

Prepared By:
Rohm and Haas Company
3100 State Road
Croydon, PA 19021
c/o Robert Casselberry

For
Recorder's
Use Only

RECEIVED
2013 MAR 21 P 12:51
BUCKS COUNTY
RECORDER OF DEEDS

Return To:
Rohm and Haas Company
3100 State Road
Croydon, PA 19021
c/o Robert Casselberry
Phone: 215-785-7917

CPN Number: 05-053-052

GRANTOR: Rohm and Haas Company
PROPERTY ADDRESS: River Road, Bristol Township, Croydon, PA

ENVIRONMENTAL COVENANT

This Environmental Covenant is executed on February 25, 2013 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 Bristol Township, Bucks County.

The postal street address of the Property is: River Road, Croydon, Pennsylvania 19021.

The latitude and longitude of the center of the Property affected by this Environmental Covenant is: latitude 40 deg, 5 min, 14.316 sec/ longitude -74 deg, 53 min, 19.8702 sec.

The Property has been known by the following name(s): River Road North Parcel including Former Bucks County Mosquito Control Commission (BCMCC) Solid Waste Management Unit (SWMU), Pennsylvania Department of Environmental Protection primary facility ID No. 745672 (remediation ID No. 41340).

A legal description of the Property is attached to this Environmental Covenant as **Exhibit A**. Maps of the Property are attached to this Environmental Covenant as **Exhibit B**.

2. Property Owner / GRANTOR / GRANTEE. Rohm and Haas Company is the owner of the Property and the GRANTOR and GRANTEE of this Environmental Covenant.

3. The mailing address of the Owner is: Robert Casselberry, Dow Engineering Solutions, 3100 State Road, Croydon, Pennsylvania 19021.

4. Description of Contamination & Remedy

The River Road North (RRN) Parcel consists of approximately 80 acres of undeveloped land (“Croydon Woods”) located north of the Rohm and Haas Bristol, PA Plant. The RRN Parcel has never been used by Rohm and Haas for any manufacturing purpose. The RRN Parcel does contain the a small parcel of ground which was formerly leased ground to the Bucks County Mosquito Control Commission (BCMCC) which was a division of the Bucks County Health Department. The BCMCC was active during the 1950s to early 1970s. The BCMCC leased ground was identified as a Solid Waste Management Unit (SWMU), in the Rohm and Haas Bristol Site’s US EPA RCRA Corrective Action Order.

Rohm and Haas submitted to the Department an Act 2 Final Report for soil and groundwater at the RRN Parcel dated August 2012, and an Addendum to the Final Report dated January 7, 2013. The Final Report and Addendum characterized soil and groundwater quality at the RRN Parcel and demonstrated attainment of Act 2 standards as discussed below. The Department approved the Final Report and Addendum by letter dated January 16, 2013.

Soil Quality

Soil characterization of the RRN Parcel identified one area of concern: shallow soil in the former BCMCC SWMU exhibited 4,4-DDX¹ (4,4'-DDD, 4,4'-DDE, and 4,4'-DDT) concentrations exceeding Act 2 residential Statewide health standards (SHS). These impacted soils were excavated in 2011 and replaced with soil meeting PADEP Clean Fill requirements. During remediation of the BCMCC soils, a historical seepage pit was discovered, resulting in supplemental characterization of 4,4-DDX impacted subsurface saturated soils. Attainment of Act 2 standards for soil is summarized below.

Groundwater Quality

Volatile organic compounds [primarily trichloroethene (TCE)] historically present in groundwater in the eastern portion of the RRN Parcel have been remediated through the operation, by the U.S. Environmental Protection Agency (EPA)/PADEP, of a pump-and-treat system between 1996 and 2009 as part of the Croydon TCE Superfund Site. System operations were shutdown in March 2009 in favor of long-term monitoring. Groundwater quality was evaluated in the Act 2 Final Report by reviewing historical groundwater data collected over the past 10+ years by EPA/PADEP’s contractor AECOM Technical Services (AECOM), as well by reviewing March 2002 data for some wells that were not regularly sampled by AECOM. Attainment of the site-specific standard (SSS) for groundwater is summarized below.

