

ENVIRONMENTAL COVENANT

This is an environmental covenant executed pursuant to the Uniform Environmental Covenants Act, West Virginia Code Chapter 22, Article 22B, to restrict the activities on, and uses of, the following described property:

Former Occidental Chemical Corporation Belle Facility 301 West Dupont Avenue Belle, West Virginia 25015					
District	Map #	Parcel #	Deed Book #	Page No(s)	Acreage
Malden	30	4.1	2416	443	0.7
Malden	30	25	1104	191	10.13
Malden	30	26	1805	588	4.81
Malden	30	27	1104	191	5.58
Belle	2	5	1104	191	4.12
Total Acreage:					25.34

A map is attached as Exhibit A indicating the area/areas to which specific activity and use limitations and/or engineering controls apply.

Activities on and uses of the above-described property that may result in excessive human exposure or in the release of a contaminant that was contained as part of the remedial action related to this covenant are prohibited. Those activities and uses include, but are not limited to:

- Uses of the property for any purpose other than as nonresidential property as defined by the West Virginia Voluntary Remediation and Redevelopment Act (W. Va. Code § 22-22-2(q)).
- The extraction of groundwater underlying the Site for any use other than monitoring or remediation.
- Excavation, drilling or penetration unless such excavation, drilling or penetration is conducted by a contractor who is qualified and knowledgeable about releases and exposures to contaminants known to exist at the site. The contractor will be required to perform the work in accordance with a Site-specific Health and Safety Plan and a Soil Management Plan developed by a Licensed Remediation Specialist or similarly qualified individual. The contractor will also be required to remediate the disturbed area in a manner which assures that an equivalent amount of engineering control of the site is achieved at the conclusion of the work. The Owner shall provide prior written notice to the Secretary of the West Virginia Department of Environmental Protection (WVDEP) and to the United States Environmental Protection Agency (USEPA) of the intent to conduct such work.

DEED 3199 392
Recorded In Above Book and Page
05/31/2024 10:45:46 AM
Vera J. McCormick
County Clerk
Kanawha County, WV
Deed Tax 0.00
Recording Fee 18.00
TOTAL 18.00

The owners of record of the property, and their contact information, are:

*Occidental Chemical Corporation
Attention: General Counsel
14555 Dallas Parkway, Suite 400
Dallas, Texas 75254-4300
972.404.3800*

The following entities are the holders of this covenant:

*Occidental Chemical Corporation
Attention: General Counsel – Glenn Springs Holdings, Inc.
14555 Dallas Parkway, Suite 400
Dallas, Texas 75254-4300
972.404.3800*

The facts regarding the remediation response project at this property are:

Chemicals of concern (COCs) are present on the subject property and are believed to originate from historical industrial use. A description of the uses of the former Belle, West Virginia Occidental Chemical Corporation facility ("Facility") and related environmental assessments is presented below.

The Facility was used for various industrial operations including the production and storage of various chemical products beginning in the 1920s. From the 1940s until closure in 1994, the western portion of the Facility was used for the manufacturing of chloromethane and various chlorinated compounds.

Two areas of concern have been identified at the Facility: (i) the Production Source Area (PSA), located in the central portion of the Facility and (ii) Area 7, located in the southeast corner of the Facility. The primary COCs in the PSA are chlorinated volatile organic compounds (CVOCs). The primary COCs in Area 7 are CVOCs and coal tar constituents including chloromethane, benzene and polycyclic aromatic hydrocarbons (PAHs).

Based on the results of a Resource Conservation and Recovery Act (RCRA) Facility Investigations (RFI), immobile dense non-aqueous-phase liquid (DNAPL) is present within the unconsolidated, confining unit beneath the Facility. The implementation of corrective measures at the Facility have mitigated dissolved phase COC transport at concentrations exceeding the allowable surface water concentrations to the downgradient Kanawha River.

The USEPA has acknowledged groundwater restoration to Maximum Contaminant Levels (MCLs) at the Facility and portions of adjacent properties owned by Chemours, Inc. and the Town of Belle is Technically Impracticable (TI). This is documented in the 2012 Corrective Measure Study (CMS.). The USEPA acknowledged the TI

demonstration in an Administrative Order on Consent issued September 26, 2013 (Docket No. RCRA-03-2013-0217CA effective September 30, 2013). Site-specific factors associated with the TI designation include the presence of unrecoverable DNAPL and DNAPL at depth and scale beyond engineering feasibility, the ineffectiveness of available remedial technologies to reduce COCs to MCLs and the difficulty of delivering remedial measures to low permeability soils.

