

# ENVIRONMENTAL COVENANT

**SITE NAME:** Former Kop-Flex, Inc. Property  
**OWNER:** Harmans Road Associates, LLC  
**GRANTEE:** EMERSUB 16, LLC  
**PROPERTY ADDRESS:** 7555 Harmans Road, Hanover, Maryland 21076

LR - Covenant  
Recording Fee 20.00  
Declarant Name:  
Harmans Road  
Associates LLC  
Ref:  
LR - Covenant  
Surcharge 40.00  
=====  
SubTotal: 60.00  
=====  
Total: 115.00  
02/22/2019 12:06

This Environmental Covenant is executed this 28<sup>th</sup> day of November, 2018 pursuant to the provisions of Subtitle 8, Title 1 of the Environment Article, Ann. Code of Md. This Environmental Covenant subjects the Property identified in Paragraph 1 to the activity and/or use limitations in this document. This Environmental Covenant has been approved by the Maryland Department of the Environment ("Department") and the United States Environmental Protection Agency ("EPA").

1. **Property Affected.** The property affected ("Property") by this Environmental Covenant is located in the municipality of Hanover, Anne Arundel County, Maryland.

The postal street address of the Property is: 7555 Harmans Road, Hanover, Maryland 21076.  
The County Land Records Deed Reference: February 24, 2016 in Book 29310 page 398 of the Anne Arundel County Land Records.

Tax Account Identification Number 04-000-04540205

The latitude and longitude of the center of the Property affected by this Environmental Covenant is: 39.15N/-76.70W

The Tax Parcel Information for the Property is: Map 0014, Grid 0005, Parcel #0555. Fee 115.00

REV-Check-BOA 115.00

#11693548-5 02/22/2019 12:06 CC02-BD

#11693548 CC0501 - Anne Arundel County/CC05.01.08 -

The Property has been known in the past by the following names:  
• Koppers, Kop-Flex, Emerson, Emerson Electric Co., and 7565 Harmans Road, Hanover, Maryland 21076

A complete metes and bounds description of the Property is attached to this Environmental Covenant as Exhibit A. A map of the Property including Property boundaries is attached to this Environmental Covenant as Exhibit B.

2. **Property Owner/Grantor.** Harmans Road Associates, LLC is the owner ("Owner") of the Property. The mailing address of the Owner is: 1055 Thomas Jefferson Street, NW, Suite 600, Washington, DC 20007, Attn: Messrs. T. Christopher Roth and David Neuman.
3. **Holder/Grantee** EMERSUB 16, LLC is the Grantee. The mailing address of the Grantee is: 8000 West Florissant Avenue, St. Louis, MO 63136, Attn: Steve Clarke. For the purpose of this Environmental Covenant, the Owner and the Department shall also be Holders.
4. **Regulatory Program(s) Issuing Determination.** The following regulatory programs within the Department and EPA are responsible for having issued a determination requiring the use of this Environmental Covenant:

Voluntary Cleanup Program (the Department)

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- Controlled Hazardous Substance Enforcement Program (the Department)
- EPA Region III Corrective Action Program under the Resource Conservation and Recovery Act (RCRA) (EPA)

5. **Activity & Use Limitations.** The Property is subject to the following activity and use limitations, which the Owner and each subsequent owner of the Property shall abide by:

- a. **Soil Management:** All earth moving activities, including excavation, drilling, and construction activities conducted within certain portions of the Property known as Area of Concern One (AOC-1) and designated as such on Exhibit B, shall be conducted in compliance with Facility-specific health and safety protocols and the Soil Management Plan included as Exhibit C. Also, the original facility concrete building slab located within AOC-1, approximately 4 inches below the concrete slab of the new south warehouse building constructed in 2016, as depicted in Exhibit C, shall remain in place as a cap over areas of residual soil contamination.
- b. **Venting Systems:** Passive vapor venting systems (“venting systems”) were installed in the north and south warehouse buildings, which were constructed in 2016 above the contaminated groundwater plume in the surficial aquifer. The integrity of the venting systems and concrete slab atop AOC-1 shall be assessed and maintained as described in the Site Maintenance Plan. The Site Maintenance Plan is included as Exhibit D. A vapor intrusion control system, the design of which has been approved as part of the October 2, 2015 Response Action Plan (RAP) and all amendments, shall be installed in each new structure constructed above the contaminated groundwater plume or within 100-feet around the perimeter of the contaminated groundwater plume, unless it is demonstrated to EPA and the Department that vapor intrusion does not pose a threat to human health and EPA and the Department provide written approval that no vapor intrusion control system is needed. Moreover, in the event that construction of any additional habitable onsite structure with an enclosed ground floor is planned on any area of the Property outside the 100-foot perimeter mentioned above, the then-current owner must conduct a study demonstrating whether vapor intrusion is a concern for the proposed structure and submit the results to the EPA and the Department for review and approval at least 60 days before construction. EPA and the Department will review the results within 30 days of receipt. In the event that the Department determines that vapor intrusion is a concern, an Environmental Management Plan that provides the details of an engineered vapor venting or mitigation system to be installed must be submitted to the Department for review and approval prior to occupancy.
- c. **Groundwater Use Restriction:** Groundwater at the Property shall not be used for any purpose, including, but not limited to, use as a potable water source, other than to conduct the maintenance, sampling and monitoring activities required by the EPA Administrative Order on Consent, Docket No RCRA-03-2016-0170 CA, and October 2, 2015 RAP and all amendments. At least 30 days prior to installation of any proposed well on the Property, a work plan that includes the proposed well location, depth and

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purpose of the well, must be submitted to the Department and EPA for review and approval.

- d. **Property Use Restriction:** The Property shall not be used for residential or recreational purposes. Residential purposes include single and multi-family dwellings, hospitals and health care facilities, education facilities, day care facilities, playgrounds and other recreational areas. Recreational purposes include planned use of the property that allows exposure and access by all populations for recreational uses. Recreational purposes include, but are not limited to, playgrounds, day care facilities, schools, golf courses, and picnic areas, outdoor aquatic facilities, athletic facilities, dog parks, and limited access parks. An open space public recreational use area is defined as any area where access and use is restricted by a combination of: (a) covenants or other legal restrictions that prohibit the use of the property where such use may impair the flora and fauna in the open space; and (b) physical environmental barriers impede the use of the open space, including but not limited to swamps, marshes, dense vegetation, and areas with steep inclines that limit the use of open space. The allowed commercial or industrial uses of the Property do not include day care facilities.
- e. **Groundwater Treatment System and Monitoring:** EMERSUB 16, LLC shall operate and maintain the groundwater extraction and treatment system until shutdown is approved by both the Department and EPA in writing. Groundwater monitoring shall be conducted per the October 2, 2015 RAP and all amendments until discontinuance is approved by both the Department and EPA in writing.
- f. **Future Property Access:** As per the Section 7.7 of the October 2, 2015 RAP and all amendments, the Owner and each subsequent owner of the Property shall allow access to the Property for the performance of operation, maintenance and monitoring (“OM&M”) activities on the groundwater extraction and treatment system during the operational period of that system. The OM&M activities will include the collection of water level and water quality data from wells included in the monitoring program in the October 2, 2015 RAP and all amendments.
- g. **Future Construction:** At least 30 days prior to redevelopment of the Property, the then-current Property owner shall submit an Environmental Management Plan (EMP) to the Controlled Hazardous Substances (“CHS”) Enforcement Program for review and approval. The EMP should describe how the construction activities and final development will maintain compliance with the activity and use limitations set forth in this Environmental Covenant.
- h. **Excavation Encountering Groundwater:** When conducting any excavation activities on any portion of the Property extending to the groundwater table, the then-current Property owner shall implement the requirements of a site-specific health and safety plan to ensure that worker protection measures are met.

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The encountered ground water shall be containerized during all dewatering activities at the Property and shall be analyzed. The analytical results shall be the basis for appropriate disposition of the ground water in accordance with applicable local, State and federal laws and regulations.

6. **Notice of Limitations in Future Conveyances.** This Environmental Covenant runs with the land and shall be binding on successors in interest. Each instrument hereafter conveying any interest in the Property 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. The then-current owner shall notify the Department in writing at least 30 days prior to any transfer of the Property or of any portion of the Property.
7. **Access by the Department and EPA.** In addition to any rights already possessed by the Department or EPA, this Environmental Covenant grants to the Department and EPA a right of access to the Property to implement or enforce this Environmental Covenant.
8. **Recordation & Filing with Registry.** The Owner shall record this Environmental Covenant in the Land Records of Anne Arundel County within 30 days of the latter of the Department and EPA's approval of this Environmental Covenant and Grantor's execution of this Environmental Covenant and shall send proof of the recording to the Department and EPA within 30 days of recordation. This Environmental Covenant shall be filed as soon as possible after execution in the Registry of Environmental Covenants maintained by the Department. This Environmental Covenant may be found electronically on the Department's website at:  
  
[www.mde.maryland.gov/programs/land/marylandbrownfieldvcp/pages/programs/landprograms/errp\\_brownfields/ueca.aspx](http://www.mde.maryland.gov/programs/land/marylandbrownfieldvcp/pages/programs/landprograms/errp_brownfields/ueca.aspx)
9. **Termination or Modification.** This Environmental Covenant runs with the land unless terminated or modified in accordance with § 1-808 or 1-809 of the Environment Article, Ann. Code of Md. (2013 Repl. Vol.). The then-current owner agrees to provide to the Department and EPA with written notice of the pendency of any proceeding that could lead to a foreclosure referred to in § 1-808 (a)(4) of the Environmental Article, Ann. Code of Md. (2015 Repl. Vol.), within seven calendar days of the owner's becoming aware of the pendency of such proceeding.
10. **Department's Address.** Communications with the Department regarding this Environmental Covenant shall be sent to: Registry of Environmental Covenants, Maryland Department of the Environment, Land Management Administration, Land Restoration Program, 1800 Washington Blvd., Baltimore, MD 21230.
11. **EPA's Address.** Communications with the EPA regarding this Environmental Covenant shall be sent to: Office of Remediation (3LC20), Land and Chemicals Division, U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia, PA 19103

*Environmental Covenant**Property Address: 7555 Harmans Road, Hanover, MD 21076**Deed Reference: Minor Subdivision Plat of Lot 3, Koppers Property**Tax Account Identification Number: 04-000-04540205*

