

**ENVIRONMENTAL COVENANT**

**GRANTOR:** Concast Metal Products Company

**PROPERTY ADDRESS:** 134 Myoma Road, Mars, Pennsylvania. 16046

**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 United States Environmental Protection Agency (EPA).

1. **Property affected.** The property affected (Property) by this Environmental Covenant is located in Mars, Adams Township, Butler County, Pennsylvania.

The County Parcel Identification No. of the Property is: D.B. 826 Page 437; Tax ID No. 010-4F33-28E

The postal street address of the Property is: 134 Myoma Road, Mars, PA 16046.

The latitude and longitude of the center of the Property affected by this Environmental Covenant is: Latitude 40.7253, Longitude -80.0295.

The Property has been known by the following name(s): Concast Metals Products Company

The EPA Primary Facility ID# is: EPA ID No. PAD000765651

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.** Concast Metal Products Company (Concast) is the owner of the Property and the GRANTOR and GRANTEE of this Environmental Covenant.

3. The mailing address of the owner(s) is: 134 Myoma Road, Mars, PA 16046.

4. **Description of Contamination & Remedy.** From 1986 to 1996, Concast implemented the closure of six (6) solid waste management units (SWMUs) and two (2) underground storage tanks (USTs) at the Property. The Pennsylvania Department of Environmental Protection (PADEP) oversaw and certified the closures of the SWMUs and the USTs as these units were progressively completed from 1986 to 1996.

As part of the closure of the former cooling water impoundment, which was one of the six aforementioned SWMUs, contaminated soils containing elevated heavy metals were excavated and four post-closure monitoring wells were installed to evaluate the groundwater. Data collected from the monitoring wells indicated the presence of low levels of heavy metals below the EPA Maximum Contaminant Levels (MCLs), promulgated pursuant to Section 1412 of the Safe Drinking Water Act, 42 U.S.C. § 300g-1 and codified at 40 C.F.R. Part 141. The

data confirmed that the operation of the former cooling water impoundment did not adversely impact the groundwater. However, boron, which is not directly associated with the former cooling water impoundment, was detected in groundwater at the Property above the EPA Risk Based Concentration (RBC) of 3.3 milligrams per liter (mg/L). Boron was screened against the EPA RBCs because boron does not have an applicable MCL. Boron concentrations were detected as high as 33 mg/L. Boron in groundwater was likely attributable to the past use of borax as a flux in the gas furnace rotary process at the Facility. In 1986, Concast discontinued the use of borax when they upgraded their furnaces. There is no longer a source of boron contamination to groundwater.

In 1996 and subsequent to the closure of the former cooling water impoundment, the four post-closure monitoring wells were decommissioned and were no longer available for sampling to further assess the boron levels in groundwater. In the absence of the post-closure monitoring wells, in 2000, EPA utilized a spatial groundwater sampling program that employed available sample points to assess the extent of boron in groundwater. The locations of the sampling points consisted of upgradient residential wells, two (2) plant wells, the Property inlet and several surface water sampling points along Breakneck Creek, located approximately 600 feet downgradient of the Property and where the groundwater is expected to discharge.

Since 2000, the groundwater and surface water results collected by Concast have indicated that the boron levels in groundwater have not adversely impacted the nearby residential wells and the surrounding environment. Boron levels detected in the offsite residential wells and surface water continue to be below the EPA RBC. The boron levels in groundwater have gradually decreased over the years and have not migrated since they were originally detected. Currently, there is no potential for direct residential human exposure to boron in groundwater.

On July 15, 2013, EPA, Region III issued a Final Remedy to address the boron contamination at the Property. Since the boron groundwater contamination is expected to remain stabilized between the Property and Breakneck Creek and does not pose an adverse impact to human health that the environment, the Final Remedy called for monitored natural attenuation of boron contaminated groundwater at the Property. Concast will continue to monitor the groundwater and surface water in Breakneck Creek as long as the boron contamination levels in the groundwater remain above EPA's Risk Based Concentration of 3.3 milligrams per liter (mg/L).

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:

- a. Groundwater at the Property shall not be used for any potable purpose unless it is demonstrated to EPA that such use will not pose a threat to human health or the environment or adversely affect or interfere with the final remedy and EPA provides prior written approval for such use;

- b. No new wells shall be installed at the Property unless it is demonstrated to EPA that such wells are necessary to implement the Final Remedy and EPA provides prior written approval to Concast to install such wells;
- c. Concast will continue to monitor the groundwater and surface water in Breakneck Creek as long as the boron contamination levels in groundwater are above the EPA Risk Based Concentration of 3.3 mg/L.

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.** Every January following EPA's approval of this Environmental Covenant, the then current owner of the Property shall submit to the EPA written documentation stating whether or not the activity and use limitations in this Environmental Covenant are being abided by. In addition, within one (1) month after any of the following events, the then current owner of the Property shall submit to the EPA and PADEP written documentation describing the following: noncompliance with the activity and use limitations in this Environmental Covenant; transfer of the Property; changes in use of the Property; filing of applications for building permits for the Property and any proposals for any site work, and if the building or proposed site work will affect the contamination on the Property subject to this Environmental Covenant. Reporting shall include written boron groundwater and surface water test results.

