



Evie Rafalko McNulty
Lackawanna Recorder of Deeds
123 Wyoming Ave, Suite 218
Scranton, PA 18503

This is a certification page

This page is now part of this legal document - DO NOT DETACH



Recording:

Recording Fee ROD	\$13.00
Partial & Notice of Assessment	\$0.00
Cover/Index Page	\$2.00
Additional Names	\$0.00
Additional Page	\$12.00
Additional Acknowledgement	\$0.50
Additional Parcel	\$0.00
County Improvement	\$2.00
Parcel Identification	\$10.00
ROD Improvement Fee	\$3.00
State Writ Tax	\$0.50
Statement of Value	\$0.00
State JCS/Access to Justice	\$0.00
Affordable Housing	\$0.00
Additional References (Assgn., Assgn Mort.)	\$0.00
References (Satisfactions)	\$0.00
Local RTT Tax	\$0.00
State RTT Tax	\$0.00

Total: \$43.00

Instrument #: 202205848

Receipt #: 22-5290

Clerk: Henehanl

Rec Date: 03/21/2022 11:48:16 AM

Num Pages: 11

****NOTICE: This is not a Bill.****

Document Type: ENVIRONMENTAL COVENANT

Rec'd From: MACTAC

Party 1: MORGAN ADHESIVES COMPANY LLC

Party 2: PA COMMONWEALTH OF DEPT OF ENVIRONMENTAL PROTECTION

I hereby CERTIFY that this document is recorded in
the Recorder of Deeds Office of Lackawanna County,
Pennsylvania.



Evie Rafalko McNulty

Evie Rafalko McNulty
Recorder of Deeds

**Information may change during the verification
process and may not be reflected on this page.

Record and Return To:

MACTAC
CARA GLASER
802 EAST COREY ST
SCRANTON, PA 18505

LACKAWANNA COUNTY
Certified Property Identification

MUNI: 250

When recorded, return to:
MORGAN ADHESIVE COMPANY, LLC
ATTN: EXECUTIVE OFFICE
4560 DARROW ROAD
STOW, OH 44224

MAR 21 2022

PIN: 17602 010 00101
USE: ASSESS. VAL 25000
CLERK: AW
/000

The County Parcel Identification No. of the Property is: PIN Number 1760201000101

GRANTOR: MORGAN ADHESIVES COMPANY, LLC, a Delaware limited liability company

PROPERTY ADDRESS: 802 East Corey Street, Scranton, Pennsylvania 18505

ENVIRONMENTAL COVENANT

This Environmental Covenant is executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act No. 68 of 2007, 27 Pa. C.S. §§ 6501 – 6517 (UECA). This Environmental Covenant subjects the Property identified in Paragraph 1 to the activity and/or use limitations in this document. As indicated later in this document, this Environmental Covenant has been approved by the United States Environmental Protection Agency (EPA).

1. **Property affected.** The property affected (Property) by this Environmental Covenant is located in the Borough of Moosic, in Lackawanna County, Pennsylvania.

The latitude and longitude of Property is described on the property map attached hereto as Exhibit B.

The Property has been known by the following name(s): 802 East Corey Street, Scranton, Pennsylvania.

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

2. **Property Owner / GRANTOR / GRANTEE.** Morgan Adhesives Company, LLC is the owner of the Property and the GRANTOR and GRANTEE, and a "Holder," as that term is defined in 27 Pa. C.S. § 6502, of this Environmental Covenant.

3. The mailing address of the owner is:

Morgan Adhesives Company, LLC
Attn: Executive Office
4560 Darrow Road
Stow, Ohio 44224

4. **Description of Contamination and Remedy.**

- Nine (9) Underground Storage Tanks (USTs) and associated piping that contained solvents and adhesives were removed, and soils in the areas were excavated and sampled. Approximately 1,100 tons of soils contaminated with solvents and Total Petroleum

Hydrocarbons (TPH) were removed during excavation activities. Also in 1991, the final two USTs on the Property that stored fuel oil were decommissioned and left in place due to inaccessibility, as they were adjacent to a water tower structure. Those two USTs were filled with inert concrete slurry, and nearby soil removal were completed. Verification analysis of soil samples at the removal area showed a TPH concentration of 263 parts per million (ppm). PADEP reviewed these results and approved backfilling the excavation. PADEP issued approval for the closure of all eleven (11) of the USTs in 1995.