12. **Administrative Record**. The Administrative Record pertaining to the remedy selected for the Property by EPA in the Final Decision and Response to Comments ("FDRTC") is located at the United States Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103. The Administrative Record pertaining to the remedy set forth in the October 2, 2015 RAP, all amendments, and any activities supervised by the Department is maintained by the Department at 1800 Washington Blvd., Suite 625, Baltimore, MD 21230.
13. **Enforcement**. This Environmental Covenant shall be enforced in accordance with § 1-810 of the Environmental Article, Ann. Code of Md. (2014 Repl. Vol.). Each and all of the Holders shall have the right to rectify and/or remedy any breaches of violations of the activity and use limitations set forth in Paragraph 5 above in accordance with applicable laws.
14. **Compliance Reporting**. Within 21 days after written request by the Department or EPA, the then-current owner of the Property shall submit to the Department, EPA and EMERSUB 16, LLC, written documentation stating whether or not the activity and use limitations set forth in Paragraph 5 of the Environmental Covenant are being abided by. In addition, within 21 days after any of the following events: a) transfer of title of the Property or of any part of the Property affected by the Environmental Covenant, b) noncompliance with Paragraph 5, or c) an application for a permit or other approval for any building or site work that could affect contamination on any part of the Property, the then-current owner will send a report to the Department, EPA and EMERSUB 16, LLC. The report will state whether there is compliance with Paragraph 5. If there is noncompliance, the report will state the actions that will be taken to assure compliance. The Owner and each subsequent owner of all or any portion of the Property shall promptly provide information to Holder/Grantee sufficient to enable Holder/Grantee to fulfill the foregoing obligations.
15. **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.
16. **Subordination**: Owner represents and warrants that other than U.S. Bank National Association, a national banking association ("Lender"), there are no parties who hold a deed of trust, mortgage or other lien affecting all or any portion of the Property. Owner covenants and agrees to cause Lender to execute and deliver, on or prior to the date hereof, the consent of Mortgagee attached as Exhibit E.

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IN WITNESS WHEREOF, the parties hereto have caused this Environmental Covenant to be executed and delivered as of the day and year first above written.

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

ATTEST:

Date: October 31, 2018

HARMANS ROAD ASSOCIATES, LLC, a Delaware limited liability company

By: PEPF HARMANS ROAD REIT, LLC, a Delaware limited liability company, its member

By: PRINCIPAL ENHANCED PROPERTY FUND, L.P., a Delaware limited partnership, its manager

By: PRINCIPAL ENHANCED PROPERTY FUND, GP, LLC, a Delaware limited liability company, its general partner

By: PRINCIPAL REAL ESTATE INVESTORS, LLC, a Delaware limited liability company, its sole member

By *Nathan G. Adams*  
Name: **Nathan G. Adams**  
Title: **Investment Director  
Asset Management**

By \_\_\_\_\_  
Name:  
Title:

TC HARMANS ROAD, LLC, a Delaware limited liability company

By: TC MIDATLANTIC DEVELOPMENT V, INC., its sole member

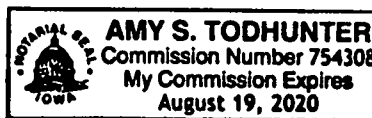
By *David Newman*  
Name: **David Newman**  
Title: **Vice President**

STATE OF IOWA )

COUNTY OF POLK )

On this 31 day of October, 2018, before me, the undersigned, a Notary Public in and for the said State, personally appeared *Nathan G. Adams* and \_\_\_\_\_, to me personally known to be the identical persons whose names are subscribed to the foregoing instrument, who being by me duly sworn, did say that they are the *Investment Director - AM* and \_\_\_\_\_, respectively, of PRINCIPAL REAL ESTATE INVESTORS, LLC, a Delaware limited liability company, the sole member of PRINCIPAL ENHANCED PROPERTY FUND GP, LLC, a Delaware limited liability company, the general partner of PRINCIPAL ENHANCED PROPERTY FUND, L.P., a Delaware limited liability company, the manager of PEPF HARMANS ROAD REIT, LLC, a Delaware limited liability company, member of HARMANS ROAD ASSOCIATES, LLC, a Delaware limited liability company, and that the instrument was signed on behalf of the company by PRINCIPAL REAL ESTATE INVESTORS, LLC, as sole member of PRINCIPAL ENHANCED PROPERTY FUND, GP, LLC, general partner of PRINCIPAL ENHANCED PROPERTY FUND, L.P., manager of PEPF HARMANS ROAD REIT, LLC, member of HARMANS ROAD ASSOCIATES, LLC; and that the aforesaid individuals each acknowledged the execution of the foregoing instrument to be the voluntary act and deed of PRINCIPAL REAL ESTATE INVESTORS, LLC, as sole member of said company, by it and by them voluntarily executed.

*Amy Stodhunter*  
Notary Public in and for Polk County, Iowa



ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) RPD 32896, p. 0199, MSA\_CE59\_33338. Date available 02/27/2019. Printed 03/01/2019.

ACKNOWLEDGEMENT

STATE OF \_\_\_\_\_ )  
 ) SS.  
COUNTY OF \_\_\_\_\_ )

*District of Columbia*

On this 9<sup>th</sup> day of November, 2018, before me appeared David Newman, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid on the day and year first above written.

*Joan C. Tennant*

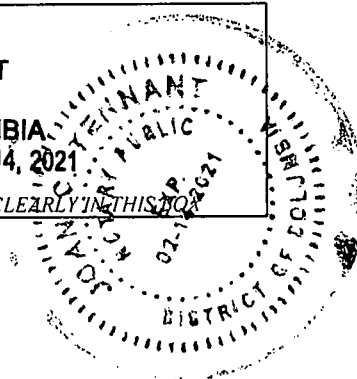
Name (print): Joan C. Tennant

Notary Public in and for said State

My Commission Expires:

JOAN C. TENNANT  
NOTARY PUBLIC  
DISTRICT OF COLUMBIA  
My Commission Expires Feb. 14, 2021

PLEASE AFFIX SEAL FIRMLY AND CLEARLY IN THIS BOX



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Tax Account Identification Number: 04-000-04540205

Date: September 17, 2018

EMERSUB 16 LLC Grantee/Holder

By: Stephen L. Clarke

Name: Stephen L. Clarke

Title: President

STATE OF MISSOURI

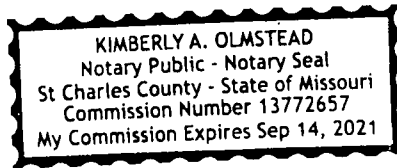
COUNTY OF St. Charles ) SS:

On this 17<sup>th</sup> day of September, 2018 before me, the undersigned, personally appeared Stephen L. Clarke known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he/she executed the same for the purposes therein contained.

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

Kimberly A. Olmstead  
(Name of notary public typewritten or printed)  
Notary Public

My commission expires: 9-14-2021





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Tax Account Identification Number: 04-000-04540205

APPROVED by Maryland Department of the Environment Land and Materials Administration Agency and Holder/Grantee

Date: 11/28, 2018

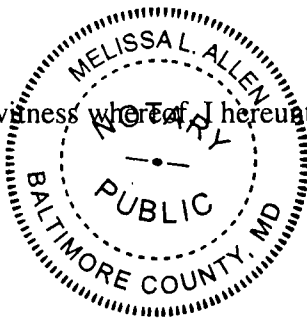
By: [Signature]  
Name: Kolay Lakeke  
Title: Acting Director  
Land and Materials Administration  
Maryland Department of the Environment

STATE OF MARYLAND

COUNTY OF Baltimore ) SS:

On this 28<sup>th</sup> day of November 2018 before me, the undersigned, personally appeared Kolay Lakeke, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he/she executed the same for the purposes therein contained.

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



[Signature]

(Name of notary public typewritten or printed)  
Notary Public Melissa L. Allen

My commission expires: June 17, 2021

ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) RPD 32896, p. 0202, MSA\_CE59\_33338. Date available 02/27/2019. Printed 03/01/2019.

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Approved for form and legal sufficiency

This 27 day of Nov., 2018

  
\_\_\_\_\_  
Signature  
Assistant Attorney General

MATTHEW ZIMMERMAN  
Printed Name  
Assistant Attorney General

Environmental Covenant

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Tax Account Identification Number: 04-000-04540205

APPROVED, by United States Environmental Protection Agency, Region III

Date: 11.20, 2018

By: John A. Armstead  
John A. Armstead  
Director  
Land and Chemicals Division  
United States Environmental Protection Agency  
Region III

COMMONWEALTH OF PENNSYLVANIA

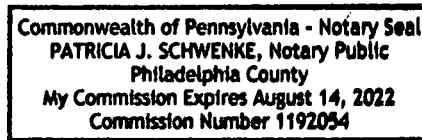
COUNTY OF [*Insert County*] Philadelphia ) SS:

On this 20<sup>th</sup> day of November, 2018, before me, the undersigned, personally appeared John A. Armstead, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

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

Patricia J. Schwenke  
(Name of notary public typewritten or printed)  
Notary Public  
PATRICIA J. SCHWENKE

My commission expires: Aug. 14, 2022



ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) RPD 32896, p. 0204, MSA\_CE59\_33338. Date available 02/27/2019. Printed 03/01/2019.

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**EXHIBIT A**

**Complete Legal Description of the Property**

**Parcel 1:**

Being known and designated as Lot 3, as shown on "Minor Subdivision Plat of Lot 3, Koppers Property", which plat is recorded among the Land Records of Anne Arundel County, Maryland in Liber 3646, Folio 103.

**Parcel 2:**

Beginning for the same at a monument found marking the beginning of the Eleventh or North 84 degrees 38 minutes West 98.81 foot line of the 25.57 acre conveyance from John L. Propst to the New England Mutual Life Insurance Company by deed dated January 16, 1976 recorded among the Land Records of Anne Arundel County, Maryland in Liber 2823, folio 507; thence leaving said point of beginning so fixed and binding along said line and referring the courses of this description to the Maryland State Grid Meridian,

North 84 degrees 52 minutes 33 seconds West 98.81 feet, thence running with and binding along the boundary of the aforesaid 25.27 acre conveyance as now surveyed,

North 27 degrees 35 minutes 27 seconds East 264.20 feet,

South 62 degrees 24 minutes 33 seconds East 417.14 feet,

South 38 degrees 34 minutes 33 seconds East 480.00 feet,

North 89 degrees 45 minutes 27 seconds East 456.00 feet,

South 00 degrees 14 minutes 33 seconds East 870.00 feet,

South 89 degrees 45 minutes 27 seconds West 665.00 feet,

North 37 degrees 12 minutes 34 seconds West 357.97 feet,

North 01 degrees 54 minutes 27 seconds East 226.00 feet,

North 61 degrees 35 minutes 33 seconds West 474.23 feet, and

North 16 degrees 45 minutes 27 seconds East 480.14 feet to the point of beginning.

