

LAND USE COVENANT

This is an environmental covenant executed pursuant to the Voluntary Remediation and Redevelopment Act, W. Va. Code § 22-22, and the Uniform Environmental Covenants Act, W. Va. Code § 22-22B, to restrict the activities on, and uses of, the following described property:

Street Address: 1303 First Avenue South
City: Nitro
County: Kanawha County
Tax District (as applicable): 25 and 28
Tax Map: 27 and 28
Tax Parcel(s): 26, 29, 27, 44.1 and 28
Deed Book(s): 2159, 2159, 1480, 1542, 1480
Page No(s): 315, 315, 648, 445, 665

DEED 3047 529
Recorded In Above Book and Page
10/16/2019 12:42:10 PM
Vera J. McCormick
County Clerk
Kanawha County, WV
Deed Tax 0.00
Recording Fee 20.00
TOTAL 20.00

A map is attached as **Exhibit A** indicating the area to which specific activity and use limitations apply. The areas include the following tax parcels as illustrated in the site survey in **Exhibit A** with a legal description for each parcel provided in **Exhibit B**:

Tax Parcel 1- (Parcel 26, ID 25 28002600000000) Deed Book 2159, Page 315 (0.502 Acres)
Tax Parcel 2- (Parcel 29, ID 25 28002900000000)- Deed Book 2159, Page 315 (0.622 Acres)
Tax Parcel 3- (Parcel 27, ID 25 28002700000000)- Deed Book 1480, Page 648 (0.254 Acres)
Tax Parcel 4- (Parcel 44.1 ID 25 27004400010000)- Deed Book 1542, Page 445 (118.19 Acres)
Tax Parcel 6- (Parcel 28, ID 25 28002800000000)- Deed Book 1480, Page 665 (0.807 Acres)

The subject property has been remediated in accordance with the Voluntary Remediation and Redevelopment Act, W. Va. Code § 22-22. Non-residential exposure assumptions were used to comply with the site-specific remediation standard. Contaminants of concern that exceed de minimis residential standards by media are as follows:

Compound	Soil COC	Groundwater COC
Metals		
Arsenic		X
Iron		X
Manganese		X
Vanadium		X
VOCs		
1,1,2-Trichloroethane	X	X
1,2-Dichloropropane	X	X
1,2-Dichloroethane	X	
1,4-Dioxane		X
Benzene	X	X
Chlorobenzene	X	X
cis-1,2-Dichloroethene	X	X
Chloroform	X	X

Naphthalene	X	X
Tetrachloroethene	X	
Trichloroethene	X	X
Vinyl Chloride	X	X
SVOCs		
Benzo(a)anthracene		X
Benzo(a)pyrene		X
Benzo(b)fluoranthene		X
Benzo(k)fluoranthene		X
Bis(2-chloroethyl) ether		X
Bis(2-ethylhexyl) phthalate	X	
Dibenz(a,h)anthracene		X
Hexachlorobutadiene		X
Indeno(1,2,3-cd)pyrene		X
PCBs		
Aroclor 1260		X

The following activities on and uses of the above described property may result in excessive human exposure or in the release of a contaminant that was contained as part of the remedial action related to this covenant. Therefore, the following activities on and uses of the real property are prohibited:

1. Use for residential purposes, as defined by W. Va. Code § 22-22-2(bb), including, but not limited to, schools, day care centers, nursing homes, or other residential-style facilities or recreational areas.
2. Use or extraction of groundwater for any purpose, except for groundwater monitoring and/or remediation.
3. Construction of a building without a sub-slab vapor barrier and/or ventilation system adequate to prevent exposure to vapors in soil and groundwater, as determined by a West Virginia Licensed Remediation Specialist or similarly qualified individual. Alternately, the restriction area may be further evaluated by a West Virginia Licensed Remediation Specialist or similarly qualified individual to determine if vapor control is necessary to meet the remediation standard.