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

9. **Recording and Proof and Notification.** Within thirty (30) days after the date of the EPA's approval of this Environmental Covenant, Concast shall file this Environmental Covenant with the Recorder of Deeds for Butler County, and send a file-stamped copy of this Environmental Covenant to EPA within sixty (60) days of recording. Within that time period, Concast also shall send a file-stamped copy to each of the following: Adams Township and Butler County

10. **Termination or Modification.**

(a) This Environmental Covenant is perpetual and runs with the land unless terminated in accordance with 27 Pa. C.S. §§ 6509 or 6510, or in accordance with this Paragraph 10. The then-current owner shall provide EPA and PADEP written notice of the pendency of any foreclosure referred to in 27 Pa. C.S. § 6509(a)(4) within seven (7) calendar days of becoming aware of such pendency.

(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 of Pennsylvania provided that: (1) PADEP 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) EPA and the PADEP determine that termination or modification of this Environmental Covenant will not adversely affect human health or the environment; and (3) EPA and the PADEP provide thirty (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. EPA and the PADEP 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 10 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 EPA and the PADEP.

11. Agencies' address. Communications with EPA and PADEP regarding this Environmental Covenant shall be sent to:

U.S. EPA Region III  
1650 Arch Street  
Mail Code: 3LC30  
Philadelphia, PA 19103  
Contact: Mr. Khai Dao  
Phone: 215/814-5467  
Fax: 215/814-3113  
Email: dao.khai@epa.gov

And

Pennsylvania Department of Environmental Protection  
Southwest Regional Office  
400 Waterfront Drive  
Pittsburgh, PA 15222  
Contact: Dave Eberle  
Phone: 412/442-4000  
Email: deberle@pa.gov

12. **Severability.** The paragraphs of this Environmental Covenant shall be severable and should any part hereof be declared invalid or unenforceable, the remainder shall continue in full force and effect between the parties.

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

Concast Metal Products Company, Grantor and Grantee

Date: 9/27/2013 By: Alfred D. Barbour  
Name: Alfred D. Barbour  
Title: President

COMMONWEALTH OF PENNSYLVANIA )  
COUNTY OF Butler ) SS:

On this 27<sup>th</sup> day of September, 2013, before me, the undersigned officer, personally appeared Alfred D. Barbour [Owner, Grantor] who acknowledged himself/herself to be the person whose name is subscribed to this Environmental Covenant, and acknowledged that s/he executed same for the purposes therein contained.

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

Thomas Zadan

Notary Public

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
Thomas Zadan, Notary Public  
Adams Twp, Butler County  
My commission expires May 26, 2014

APPROVED by the United States Environmental Protection Agency, Region III

Date: 9.30.13

By: [Signature]  
Name: John A. Armstead  
Title: Director, Land and Chemicals Division

COMMONWEALTH OF PENNSYLVANIA )  
 )  
COUNTY OF PHILADELPHIA ) SS:

On this 30 day of September, 2013, before me, the undersigned officer, personally appeared John A. Armstead, who acknowledged himself to be the Director, Land and Chemicals Division of the United States Environmental Protection Agency, Region III, 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.

