Department of Environmental Protection (“Department”).

1. **Property affected.** The property affected (“Property”) by this Environmental Covenant is located in Lower Nazareth Township, Northampton County.

The postal street address of the Property [if any] is: 3987 Easton-Nazareth Highway.
The latitude and longitude of the center of the Property affected by this Environmental Covenant is: Lat: 40.728913, Long: -75.305412.
The Property has been known by the following name(s): Chemical Leaman Tank Lines, Inc., Quality Carriers, Inc.
[For registered tanks, the PADEP Tank Facility ID# is: 48-06637
[For other facilities, the DEP Primary Facility ID# is/are: unknown

A complete description of the Property is attached to this Environmental Covenant as Exhibit A. A map of the Property is attached to this Environmental Covenant as Exhibit B.

2. **Property Owner / GRANTOR / GRANTEE.** Venezia Enterprises is/are the owner(s) of the Property and the GRANTOR and GRANTEE of this Environmental Covenant.

3. The mailing address(es) of the owner(s) is/are: P.O. Box 909, Royersford, PA 19468.

4. **Description of Contamination & Remedy.** Reportedly, during the Chemical Leaman Tank Lines, Inc. ownership, site operations included the cleaning of the interiors of tankers and trucks. This activity began in December 1965 and ceased mid-1979. Wastewater generated by the operation, allegedly containing petroleum oils, acids, synthetic latexes, and acrylates, was contained in two, unlined lagoons located near the center of the site. Subsequent soil sampling, performed in and around the former lagoon area during a Soil Investigation completed in February 2010, indicated that four (4) Volatile Organic Compounds ("VOCs") were detected within the subsurface soil intervals (ranging from 9 to 20 feet below ground surface) that exceeded the Pennsylvania Department of Environmental Protection ("PADEP") Land Recycling and Remediation Standards Act ("Act 2") Statewide Health Standard ("SHS") Soil-to-Groundwater Medium Specific Concentrations ("MSCs") for a non-residential (and residential), used aquifer. Those compounds included: Benzene, Carbon Tetrachloride, Trichloroethene ("TCE"), and cis-1,2-Dichloroethene ("DCE"). Site-specific soil properties and contaminant fate and transport considerations were then used as part of a Remedial Investigation which concluded that the impacted subsurface soils found in the vicinity of the former lagoon area had attained the Act 2 Site-Specific Standard ("SSS") through pathway elimination. Soil to Groundwater screening levels, however, suggested that a potential risk to localized groundwater existed. To ensure that the groundwater exposure pathway remains incomplete, Venezia Enterprises will implement the groundwater use limitation provided within this Environmental Covenant, in Paragraph 5, below. The investigation mentioned above is documented in the report entitled *Act 2 Remedial Investigation Report/Final Report*, prepared by Earth Data Northeast, Inc. and dated March 2011.

5. **Activity & Use Limitations.** The Property is subject to the following activity and use limitations, which the then current owner of the Property, and its tenants, agents, employees and other persons under its control, shall abide by:

➤ **Use of onsite groundwater for potable purposes is prohibited.**

6. **Notice of Limitations in Future Conveyances.** Each instrument hereafter conveying any interest in the Property subject to this Environmental Covenant shall contain a notice of the activity and use limitations set forth in this Environmental Covenant and shall provide the recorded location of this Environmental Covenant.

7. **Compliance Reporting.** After written request by the Department, the then current owner of the Property shall submit, to the Department and any Holder listed in Paragraph 2, written documentation stating whether or not the activity and use limitations in this Environmental Covenant are being abided by. In addition, within 1 month after any of the following events, the then current owner of the Property shall submit, to the Department and any Holder listed in Paragraph 2, written documentation: noncompliance with the activity and use limitations in this Environmental Covenant; transfer of the Property, changes in use of the Property; or filing of applications for building permits for the Property and any proposals for any site work, if the building or

proposed site work will affect the contamination on the Property subject to this Environmental Covenant.

8. **Access by the Department.** In addition to any rights already possessed by the Department, this Environmental Covenant grants to the Department a right of reasonable access of the Property in connection with implementation or enforcement of this Environmental Covenant.

9. **Recording & Proof & Notification.** Within 30 days after the date of the Department's approval of this Environmental Covenant, Venezia Enterprises shall file this Environmental Covenant with the Recorder of Deeds for each County in which the Property is located, and send a file-stamped copy of this Environmental Covenant to the Department within 60 days of recording. Within that time period, Venezia Enterprises also shall send a file-stamped copy to each of the following: Lower Nazareth Township and Northampton County; any Holder identified in this Environmental Covenant listed in Paragraph 2; each person holding a recorded interest in the Property; each person in possession of the Property; and any other persons as required by the Department.

10. **Termination or Modification.** This Environmental Covenant may only be terminated or modified in accordance with Section 9 of UECA, 27 Pa. C.S. § 6509, including as follows:

This Environmental Covenant shall terminate upon attainment, in accordance with 35 P.S. §§ 6026.101 – 6026.908, with an unrestricted use remediation standard for the above-described contamination at the Property. The Department must approve, in writing, of such termination.

