

Prepared By:
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Return to:
Peter Farrand
PECO Energy Company
2301 Market Street, 03-NW-023/W
Philadelphia, PA 19103
Phone: (215) 841-5641

The County Parcel Identification No. of the Property is: 87-4-5640-10

GRANTOR: PECO Energy Company

PROPERTY ADDRESS: Penrose and Lanier Avenue, Philadelphia, PA 19145

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 a 7.8-acre property located at Penrose and Lanier Avenues in the City of Philadelphia, Philadelphia County.

The latitude and longitude of the center of the Property is: 39.902202, -75.199605.
The Property has been known by the following name(s): PECO Energy Company (PECO)-
Penrose Avenue Facility and Colonial Salvage and Scrap.

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.** PECO Energy is the owner of the Property and the GRANTOR and GRANTEE of this Environmental Covenant.

3. The mailing address of the owner is:

PECO Energy Company
Real Estate & Facilities
2301 Market Street, 03-NW-023/W
Philadelphia, PA 19103

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

- Drums containing a combination of waste solvents, waste paints, waste oils and polychlorinated biphenyls (PCBs) were discovered at the Property in 1990 during an EPA inspection. The drums had been illegally stored on the Property by Colonial Salvage and Scrap (Colonial), a tenant who was leasing the Property from PECO. Between May and September of 1990, a drum removal action was completed at the Property by PECO as part of an Administrative Order under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).
- Initial investigations of the Property included a geophysical survey for buried metal and drums, followed by the completion of 16 exploratory test pits and soil sampling. In August of 1990 a total of 20 soil borings were completed to characterize three areas of the Property where drums/containers had been stored. Test results confirmed that two metals, chromium, and selenium, were present in soils at levels above PADEP Non-Residential Direct Contact Medium-Specific Concentrations (MSCs).
- On March 8, 2022, EPA selected a Final Remedy for the Property in a Final Decision and Response to Comments (FDRTC). The Final Remedy consisted of compliance with and maintenance of the activity and land use limitation set forth in Paragraph 5.a., below.

The administrative record pertaining to the FDRTC is located at the locations listed below:

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:
 - i. As contaminants remain in Property soils at levels which exceed residential use standards, the Property shall be restricted to commercial and/or industrial purposes 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 additional activity and use limitations required by the Grantor, which the then current owner, and its tenants, agents, employees and other persons under its control, shall abide by:

- i. Groundwater shall not be used as either a potable or non-potable source from 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. **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 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.a. (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.a. 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 30 days after the date that EPA approves this Environmental Covenant, the Grantor shall file this Environmental Covenant with the Recorder of Deeds for Philadelphia 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 Philadelphia County, the Grantor shall send a file-stamped copy to each of the following:

- The City of Philadelphia 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.
- (c) 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 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.a., above.

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

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
Southeast Regional Office
2 East Main Street
Norristown, PA 19401-4915

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

PECO Energy Company, Grantor

Date:

By:

Name: Joseph Hoffman

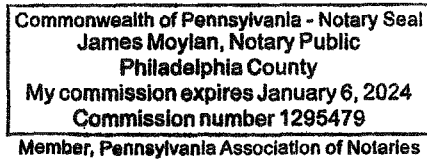
Title: Manager Real Estate

COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF PHILADELPHIA) SS:

On this 16TH day of AUGUST, 2022, before me, the undersigned officer, personally appeared Joseph Hoffman, Manager PECO Real Estate, Grantor, who acknowledged himself to be the person whose name is subscribed to this Environmental Covenant, and acknowledged that she/he executed same for the purposes therein contained.