[Signature]  
Notary Public

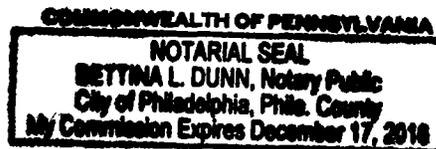
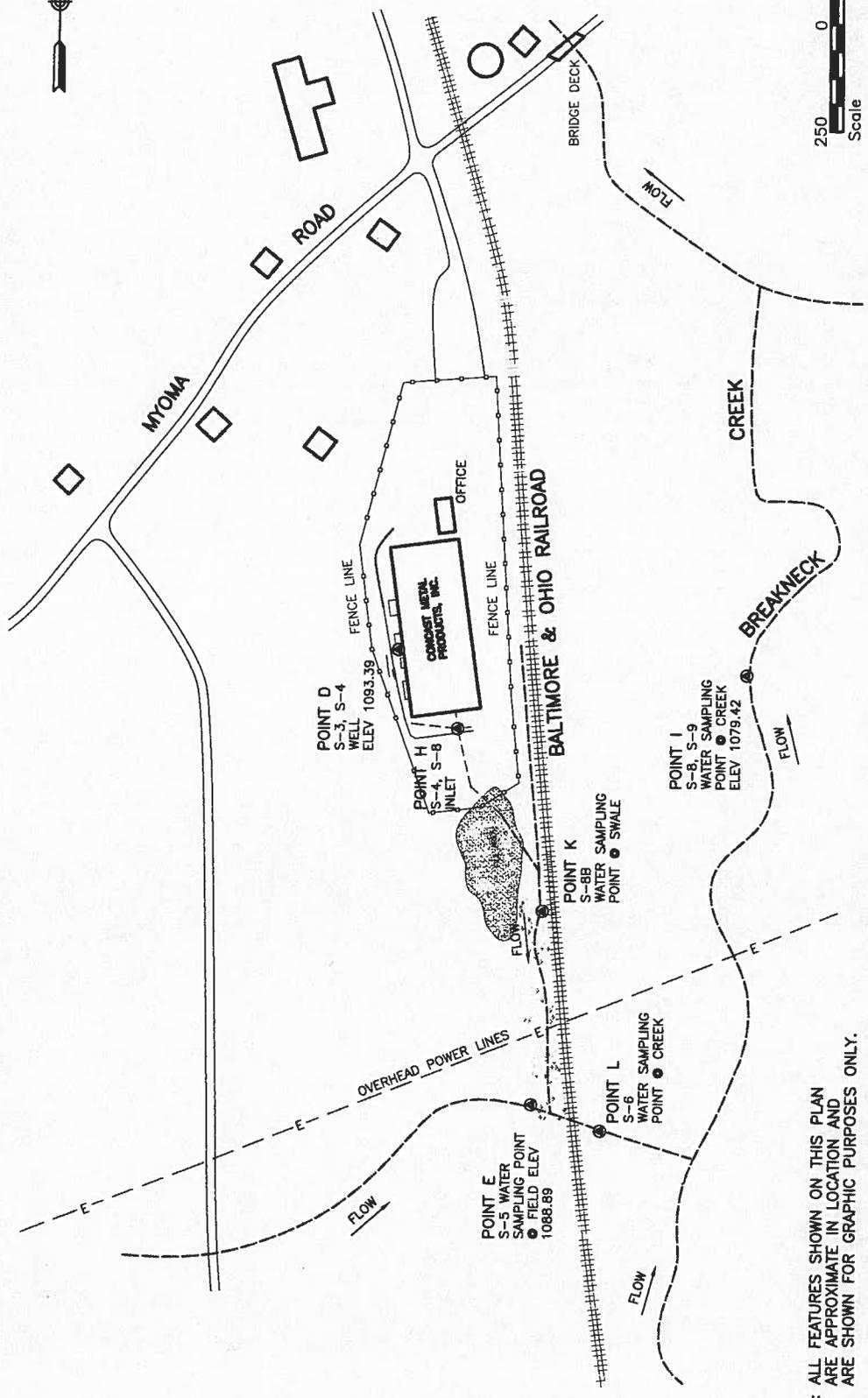


EXHIBIT "A"  
GENERAL LEGAL DESCRIPTION

ALL that certain parcel of land situate in Adams Township, Butler County, Pennsylvania, bounded and described as follows:

*d.j.f.*  
*11-18-69* BEGINNING on the center line of Forsythe Road at a point South 35° 27' East 178.1 feet from the center line of the ~~\_\_\_\_\_~~ ~~\_\_\_\_\_~~, Legislative Route 10007, at the line of land now or late of George A. Lee; thence by said line for the following three courses and distances: North 59° 50' East 254.9 feet, South 86° 33' East 326.1 feet, and North 9° 51' West 584.2 feet to a point on the line of land now or late of George H. Bender; thence by said line of land of Bender South 82° 33' East 310.6 feet to a point on the westerly line of the right-of-way of the Baltimore and Ohio Railroad Company; thence along said right-of-way line for the following four courses and distances: South 9° 29' East 148.8 feet, South 4° 57' East 185.0 feet, South 3° 42' East 145.3 feet, and South 3° 34' East 1677.0 feet to a point on the line of land now or late of Charles W. Werner; thence along said line of land of Werner North 88° 00' West 871.1 feet to a point at the center line of Forsythe Road; thence along said center line for the following five courses and distances: North 3° 18' East 439.1 feet, North 3° 38' East 602.0 feet, North 5° 45' East 189.5 feet, North 7° 32' West 100.6 feet, and North 35° 45' West 182.7 feet to the place of the beginning.

CONTAINING 32.465 acres more or less.



NOTE: ALL FEATURES SHOWN ON THIS PLAN ARE APPROXIMATE IN LOCATION AND ARE SHOWN FOR GRAPHIC PURPOSES ONLY.

REV.	REVISION DESCRIPTION	DATE	BY	CHKD	APPR
3					
2					
1					

DRAWN		CHECKED		APPROVED		DATE	
BJE		RDS		HCP		06/04/09	

CLIENT	PROJECT	ISSUE DATE	REV. #
ROESSING BRONZE/CONCAST METALS CO.	CURRENT BORON WATER SAMPLING POINTS	07/30/13	0

SHEET TITLE	SCALE	DWG #	DATE	REV. #
EXHIBIT "B"	1"=250'		06/04/09	0

PEDERSEN & PEDERSEN	
Civil and Environmental Engineering/Surveying	
441 Main-Valencia Road, Suite 200 Valencia, PA 17059 724-988-8300 FAX 724-925-1329	

REVISIONS	
REV.	DESCRIPTION

SHEET 1 OF 1