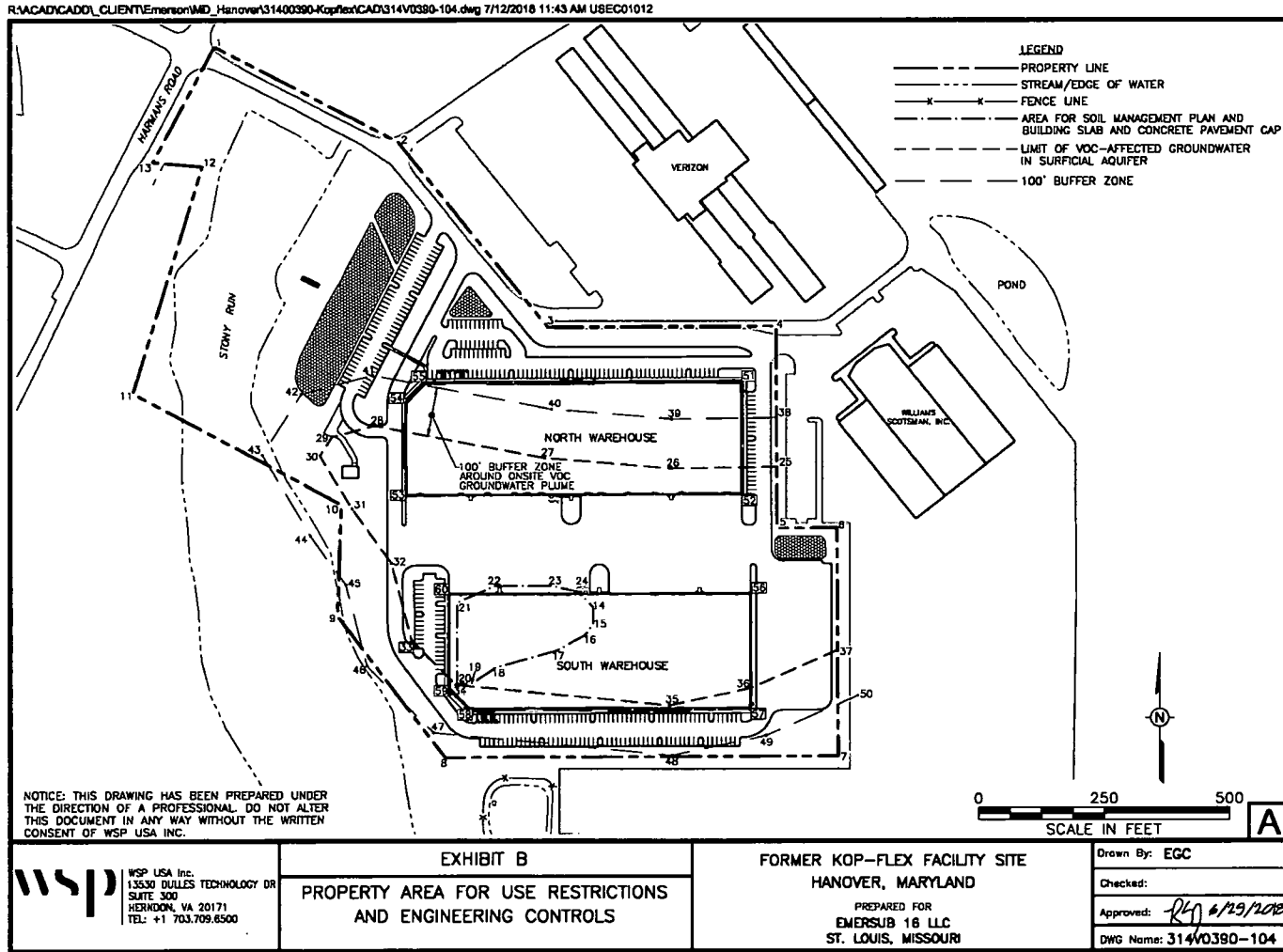
Containing in all 25.271 acres of land, more or less.

The above described parcel of land being also shown as Lot 2 on "Minor Subdivision Plat of Lot 3, Koppers Property", which Plat is recorded among the Land Records of Anne Arundel County, Maryland in Liber 3646, Folio 103.

ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) RPD 32896, p. 0205, MSA\_CE59\_33338. Date available 02/27/2019. Printed 03/01/2019.

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## EXHIBIT B Map of the Property



BOOK: 32896 PAGE: 206

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**EXHIBIT B**

**Location Coordinates for Engineering Controls and Restricted Areas**

<b>Property Boundary</b>				
Point	MD State Plane Coordinates NAD83 (2011)		WGS84 Coordinates	
	Northing	Easting	Latitude	Longitude
1	541419.8510	1396356.4050	39.152932282	-76.703708603
2	541226.6000	1396726.0810	39.152398393	-76.702407242
3	540851.3030	1397025.3340	39.151365299	-76.701356328
4	540853.1710	1397481.3300	39.151366321	-76.699748370
5	540443.1740	1397483.0090	39.150240622	-76.699747205
6	540443.6660	1397603.0080	39.150240889	-76.699324064
7	539983.6700	1397604.8920	39.148977912	-76.699322763
8	539980.4540	1396819.8990	39.148976148	-76.702090755
9	540265.5820	1396603.4620	39.149760929	-76.702850659
10	540491.4560	1396611.0160	39.150381019	-76.702821430
11	540717.1220	1396193.9200	39.151004324	-76.704289599
12	541176.8540	1396332.4180	39.152265326	-76.703795969
13	541185.7130	1396234.0080	39.152290525	-76.704142886
<b>Soil Management Area</b>				
Point	MD State Plane Coordinates NAD83 (2011)		WGS84 Coordinates	
	Northing	Easting	Latitude	Longitude
14	540283.5057	1397116.5508	39.149805542	-76.701041238
15	540251.0948	1397116.5508	39.149716555	-76.701041238
16	540228.0064	1397100.4822	39.149653306	-76.701098537
17	540196.1837	1397042.0828	39.149566458	-76.701304830
18	540162.4408	1396921.6801	39.149474894	-76.701729770
19	540129.9243	1396873.5490	39.149386150	-76.701899860
20	540129.9243	1396843.4920	39.149386150	-76.702004500
21	540293.0806	1396843.4920	39.149834279	-76.702004500
22	540326.4484	1396919.6046	39.149924707	-76.701735201
23	540326.4484	1397032.0621	39.149924707	-76.701338659
24	540315.0261	1397085.0375	39.149892366	-76.701151993
<b>AOC-1 Cap - Building Floor Slab and Concrete Pavement</b>				
Point	MD State Plane Coordinates NAD83 (2011)		WGS84 Coordinates	
	Northing	Easting	Latitude	Longitude
14	540283.5057	1397116.5508	39.149805542	-76.701041238
15	540251.0948	1397116.5508	39.149716555	-76.701041238
16	540228.0064	1397100.4822	39.149653306	-76.701098537
17	540196.1837	1397042.0828	39.149566458	-76.701304830
18	540162.4408	1396921.6801	39.149474894	-76.701729770
19	540129.9243	1396873.5490	39.149386150	-76.701899860
20	540129.9243	1396843.4920	39.149386150	-76.702004500
21	540293.0806	1396843.4920	39.149834279	-76.702004500
22	540326.4484	1396919.6046	39.149924707	-76.701735201
23	540326.4484	1397032.0621	39.149924707	-76.701338659
24	540315.0261	1397085.0375	39.149892366	-76.701151993

ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) RPD 32896, p. 0207, MSA\_CE59\_33338. Date available 02/27/2019. Printed 03/01/2019.

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<b>Area of Affected Groundwater</b>				
Point	MD State Plane Coordinates NAD83 (2011)		WGS84 Coordinates	
	Northing	Easting	Latitude	Longitude
25	540567.6227	1397482.4994	39.150582313	-76.699747560
26	540564.7327	1397269.6777	39.150576298	-76.700498036
27	540585.6753	1397019.1628	39.150636050	-76.701381152
28	540651.5302	1396677.7622	39.150819920	-76.702584234
29	540628.6742	1396592.5954	39.150757928	-76.702884810
30	540590.7783	1396568.5927	39.150654096	-76.702969881
31	540483.3489	1396632.2521	39.150358571	-76.702746641
32	540372.6464	1396711.9553	39.150053913	-76.702466868
33	540217.3505	1396752.1987	39.149627176	-76.702326748
34	540127.2227	1396841.8304	39.149378916	-76.702011736
35	540085.9889	1397267.7181	39.149261881	-76.700510485
36	540120.7582	1397429.8285	39.149355881	-76.699938462
37	540197.1147	1397604.0178	39.149563952	-76.699323366
<b>100-foot Buffer Around Affected Groundwater</b>				
Point	MD State Plane Coordinates NAD83 (2011)		WGS84 Coordinates	
	Northing	Easting	Latitude	Longitude
38	540667.6135	1397481.1415	39.150856859	-76.699751185
39	540664.7894	1397273.1724	39.150850979	-76.700484558
40	540684.8809	1397032.8377	39.150908305	-76.701331787
41	540754.0825	1396674.0875	39.151101521	-76.702596011
42	540715.1437	1396528.9927	39.150995907	-76.703108091
43	540592.5182	1396451.3232	39.150659920	-76.703383375
44	540428.5363	1396548.4939	39.150208825	-76.703042614
45	540329.4231	1396619.8530	39.149936064	-76.702792129
46	540166.0426	1396662.1915	39.149487111	-76.702644713
47	540031.1603	1396796.3314	39.149115577	-76.702173275
48	539984.9594	1397273.5216	39.148984442	-76.700491189
49	540025.1056	1397460.7012	39.149092981	-76.699830713
50	540105.5277	1397644.1653	39.149312129	-76.699182867
<b>North Warehouse Building</b>				
Point	MD State Plane Coordinates NAD83 (2011)		WGS84 Coordinates	
	Northing	Easting	Latitude	Longitude
51	540739.0492	1397411.2880	39.151053621	-76.699996675
52	540512.6132	1397412.6900	39.150431908	-76.699994355
53	540510.2435	1396741.4859	39.150431433	-76.702361156
54	540698.2485	1396741.4281	39.150947618	-76.702359199
55	540736.8156	1396779.7234	39.151053165	-76.702223720
<b>South Warehouse Building</b>				
Point	MD State Plane Coordinates NAD83 (2011)		WGS84 Coordinates	
	Northing	Easting	Latitude	Longitude
56	540311.0575	1397429.4667	39.149878370	-76.699937533
57	540080.4529	1397429.0645	39.149245227	-76.699941623
58	540079.9612	1396867.4225	39.149248928	-76.701922036
59	540118.2853	1396829.0311	39.149354494	-76.702056969
60	540310.5312	1396828.1545	39.149882330	-76.702057846

\*Converted from state plane coordinates using Corpscon6, and NOAA NGS.