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



~~Notary~~ Public

Exhibit A – Property Description

**PROPERTY DESCRIPTION****PENROSE FERRY ROAD****PARCEL 87-4-5640-10****CITY OF PHILADELPHIA****PHILADELPHIA COUNTY, PENNSYLVANIA**

ALL THAT CERTAIN part and parcel of land situate, lying and being in the City of Philadelphia, County of Philadelphia, State of Pennsylvania and being more particularly described as follows:

BEGINNING at a point for a corner in the southeasterly line of Penrose Avenue (124 feet wide), said point being in the division line between parcel 87-4-5640-10 and parcel 88-4-0965-04 and having Pennsylvania State Plane Coordinate System – South (NAD 1983-2011) grid values of Northing 217,634.42 feet and Easting 2,683,617.89 feet and running in said bearing system; thence

1. North 58°07'46" East, along said line of Penrose Avenue, a distance of 708.50 feet to a point for a corner at the intersection of said southeasterly line of Penrose Avenue with the westerly line of an unnamed 24' wide right-of-way; thence

Along said line of an unnamed 24' wide right-of-way, the following five (5) courses:

2. South 31°52'14" East, a distance of 2.00 feet to a point of curvature; thence
3. Along a non-tangent curve to the right, having a radius of 3.01 feet, a central angle of 151°23'38", with a chord bearing of South 46°09'38" East and chord distance of 5.83 feet, an arc length of 7.94 feet to a point for a corner; thence
4. South 29°29'49" West, a distance of 27.85 feet to a point of curvature; thence
5. Along a tangent curve to the left, having a radius of 86.17 feet, a central angle of 60°00'00", with a chord bearing of South 00°30'11" East and chord distance of 86.17 feet, an arc length of 90.24 feet to a point of tangency; thence
6. South 30°30'11" East, a distance of 193.47 feet to a point for a corner in the division line between parcel 87-4-5640-10 and parcel 87-5-1059-10; thence

Along said division line, the following three (3) courses:

7. South 35°58'16" West, a distance of 588.29 feet to a point for a corner; thence
8. South 35°47'46" West, a distance of 274.30 feet to a point for a corner; thence
9. South 35°26'46" West, a distance of 282.89 feet to a point for a corner in the division line between parcel 87-4-5640-10 and parcel 88-4-0965-04; thence

Along said division line, the following three (3) courses:

10. North 07°46'46" East, a distance of 542.57 feet to a point of curvature; thence
11. Along a tangent curve to the left, having a radius of 336.21 feet, a central angle of 39°39'00", with a chord bearing of North 12°02'44" West and chord distance of 228.05 feet, an arc length of 232.67 feet to a point of tangency; thence
12. North 31°52'14" West, a distance of 90.91 feet to the point and place of **BEGINNING**.

CONTAINING within said bounds 7.833 acres (341,184 square feet), more or less.

PROPERTY DESCRIPTION, Continued

PENROSE FERRY ROAD

PARCEL 87-4-5640-10

CITY OF PHILADELPHIA, PHILADELPHIA COUNTY, PENNSYLVANIA

Page 2

This description has been prepared in accordance with a certain plan entitled "Map of Survey Tax Parcel: 87-4-5640-10, City of Philadelphia, Philadelphia County, PA" prepared by Vargo Associates dated November 11 ,2021 and noted as project number 20174.

