

HOWARD COUNTY CIRCUIT COURT (Land Records) WAR 20872, p. 0345, MSA_CE53_20864. Date available 09/10/2021. Printed 09/13/2021.

44

BOOK: 20872 PAGE: 346
Environmental Covenant,
N. Robert Fulton Drive, Columbia, MD
District/Tax Parcel #: 06-538827, Deed 7940/532, Plat 18973

4. **Holder(s)/Grantee(s).** General Electric Company ("GE") is the Holder and Grantee. The mailing address of the Holder/Grantee is: General Electric Company c/o E Property Tax, P.O. Box 4900, Scottsdale, AZ 85261-4900.

5. **Regulatory Program(s) Issuing Determination.** The following regulatory programs are responsible for having issued a determination requiring the use of this Environmental Covenant:

☒ EPA Corrective Action Program under the Resource Conservation and Recovery Act ("RCRA")

MDE Programs

- ☐ Voluntary Cleanup Program
 - ☐ Controlled Hazardous Substance Enforcement Program
 - ☐ Oil Control Program
 - ☐ Solid Waste Program
 - ☒ Resource Management Program
- Other Program within the Department: _____

6. **Summary of Identified Contaminants.**

The initial requirements for the corrective action process were specified in a RCRA permit issued by EPA to GE in February 1991 (MDD046279311). Numerous investigations and actions have been completed and various reports have been submitted to the EPA since 1991. As a result of past Facility related operations, soil and groundwater is contaminated with volatile organic compounds (VOCs), principally trichloroethylene (TCE), at concentrations exceeding maximum contaminant levels (MCLs). VOCs are found in soil beneath the former manufacturing building and in groundwater beneath and downgradient of the building

7. **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:

On October 4, 2012, EPA issued a Final Decision and Response to Comments ("FDRTC") selecting the Final Remedy for the General Electric Company facility, Appliance Park East, located in Columbia, Maryland. The Final Remedy includes a requirement that the following Activity and Use Limitations be imposed on the Property, as described in General Electric's RCRA Corrective Action Permit, Permit Number MDD046279311, effective November 3, 2012:

- a. Residential land use is prohibited within Parcel A-10. Residential land use includes single family homes, multiple family dwellings, schools, day care centers, childcare centers, apartment buildings, dormitories, other residential-style facilities, hospitals, and in-patient care facilities;
- b. The use of ground water is prohibited from beneath Parcel A-10 other than for EPA-approved monitoring, testing or remediation purposes; and

- c. Subsurface soil excavation below the water table within Parcel A-10 is prohibited except in conformance with a soil management plan ("SMP") reviewed and approved in advance by EPA.

8. **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 (excluding mortgages, liens, similar financing interests and other non-possessory encumbrances) 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. Any future owner agrees to notify the Department in writing no later than 30 days after any transfer of the Property or of any portion of the Property.

9. **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.

10. **Recordation & Filing with Registry.** The Owner shall record this Environmental Covenant in the Land Records of Howard County within 30 days of the latter of the Department and EPA's approval 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:

<http://www.mde.maryland.gov/programs/Land/MarylandBrownfieldVCP/Pages/ueca.aspx>

11. **Termination or Modification.** This Environmental Covenant runs with the land and shall be binding on successors in interest unless terminated or modified in accordance with § 1-808 or § 1-809 of the Environment Article, Ann. Code of Md. (2013 Repl. Vol.). This Environmental Covenant shall terminate upon attainment of the EPA Risk Based Screening Levels for residential soils and the maximum contaminant levels for groundwater for the above-described contamination at the Property. EPA and the Department must provide prior written approval before such termination becomes effective, which termination document shall also be signed by the then-current owner and filed in the land records. EPA and the Department will use their best efforts to respond within sixty (60) days of receipt of a request for termination or modification provided that such request includes the requisite supporting data. The then-current owner agrees to provide 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 Environment Article, Ann. Code of Md. (2013 Repl. Vol.), within seven calendar days of the owner's becoming aware of the pendency of such proceeding.

12. **EPA's Address.** Communications with EPA regarding this Environmental Covenant shall be sent to: RCRA Corrective Action Branch #1 (3LD10), Land, Chemicals and Redevelopment Division, U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia, PA 19103.

Communications shall also be sent to the Region 3 RCRA Corrective Action digital repository for institutional control and reporting documents mailbox: R3_RCRAPOSTREM@epa.gov. Include the EPA RCRA Facility ID number in the subject line. The facility name and EPA ID number for this Property are: General Electric Company MDD046279311.

13. **The 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 and Materials Administration, Land Restoration Program, 1800 Washington Blvd., Baltimore, MD 21230.

14. **Administrative Record.** The Administrative Record pertaining to the remedy selected 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. In addition, records pertaining to the remedy selected by EPA in the FDRTC are maintained by the Department at Department of the Environment, Land Management Administration, Resource Management Program, 1800 Washington Blvd., Baltimore, MD 21230.

15. **Enforcement.** This Environmental Covenant shall be enforced in accordance with § 1-810 of the Environment Article, Ann. Code of Md. (2013 Repl. Vol.).