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**EXHIBIT C**

**Soil Management Plan**

**SOIL MANAGEMENT PLAN  
FORMER KOP-FLEX FACILITY  
HANOVER MARYLAND**

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**PURPOSE AND SCOPE**

The purpose of this Plan is to outline soil handling, staging and reuse procedures that are required of persons excavating, drilling, or moving soil at 7555 and 7565 Harmans Road in Hanover, Maryland. This Plan shall be followed by all persons performing earthwork or excavating soils at the subject site during future construction or other subsequent excavation activities. A copy of this Plan shall remain on the premises and with the property records.

Based on the previous assessments and remediation activities performed at the subject site during its former use as Kop-flex, low concentrations of VOCs (primarily 1,4-dioxane) remain in the shallow soil (less than 10 feet bgs) underneath the western portion of the south onsite warehouse building. This area is known as AOC 1 and is the only area where shallow soil impacts are known to be present at the site. Therefore, this soil management plan applies to earthwork or excavation activities only within AOC 1. The limits of AOC 1 are provided as Figure A of this plan.

Additional impacted soil may be present at depths greater than 23 feet bgs beneath the northeastern portion of the south warehouse and beneath an adjoining portion of the truck loading area. This area is known as AOC 2. Soil has been extensively evaluated, and impacted soil was excavated to depths of 18 to 23 feet below ground surface in 2013. In the event of extensive excavation planned within AOC-2 at a depth that would encounter impacted soils, an activity specific soil management plan must be submitted to and approved by the Maryland Department of the Environment. The location of AOC-2 is shown on Figure A of this plan.

The procedures described in this Plan may be enhanced, as necessary, to address specific features of any future construction activities to ensure that all soil-disturbance activities are conducted in accordance with applicable laws and regulations. The Plan describes the procedures to be implemented as part of any soil excavation activity, including, without limitation:

- Notice to Harmans Road Associates, LLC;
- Notice to Maryland Department of the Environment;
- Worker protection (Health and Safety);
- Procedures for soil excavation and management;
- Characterization sampling of excavated soil;
- Disposal of excavated soil;
- Placement of geotextile along excavated surfaces; and
- Documentation of the soil excavation activities.

The procedures, presented below, are intended to meet the land use requirements for the property set forth by the Land Restoration Program of the Maryland Department of the Environment and be consistent with applicable environmental laws and regulations regarding the disturbance, excavation, handling and disposal of contaminated soils, including the Maryland Department of Environment (MDE) Standards for Disposal of Controlled Hazardous Substances (COMAR 26.13.01.00) and U.S. Occupational Safety and Health Administration



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(OSHA) regulations for Hazardous Waste Operations and Emergency Response (29 CFR 1910.120) (HAZWOPER), the Hazard Communication Standard (29 CFR 1910.1200), and the OSHA Excavation Standard (29 CFR 1926 Subpart P).

NOTIFICATIONS

Before conducting any excavation activities within AOC-1, a Figure shall be prepared identifying the proposed horizontal and vertical limits of soils to be disturbed. The Figure, along with a schedule for the work, shall be provided to Maryland Department of the Environment and Harmans Road Associates, LLC a minimum of two weeks before the start of planned activities.

WORKER SAFETY

Any excavation work conducted within AOC-1 shall be performed in accordance with applicable state and federal regulations concerning worker safety. This shall include, without limitation, the OSHA "excavation" regulation (29 CFR 1926, Subpart P), which requires, among other things, the supervision of a competent person, proper worker training, and appropriate protections to prevent collapse of the excavated area(s). Due to the potential for contact with contaminated soil, a site-specific Health and Safety Plan (HASP) shall be prepared prior to the start of excavation activities. The HASP must account for site-specific contaminants of concern. Workers involved in excavation activities shall be notified of the potential for encountering contaminated soil in and have appropriate training as required by 29 CFR 1910.120, 29 CFR 1910.1200, and 29 CFR 1926 Subpart P.

SOIL EXCAVATION AND MANAGEMENT

All soil excavation activities within AOC-1 shall be conducted in a manner that minimizes (1) the exposure of potentially contaminated soils to precipitation and (2) the flow of contaminated storm water runoff to surrounding areas. To control storm water runoff during excavation activities, erosion and sediment control measures shall be implemented before any soil disturbance is conducted. These controls shall consist of silt fences, hay bales, and/or earthen berms installed and managed to intercept storm water runoff and prevent it from mixing with contaminated soil. Erosion and sediment controls will be inspected weekly, at a minimum, as well as after any measureable precipitation event. Such controls will be maintained in accordance with state and local laws and regulations until the work activity is complete and the area has been paved and/or re-vegetated (i.e., stabilized).

The excavated soils shall be screened with a photoionization detector (PID) using a head space screening method. Two PIDs lamps shall be used, a 10.6 electron volt (eV) lamp along with an 11.7 eV lamp, to allow for segregation of soils containing elevated concentrations of volatile organic compounds (VOCs). 1,1,1-trichloroethane (1,1,1-TCA), a primary constituent of concern, has an ionization potential of 11.0 eV and can only be detected by a PID with an 11.7 eV lamp.

Impacted soil shall be segregated in the field into stockpiles based on PID screening results and other observations (e.g., odors). Soils with similar PID readings shall be staged onsite in

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stockpiles not exceeding 200 cubic yards for characterization. All stockpiles must be underlain by polyethylene sheeting (minimum 6 mil thickness), bermed, and located at least 50 feet away from storm water drainage courses. Storm water in contact with impacted soil that is removed from the excavation(s) or bermed areas surrounding the stockpiled soils shall be pumped to temporary storage vessels. Dust control measures shall be implemented for all stockpiled material; such measures may include, among other things, daily covering of stockpiles with polyethylene sheeting.

CHARACTERIZATION SAMPLING OF SOIL AND WATER

Excavated soil and accumulated storm water shall be characterized as either non-hazardous or hazardous waste, in accordance with the guidelines presented in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," U.S. Environmental Protection Agency (USEPA) publication SW-846. Representative grab samples shall be collected from the soil stockpiles and temporary water storage vessels. The samples shall be placed in clean laboratory-supplied sample containers. Each sample container shall be labeled with a unique sample identification number, date and time of sample collection, analyses to be performed, and the sampler's initials. Samples will be immediately placed in a cooler containing ice and chilled to approximately 4 degrees Celsius (°C). Before shipping, sample containers shall be wrapped using bubble wrap or other protective packing materials. In no case shall glass sample containers be allowed to touch each other inside the cooler. Additional ice, in watertight, resealable plastic bags, will be placed in the cooler and on top of the packed samples to continue to cool the samples during shipment to the analytical laboratory.

A chain-of-custody form shall serve as the record for tracking samples from collection to their receipt by the laboratory. Once samples are collected, their possession must be maintained under chain-of-custody procedures until they are delivered to the analytical laboratory. The sampler shall document each sample collected on a chain-of-custody form, which will state the project name and number; sampler's name and signature; sample identification number(s); sample matrix; date and time of sample collection; quantity of sample containers; analyses required; and custody sequence. The chain-of-custody form(s), sealed in a watertight packaging, shall accompany the samples inside the sealed shipping container. The chain-of-custody form(s) must be dry and legible upon receipt at the laboratory.

Each soil and water sample shall be analyzed for VOCs using USEPA SW-846 Method 8260B and any other parameters required by the disposal facility. Management of the excavated soil shall be based on the laboratory analytical results in combination with the MDE regulations under COMAR 26.13.01.00.

DISPOSAL

Any soil or water determined to be hazardous waste shall be managed in accordance with the Standards for Disposal of Controlled Hazardous Substances (COMAR 26.13.01.00) and disposed of at a Resource Conservation and Recovery Act-permitted facility. The VOC data shall be compared to the Land Disposal Restrictions (LDR) Universal Treatment Standards (UTS) to determine if treatment of the hazardous waste is required before disposal.

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Any soil determined to be non-hazardous shall be disposed offsite at a properly permitted nonhazardous waste disposal facility in accordance with the requirements of the disposal facility. Nonhazardous water shall be transported to an appropriate treatment facility licensed to accept the water.

If encountered or removed, recycled concrete and asphalt shall be segregated, analyzed as necessary, and recycled or disposed of properly.

**GEOTEXTILE PLACEMENT AND FILL PLACED IN EXCAVATION**

Any onsite excavation may be backfilled with the originally excavated soil without sampling. However, if excavations are backfilled with soil generated from an offsite source, clean soil shall be used from the offsite borrow source. The soil may be certified clean by certification from the quarry/mine. In the absence of a clean fill certification, samples of the backfill source shall be analyzed in accordance with input from the MDE case manager or in accordance with the parameters outlined in the MDE Innovative Reuse and Beneficial Use of Dredged Material Guidance Document and Voluntary Cleanup Program Clean Imported Fill Material document to ensure that the material is acceptable for use on the property. Soil proposed for reuse as clean fill cannot contain asphalt or concrete unless the MDE approves of the use prior to transport.

Geotextile fabric or composite shall be placed on the bottom and sidewalls of the excavation(s) where affected soils are identified to serve as both a marker and barrier between clean soil/fill and VOC impacted soil. Utility trenches installed in areas of affected soils shall be over excavated at least one foot on all sides. Prior to installation of the utility, geotextile fabric shall be placed at the base of the trench and a layer of clean fill shall be placed to replace the over-excavated soil material. If the soil excavated during the installation of utilities is in a non-impacted area, over excavation of the trench will not be necessary. Once the utility is placed in the excavation, the trench should be backfilled with clean fill (i.e. non-contaminated material).

