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Instr: 202105180014055 Pgs: 13 F: \$36.50 5/18/2021 9:04 AM Michele Mustello 720210010288 Butter County Recorder PA

When recorded, return to: Juan P. Somoano, Vice President, Glenn Springs Holdings, Inc., 5 Greenway Plaza Houston, TX 77046

The County Parcel Identification Nos. of the Property are: 150-1F27-10-0000, 470-S1-D28-0000, 470-S1-D30A, 470-S1-D13, 470-S1-D14 GRANTOR: INDSPEC Chemical Corporation PROPERTY ADDRESS: 133 Main Street, Petrolia, Pennsylvania

#### 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. <u>**Property affected.</u>** The property affected (Property) by this Environmental Covenant is located in Petrolia Borough, Butler County.</u>

The latitude and longitude of the center of the Property subject to this Environmental Covenant is: 41.01909444, -79.71583333.

The Property has been known by the following name(s): Specialty Acquisition, Inc.; INDSPEC, Inc.; Specialty Acquisition Sub., Inc.; INDSPEC Technologies, Ltd. EPA ID No. PAD004336731 PADEP Facility ID: 270149

A complete description of the Property subject to this Environmental Covenant is attached to this Environmental Covenant as Exhibit A. A map of the Property subject to this Environmental Covenant is attached to this Environmental Covenant as Exhibit B.

2. <u>Property Owner / GRANTOR / GRANTEE.</u> INDSPEC Chemical Corporation is the owner of the Property and the GRANTOR / GRANTEE of this Environmental Covenant.

3. The mailing address of the owner is: 133 Main Street, Petrolia, PA 16050.

#### Description of Contamination and Remedy.

This Environmental Covenant applies only to the Property shown on Exhibit B, which was formerly part of the larger Beazer/INDSPEC Facility (Facility). The Facility was subdivided into four Areas of Interest (AOIs). AOI 1 included the main process and materials storage areas located along the valley floor on the west side of the Creek and a reservoir to the north. AOI 2 included other process and storage areas located on the eastern slope of the valley and a reservoir directly east of the Creek. AOI 4 included the western portion of the Facility and a third reservoir. AOI 3 included a parcel in the northern portion of the Facility, which is currently owned by Beazer East, Inc. (Beazer). The portion of the Facility containing AOIs 1, 2, and 4 are currently owned by INDSPEC. The Property (Exhibit B) includes AOI 2 and a portion of AOI 1. The chemical manufacturing operations ceased in July 2017.

Primary contaminants in groundwater at the Facility include resorcinol, sulfonic acids, 2,4,3-trihydroxydiphenyl (THD), arsenic, lead, 1,2-dichlorobenzene, 1,4dichlorobenzene, chlorobenzene, benzene, and trichloroethene (TCE). Groundwater has been contaminated in the alluvial and upper bedrock aquifers. Waters with elevated concentrations of sulfonic acids, resorcinol and THD exhibit a reddish-brown color and are high in dissolved solids which result in solutions with increased density. In historic reports, these solutions are referred to as "free phase material".

In March 2002, pursuant to its authority under Pennsylvania's Hazardous Sites Cleanup Act (HSCA), 35 P. S. §§ 6020.101---6020.1305, the Pennsylvania Department of Environmental Protection (Department) established a sixty-square-mile area known as the Bear Creek Area Chemical Site (BCACS) that included the Facility. The Department determined that the nature and extent of groundwater contamination throughout the BCACS rendered it impractical to restore the groundwater conditions acceptable for residential use. As part of a May 5, 2003 Consent Order and Agreement between Beazer and the Department, Beazer agreed to contribute to funding for the construction of a public water supply to service impacted residents within the BCACS. The Department created a model ordinance that prohibited groundwater use and required mandatory hookups to the public water supply in order to prevent residential use of impacted portions of the aquifer. In 2007, construction of the public water supply system was completed and began operation.