- On August 23, 2019, EPA issued a Statement of Basis in which it described the information gathered during environmental investigations at the Property, and proposed a Final Remedy for the Property. The public was invited to comment during a 30-day period, ending on September 22, 2019. EPA received no comments on its proposed Final Remedy. EPA then selected the remedy proposed as its Final Remedy in a Final Decision and Response to Comments signed on September 26, 2019.

The administrative record pertaining to the Final Remedy and response to comments is located at the locations listed below:

Until March 1, 2022:

US EPA Region III
1650 Arch Street
Philadelphia, PA 19103

After March 1, 2022:

US EPA Region III
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103

The administrative record is also available online at:
<https://www.epa.gov/hwcorrectiveactionsites/contact-information-corrective-action-hazardous-waste-clean-ups-delaware>.

5. Activity and Use Limitations.

a. **Activity and Use Limitations for Corrective Action Site.** 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, in accordance with the requirement for institutional controls for soil set forth in the Statement of Basis:

i. As contaminants remain in the Property soils at levels which exceed residential use, the Property shall be restricted to commercial and/or industrial purpose and shall not be used for residential purposes, unless it is demonstrated to EPA that such use will not pose a threat to human health or the environment. The grantor must obtain prior written approval from the EPA for such use.

b. **Grantor's Additional Activity & Use Limitations.** The Property is subject to the following activity and use limitations required by Grantor, which the then current owner, and its tenants, agents, employees and other persons under its control, shall abide by:

i. Groundwater at the Property may not be used as a potable water source.

6. **Notice of Limitations in Future Conveyances.** Each instrument hereafter conveying any interest in the Property subject to this Environmental Covenant shall contain a notice of the activity and use limitations set forth in this Environmental Covenant and shall provide the recorded location of this Environmental Covenant.

7. **Compliance Reporting.** By the end every January following EPA's approval of this Environmental Covenant, the then current owner of the Property shall submit to EPA and the Pennsylvania Department of Environmental Protection (Department), written documentation stating whether or not the activity and use limitations in this Environmental Covenant are being abided by. In addition, within 30 days after a) written request by EPA or the Department, b) transfer of title of the Property or of any part of the Property affected by this Environmental Covenant, c) 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 the Department. 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, 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 30 days after the date that EPA approves this Environmental Covenant, the Grantor shall file this Environmental Covenant with the Recorder of Deeds for Lackawanna County, and send a file-stamped copy of this Environmental Covenant to EPA within 90 days of EPA's approval of this Environmental Covenant. Within 90 days after this Environmental Covenant has been filed with the Recorder of Deeds for Lackawanna County, the Grantor shall send a file-stamped copy to each of the following:

- The Borough of Moosic;
- Lackawanna County, Pennsylvania; and
- The Department.

10. **Termination or Modification.**

(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) In accordance with 27 Pa. C.S. § 6510(a)(3)(i), Grantor hereby waives the right to consent to any amendment or termination of the Environmental Covenant by consent; it being intended that any amendment to or termination of this Environmental Covenant by consent in accordance with this Paragraph requires only the following signatures on the instrument amending or terminating this Environmental Covenant: (i) the Holder at the time of such amendment or termination; (ii) the then current owner of the Property; and (iii) EPA.

11. **EPA and the Department.**

(a) **Notification.** The then current owner shall provide EPA and the Department with written notice of:

(1) 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;

(2) 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;

(3) 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

(4) 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) **Enforcement.** A civil action for injunctive or other equitable relief for violating this Environmental Covenant may be maintained by the Department or by the Attorney General of the United States, on behalf of EPA. In addition, the Department and EPA reserve their regulatory authorities under any law to enforce the activity and use limitations described in Paragraph 5, above.