Attainment of Act 2 Standards

Attainment of the Act 2 residential SHS/SSS for soil, SSS for groundwater, and the SSS for the vapor intrusion pathway at the RRN Parcel have been demonstrated in the Act 2 Final Report and Addendum, as follows:

¹ DDD: dichlorodiphenyldichloroethane, DDE: dichlorodiphenyldichloroethylene, DDT: dichlorodiphenyltrichloroethane

- BCMCC Soils:
 - The excavated area of approximately 0.2 acres attained the SHS for DDX in soil based on post-excavation sampling results meeting the 75%/10x rule.
 - Saturated soils below the historical seepage pit meet the SSS for 4,4'-DDD and 4,4'-dichlorodiphenyltrichloroethane (4,4'-DDT) by pathway elimination: (1) the environmental covenant will eliminate potential direct contact, and (2) hydropunch groundwater sampling in 2012 indicated the soil in question did not adversely impact groundwater.
- Groundwater: Attainment of the SSS equivalent to the highest groundwater concentration of the past 10+ years for two VOCs [39 µg/l of TCE and 6.6 µg/l of tetrachloroethene (PCE)] is demonstrated based on pathway elimination [fate and transport (F&T) analysis and ecological evaluation]. The remaining VOCs that are monitored in groundwater on a regular basis include 1,1,1-trichloroethane, 1,1-dichloroethane, 1,1-dichloroethene, and vinyl chloride; these VOCs meet the SHS.
- Vapor Intrusion: The vapor intrusion pathway via soils and/or groundwater to indoor air is currently incomplete since there are no habitable buildings on the RRN Parcel.

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:

- The Property conveyed hereby shall never be used for any form or type of residential structure whatsoever including by way of example, and not by way of limitation, single and multiple family dwellings, apartments, condominiums, modular homes, houses, trailers, schools, and day care centers.
- At the former seepage pit in the BCMCC area, clean soil extends to 9 feet below ground surface and provides a soil cap over the impacted soils that are below the former seepage pit. This soil cap shall be maintained and inspected annually. Notwithstanding anything to the contrary contained in this Paragraph 5, the soil cap over the former seepage pit in the BCMCC area may be temporarily disturbed to perform construction or utility installation or repair activities provided that the cap is repaired or replaced immediately following the completion of such construction activities. The details of any disturbance shall be summarized in the annual compliance report described in Paragraph 7 below.

- Groundwater Use: On-site groundwater shall not be used for potable, agricultural, or any other consumptive purposes unless groundwater quality conditions are re-evaluated under the provisions of Act 2 or the appropriate statute, and are shown to meet the applicable SHS as evidenced by written approval from PADEP.
- Vapor intrusion pathway is currently incomplete. Any future construction of occupied buildings in the area of the RRN Parcel formerly underlain by VOC-impacted groundwater must be preceded by an evaluation of the vapor intrusion pathway and installation of vapor barriers as necessary.

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.** By the end of every January following the Department's approval of this Environmental Covenant, the current owner of the Property shall submit to the Department 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 current owner of the Property shall submit to the Department 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, Rohm and Haas Company 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, Rohm and Haas Company also shall send a file-stamped copy to each of the following:

- Bristol Township;
- Bucks County;
- Each person holding a recorded interest in the Property;
- East person in possession of the Property; and
- Other persons as required by the Department.

10. **Termination or Modification.**

(a) This Environmental Covenant may only be terminated or modified in accordance with 27 Pa. C.S. §§ 6509 or 6510, or in accordance with this paragraph.

(b) This Environmental Covenant may be amended or terminated as to any portion of the Property that is acquired for use as state highway right-of-way by the Commonwealth provided that: (1) the Department waives the requirements for an environmental covenant and for conversion pursuant to 27 Pa. C.S. §6517 to the same extent that this Environmental Covenant is amended or terminated; (2) the Department determines that termination or modification of this Environmental Covenant will not adversely affect human health or the environment; and (3) the Department provides 30-days advance written notice to the current property owner, each holder, and, as practicable, each person that originally signed the Environmental Covenant or successors in interest to such persons.

(c) 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.

(d) In accordance with 27 Pa. C.S. § 6510(a)(3)(i), Grantor hereby waives the right to consent to any amendment or termination of the Environmental Covenant by consent; it being intended that any amendment to or termination of this Environmental Covenant by consent in accordance with this Paragraph requires only the following signatures on the instrument amending or terminating this Environmental Covenant: (i) the Holder at the time of such amendment or termination; (ii) the then current owner of the Property and (iii) the Department.

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

ECP Manager, Land Recycling Program
PADEP, Southeast Regional Office
2 East Main Street, Norristown, Pennsylvania 19401

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

Date: 2/25/13
By: Robert L. Casselberry Jr.
Name: Robert L. Casselberry Jr.
Title: Remediation Leader

APPROVED, by Commonwealth of Pennsylvania, Department of Environmental Protection

Date: 3/7/13
By: Stephan Sinding
Name: Stephan Sinding
Title: ECB Manager

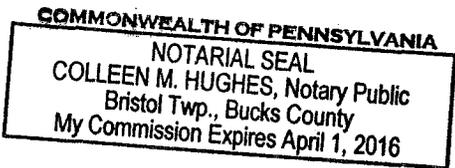
COMMONWEALTH OF PENNSYLVANIA

COUNTY OF BUCKS

On this 25 day of February, ²⁰¹³~~2012~~, before me, the undersigned officer, personally appeared Robert Casselberry (Owner, Grantor, Grantee) 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.