11. **Department's address.** Communications with the Department regarding this Environmental Covenant shall be sent to:

**Environmental Cleanup Program Manager
Pennsylvania Department of Environmental Protection
Northeast Regional Office
2 Public Square
Wilkes-Barre, PA 18701-1915**

ACKNOWLEDGMENTS by Owner(s) and any Holder(s), in the following form:

Venezia Enterprises, Grantor

Date:

By: Edward B. Kern

Name: Edward B. Kern

Title: Chief Financial Officer, Venezia, Inc.

Date:

Venezia Enterprises, Grantee

By: Edward B. Kern

Name: Edward B. Kern

Title: Chief Financial Officer, Venezia, Inc.

[REPEAT AS NECESSARY]

APPROVED, by Commonwealth of Pennsylvania,
Department of Environmental Protection

Date:

5/10/11

By: Eric Supey

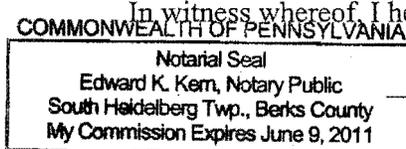
Name: Eric Supey

Title: Environmental Cleanup Program Manager

COMMONWEALTH OF PENNSYLVANIA) [other state, if executed outside PA]
)
COUNTY OF BERKS) SS:

On this 3 day of MAY, 2011, before me, the undersigned officer, personally appeared **Edward B. Kern**, who acknowledged himself to be the person whose name is subscribed to this Environmental Covenant, and acknowledged that he executed same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.



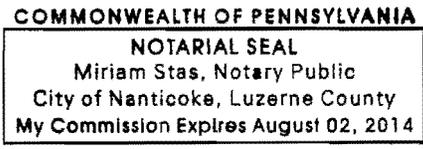
Edward K. Kern
Notary Public

[REPEAT AS NECESSARY]

COMMONWEALTH OF PENNSYLVANIA)
)
COUNTY OF LUZERNE) SS:

On this 10 day of May, 2011, before me, the undersigned officer, personally appeared **Eric Supey**, who acknowledged himself to be the Environmental Cleanup Program Manager of the Commonwealth of Pennsylvania, Department of Environmental Protection, Northeast Regional Office, whose name is subscribed to this Environmental Covenant, and acknowledged that he executed same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.



Miriam Stas
Notary Public

EXHIBIT A

ALL THAT CERTAIN TRACT OR PIECE OF LAND SITUATE IN THE TOWNSHIP OF LOWER NAZARETH, COUNTY OF NORTHAMPTON, AND STATE OF PENNSYLVANIA, BOUNDED AND DESCRIBED MORE FULLY AS FOLLOWS, TO WIT:

BEGINNING AT A POINT IN THE CENTER LINE OF THE RECONSTRUCTED HIGHWAY BETWEEN EASTON, PENNSYLVANIA AND NAZARETH,

PENNSYLVANIA, (PENNA. STATE HIGHWAY ROUTE NO. 45); SAID POINT BEING THE INTERSECTION OF THE PROPERTY LINE BETWEEN LANDS OF JOHN A. MILLER, SR. AND ANDREW S. PRANCZAK AND STATION 353 + 19.51 AS SHOWN ON PENNA. STATE HIGHWAY MAP; THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF SAID HIGHWAY, SOUTH 36 DEGREES 57 MINUTES EAST 421.8 FEET TO A POINT AT STATION 348 + 97.71; THENCE SOUTHWESTERLY THRU PRESENT LANDS OF ANDREW S. PRANCZAK SOUTH 14 DEGREES 58 MINUTES WEST 1144.74 FEET TO A POINT AND CORNER IN THE CENTER OF A SMALL STREAM RUNNING THRU LANDS OF ANDREW S. PRANCZAK; THENCE THE FOLLOWING COURSES AND DISTANCES ALONG THE CENTER OF SAID SMALL STREAM (1) SOUTH 83 DEGREES 43 MINUTES WEST 19.33 FEET TO A CORNER (2) SOUTH 88 DEGREES 16 MINUTES WEST 52.2 FEET TO A CORNER (3) NORTH 81 DEGREES 53 MINUTES WEST 50.36 FEET TO A CORNER (4) NORTH 85 DEGREES 14 MINUTES WEST 50.8 FEET TO A CORNER (5) SOUTH 88 DEGREES 16 MINUTES WEST 52.2 FEET TO A CORNER (6) SOUTH 85 DEGREES 10 MINUTES WEST 53.14 FEET TO A CORNER (7) SOUTH 86 DEGREES 54 MINUTES WEST 44.25 FEET TO A CORNER IN LINE OF LANDS OF HARVEY N. GRUBE; THENCE NORTHWESTERLY ALONG LANDS OF HARVEY N. GRUBE NORTH 2 DEGREES 02 MINUTES WEST 75.0 FEET TO A CORNER IN LANDS OF JOHN A. MILLER, SR.; THENCE NORTHEASTERLY ALONG LANDS OF JOHN A. MILLER NORTH 14 DEGREES 58 MINUTES EAST, 1416.9 FEET TO A POINT IN THE CENTER LINE OF THE RECONSTRUCTED HIGHWAY BETWEEN EASTON, PENNSYLVANIA AND NAZARETH, PENNSYLVANIA (PENNA. STATE HIGHWAY ROUTE NO. 45) AT STATION 353 + 19.51, THE PLACE OF BEGINNING.