**DOCUMENTATION**

Soil excavation activities shall be documented in a summary report to include:

- Description of the work,
- Length, width, and depth of each soil excavation area,
- Volume of soil generated,
- Characterization results for soil and water generated during the excavation work,
- Management of the excavated soil and any associated storm water, including offsite facility(s) used for disposal,
- Placement of geotextile within the excavation area (with photo-documentation), and
- Backfilling of the excavation, including the source and analytical results for the clean fill material.

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The report shall include a figure depicting the limits of the soil excavation work, copies of laboratory analytical reports for all disposal characterization samples and any material used as backfill, and manifests for the offsite disposal of soil and water. A copy of the summary report shall be provided to Harmans Road Associates, LLC.



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**EXHIBIT D**

**Site Maintenance Plan**

**SITE MAINTENANCE PLAN**

**7555 and 7565 Harmans Road  
Hanover, Maryland 21076**

**BACKGROUND**

Prior to development as a warehousing facility in 2017, the 7555 and 7565 Harmans Road property was occupied by the Kop-flex facility, which manufactured flexible couplings for the power transmission industry from 1969 through 2011. The environmental impacts at the property were addressed during redevelopment under a Response Action Plan (RAP) approved by the Maryland Department of the Environment's Voluntary Cleanup Program. The redevelopment of the property included the demolition of the manufacturing building and construction of two (north and south) warehouse buildings separated by a truck loading area. The remedies for the environmental concerns at the property were installation of a cap to prevent exposure to soils in AOC-1 and installation of a vapor barrier and vapor venting system in the onsite warehouse buildings to prevent vapors from entering the structures,

Based on the previous assessments and remediation activities performed at the subject site, low concentrations of volatile organic compound (VOCs) remain in the shallow soil (less than 10 feet bgs) underneath the southwest portion of the former manufacturing building (AOC 1) and soil gas may contain residual VOCs. A groundwater treatment system is present and operating on the property to address concentrations of VOCs in the groundwater beneath the property.

**SITE MAINTENANCE PLAN SUMMARY**

In order to maintain the protectiveness of the remedies at the property, there are specific maintenance and inspection requirements for the cap, vapor barrier and vapor mitigation system present on the property to ensure the functionality of the vapor venting system and prevent degradation of the cap and exposure to the underlying soils. This plan provides the requirements for the inspection and maintenance of the cap, vapor barrier and vapor mitigation system present on the property.

Inspections of the vapor venting system and capped areas must be performed on an annual basis. The area subject to the cap inspection and maintenance (AOC-1) as well as supporting data is provided on Figures 1 and 2.

The following outlines the site maintenance plan (SMP) inspection and record keeping procedures to be followed at the Former Kop-Flex property. These procedures will assist in determining when maintenance of the vapor system or capped areas is required.

**CAP INSPECTIONS AND MAINTENANCE**

The concrete floor slab and exterior slab/asphalt located atop AOC-1 serves as a cap for the VOC-impacted soils in this portion of the site. The cap in area AOC-1 was installed over the slab of the previous manufacturing building in AOC-1. However, in the truck loading area between the warehouse buildings, the concrete slab for the existing building was removed.

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In the building located above AOC 1, the cap consists of 6 inches of concrete over 4 inches of graded aggregate base. A cross section of the concrete building cap is depicted on the attached Figure 3.

In the truck loading zone located above AOC 1, the cap consists of 6 inches of concrete over 6 inches of graded aggregate base, which serves as the paved surface for the truck loading and unloading activities. The asphalt portion of the truck loading zone is beyond the extent of AOC 1. A cross section of the truck loading zone cap is provided in Figure 4.

Annual inspections of the same will be conducted. Procedures (including recordkeeping) for the inspection and repair of the building floor slab are specified below.

Concrete and asphalt cap area inspections are required at a minimum frequency of once per year to document the condition of the cap. During the inspection, the environmental cap surface shall be observed for the following conditions:

1. Differential settlement and significant surface-water ponding.
2. Erosion or cracking of the cap materials.
3. Obstruction of drainage structures.

Environmental cap inspections can be conducted by the property owner/manager or designated consultants/representatives. The inspection shall note any areas where repairs are necessary, and provide a written description, including photo documentation, of any cap deficiencies to be repaired.

Inspection forms and any resulting records are required to be maintained by the property owner/manager and must be produced for review by the Maryland Department of the Environment (MDE) upon request during regular business hours.

Should the inspections identify issues and determine that cap maintenance and repair is necessary, the repairs need to be completed as soon as practically possible, and in compliance with any recorded environmental covenants. For any repairs, documentation shall include the name of the contractor making the repair, a description of the repair, and the date the repair was completed. A cap inspection form is attached to document the results of each inspection, the recommended maintenance responses, and the actual response.

A pavement condition index (PCI) shall be implemented to plan and assign priority for future cap maintenance needs. The system utilizes a numerical rating of pavement distress as published by the US Army Corps of Engineers (USACE). This index is based on professional assessment and judgment. Inspections are to be performed by walking over the paved areas and observing the surface conditions. The following chart is to be used to provide an index of the pavement condition:

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**PAVEMENT CONDITION INDEX (PCI)**

PCI	Characterization	Description
1	New crack-free surface	Black in color, smooth texture
2	Oxidation has started	Short hairline cracks start to develop. Dark gray color.
3	Oxidation in advanced state	Hairline cracks are longer and wider. Gray in color.
4	Oxidation complete	Crack area 0.25 inch wide and crack lines have found base faults
5	Moisture penetrating through 0.25 inch cracks. Loose material, stone and sand, evident.	Texture of surface becoming rough. Preventative maintenance.
6	Cracks widen and join	Cracks and shrinkage evident at curb and gutter lines.
7	Potholes develop in low spots	Gatoring areas begin to break up. Overall texture very rough.
8	Potholes developing	Pavement breaking up
9	Heaving due to excessive moisture in base	Distorts entire surface
10	General breakup of surface	

If a PCI of 4 or greater for any portion of the cap is determined, this area shall require maintenance activities, including milling and resurfacing of the pavement. The intent is that repairs should be completed before the pavement degrades beyond a PCI of 4.

An pavement inspection form is attached to document the results of each inspection, the recommended maintenance responses, and the actual repairs implemented.

Cap area inspections and maintenance records must include the date of the inspection, name of the inspector, any observed issues and documentation of any repairs. Inspection and maintenance records will be retained in a designated area at the Site and must be produced for review by the Maryland Department of the Environment (MDE) upon request during regular business hours .



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**VAPOR SYSTEM INSPECTIONS AND MAINTENANCE**

To reduce the potential for future risks associated with vapor intrusion into building structures, a sub-slab vapor venting system was installed beneath each of the onsite warehouses. The location of the vapor system and cross sections are included as Figure 5.

The construction plans for the property include the implementation of engineering controls to prevent potential vapor intrusion, including incorporation of a passive vapor venting system into the construction of the floor slabs for both the north and south warehouse buildings. The vapor venting system includes a vapor collection system consisting of 2-inch diameter perforated polyvinyl chloride (PVC) pipe laterals spaced within the gravel sub-base under the new floor slab and a vapor barrier consisting of a sealed 20-mil polyethylene sheet placed between the gravel sub-base and new concrete floor slabs. The passive vapor venting system is intended to prevent vapor intrusion by collecting VOC vapors that may potentially accumulate in the gravel sub-base under the polyethylene vapor barrier. The collection system is connected to 4-inch diameter solid PVC pipe on one side of the building that is used as an inlet for ambient air and similar piping on the opposite side of the building that runs vertically to above the roofline to vent vapors.

Annual inspections must be conducted of the passive vapor venting systems. Inspection documentation and regular maintenance requirements for the passive vapor venting systems are outlined below.

Inspections are to be performed by walking the exterior perimeter of the structures as well as by walking several transects of the building interior. During the walking inspection, the following shall be assessed and documented:

- Any obstructions to the system inlets and outlets.
- Any substantial changes to the building, such as a tenant fit out, and a determination if these changes may impact the integrity of the vapor venting system.
- Any visible cracking or damage to the concrete slab.
- Any area of concrete patching or evidence that the concrete slab has been breached.
- Any damage to the steel casing for the riser pipes.
- Map and photograph any damage or repairs.

If obstructions to the venting system are observed, remove the obstructions as soon as practically possible and document the same. As applicable, recommendations to eliminate future obstructions to the venting system should be provided.

In the event the cracking or surficial damage to slab is observed, the cracks or gaps should be sealed with a caulk, mastic or another sealant. These repairs should be reevaluated during the annual inspection. In the event that visible separation or settling of the slab of greater than 0.25-inch is observed, measures must be taken to ensure that the vapor barrier beneath the crack or settlement has not been damaged.

In the event that evidence of breaches to the slab are discovered which are greater than one square foot in area, the purpose or cause of the breach shall be determined. Additionally, if such breaches are overserved, repairs to the underlying vapor system shall be verified and

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documented by qualified personnel. In the event that repairs to the vapor system cannot be verified, the breached area of the slab shall be reopened and repairs to the vapor system shall be performed and documented under the direction of qualified personnel.

Prior to the installation of any fasteners into the slab, it shall be confirmed by qualified personnel that the length of the fastener does not exceed the depth of the slab. During the annual inspection, the length of any fasteners installed into the slab shall be documented. In the event that fasteners are observed in the slab during the annual inspection and the length of the fasteners has not been documented, the length of the fasteners shall be confirmed by removing a sufficient number of fasteners to determine the length. If the length of the fasteners used is greater than the depth of the slab, the fasteners shall be removed and the penetrations completely sealed with a caulk or mastic. Fasteners that are approved by qualified personnel and documented for annual inspections can be used to replace the removed fasteners.

An vapor system inspection form is attached to document the results of each inspection, the recommended maintenance responses, and the actual repairs implemented.

Vapor system inspection and maintenance records must include the date of the inspection, name of the inspector, any observed issues and documentation of any repairs. Inspection and maintenance records will be retained in a designated area at the Site and must be produced for review by the Maryland Department of the Environment (MDE) upon request during regular business hours.

**FUTURE CONSTRUCTION**

For any intrusive construction activities within AOC 1, the property owner is subject to the requirements of the Soil Management Plan.