The Remedial Action Objectives (RAOs) for the Facility are:

- Protect the receptors (bedrock and the Kanawha River) from unacceptable COCs concentrations.
- Ensure that the dissolved groundwater plume is contained and will not migrate beyond the extent of the current groundwater plume.
- Demonstrate mass loss over time or distance from the PSA and Area 7.
- Ensure that no groundwater discharge concentrations would result in surface water concentrations that are above the WVDEP surface water criteria.

The most practicable remedial option for the PSA, therefore, is Establishment of a TI zone for groundwater with long term monitoring. The selected PSA Final Remedy utilizes a performance monitoring program providing evidence that the groundwater plume is naturally attenuating and ensures that concentrations in wells along the river do not exceed values which would cause unacceptable surface water concentrations. A site-wide soil cover of at least six inches of clean fill and vegetative cover was also installed across the PSA as well as other portions of the site.

The selected Area 7 remedial alternative involves the establishment of hydraulic control of the source area in order to mitigate the transport of DNAPL and to reduce the groundwater contaminant flux from Area 7 to the river. Components of the Final Remedy for Area 7 include the construction of the sheet-pile barrier wall, the installation of a geosynthetic clay liner (GCL) cap and vegetative cover, the use of hybrid willow trees as vegetative pumps and routine hydraulic monitoring.

Human health risk assessment documents have been prepared to assess the risks associated with exposure to surface water, sediment, soil, groundwater and inhalation of volatile and particulate emissions. These documents are based upon the assumptions that the affected properties will not be used for residential purposes and that groundwater underlying the properties will not be used as a potable water supply. The restrictions presented above are intended to limit exposure to those pathways and receptors determined to be acceptable in the human health risk assessment.

The owner(s) of the property shall provide written notice to the holders, the Secretary of the West Virginia Department of Environmental Protection (WVDEP), and the United States Environmental Protection Agency, Region III (EPA Region III) within ten (10) days following transfer of a specified interest in the property subject to this covenant, changes in use of the property, application for building permits regarding the property, or proposals for any site work affecting the contamination on the property.

The owner(s) shall conduct inspections of the property to monitor compliance with this covenant at least one time per year and shall submit two (2) signed copies of the inspection monitoring report to the WVDEP, DWWM headquarters in Charleston, WV, and EPA Region III within thirty (30) days of the inspection.

The communications with WVDEP regarding this environmental covenant may be sent to:

WVDEP, DWWM
601 57th Street SE
Charleston, WV 25034
C/O: RCRA CA Project Manager

A recorded copy of this environmental covenant may be sent to:

US EPA Region III (3LD10)
4 Penn Center Philadelphia, PA 19103
215-814-5000

E-mail requests from EPA may be sent to: R3_RCRAPOSTREM@epa.gov

Subsequent submissions required by this environmental covenant shall be sent to the Region III RCRA Corrective Action digital reporting documents repository mailbox at:
R3_RCRAPOSTREM@epa.gov. EPA RCRA Facility ID number must be included in the e-mail subject line.

This covenant shall not be amended, modified, or terminated except by written instrument executed in accordance with W.Va. Code §22-22B-9 or §22-22B-10, by and between the owner(s) at the time of the proposed amendment, modification, or termination; the Secretary of WVDEP; EPA Region III; and the holders of this covenant. Additionally, the then current owner(s) of the property shall provide the Secretary of WVDEP and EPA Region III written notice of the pendency of any proceeding or any proceeding that could lead to a foreclosure, as referred to in W.Va. Code §22-22B-9(a)(4), within seven (7) days of the owner's receiving notice of the pendency of such proceedings. Within five (5) days of executing an amendment, modification, or termination of this environmental covenant, the owner shall record such amendment, modification, or termination with the Clerk of the County Commission, and within five (5) days thereafter, the owner shall provide a true copy of the recorded amendment, modification, or termination to the Secretary of WVDEP.

