

Specialty Materials
Honeywell
98 Westwood Road
Pottsville, PA 17901
570.621.6000
570.621.6096 Fax

FFTT6-15-07
60

SPECIAL PROJECTS	
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p style="text-align: center;">JUN 14 2007</p> </div>	
FACILITY:	<u>Honeywell</u>
MUNIC:	<u>Norwescoten Twp.</u>
COUNTY:	<u>Schuylkill</u>

June 11, 2007

Gerard F. Olenick
Pennsylvania Department of Environmental Protection
2 Public Square
Wilkes-Barre, Pennsylvania 18711

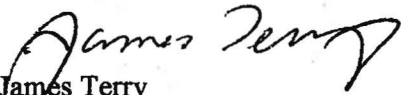
**Institutional Controls – Act 2 Acetone Remediation
Honeywell Specialty Materials - Pottsville
eFACTS Site #238475, PF#670855**

Dear Mr. Olenick:

On January 6, 2006, Pennsylvania Department of Environmental Protection approved the Remedial Investigation/Final Report for the substance identified (acetone) remediated to an Act 2 site-specific standard at the Pottsville Site. As a part of the remediation, an institutional control was required in the form of a deed notice and land use restriction. The notice and land use restriction have been executed for the property and are hereby provided for your files.

We trust that this submittal is consistent with the Department's requirements in this matter. Please do not hesitate to contact Dave Muth at 570-621-6037 if you have any questions.

Sincerely,


James Terry
Site Leader

JUN 14 2007

Instrument Bk Page Type
200700009913 DR 2257 1169 MISC

Date Time
05-30-2007 12:58 pm.

NOTICE AND LAND USE RESTRICTION

THIS NOTICE AND LAND USE RESTRICTION ("Notice and Land Use Restriction") is made as of May 24, 2007 ("Date of this Notice and Land Use Restriction"), by HONEYWELL INTERNATIONAL INC., a Delaware corporation ("Owner"), with reference to the following facts and objectives:

RECITALS

- A. Owner owns that certain real property situated in the City of Pottsville, State of Pennsylvania, as described on Exhibit "A" hereto (the "Land");
- B. The Land is the same Land as acquired by Allied Chemical Corporation by deed from Landis Tool Company dated June 30, 1961, recorded June 30, 1961, in Deed Book No. 1023, Page 375. Allied Chemical Corporation changed its name to Allied Corporation by Certificate of Amendment of the Certificate of Incorporation of Allied Chemical Corporation dated April 27, 1981; Allied Corporation merged into Allied-Signal Inc. by Certificate of Ownership and Merger dated September 30, 1987; Allied-Signal Inc. changed its name to Allied Signal Inc. by Certificate of Amendment of Restated Certificate of Incorporation of Allied-Signal Inc. dated April 26, 1993; and AlliedSignal Inc. changed its name to Honeywell International Inc. (the Owner named hereon) by Certificate of Ownership and Merger dated December 1, 1999; and
- C. Owner wishes to place this Notice and Land Use Restriction of record.

DECLARATION

NOW, THEREFORE, for good and valuable consideration, Owner hereby covenants, agrees and declares that the Land shall be held and conveyed subject to this Notice and Land Use Restriction and Owner wishes to place all parties, including successors and assigns, on notice that certain hazardous substances have been released to the subsurface of the Land, and further covenants that the land use restrictions (as hereinafter defined) shall run with the Land and shall be binding upon all parties, including successors and assigns, having or acquiring any right or title in the Land or any portion thereof, as follows:

NOTICE

Pursuant to Section 304(m) of the Pennsylvania Land Recycling and Environmental Remediation Standards Act ("Act 2"), 35 P.S. § 6026.304(m), the Owner hereby acknowledges that hazardous substances have been released to the subsurface of the Land. Approximately 1.3 cubic yards of soil located below the southeastern corner of the footer of Building 1 at the location indicated on Exhibit "B" hereto have been

determined to contain a concentration of acetone exceeding the non-residential Statewide Health Standard. The hazardous substance released to the subsurface was acetone.