The current owner of record of the property, and associated contact information is:

Quality Carriers, Inc.
Attn.: James Rakitsky
1208 East Kennedy Boulevard; Suite 132
Tampa, FL 33602

Any person, including a person that owns an interest in the real property, the state or federal agency determining or approving the environmental response project pursuant to which an

environmental covenant is created, or a municipality or other unit of local government may be a holder of an environmental covenant. The following are all holders of this covenant:

Quality Carriers, Inc.
Current Owner
1208 East Kennedy Boulevard; Suite 132
Tampa, FL 33602

The owner(s) of the property shall provide written notice to the WVDEP within ten (10) days following transfer of a specified interest in the property subject to this covenant, changes in use of the property, or applications for building permits or proposals for any site work affecting the contamination on the property. Any notice regarding transfer of a specified interest in the property subject to this covenant shall include the name, address, and contact information for the new owner.

The owner shall conduct inspections of the property in accordance with the Land Use Covenant Inspection Form provided as **Exhibit C** to monitor compliance with this Land Use Covenant at least once per year and shall submit the signed form to the WVDEP headquarters within thirty (30) days of the inspection.

This covenant relieves the applicant and subsequent successors and assigns from all civil liability to the State as provided under W. Va. Code § 22-22 and shall remain in effect so long as the property complies with the applicable standards in effect at the time this covenant was issued.

This covenant shall not be amended, modified, or terminated except by written instrument executed in accordance with W. Va. Code § 22-22B-10, by and between the owner at the time of the proposed amendment, modification, or termination; the WVDEP; and the holders of this covenant. Within five (5) days of executing an amendment, modification, or termination of this Land Use Covenant, the owner shall record such amendment, modification, or termination with the Clerk of the County Commission, and within five (5) days thereafter, the owner shall provide a true copy of the recorded amendment, modification, or termination to the WVDEP.

The administrative record for the environmental response project reflected in this covenant is maintained at the WVDEP headquarters, and is entitled:

Chemical Leaman-Inst, VRP #11680

The WVDEP is granted full right of access to the property for the purpose of implementation or enforcement of this covenant.

All restrictions and other requirements described in this covenant shall run with the land and shall be binding upon all holders and their grantees, lessees, authorized agents, employees, or persons acting under their direction or control.

[SIGNATURES APPEAR ON THE FOLLOWING PAGES]

IN WITNESS WHEREOF, the following holders have executed this covenant on the dates indicated.

Quality Carriers, Inc.

Printed Name: James A. Rakitsky

Title: V.P. Environmental Services

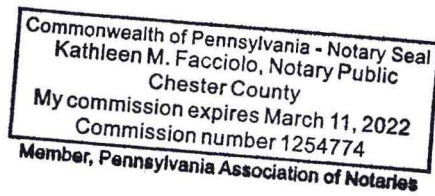
James A. Rakitsky
Signature

8-23-2019
Date

I, Kathleen M. Facciolo, a Notary Public in and for the County of Chester, State of Pennsylvania, do hereby certify that the holder(s) whose name is/names are signed above, this day executed this document in my presence or this day acknowledged same to be true act and deed of said holder(s).

Given under my hand this the 23rd day of August, 20 19.
My commission expires March 11, 2022.

Kathleen M. Facciolo
Notary Public



West Virginia Department of Environmental ProtectionPrinted Name: Robert RiceTitle: Director, Division of Land Restoration
Signature8/29/19
Date

I, Jessica A. Henson, a Notary Public in and for the County of Kanawha, State of West Virginia, do hereby certify that Robert Rice, whose name is signed above as the representative of the agency, this day executed this document in my presence or this day acknowledged same to be true act and deed of said holder(s).

Given under my hand this the 29th day of August, 2019.
My commission expires April 7, 2020.

Jessica A. Henson
Notary Public

The Clerk will return the recorded document to:

Office of Environmental Remediation
West Virginia Department of Environmental Protection
601 57th Street SE
Charleston, WV 25304