Colleen M. Hughes
Notary Public



Property Owner: Rohm and Haas Company

Property Address: River Road

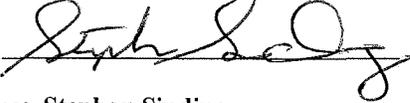
Bristol Township

Bucks County

APPROVED, by Commonwealth of Pennsylvania,

Department of Environmental Protection

Date: 3/7/13

By: 

Name: Stephan Sinding

Title: Environmental Cleanup & Brownfields Program Manager

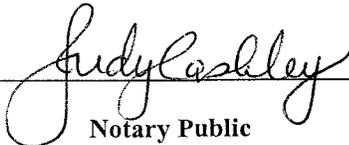
PA DEP - Southeast Regional Office

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF MONTGOMERY

On this 7th day of March, 2013, before me, the undersigned officer, personally appeared Stephan Sinding, who acknowledged himself to be the Environmental Cleanup & Brownfields Manager of the Commonwealth of Pennsylvania, Department of Environmental Protection, Southeast 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.


Notary Public

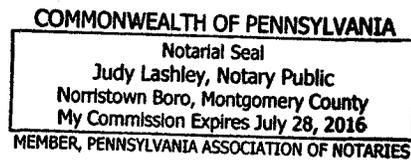
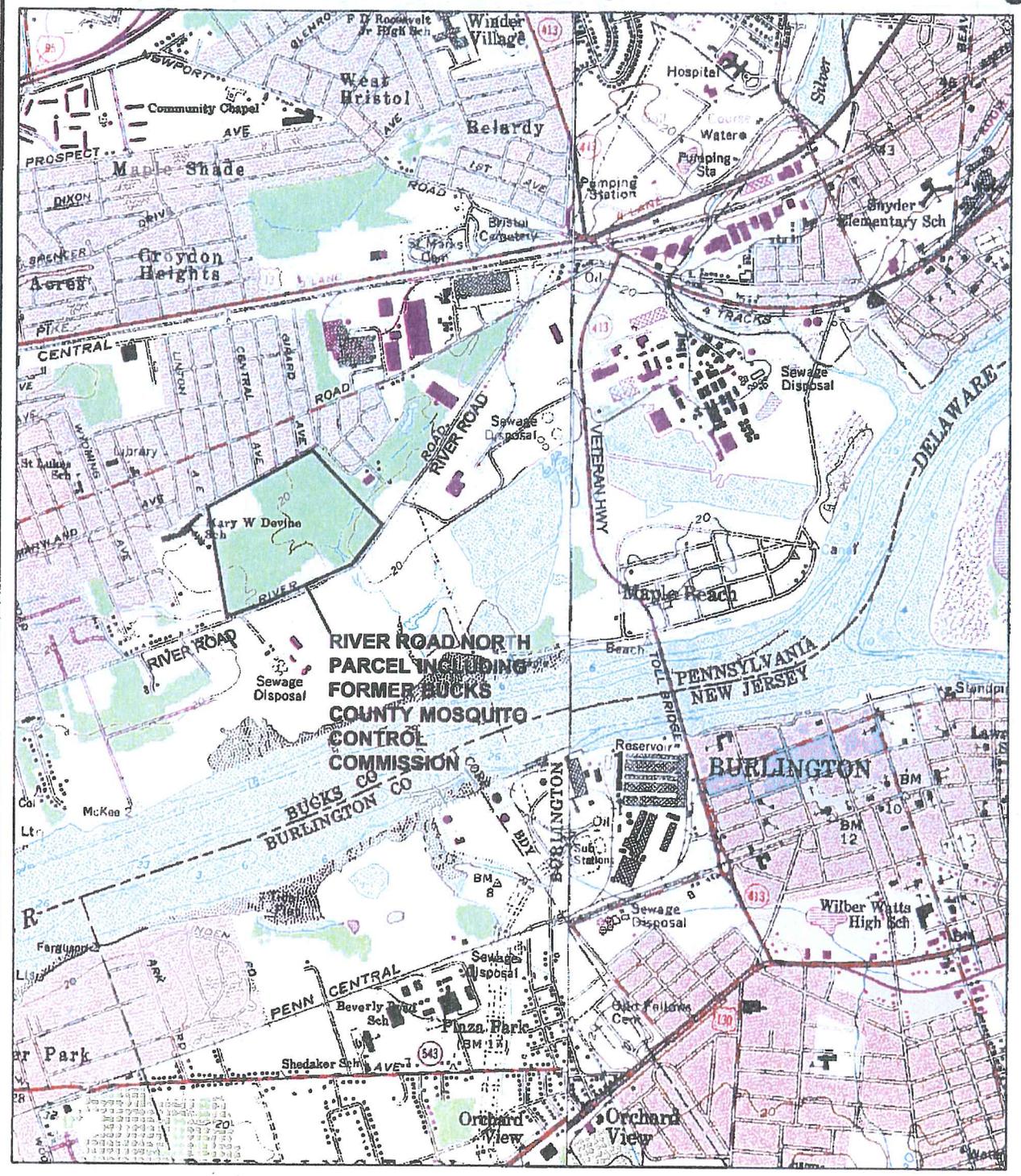