The administrative record for the environmental response project reflected in this covenant is maintained in the United States Environmental Protection Agency, 4 Penn Center, Philadelphia, PA 19103-2029 and is entitled:

Administrative Order on Consent: RCRA-03-2013-0217CA
EPA ID #WVD005010277

WVDEP and EPA Region III are granted full right of access to the property for the purpose of implementation or enforcement of this covenant.

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

All restrictions and other requirements described in this covenant shall run with the land and shall be binding upon all holders and the current owner and their grantees, lessees, authorized agents, employees, or persons acting under their direction or control.

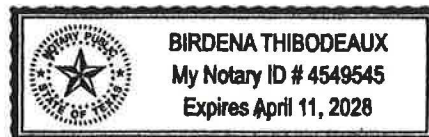
IN WITNESS WHEREOF, the following holders have executed this covenant on the dates indicated.

Occidental Chemical Corporation

Printed Name: Juan Somoano
 Title: Vice President
 Signature: [Signature] Date: 4/30/24

I, Birdena Thibodeaux, a Notary Public in and for the County of Harris, State of Texas, do hereby certify that the holder(s) whose name is Juan Somoano, signed above, this day executed this document in my presence or this day acknowledged same to be true act and deed of said holder(s).

Given under my hand this the 30 day of April, 2024
 My commission expires April 11, 2028
[Signature]
 Notary Public



West Virginia Department of Environmental ProtectionPrinted Name: Jeremy BandyTitle: Director, Division of Water & Waste Management

Jeremy W. Bandy
Signature

5-3-24
Date

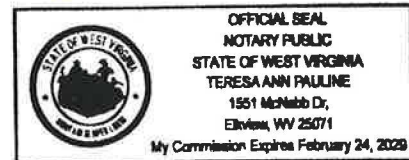
I, Teresa Ann Pauline, a Notary Public in and for the County of Kanawha, State of West Virginia, do hereby certify that Jeremy W. Bandy, whose name is signed above as the representative of the agency, this day executed this document in my presence or this day acknowledged same to be true act and deed of said holder(s).

Given under my hand this the 3rd day of May, 2024.
My commission expires February 24, 2026.

Teresa Ann Pauline
Notary Public

The Clerk will return the recorded document to:

Mr. Jeremy Bandy, Director
WVDEP, DWWM
601 57th Street SE
Charleston, WV 25034



This instrument was presented to the Clerk of the County Commission of Kanawha County, West Virginia, on and the same is admitted to record.