LAND USE RESTRICTION

The Act 2 Final Report Approval dated January 6, 2006, and attached hereto as Exhibit "C" describes remediation measures that have been performed at the Land and demonstrates that site-specific pathway elimination for all contamination in groundwater and soils at the Land has been attained. Consistent with the Department of Environmental Protection's (DEP) determinations set forth in Exhibit C, in accordance with the provision of Section 304 of Act 2, 35 P.S. § 6026.304, the following restrictions and covenants ("Land Use Restrictions") are hereby recorded: (1) the groundwater at and under the Land shall not be used for any drinking or agricultural purpose; (2) the Land shall be used solely for nonresidential purposes; and (3) the owner of the Land shall have a continuing duty to maintain the protective soil cover, pavement caps and/or structures overlying contaminated soils under the southeastern corner of Building 1 on the Land as shown in Exhibit B and shall not allow any excavations below the southeastern corner of Building 1 without prior written notice and a plan submitted to the DEP or successor with schedule of implementation setting forth worker health and safety requirements and restoration of the cap or other alternative cover that is approved by DEP in writing as described below.

In order to maintain the liability relief of Act 2 for areas of the Land subject to a protective cover where the cover is breached or removed, remaining soils or other materials where such excavation or removal occurs ("Area") shall either (1) meet applicable statewide health standards or numeric-based site specific standards approved by DEP in writing and all applicable federal, state and local laws, regulations and ordinances pertaining to the environment and occupational safety; or (2) be covered with materials that eliminate the pathway of exposure to the underlying contamination and are capable of physically supporting the intended use of the Area. Such alternative cover shall be placed on the Area within such period of time as set forth in the worker health and occupational safety plan developed with respect to such Area as approved by DEP. The alternative cover shall thereafter be maintained by the Land owner in good and proper repair.

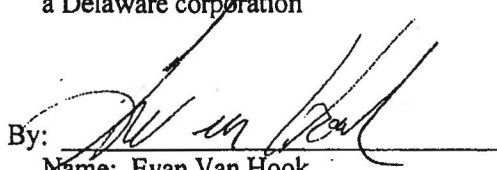
All excavated materials removed from below the southeastern corner of Building 1 shall be managed, transported and disposed of in compliance with all applicable federal, state and local laws, regulations and ordinances including, without limitation, those pertaining to environmental protection and occupational safety.

Pursuant to Sections 304 of Act 2, 35 P.S. § 6026.304, and Exhibit C hereto, the above restrictions and covenants shall apply to and run with the Land, and no modification to these restrictions or covenants shall be made, except as authorized pursuant to Section 903 of Act 2, 35 P.S. § 6026.903. This hazardous substance acknowledgement is required to be included in the description of the Land described in

this deed for all future conveyances or transfers of the Land pursuant to Section 512(b) of the Hazardous Sites Cleanup Act, 35 P.S. 6020.512(b).


IN WITNESS WHEREOF, Owner has caused this Notice and Land Use Restriction to be executed as of the Date of this Notice and Land Use Restriction.

OWNER: HONEYWELL INTERNATIONAL INC.,
a Delaware corporation

By: 
Name: Evan Van Hook
Its: Vice President, Health, Safety,
Environmental & Remediation

State of New Jersey
County of Harris

On May 24, 2007, before me, personally appeared Evan Van Hook, who acknowledged himself to me (or proved to me on the basis of satisfactory evidence) to be the Vice President, Health, Safety, Environmental & Remediation of Honeywell International Inc., a Delaware corporation; and that as such Vice President, Health, Safety, Environmental & Remediation, being duly authorized to do so pursuant to its bylaws or operating agreement, executed, subscribed and acknowledged the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself in his authorized capacity as Vice President, Health, Safety, Environmental & Remediation as his free and voluntary act and deed and the free and voluntary act and deed of said corporation. Witness my hand and official seal.