In the event that construction of any additional habitable onsite structure with an enclosed ground floor is planned on any area of the property, the property owner must conduct a study demonstrating whether vapor intrusion is a concern for the proposed structure and submit the results to the Department for review and approval at least 60 days before construction and the Department shall review the results within 30 days of receipt. In the event that vapor is determined by the Department to be a concern, an Environmental Management Plan must be submitted to the Department for review and approval that provides the details of an engineered vapor venting or mitigation system to be installed prior to occupancy.

**FIGURES**

1. MAP OF PROPERTY WITH AOC 1 DESIGNATED
2. MAP OF PROPERTY WITH TRUCK LOADING ZONE and BUILDING FLOOR SLAB CAP AREAS OF AOC 1 DESIGNATED
3. CROSS SECTION OF THE BUILDING SLAB CAP
4. CROSS SECTION OF TRUCK LOADING ZONE CAP
5. VAPOR SYSTEM LOCATIONS AND CROSS SECTIONS

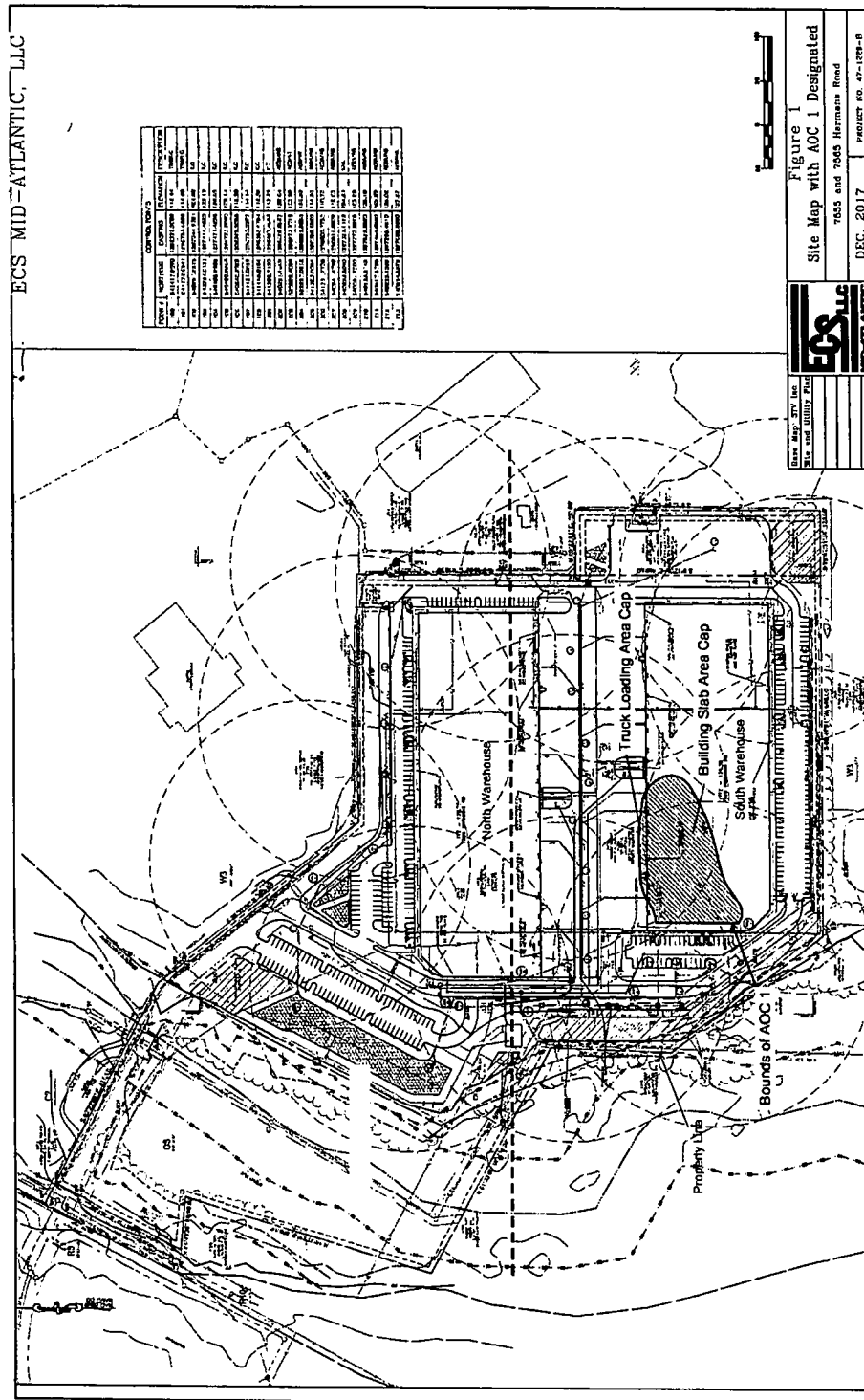
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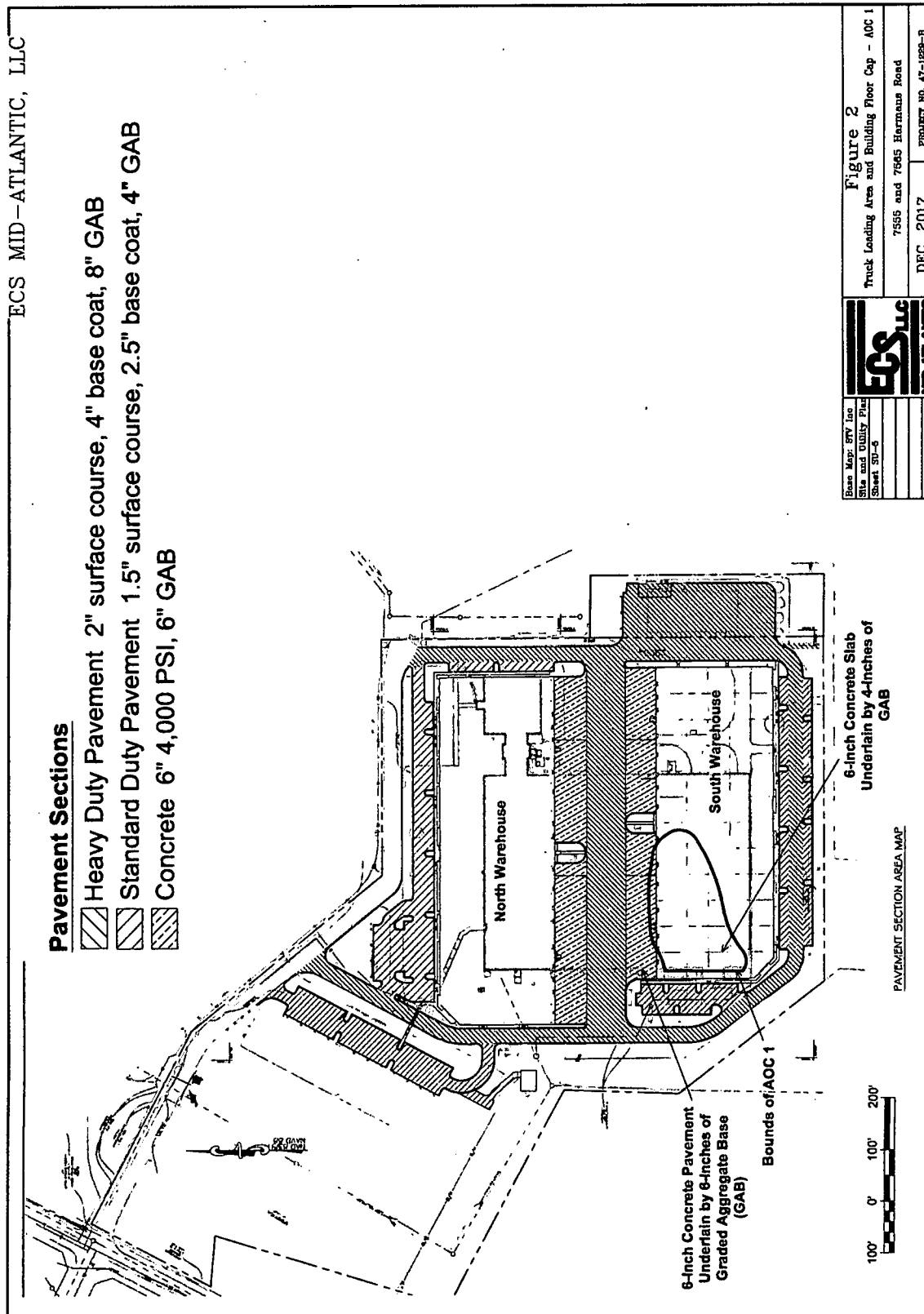


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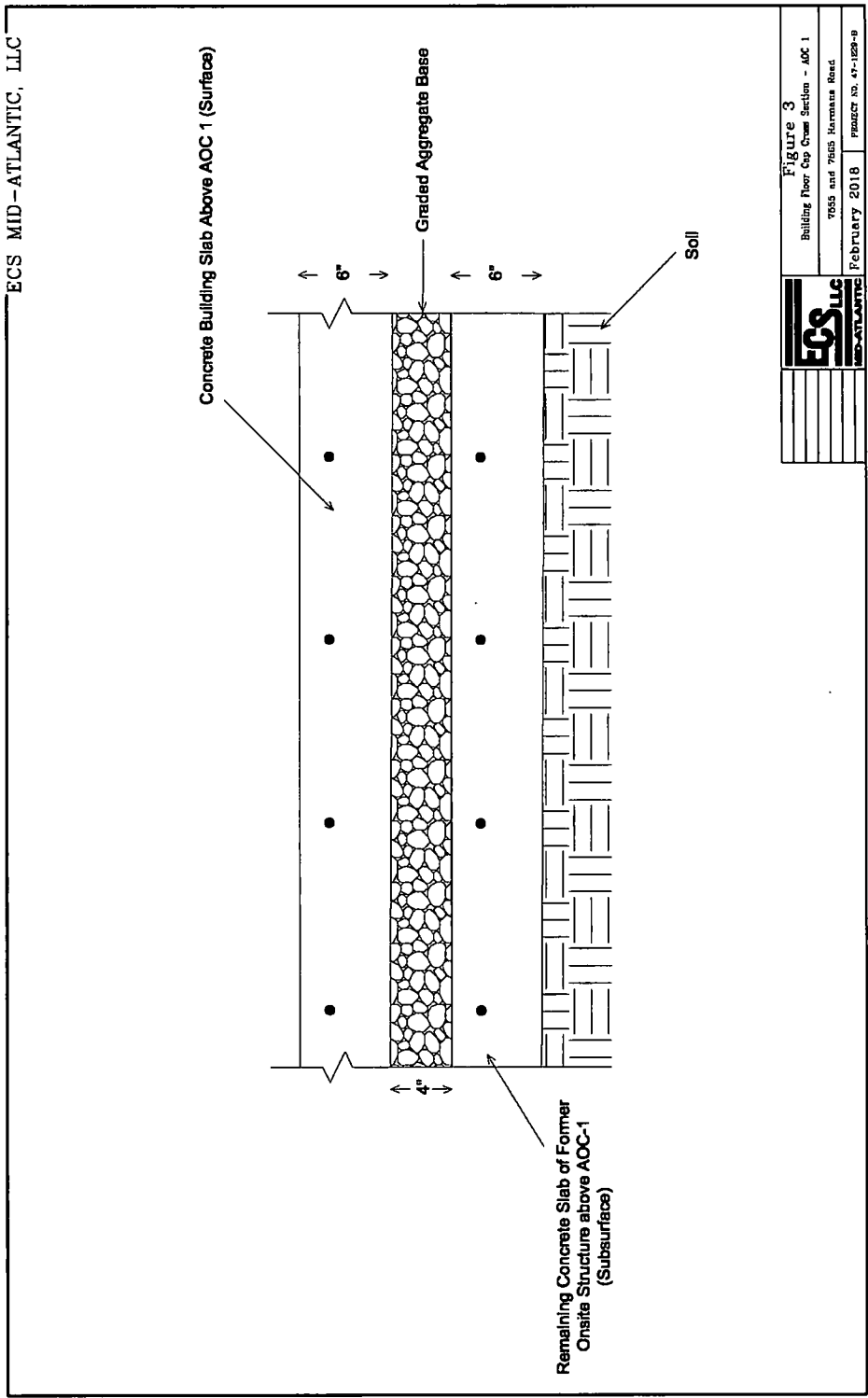