MAY 31 2024

Teste: Tara J. McCormick Clerk

Kanawha County Commission

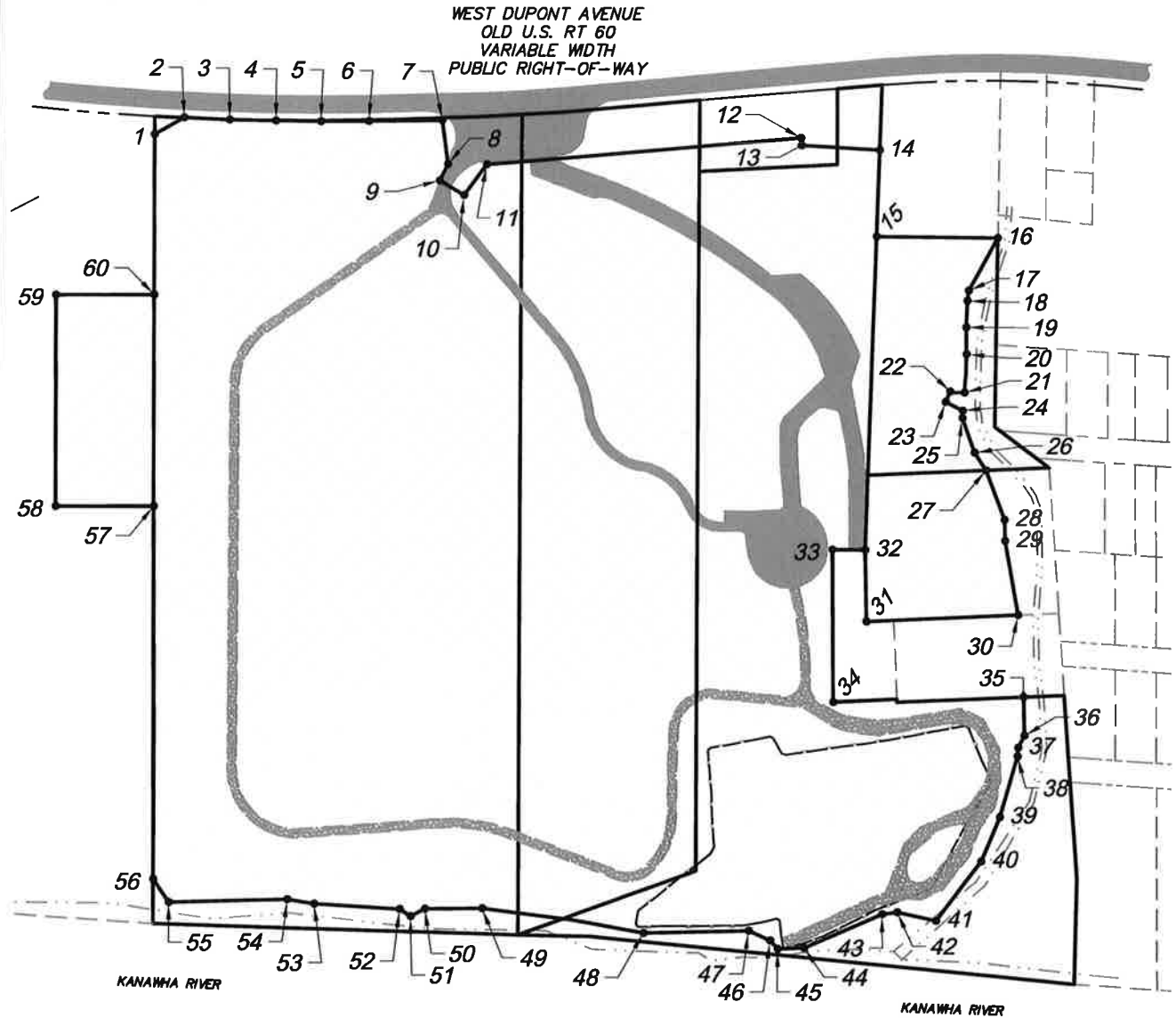
LINE TYPE LEGEND

SUBJECT PROPERTY LINE	
ADJOINING PROPERTY LINE	
R.O.W LINE	
EDGE OF WATER LINE	
GRAVEL ROAD	
ENGINEERING CONTROL BOUNDARY	
GRAVEL DRIVE	
ASPHALT PAVEMENT	

TECHNICAL
IMPRACTICALITY ZONE
953,804.76 SQUARE FEET
(21.896 ACRES)

200 100 0 200 400

DRAWING SCALE: 1"=200'



CADD FILE:

23-0587 Property Mosaic

DRAWN BY:

CHECKED BY:

LAK

DLG

DATE:

4/17/2024

SCALE:

1" = 200'

EXHIBIT A

SITE MAP SHOWING ACTIVITY AND USE LIMITATIONS

EPA ID: WVD005010277

ENVIRONMENTAL COVENANT BOUNDARY

PROJECT No.: 04-23-0587

FIGURE No.: 01



TRIAD
 TRIAD ENGINEERING, INC.

www.triadeng.com

 10541 TEAYS VALLEY ROAD
 SCOTT DEPOT, WV 25560

 Plotted by: lkirk
 y:\sw_sa_04\2023\5_04-23-0587 oxy chem environmental covenant exhibit\survey\cadd\23-0587 property mosaic.dwg