Notary Public

MYL ABRAHAM
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires April 1, 2011

My commission expires: Apr. 1, 2011

Record and Return To:
Irene A. Carlson, Esquire
Honeywell International Inc.
15102 Minnetonka Industrial Road
Minnetonka, MN 55345

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY

Honeywell International Inc.
Federal Employee Identification No. 22-2640650

First American Title Insurance Company

Commitment No. NCS-281182-MPLS

SCHEDULE C

ALL THAT CERTAIN piece or parcel of land situate in Norwegian Township, Schuylkill County, Pennsylvania, bounded and described as follows viz:

BEGINNING at a stone in the line between Norwegian Township and the City of Pottsville, said point being the northwest corner of the Schneider tract, the southwest corner of the Yoh tract and in the easterly line of the Michael Bright tract, being also in the northern right-of-way line of the People's Railway Company, thence along the aforementioned right-of-way along the arc of a curve whose chord is South eighty-two degrees forty minutes West (S. 82° 40' W.) four hundred seventy-one and fifty-six one-hundredths (471.56) feet to iron pipe, thence along the same right-of-way line South eighty-nine degrees forty-five minutes West (S. 89° 45' W.) nine hundred eleven (911) feet to an iron pipe, the southwest corner of the area herein described, and in line of lands now or late of Marlin Land Company, thence along said lands for the following two (2) courses and distances, viz: 910 north thirty-four degrees thirty minutes East (N. 34° 30' E.) three hundred ninety (390) feet to iron pipe and thence (2) North twelve degrees forty-nine minutes West (N. 12° 49' W.) two hundred twenty-two and thirty-nine one-hundredths (222.39) feet to iron pipe on the south side of Township Road Route No. 545 leading from the Village of Merlin to the City of Pottsville; thence along south side of said Township Road North eighty-five degrees thirty minutes East (N. 85° 30' E.) nine hundred twenty-three and thirty-eight one-hundredths (923.38) feet to an iron pipe on the west line of the Yoh tract, thence still along said road for the following six (6) courses and distance, viz: (1) North twenty-four degrees no minutes East (N. 84° 00' E.) two hundred twenty-eight (228) feet to a point, thence (2) North forty-eight degrees no minutes East two hundred fifty-four (254) feet to a point, thence (3) North fifty-nine degrees one minute East (N. 59° 01' E.) two hundred fifty-four and twenty-six one-hundredths (254.26) feet to a set stone, thence (4) North fifty-four degrees thirty minutes East (N. 54°30' E.) ninety-eight (98) feet to a point, thence (5) North seventy-five degrees forty-five minutes East (N. 75° 45' E.) seventy-two (72) feet to a point and thence (6) South eighty-seven degrees eleven minutes East (S. 87° 11' E.) one hundred thirty-three and fifty-five one-hundredths (133.55) feet to an iron pipe the northeast corner of the property herein described and the northwest corner of land now or late of Bernard Gluntz; thence along said land now or late of Bernard Gluntz South twenty-five degrees fifty minutes East (S. 25° 0' E) five hundred twenty-four and seventy-five one-hundredths (524.75) feet to set stone in the line between Norwegian Township and the City of Pottsville, aforesaid, thence along said line South sixty-one degrees twenty-five minutes West (S. 61° 25' W.) nine hundred seventy-eight and twelve one-hundredths (978.12) feet to the place of BEGINNING.

CONTAINING twenty-seven and four-hundred twenty-eight one-hundredths (27.428) acres, more or less.

BEING Tax Parcel 20-06-0076.000, and 20-06-0077.000

BEING the same premises which Landis Tool Company, by Deed dated 06/30/1961 and recorded 06/30/1961 in Schuylkill County at Deed Book 1023 Page 375, granted and conveyed unto Allied Chemical Corporation, a New York Corporation, in fee.