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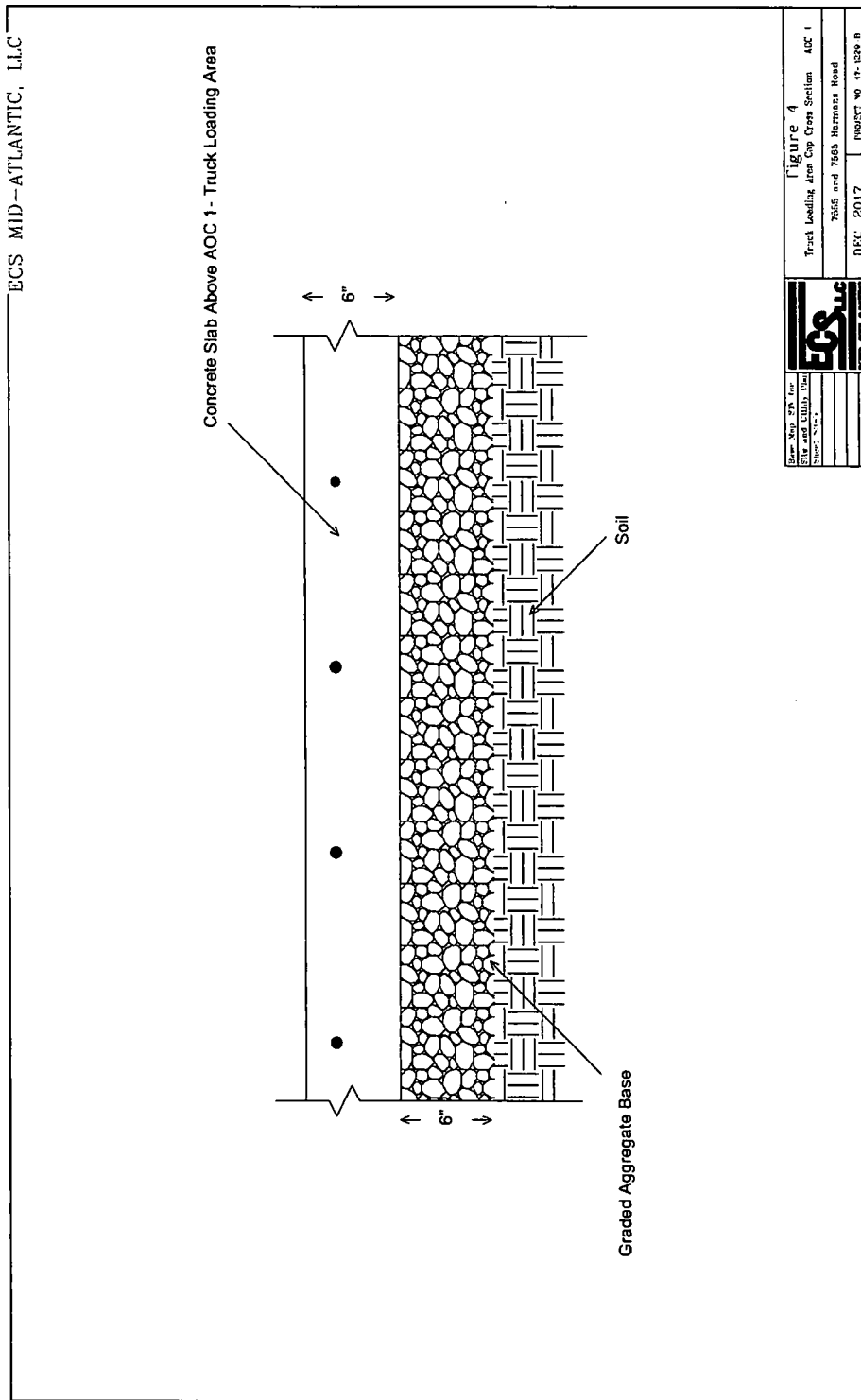
ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) RPD 32896, p. 0222, MSA\_CE59\_33338. Date available 02/27/2019. Printed 03/01/2019.