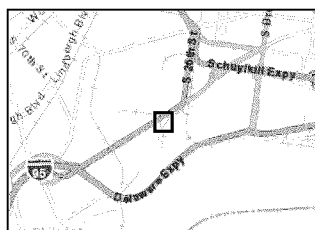
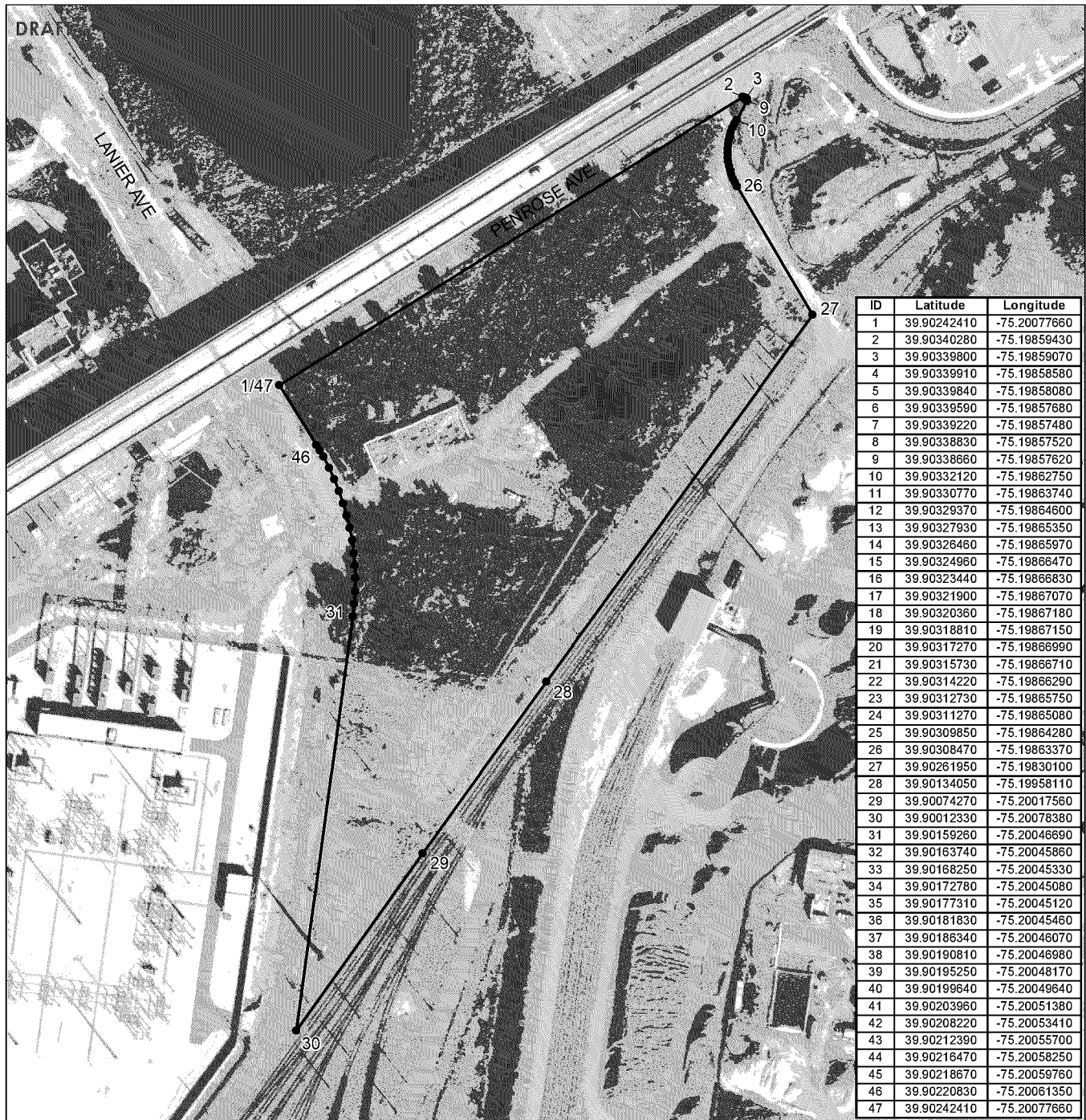
November 11, 2021

Prepared by:

A handwritten signature in black ink, appearing to read "Michael R. Vargo". The signature is fluid and cursive, with the first name "Michael" being more prominent than the last name "Vargo".

Michael R. Vargo
Professional Land Surveyor
PA. License #SU-055513-E

Exhibit B – Property Map



LEGEND
 Facility

0 100 200
 Feet
 1:2,400 (at original document size of 8.5x11)



Project Location
 Penrose Avenue
 Philadelphia, PA

213403473
 Prepared by GWC on 4/6/2022
 Technical Review by XXX on xx/xx/2022
 Independent Review by XXX on xx/xx/2022

Client/Project
 PECO Penrose Avenue
 Environmental Covenant

Exhibit
B
 Title

Property Map

Notes
 1. Coordinate System: NAD 1983 StatePlane Pennsylvania South FIPS 3702 Feet
 2. Source: Stantec
 3. Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community
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