16. **Compliance Reporting.** The Grantee will comply with the requirements set forth in the RCRA Corrective Action Permit (EPA ID Number MDD046279311) to monitor whether or not the activity and use limitations set forth in Paragraph 6 of this 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 this Environmental Covenant, b) noncompliance with Paragraph 6, and 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 any Holder listed in Paragraph 3. The report will state whether there is compliance with Paragraph 6. If there is noncompliance, the report will state the actions that will be taken to assure compliance.

17. **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.

BOOK: 20872 PAGE: 349
Environmental Covenant,
N. Robert Fulton Drive, Columbia, MD
District/Tax Parcel #: 06-538827, Deed 7940/532, Plat 18973

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

ACKNOWLEDGMENTS by Grantor/Owner, any Grantee(s)/Holder(s), the Department and EPA, in the following form:

ATTEST:

The Howard Research And Development Corporation,
Grantor/Owner

Date: 4/22/2021

By: [Signature]
Name: Greg Fitchitt
Title: Vice President

STATE OF MARYLAND

COUNTY OF HOWARD

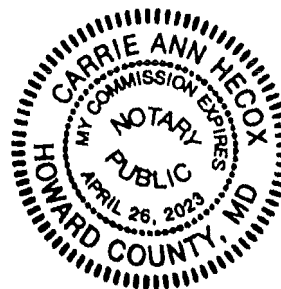
)
) SS:

On this 22 day of April, 2021, before me, the undersigned, personally appeared Greg Fitchitt, Vice President of The Howard Research And Development Corporation, 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.

Carrie Ann Hecox
(Name of notary public typewritten or printed)
Notary Public Carrie Ann Hecox

My commission expires: 4/26/2023



BOOK: 20872 PAGE: 350

Environmental Covenant,

N. Robert Fulton Drive, Columbia, MD

District/Tax Parcel #: 06-538827, Deed 7940/532, Plat 18973

ATTEST:

General Electric Corporation, Holder/Grantee

Date: MAY 11, 2021

By: 

Name: Buck de Wolf

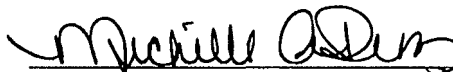
Title: Vice President, Environment,
Health & Safety

STATE OF New York

COUNTY OF Schenectady) SS:)

On this 11th day of May, 2021, before me, the undersigned, personally appeared Buck de Wolf, Vice President, Environment, Health & Safety, 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.



Name: Michelle A. Perez

Notary Public

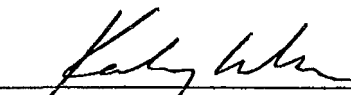
My commission expires: 05/27/2023

MICHELLE A. PEREZ
Notary Public, State of New York
No. 01PE6092923
Qualified in Schenectady County
Commission Expires: 05/27/2023

*Environmental Covenant,
N. Robert Fulton Drive, Columbia, MD
District/Tax Parcel #: 06-538827, Deed 7940/532, Plat 18973*

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

Date: August 3, 2021


By: Kaley Laleker
Director
Land and Materials Administration
Maryland Department of the Environment

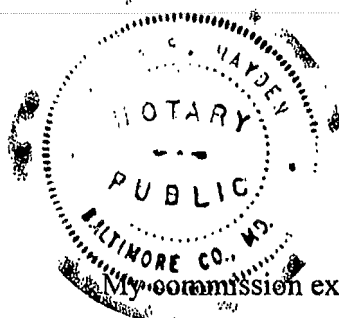
STATE OF MARYLAND)

COUNTY OF BALTIMORE)

) SS:

On this 3rd day of August, 2021, before me, the undersigned, personally appeared Kaley Laleker, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

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




Verna E. Hayden
(Name of notary public typewritten or printed)
Notary Public

My commission expires: May 28, 2022

Approved for form and legal sufficiency

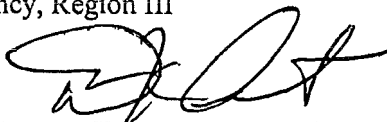
This 13 day of July, 2021


Matthew Zimmerman
Maryland Assistant Attorney General

BOOK: 20872 PAGE: 352
Environmental Covenant,
N. Robert Fulton Drive, Columbia, MD
District/Tax Parcel #: 06-538827, Deed 7940/532, Plat 18973

APPROVED by United States Environmental Protection
Agency, Region III

Date: Aug 30, 2021

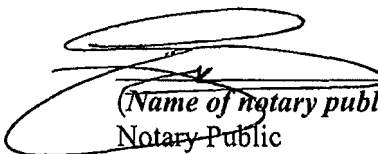
By: 

Dana Aunkst
Director
Land, Chemicals, and Redevelopment Division
United States Environmental Protection Agency
Region III

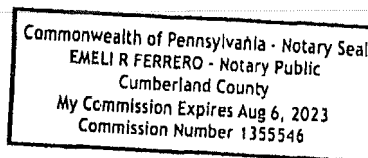
COMMONWEALTH OF PENNSYLVANIA)
)
COUNTY OF ~~PHILADELPHIA~~ Cumberland) SS:

On this 30 day of August, 2021, before me, the undersigned,
personally appeared Dana Aunkst, known to me (or satisfactorily proven) to be the person whose
name is subscribed to the within instrument and acknowledged that she executed the same for the
purposes therein contained.

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


EMELI R FERRERO
(Name of notary public typewritten or printed)
Notary Public

My commission expires: Aug 6, 2023



Map of the Property