AND the said Allied Chemical Corporation, a New York Corporation, has since changed its name to Allied Corporation, a New York Corporation, by virtue of an Amended Certificate of Authority filed 05/29/1981 in the Office of the Secretary of State of Pennsylvania.

AND the said Allied Corporation, a New York Corporation, has since merged with and into Allied-Signal, Inc., a Delaware Corporation, by virtue of Articles of Merger/Consolidation filed 12/12/1988 in the Office of the Secretary of State of Pennsylvania.

AND the said Allied-Signal, Inc., a Delaware Corporation, has since changed its name to AlliedSignal, Inc., a Delaware Corporation, by virtue of an Amended Certificate of Authority filed 09/17/1993 in the Office of the Secretary of State of Pennsylvania.

First American Title Insurance Company

Commitment No. NCS-281182-MPLS

AND the said AlliedSignal, Inc., a Delaware Corporation, has since changed its name to Honeywell International Inc., a Delaware Corporation, by virtue of an Amended Certificate of Authority filed 12/29/1999 in the Office of the Secretary of State of Pennsylvania.

EXHIBIT B
LOCATION OF RELEASE

EXHIBIT C
ACT 2 FINAL REPORT APPROVAL LETTER



Pennsylvania Department of Environmental Protection

JOB NO.: 540040197
JOB NAME: Honeywell
SUBMITTED BY: [Signature]

RECEIVED

JAN 11 2006

2 Public Square
Wilkes-Barre, PA 18711
January 6, 2006

Northeast Regional Office

570-826-2511
FAX 570-820-4907

Mr. Judd Weiss
Honeywell Specialty Materials
98 Westwood Road
Pottsville, PA 17901-1834

RE: Final Report Approval-Act 2
eFACTS Site #238475, PF#670855
Honeywell Specialty Materials-Pottsville
Norwegian Township, Schuylkill County

Dear Mr. Weiss:

The Department of Environmental Protection has received and reviewed the October 19, 2005 document titled, "Remedial Investigation/Final Report" for the above referenced facility located at 98 Westwood Road, Norwegian Township, Schuylkill County, PA. This report was prepared by MACTEC Engineering and Consulting, Inc. and submitted to the Department in accordance with the Land Recycling and Environmental Remediation Standards Act (Act 2) and constitutes a "Final Report" as defined in Chapter 3, Section 303 of Act 2.

The Department approves this report for the substances identified (acetone) remediated to an Act 2 standard, site-specific pathway elimination and statewide health for site soils and groundwater within the area of the site as specified in the report. Chapter 5, Section 501 of Act 2, provides the liability protection where attainment of Act 2 cleanup standards is demonstrated. Cleanup liability protection provided by this chapter applies to current and future owner or any person who participated in the remediation; a person who develops or occupies the site; successor or assign of any person to whom liability protection applies; and public utility to the extent the public utility performs activities on the identified site.

Please provide to the Department, within 60 days of receipt of this letter, proof that the deed restrictions have been placed on the subject property.

Mr. Judd Weiss

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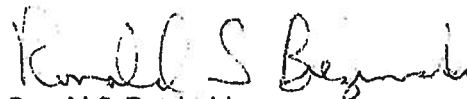
January 6, 2006

Although remediation under Act 2 is now complete for this site, you are advised that any future earth disturbance or development may require either approvals or permits from the appropriate county soil conservation district. Therefore, you should contact the conservation district before engaging in any such activities.

Thank you for your cooperation in working with the Department in the remediation of this site. Your efforts are helping to return land to productive use and prevent the needless loss of green space across the Commonwealth.

If you have any questions or need further information regarding this matter, please contact Gerard F. Olenick of my staff in the Environmental Cleanup Program.

Sincerely,



Ronald S. Brzezinski
Northeast Regional Program Manager
Environmental Cleanup Program

Cc: D. Crowley, P.G., MACTEC
C. Schafer, Honeywell, Inc.