CONTAINING 10.034 ACRES, MORE OR LESS.

BOUNDED ON THE NORTH BY PENNA. STATE HIGHWAY ROUTE NO. 45; ON THE EAST BY LANDS OF ANDREW S. AND KATHERINE PRANCZAK; AND ON THE SOUTH BY OTHER LANDS OF ANDREW S. AND KATHERINE PRANCZAK; AND ON THE WEST BY LANDS OF HARVEY N. GRUBE AND WIFE AND JOHN A. MILLER, SR. AND MARY MILLER.

EXCEPTING THEREOUT AND THEREFROM THE FOLLOWING:

ALL THAT CERTAIN TWENTY (20.00) FEET WIDE SANITARY SEWER RIGHT-OF-WAY SITUATE IN LOWER NAZARETH TOWNSHIP; NORTHAMPTON COUNTY, PENNSYLVANIA, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT A POINT ON THE EASTERLY PROPERTY LINE OF LAND OF THE GRANTOR AND WESTERLY PROPERTY LINES OF LAND OF COPLAY CEMENT COMPANY SAID POINT IS LOCATED NORTH FOURTEEN DEGREES FORTY NINE MINUTES, ZERO SECONDS, EAST FORTY-ONE AND SIXTY-EIGHT ONE-HUNDREDTHS FEET (NORTH 14 DEGREES 49 MINUTES 00 SECONDS EAST 41.68) FROM THE SOUTHEASTERLY PROPERTY CORNER OF LAND OF THE GRANTOR AND A WESTERLY CORNER OF COPLAY CEMENT CO.; THENCE THROUGH LAND OF THE GRANTOR THE FOLLOWING TWO (2) COURSES AND DISTANCES: (1) SOUTH EIGHTY-SIX DEGREES ZERO MINUTES TWELVE SECONDS WEST EIGHTY-FOUR AND NINETY-TWO ONE-HUNDREDTHS FEET TO A POINT, (2) NORTH EIGHTY-NINE DEGREES, NINETEEN MINUTES ZERO SECONDS WEST TWO HUNDRED FORTY-EIGHT AND FIFTY-ONE ONE-HUNDREDTHS FEET TO A POINT ON THE WESTERLY PROPERTY LINE OF LAND OF THE GRANTOR AND THE EASTERLY PROPERTY LINE OF LAND OF WILLARD E. AND GRACE M. SETZER.

CONTAINING SIX THOUSAND SIX HUNDRED SIXTY-NINE (6,669) SQUARE FEET.

BEING ALL AS SHOWN ON A PLAN TITLED "NAZARETH BOROUGH MUNICIPAL AUTHORITY - SANITARY SEWER RIGHT-OF-WAY - N & R TRUCK CO., INC." PLAN NO. P-2910-4, DATED APRIL, 1987, AS PREPARED BY F & M ASSOCIATES, INC., CONSULTING CIVIL ENGINEERS, ALLENTOWN, PA. ALSO EXCEPTING THEREOUT AND THEREFROM A PORTION OF PROPERTY CONSISTING OF 0.031 ACRES AND 0.014 ACRES OF LAND FOR WIDENING OF PENNA. STATE HIGHWAY ROUTE 248 AND TEMPORARY CONSTRUCTION EASEMENT AS SET FORTH IN DEED BOOK 2004-1 PG. 112331.

BEING THE SAME PREMISES WHICH CHEMICAL TANK LINE, INC., A DELAWARE CORPORATION, BY DEED DATED 8-15-1960 AND RECORDED 12-28-1961 IN THE COUNTY OF NORTHAMPTON IN DEED BOOK VOL. 163 PAGE 103, CONVEYED UNTO N & TRUCK CO., INC., A PENNA. CORPORATION, T/A CHEMICAL LEASING CORPORATION, IN FEE. AND THE SAID N & R TRUCK CO., INC. MERGED WITH CHEMICAL LEASING CORPORATION TO FORM CHEMICAL PROPERTIES, INC. AND THE SAID CHEMICAL PROPERTIES, INC. BY ARTICLES OF MERGER DATED 12/30/2002 IN THE COMMONWEALTH OF PENNSYLVANIA, ENTITY NO. 662639 MERGED WITH QUALITY CARRIERS, INC., AND IS NOW KNOWN AS QUALITY CARRIERS, INC.

BEING COUNTY PARCEL NO. K7-18-14.