On May 6, 2004, Beazer and the INDSPEC Chemical Corporation entered into a Facility Lead Agreement with EPA to satisfy Resource Conservation and Recovery Act (RCRA) corrective action obligations for the Facility by following the standards and procedures of Pennsylvania's Land Recycling and Environmental Remediation Standards Act (Act 2 of 1995). Based on a review of soil and soil gas data provided in the June 2013 Remedial Investigation Report, and the February 7, 2017 Remedial Investigation Report Addendum, subsurface soil near the Extraction Building in AOI 1 and soil gas within a larger portion of AOI 1 (designated as Area Where Soil Management Plan Applies on Exhibit B) were contaminated at levels that could pose potential human exposure risks.

On August 22, 2018, the EPA issued a Final Decision and Response to Comments (FDRTC) for the Facility. Pursuant to the FDRTC, EPA's corrective action goals for the Facility are to:

 Prevent direct contact with soil containing concentrations of constituents above applicable screening levels.

- Prevent drinking water exposure to all constituents that exceed EPA Maximum Contaminant Levels (MCLs) and the Department's Medium-Specific Concentrations.
- Control groundwater discharge to South Branch of Bear Creek such that applicable surface water quality criteria are not exceeded, and free-phase material is not observed in the Creek within the Facility.
- Ensure that TCE vapor levels in any occupied buildings do not exceed the industrial air non-carcinogenic Regional Screening Level.

Additionally, EPA 's Final Remedy relies on the development of a Post-Remediation Care Plan (PRCP) that includes a soil management plan detailing work procedures and personal protective equipment requirements for any intrusive operations conducted within the area of impacted soil or soil gas, inspection and maintenance requirements that ensure the long-term integrity of physical barriers placed over areas of contamination to prevent exposure to potential receptors or mitigate occurrence of free-phase material, maintenance of fencing and/or surveillance methods to restrict Facility access, requirements for vapor mitigation strategies implemented in occupied buildings within AOI 1, and a monitoring plan for groundwater and surface water.

Also, the FDRTC sets forth engineering and institutional controls to be established to meet the Facility's corrective action goals. The activity and use limitations required for the Property are set forth in Section 5, below.

The administrative record pertaining to the EPA Final Decision and Statement of Basis is located at the location listed below:

Until September 30, 2021:	After September 30, 2021:
US EPA Region III	US EPA Region III
1650 Arch Street	4 Penn Center
Philadelphia, PA 19103	Philadelphia, PA 19103

The administrative record is also available online at: https://www.epa.gov/hwcorrectiveactionsites/hazardous-waste-cleanup-indspecchemical-corporation-formerly-koppers.

5. <u>Activity and Use Limitations</u>. 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) The Property shall not be used for residential purposes unless it is demonstrated to EPA that such use will not pose a threat to the environment or adversely affect or interfere with the selected remedy and EPA provides prior written approval of such use. (b) Groundwater at the Property shall not be used for any potable and/or domestic purpose, and shallow groundwater (less than 100 feet below ground surface) shall not be used for any purpose.

(c) A vapor intrusion assessment shall be required prior to any new construction of an occupied building within the area designated as Area Where Soil Management Plan Applies on Exhibit B unless the building plan includes, and the building is constructed with, a vapor mitigation system that reduces indoor air contamination to acceptable levels as determined by EPA at that time.

(d) The current owner must remain compliant with the EPA-approved PRCP for the Property.

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. <u>Compliance Reporting</u>. By the end of every year following the effective date of this Environmental Covenant, the then current owner of the Property shall submit, to EPA and any Holder listed in paragraph 3, written documentation stating whether or not the activity and use limitations in this Environmental Covenant are being abided by. This requirement will be included in the annual report submitted to EPA in accordance with the EPA-approved PRCP. In addition, within 30 days after:

a) written request by EPA,

b) transfer of title of the Property or of any part of the Property affected by this Environmental Covenant,

c) the discovery of noncompliance with paragraph 5 (Activity and Use Limitations), or

d) 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 shall send a report to EPA and any Holder. The report shall state whether or not there is compliance with paragraph 5. If there is noncompliance, the report will state the actions that will be taken to assure compliance.