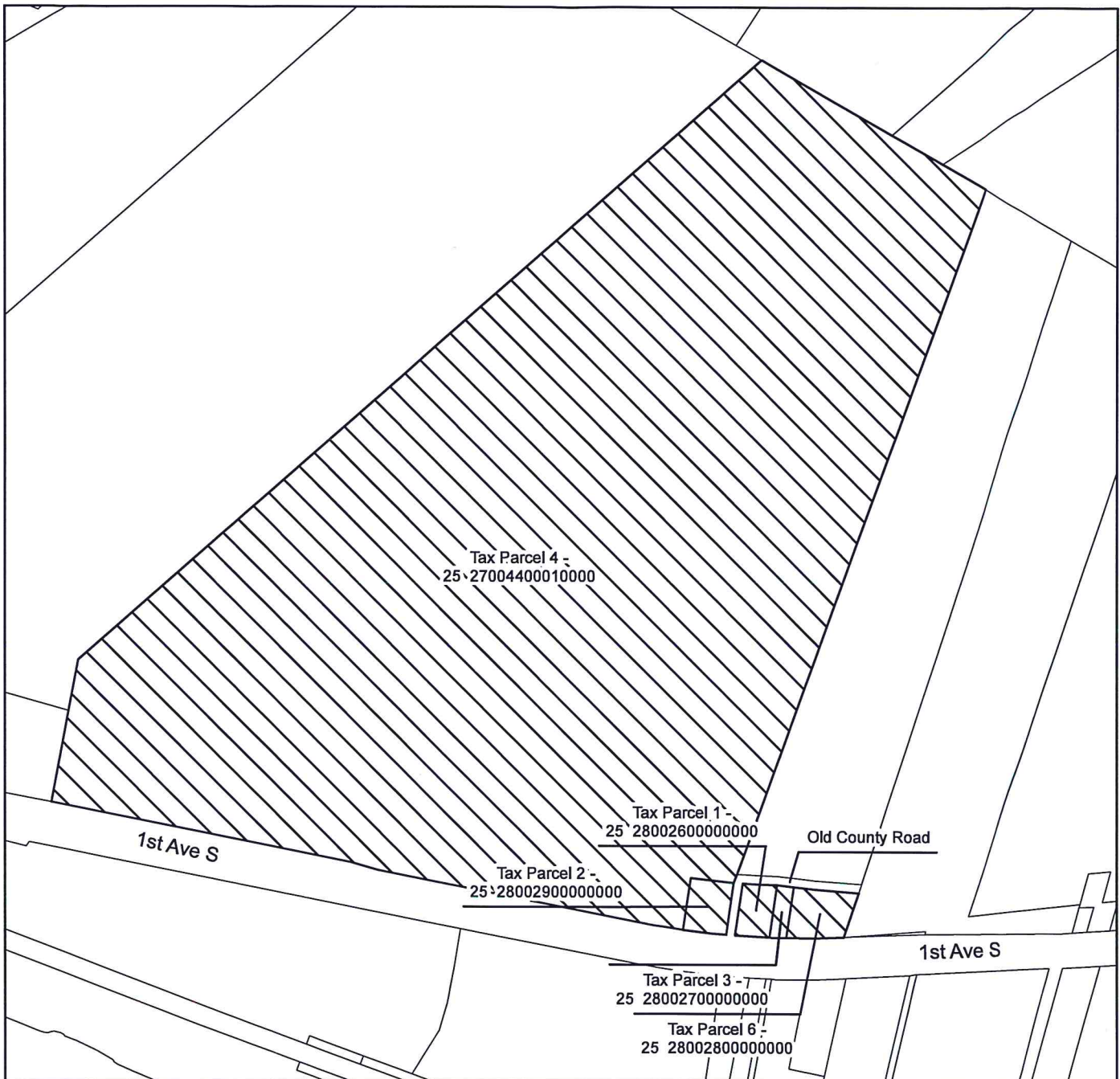


CRESTON
ENVIRONMENTAL



DEED 3047 534

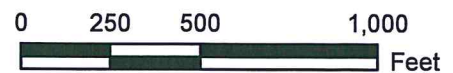
Exhibit A

Site Map Showing Activity and Use Limitations



Legend

-  Property Boundary; VRP Site Boundary; Specific Activity and Use Limitation Boundary
-  Kanawha County Parcel Boundary



1 inch = 500 feet

Quality Distribution, Inc.
Institute, West Virginia

Exhibit A - Site Map Showing Activity and Use Limitations

drawn TAY	checked	approved	Exhibit:
date 04/22/2019	date	date	A

file no. Exhibit_A

initials	date	revision



Map Coordinate System:
NAD 1983 State Plane West Virginia South Zone; NAD27