Environmental Covenant

Property Address: 7555 Harmans Road, Hanover, MD 21076

Deed Reference: Minor Subdivision Plat of Lot 3, Koppers Property

Tax Account Identification Number: 04-000-04540205

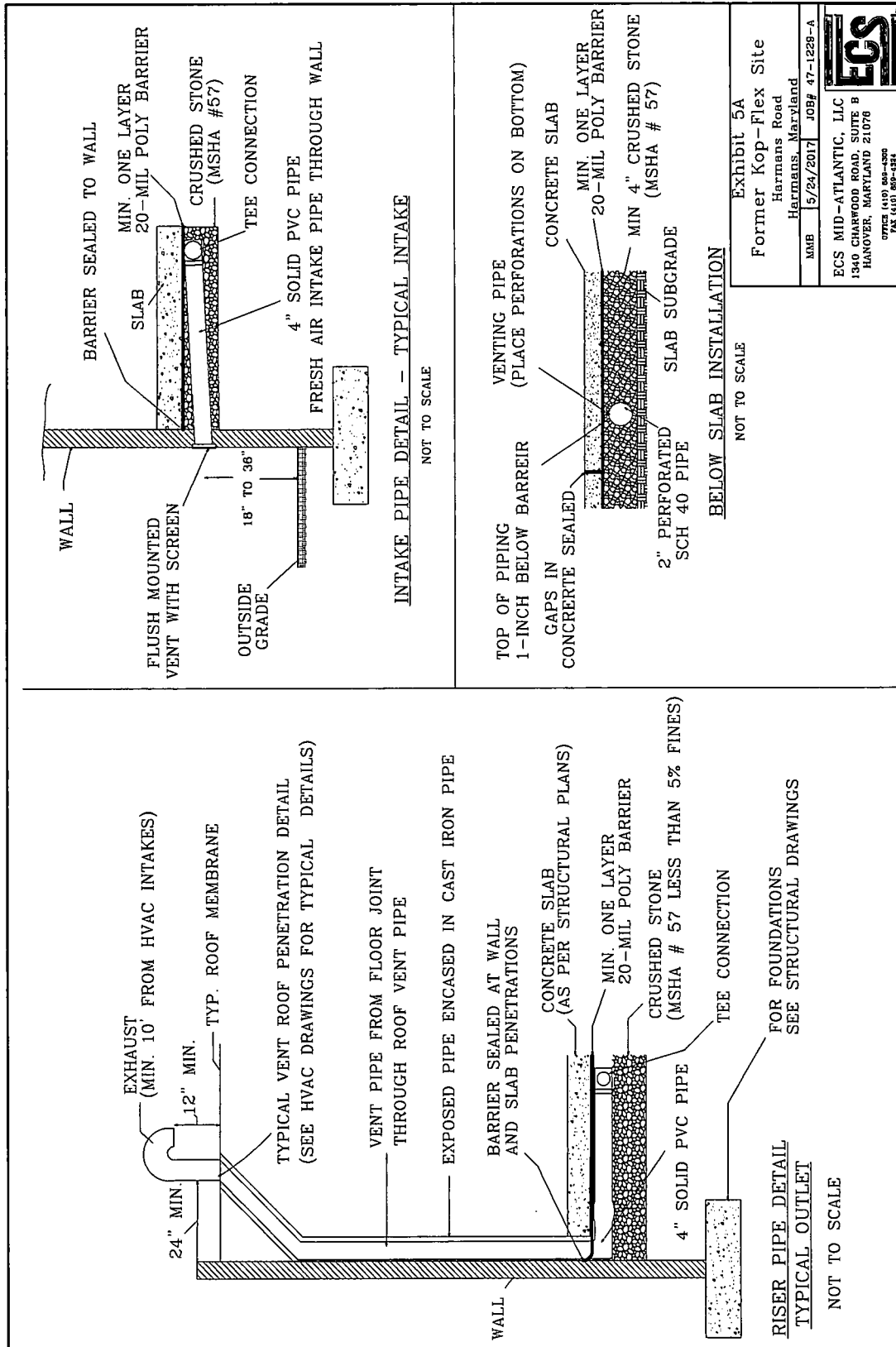


Environmental Covenant

Property Address: 7555 Harmans Road, Hanover, MD 21076

Deed Reference: Minor Subdivision Plat of Lot 3, Koppers Property

Tax Account Identification Number: 04-000-04540205

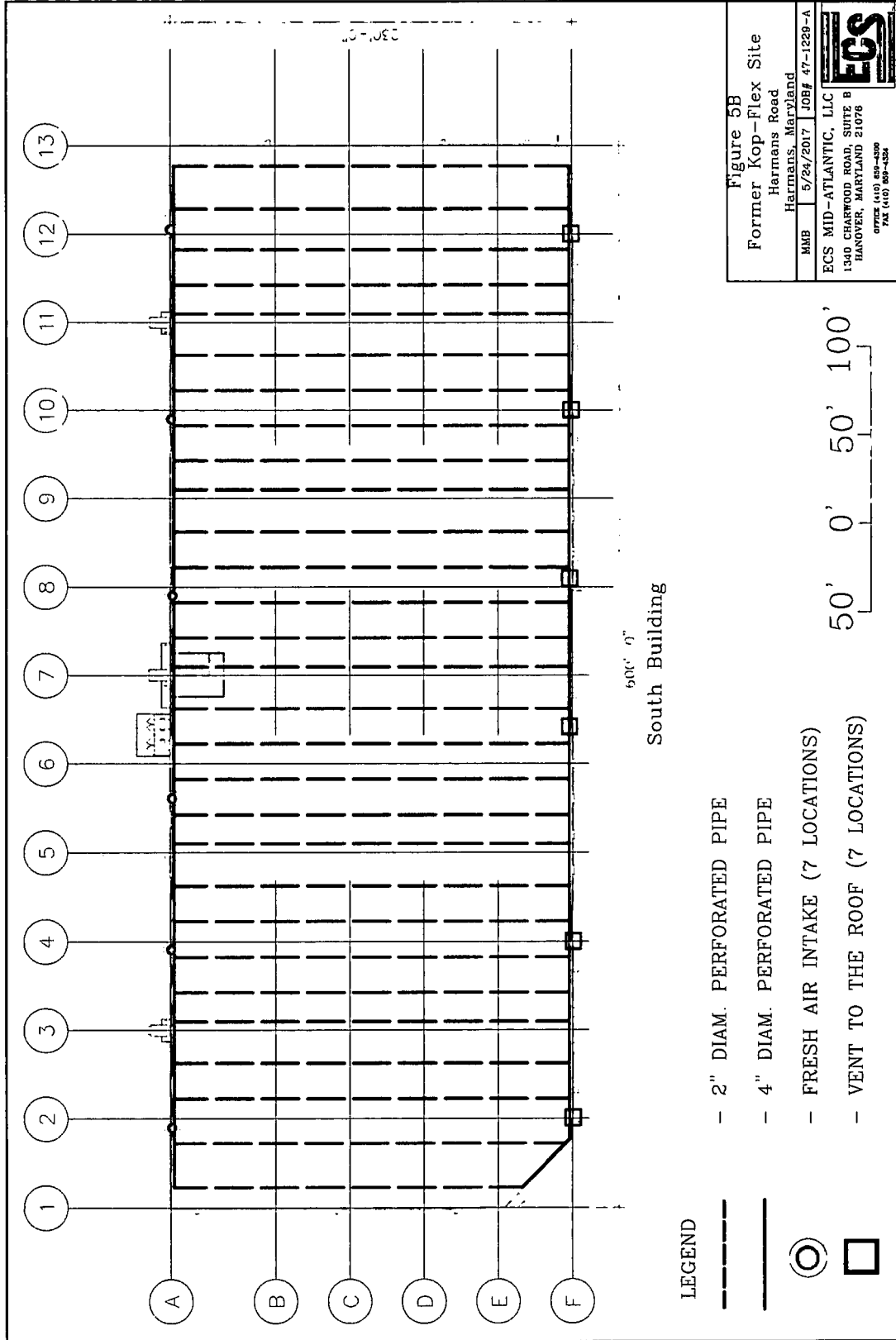


Environmental Covenant

Property Address: 7555 Harmans Road, Hanover, MD 21076

Deed Reference: Minor Subdivision Plat of Lot 3, Koppers Property

Tax Account Identification Number: 04-000-04540205



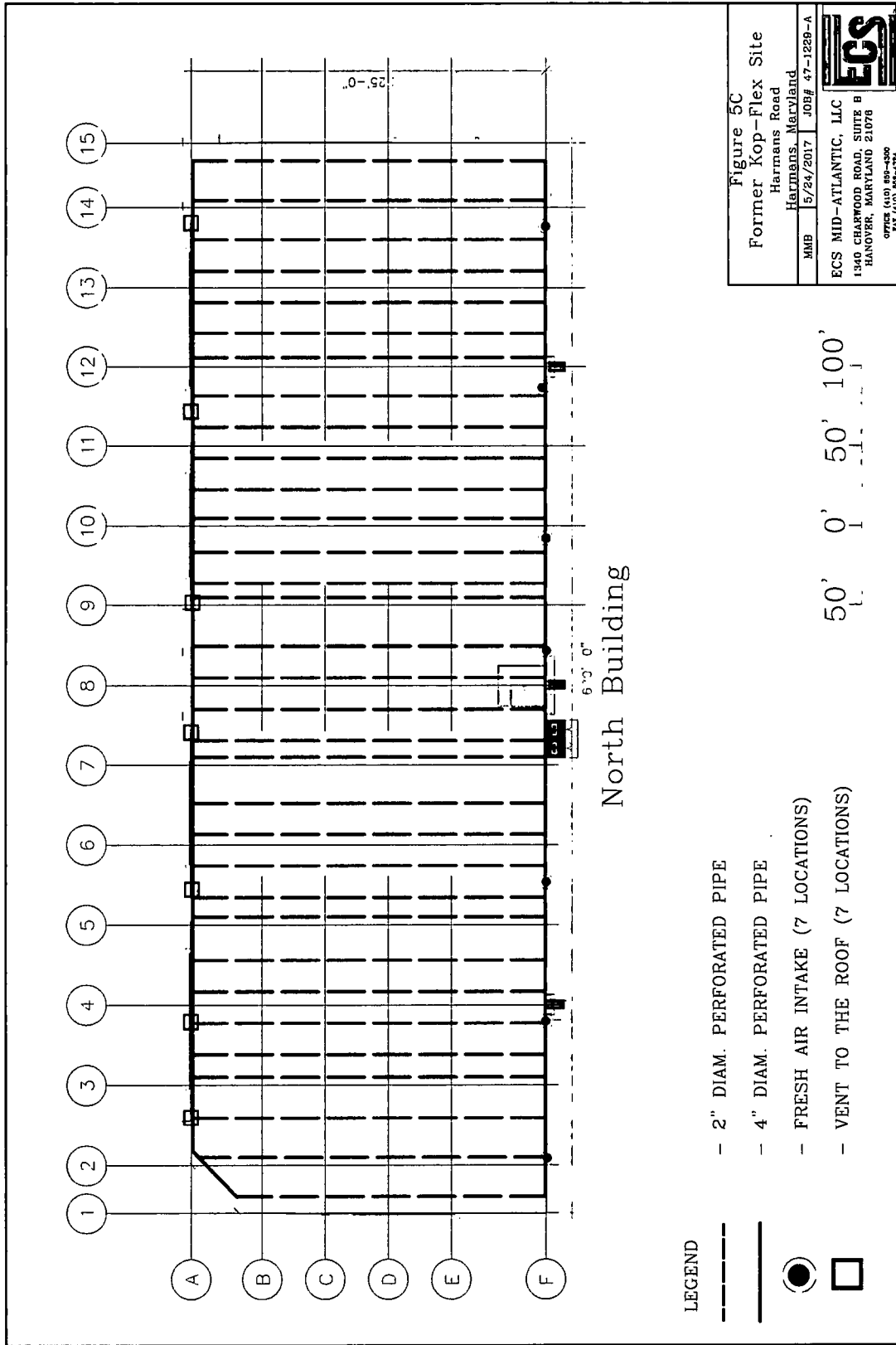


Environmental Covenant

Property Address: 7555 Harmans Road, Hanover, MD 21076

Deed Reference: Minor Subdivision Plat of Lot 3, Koppers Property

Tax Account Identification Number: 04-000-04540205



*Environmental Covenant*

*Property Address: 7555 Harmans Road, Hanover, MD 21076*

*Deed Reference: Minor Subdivision Plat of Lot 3, Koppers Property*

*Tax Account Identification Number: 04-000-04540205*

**EXHIBIT E**

**Consent of Mortgagee**

WHEREAS, U.S. Bank National Association, a national banking association ("**Lender**"), is the mortgagee under that certain Deed of Trust, Assignment of Leases and Rents, Security Agreement and Fixture Filing dated May 12, 2016, recorded in the Anne Arundel County, Maryland land records in Book 29578, Page 001 (the "**Deed of Trust**"), and executed by Harmans Road Associates, LLC, a Delaware limited liability company ("**Mortgagor**"), as the borrower, and Lender is the secured party pursuant to that certain UCC Financing Statement dated May 13, 2016, recorded in the Anne Arundel County, Maryland land records in Book 29578, Page 037 (the "**UCC**"), executed by the Mortgagor as debtor, as amended by that certain UCC Financing Statement Amendment dated September 1, 2016 and recorded in the Anne Arundel County, Maryland land records in Book 29927, Page 201 (the "**UCC Amendment**," and, together with the UCC and the Deed of Trust, the "**Mortgage**").

NOW THEREFORE, Lender hereby consents to the covenants described in the Environmental Covenant (the "**Environmental Covenant**") to which this Consent is attached on the terms and conditions contained in such Environmental Covenant, and hereby subordinates its interest in the property described in the Mortgage to the interests created by such Environmental Covenant. Nothing herein shall be deemed to affect, modify, amend or limit any and all other rights and/or remedies of Lender under the terms of the Mortgage or any related documentation, including without limitation, Lender's right to foreclose or otherwise execute upon the property; provided, however, that none of Mortgagor's rights or obligations under the Environmental Covenant will be divested, disturbed, diminished, reduced or otherwise adversely affected by such foreclosure or execution.

IN WITNESS WHEREOF, Lender has caused these presents to be executed on its behalf as of this 3 day of October, 2018.

U.S. Bank National Association  
as a lender  
By: Abby M. Summerfield  
Name: Abby M. Summerfield  
Title: Vice President

STATE OF Minnesota )  
 )  
COUNTY OF Hennepin ) SS:

On this 3 day of October, 2018, before me, the undersigned, personally appeared Abby M. Summerfield, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he/she executed the same for the purposes therein contained.

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

Kristina B. Teeter  
(Name of notary public typewritten or printed)  
Notary Public Kristina B. Teeter  
My commission expires: Jan 31, 2023