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

9. **Recording and Notification of Recording.** Within 60 days after the date that EPA approves this Environmental Covenant, INDSPEC Chemical Corporation shall file this Environmental Covenant with the Recorder of Deeds for each County in which the Property is located, and send a file-stamped copy of this Environmental Covenant to EPA within 120 days of EPA's approval of this Environmental Covenant. Within 120 days after this Environmental Covenant has been filed with the Recorder of Deeds for each County in which the Property is located, INDSPEC Chemical Corporation shall send a file-stamped copy to each of the following: Petrolia Borough, Fairview Township, Butler County, and the Department.

## 10. <u>Termination or Modification</u>.

- (a) This Environmental Covenant runs with the land unless terminated or modified in accordance with 27 Pa. C.S. § 6509 or 6510 or in accordance with paragraph 10.(b). The then current owner of the Property shall provide EPA written notice of the pendency of any proceeding that could lead to a foreclosure, as referred to in 27 Pa. C.S. § 6509(a)(4), within seven calendar days of the owner's receiving notice of the pendency of such proceeding.
- (b) This Environmental Covenant may be amended or terminated as to any portion of the Property that is acquired for use as state highway right-of-way by the Commonwealth provided that: (1) EPA 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 determines that termination or modification of this Environmental Covenant will not adversely affect human health or the environment; and (3) EPA provides 30-days advance written notice to the current property owner, each holder, and, as practicable, each person that originally signed the Environmental Covenant or successors in interest to such persons.

# 11. EPA and The Department.

(a) <u>Notification</u>. The then current owner shall provide EPA and the Department written notice of:

- the pendency of any proceeding that could lead to a foreclosure as referred to in 27 Pa. C.S. § 6509(a)(4), within seven calendar days of the owner's receiving notice of the pendency of such proceeding;
- any judicial action referred to in 27 Pa. C.S. § 6509(a)(5), within seven calendar days of the owner's receiving notice of such judicial action;

- any judicial action referred to in 27 Pa. C.S. § 6509(b), within seven calendar days of the owner's receiving notice of such judicial action; and
- iv. termination or amendment of this Environmental Covenant pursuant to 27 Pa. C.S. § 6510, within seven calendar days of the owner's becoming aware of such termination or amendment.

(b) <u>Enforcement</u>. A civil action for injunctive or other equitable relief for violating this Environmental Covenant may be maintained by EPA and the Department.

## 12. EPA and the Department addresses

**Communications with EPA:** 

A file-stamped copy of this Environmental Covenant shall be sent to:

US EPA Region III 1650 Arch Street Philadelphia, PA 19103

Subsequent submissions required by this Environmental Covenant shall be sent to the Region 3 RCRA Corrective Action digital repository for institutional control and reporting documents. The documents shall reference the RCRA Facility name and RCRA ID Number. The documents shall be submitted to: <u>R3 RCRAPOSTREM@epa.gov</u>

Communications with the Department regarding this Environmental Covenant shall be sent to:

PA Department of Environmental Protection Northwest Regional Office 230 Chestnut Street Meadville, PA 16335

13. <u>Severability</u>. 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.

6

# ACKNOWLEDGMENTS

**INDSPEC Chemical Corporation** Property Owner, Grantor/Grantee P By: Dongener Name: Juan P. Somoano **Title: Vice President** 

**STATE OF TEXAS** ) -11/1 COUNTY OF ) SS: On this day of

On this <u>A</u>day of <u>IUMM</u>, 20<u>4</u>, before me, the undersigned officer, personally appeared Juan P. Somoano, who acknowledged himself/herself to be the Vice President of INDSPEC Chemical Corporation, the Owner, Grantor and Grantee 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.

**Notary Public** 



Date:

APPROVED, by the United States Environmental Protection Agency

Date: 3 30 ,202

Stacie Driscoll Augue Buscher Acting Director Land, Chemicals and Redevelopment Division United States Environmental Protection Agency Region III 1650 Arch Street Philadelphia, PA 19103

# COMMONWEALTH OF PENNSYLVANIA

# **COUNTY OF PHILADELPHIA**

- 1

On this  $\frac{32}{20}$  day of  $\frac{3}{20}$ ,  $\frac{3}{20}$ , before me, the undersigned officer, personally appeared Stacie Driscoll, who acknowledged himself/herself to be the person whose name is subscribed to this Environmental Covenant, and acknowledged that s/he freely executed the same for the purposes therein contained.