12. **EPA and the Department addresses.**

Communications with EPA:

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

Until March 1, 2022:

US EPA Region III
1650 Arch Street
Philadelphia, PA 19103

After March 1, 2022:

US EPA Region III
1600 John F. Kennedy Boulevard
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: R3_RCRAPOSTREM@epa.gov

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

PA Department of Environmental Protection
Northeast Regional Office
2 Public Square
Wilkes Barre, Pennsylvania 18711-0790

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

ACKNOWLEDGMENTS:

Morgan Adhesives Company, LLC, Grantor

Date: 1/14/2022

By: Kelley L. Crookston
Name: Kelley L. Crookston
Title: Vice President

State of Ohio

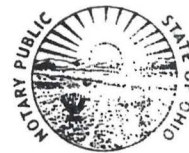
COUNTY OF Summit

SS: Stow, Ohio

On this 14th day of January, 2022, before me, the undersigned officer, personally appeared, Kelley L. Crookston, Vice President of Morgan Adhesives Company, LLC, Grantor, who acknowledged herself to be the person whose name is subscribed to this Environmental Covenant, and acknowledged that she executed same for the purposes therein contained.

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

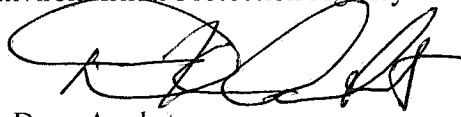
Jane A. Kueking
Notary Public



JANE A KUEKING
Notary Public
State of Ohio
My Comm. Expires
January 22, 2025

APPROVED, by the United States Environmental Protection Agency

Date: Feb 25, 2022



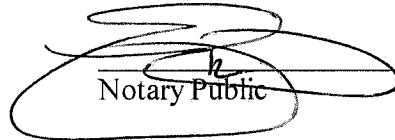
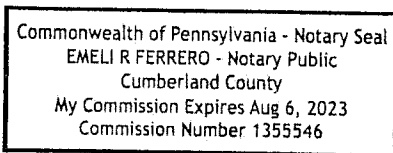
Dana Aunkst
Director
Land, Chemicals, and Redevelopment Division
United States Environmental Protection Agency Region III
1650 Arch Street
Philadelphia, PA 19103

COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF CUMBERLAND) SS:

On this 25 day of February, 2022 before me, the undersigned officer, personally appeared Dana Aunkst, Director Land, Chemicals, and Redevelopment Division USEPA Region III, who acknowledged himself to be the person whose name is subscribed to this Environmental Covenant, and acknowledged that he freely executed the same for the purposes therein contained.

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



Notary Public

EXHIBIT "A"
LEGAL DESCRIPTION

ALL that certain lot, piece or parcel of land situate in the Borough of Moosic, County of Lackawanna and State of Pennsylvania, bounded and described as follows:

BEGINNING: at a concrete monument set at the most westerly corner of lands late of the Scranton Lackawanna Industrial Building Company owned by Poloron of Pa., Inc., (Poloron);

THENCE along the line of said Poloron lands, South Forty-One Degrees Thirty-Six Minutes East (S. 41° 36' E.) One Thousand Three Hundred Eighty-Three and Thirty-Six One Hundredths Feet (1383.36') to a concrete monument at the most southerly corner of the Poloron lands;

THENCE still along said Poloron lands, North Forty-Eight Degrees, Twenty-Four Minutes East (N. 48° 24' E.) Forty-Four and Ninety-Three One Hundredths Feet (44.93') to a corner on the right of way of a spur track of the former L. & W. V. R. R. Co.;

THENCE along said right of way on a curve to the left parallel to and Fifteen Feet (15') from the center line thereof an arc distance of Sixty-Three and Thirty-Six One Hundredths Feet (63.36') to a point; and a chord bearing of South Six degrees, Thirty-Two Minutes, Twenty-Three Seconds East (S 6° 32' 23" E) a chord distance of Sixty-Three and Twenty-Six One Hundredths feet (63.26');

THENCE still along said right of way, parallel to and Fifteen Feet (15') from the center line thereof, South Eleven Degrees, Twenty-Eight Minutes East (S 11° 28' E) Two Hundred and Thirty-Eight and Fifteen One Hundredths Feet (238.15') to a corner on the northerly right of way line of the Pennsylvania Power and Light Co.;