Exhibit A
Legal Description of the Property

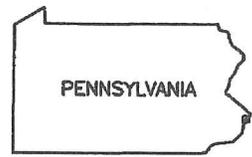
Exhibit A – Legal Description of the Property

All that certain lot, tract, and parcel of land lying and being in the Township of Bristol, County of Bucks, Commonwealth of Pennsylvania known as Tax Map Parcel No. 05-053-052, as recorded with the Register of Deeds, Bucks County, 55 East Court Street, Doylestown, PA 18901.

Exhibit B
Maps of the Property



Drawing Location & Name: S:\Projects\Private-Sector\RoHM\HaaS\1.5 Bristol\41568769_RiverRoad\WNU\CAD\Fig 1 Site Plan-MSP.dwg



QUADRANGLE LOCATION

SCALE: 1 INCH=2000 FEET



MAP SOURCE
 BRISTOL, PA-NJ. QUADRANGLE, U.S. GEOLOGICAL SURVEY, 1955
 PHOTOREVISED, 1981
 BEVERLY, N.J.-PA QUADRANGLE, U.S. GEOLOGICAL SURVEY, 1966 PHOTOREVISED 1973

Job: 41568769.00005
 Prepared by: SMR
 Checked by: MSP
 Date: 06/20/12

REGIONAL LOCATION MAP
 ROHM AND HAAS CHEMICALS LLC, RIVER ROAD PARCEL
 BRISTOL TOWNSHIP
 BUCKS COUNTY, PENNSYLVANIA

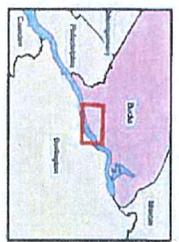
FIGURE 1



Legend

- Site Location
- National Hydrography Dataset Flowline
- BCMCC Excavation Footprint (Area of Requested Act 2 Release of Liability)

Notes:
 West Branch Hog Run Creek has been added from the MHD Flowline Data.
 According to the Berks County Tax Mapping Department, Parcel data for 2008 was updated from the MHD Flowline Data. Changes have been manually added to show the change.



MAD 2008 StatePlane Pennsylvania Lambert Conformal State Plane
 1000 National Hydrography Dataset provided by U.S. Geological Survey in 2008
 2008 Tax Map Data from Berks County
 2008 Parcel Data from Berks County
 2008 Parcel Data from Berks County
 2008 Parcel Data from Berks County



URS

Figure 2
Overview Map

River Road North Parcel
 Berks and Lehigh Counties, PA

Prepared By: PU	Checked By: JLP
Job #: 4100000000	Date: 12/12/12

BUCKS COUNTY RECORDER OF DEEDS

55 East Court Street
Doylestown, Pennsylvania 18901
(215) 348-6209

Instrument Number - 2013023991

Recorded On 3/21/2013 At 2:04:57 PM

* Total Pages - 13

* Instrument Type - DEED AGREEMENT - NO PROPERTY TRANSFER

Invoice Number - 577809

User - TLF

* Grantor - ROHM & HAAS CO

*

* Customer - ROHM & HAAS

* FEES

RECORDING FEES \$84.00

TOTAL PAID \$84.00

Bucks County UPI Certification
On March 21, 2013 By SEC

This is a certification page

DO NOT DETACH

This page is now part
of this legal document.

RETURN DOCUMENT TO:
ROHM & HAAS

I hereby CERTIFY that this document is
recorded in the Recorder of Deeds Office
of Bucks County, Pennsylvania.



Joseph J. Szafran, Jr.
Recorder of Deeds

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

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