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) SS:

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

**Notary Public** 

Commonwealth of Pennsylvania - Notary Seal NATACHA DEER - Notary Public Montgomery County My Commission Expires November 16, 2024 Commission Number 1300632

#### **ENVIRONMENTAL COVENANT - Exhibit A**

Lands of Specialty Acquisition Sub., Inc., part of Tax Map Parcel 150-1F27-10-0000 situate in Fairview Township and part of Tax Map Parcel 470-S1-D28-000 situate in Petrolia Borough, and lands of INDSPEC Chemical Corp., Tax Map Parcels 470-S1-D13, 470-S1-D30A, and 470-S1-D14, situate in Petrolia Borough, Butler County, Pennsylvania and being more particularly bounded and described as follows to wit:

Beginning at a point in the centerline of Argyle Street (33' R/W) and leaving said Argyle Street and continuing along lands now or formerly of the Bear Creek Water Shed Authority the following seven courses and distances:

- 1. 579\*44'42" E. 80.00'
- 2. S 56"45'42" E, 44.41'
- 3. S 84\*55'57" E, 49.00'
- 4. \$ 05'04'03" W, 10.00'
- 5. S 84\*55'57" E, 30.00'
- 6. N 05°04'03" E, 10.00'
- S-84\*55'57" E, 30.00' to a point on the westerly-right of way line the Baltimore and Ohio Railroad Co. 60' right of way;

thence crossing said railroad \$ 84°55'57" E, 60.00' to a point on the easterly right of way line of said railroad;

thence along the easterly right of way line of said railroad 5 05°04'03" W, 962.00' to a point;

thence along lands of INDSPEC Chemical Corp. (Tax Map Parcel 470-S2-A1-0000) S 81°15'57" E, 322.00' to a point;

thence still along same N 21°48'48" E, 189.00' to a point;

thence still along same N 33\*30'48" E, 670.00' to a point;

thence still along same N 06°09'12" W, 330.00' to a point;

thence still along same and lands of INDSPEC Chemical Corp. (Tax Map Parcel 150-1F27-3-0000) S 88°29'57" E, 636.51' to a point;

thence through lands of Specialty Acquisition Sub., Inc. (Tax Map Parcel 150-1F27-10-0000) the following fifteen courses and distances:

- 1. S 00'00'00" E, 1161.47'
- 2. S06'24'13" E 292.11'
- 3. N 86°48'12" W, 651.05'
- 4. N 89\*55'03" W, 309.41'
- 5. S14'06'43" W, 150.72'

Rev. 8-28-2020 Pages 2 of 4

- S 04\*24\*59" E, 99.32'
  S 88\*33\*24" E, 724.11'
  N 56\*34\*15" E, 78.89'
  N 87\*46\*56" E, 80.94'
  S 52\*18\*01" E, 84.00'
  S 10\*18\*51" E, 28.01'
  S 36\*10\*01" E, 69.06'
  S 89\*36\*52" E, 77.93'
  S 15\*14\*12" W, 348.61'
- 15. \$ 31°35'07" W, 467.30' to a point on the dividing line of lands of Roy A. and Martha E. Wyant (Tax Map Parcel 150-1F-27-8-0000);

thence along said Wyant lands N 88°48'12" W, 337.28' to a point;

thence still along same S 13°02'18" W, 343.68' to a point;

thence along the dividing line of lands of Matthew C. McConnell (Tax Map Parcel 150-1F27-3BA-0000) S 69°30'18" W, 421.66' to a point;

thence along the dividing line of lands of William J., Jr., and Nichole R Snyder (Tax Map No. 150-S3-D1-000) N 62°12'12" W, 112.00' to a point;

thence along the northerly terminus of High Street N 71°53'57" W, 8.00' to a point in the centerline of High Street (18' wide);

thence along the centerline of High Street S 21\*22'48" W, 262.00' to a point in the center of Givens Street (30' wide);