THENCE along said Pennsylvania Power and Light Co. right of way South Eighty-Four Degrees, Thirteen Minutes West (S. 84° 13' W.) One Hundred Seventy-Four and Seven One Hundredths Feet (174.07) to a corner;

THENCE still along said right of way South Seventy-Six Degrees, Thirty-Three Minutes West (S. 76° 33' W.) Seven Hundred Thirty-Four and Seventy-Nine One Hundredths Feet (734.79') to a corner;

THENCE over and across lands of the Scranton Lackawanna Industrial Building Company, North Forty-One Degrees, Thirty-Six Minutes West (N. 41° 36' W.) One Thousand Forty-Four and Seventy-Six One Hundredths Feet (1044.76') to a corner;

THENCE over and across lands of the Scranton Lackawanna Industrial Building Company, and along the line of St. Mary's Cemetery North Forty-Eight Degrees One Minute East (N. 48° 01' E.) Seven Hundred Nineteen and Eighty-Three One Hundredths Feet (719.83') to a corner;

THENCE still along said Cemetery North Forty-One Degrees Thirty-Six Minutes West (N. 41° 36' W.) One Hundred Forty-Three and Fifty-One Hundredths Feet (143.51') to a corner;

THENCE over and across lands of Scranton Lackawanna Industrial Building Co. North Forty-Eight Degrees, Twenty-Four Minutes East (N. 48° 24' E.) One Hundred Eighty and Eighteen One Hundredths Feet (180.18') to the place of beginning.

CONTAINING Twenty-Six and Ninety-Five One Hundredths (26.95) acres of land more or less, as shown on the Survey of Lands of Technographics, Inc. to be conveyed to Morgan Adhesives Company, Borough of Moosic- Lackawanna County, Pennsylvania, dated May 4, 1963, revised March 2, 1983, March 23, 1990, April 2, 1990, April 5, 1990 and December 22, 1993, prepared by John M. Hennemuth P.L.S., Drawing No. D-7-83 (the "Plan").

TOGETHER with an easement marked on the Plan as "Entrance Easement," with the notation "Deed- Scranton Lackawanna Industrial Building Co. to Borough of Moosic, May 5, 1963."

TOGETHER with utility easements, including rail road spur lines, over and across other adjoining lands now or formerly owned by Scranton Lackawanna Industrial Building Company, which may be necessary and pertinent to the operation of the manufacturing plant located on the premises, as reserved by Deed from Scranton Lackawanna Industrial Building Company to Litton Business Systems, Ind. dated April 13, 1983 in Lackawanna County Deed Book 1079, Page 181, et seq.

TOGETHER with the unrecorded railroad right of way from Lackawanna & Wyoming Valley Railway Company to Fitchburg Coated Products Division, Litton Business Systems, Inc. and Scranton Lackawanna Industrial Building Company, dated September, 1971 regarding the use of the side track serving the Property.

BEING PIN # 1760201000101.

BEING the same Property which, by Deed dated January 3, 1994, and recorded with the Recorder of Deeds for the County of Lackawanna on January 10, 1994, in Book 1459, Page 234, was granted and conveyed unto MACtac, Inc., an Ohio corporation.