thence along the centerline of Givens Street N 61°42'12" W, 150.00' to a point in the centerline of New Street;

thence along the centerline of New Street N 15°06'48" E, 63.48' to a point;

thence N 74°53'12" W, 15.00' to a point on the westerly right of way line of New Street ;

thence along the westerly right of way line of New Street S 15°06'48" W, 49.86' to a point on the northerly right of way line of Givens Street;

thence along the northerly right of way line of Givens Street N 61°58'42" W, 94.17' to a point;

thence along the dividing line of lands of Cindas Six and Harry Boltz (Tax Map Parcel 470-S1-D39-0000) N 14°26'18" E, 50.00' to a point;

thence sill along same N 61°58'42" W, 25.00' to a point;

thence still along same N 45°56'57" W, 5.00' to a point;

thence S 26°40'18" W, 65.00' to a point in the centerline of Givens Street;

thence along the centerline of Givens Street N 61°58'42" W, 12.00'; to a point;

thence N 26°35'18" E, 14.69' to a point on the northerly right of way line of Givens Street;

thence along the northerly right of way line of Givens Street N 61°58'42" W, 14.48 to a point on the westerly right of way line of Givens Street;

thence along the westerly right of way line of Givens Street S 28'03'18" W, 129.94' to a point on the northerly right of way line of Main Street (50.00' wide);

thence along the northerly right of way line of Main Street N 61\*56'42" W, 132.13'to a point;

thence still along same N 61°50'12" W, 27.76' to a point on the easterly right of way line of the Baltimore and Ohio Railroad right of way (60' wide);

thence along the easterly right of way line of the Baltimore and Ohio Railroad right of way by a curve to the right having a chord of N 08°48'03" E, 248.60' to a point;

thence leaving the easterly right of way line of the Baltimore and Ohio Railroad right of way N 74°07'42" W, 30.12' to a point in the centerline of said Railroad right of way;

thence along the centerline of said Railroad right of way by a curve to the left have a chord of S 13"34'48" W, 53.07' to a point;

thence leaving said railroad right of way and continuing along lands of Allan T. Warner (Tax Map Parcel 470-S1-D-24-000 N 82°16'42".W, 70.00' to a point;

thence along the dividing line of lands of George J. Hobaugh (Tax Map Parcel 470-S1-D22A-0000) N 82°16'42" W, 77.69' to a point;

Thence along the dividing line of lands of JBE Properties, LLC. (Tax Map Parcel 470-S1-D17-0000) N 74°51'42" W, 46.81'to a point;

thence still along same S 20°05'57" W, 67.30' to a point;

thence still along same N 64°14'09" W, 50.25' to a point on the easterly right of way line of Argyle Street;

thence along the easterly right of way line of Argyle Street N 20'05'57" E, 58.00' to a point;

thence continuing along the easterly right of way line of Argyle Street N 20\*05'57" E, 220.83' to a point;

thence still along same N 16°41'03" E, 64.20' to a point;

thence still along same N 15°46'18" E, 90.23' to a point;

thence crossing Argyle Street N 78°22'42" W, 25.00' to a point in the centerline of said street;

thence along the centerline of Argyle Street the following eleven courses and distances:

- 1. N 06\*27'03" E, 158.09'
- 2. N 04\*44'03" E, 132.59'
- 3. N 04\*44'08" E, 67.42'
- 4. N 04\*44'03" E, 225.44'
- 5. N 04\*43'02" E, 362.03'

- 6. N 04°44'03" E, 100.00'
- 7. N 11°11'33" E, 407.94'
- 8. N 11\*11'33" E, 328.94'
- 9. N 11\*11'33" E, 306.61'
- 10. By a curve to the left with an arc length of 133.65', and a radius of 901.59', with a chord bearing of N 06°56'44" E, with a chord length of 133.53',
- 11. N 02°41'55" E, 251.45' to a point at the place of beginning.

Having an area of 95.120 acres.

The meridian for the bearings in the above description are based on Pennsylvania State Plane Coordinate System South Zone NAD 83.