ID	Latitude	Longitude
1	41.36977513	-75.69126393
2	41.36960203	-75.69182443
3	41.36959478	-75.69184794
4	41.36887317	-75.69435702
5	41.36907466	-75.69466895
6	41.36915505	-75.69479341
7	41.36924097	-75.69492643
8	41.36966939	-75.69558972
9	41.37064146	-75.69709477
10	41.37074812	-75.69725992
11	41.37084198	-75.69716045
12	41.37087996	-75.69711849
13	41.37119639	-75.69676889
14	41.37125712	-75.69670116
15	41.3722593	-75.6955837
16	41.37247732	-75.69592992
17	41.37286659	-75.69550232
18	41.37238731	-75.69476015
19	41.37228748	-75.69460344
20	41.37060692	-75.6920035
21	41.37039855	-75.69168116
22	41.37049696	-75.6915847
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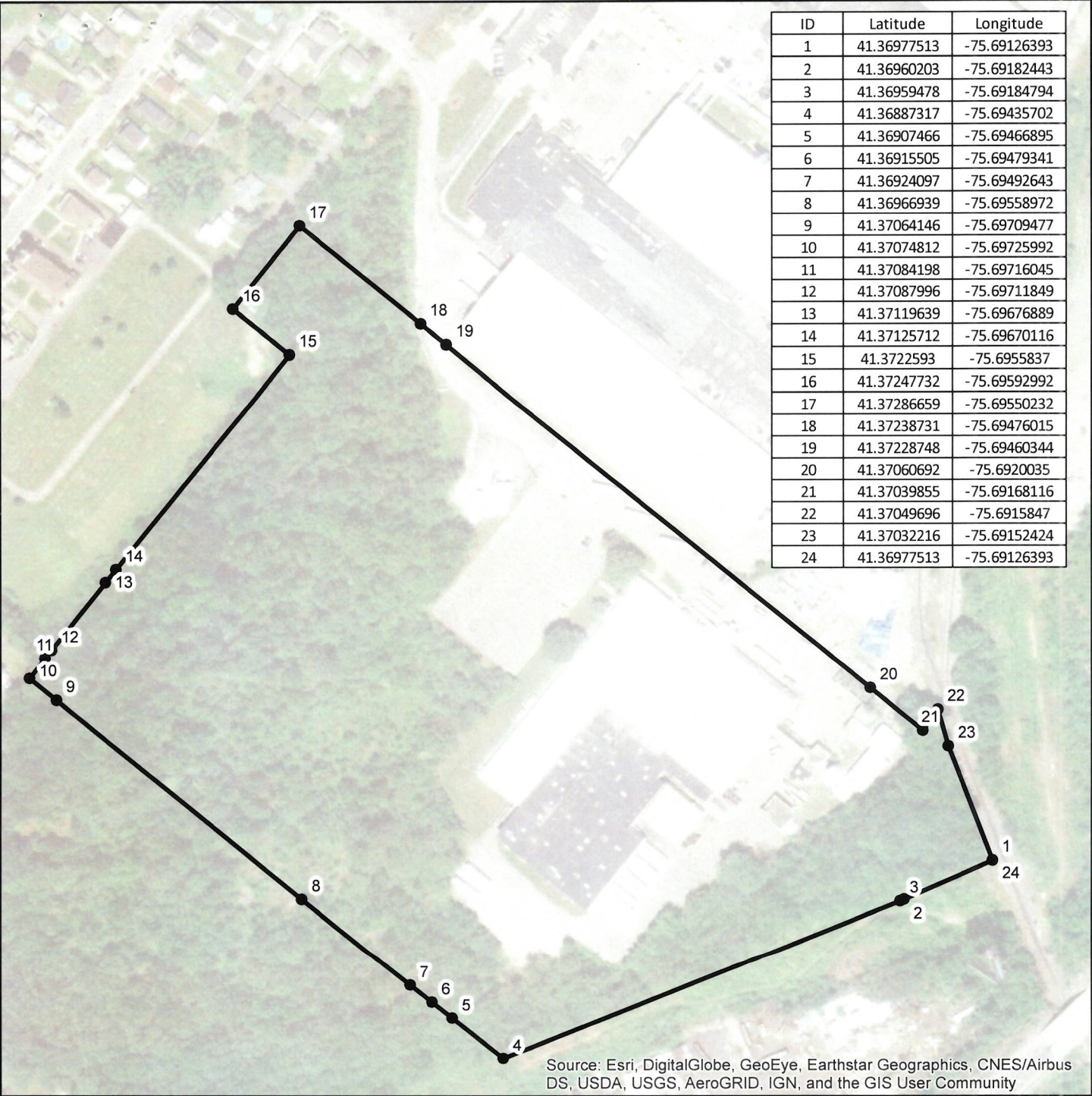


Exhibit B
Mactac Industries- Scranton Facility
EPA ID# PAD053678959
802 East Corey Street
Scranton, PA 18505



 ENTIRE FACILITY