LINE TYPE LEGEND

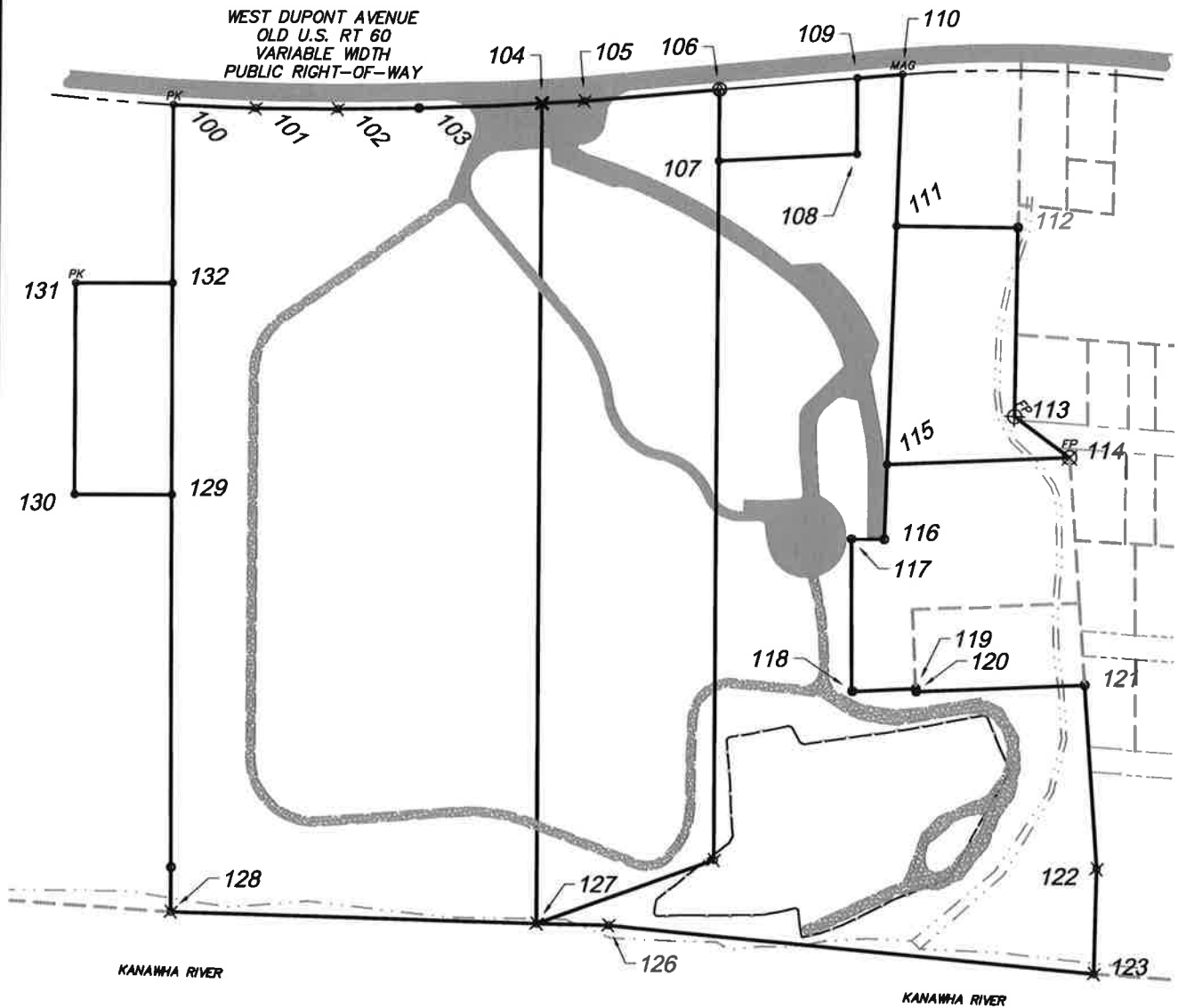
SUBJECT PROPERTY LINE	—————
ADJOINING PROPERTY LINE	- - - - -
R.O.W LINE	- - - - -
EDGE OF WATER LINE	- - - - -
GRAVEL ROAD	- - - - -
ENGINEERING CONTROL BOUNDARY	—————
GRAVEL DRIVE	
ASPHALT PAVEMENT	



DRAWING SCALE: 1"=200'

SYMBOL LEGEND

PK NAIL FOUND	PK
MAG NAIL FOUND	MAG
IRON PIN/PIPE FOUND	○
MONUMENT FOUND	⊙
CHISELED X FOUND	×
FENCE POST FOUND	⊞
REBAR & CAP SET	●
COMPUTED POINT (NOT SET)	⊗



CADD FILE:

23-0587 Property Mosaic

DRAWN BY:

LAK

CHECKED BY:

DLG

DATE:

4/17/2024

SCALE:

1" = 200'

EXHIBIT A

SITE MAP SHOWING ACTIVITY AND USE LIMITATIONS

EPA ID: WVD005010277

PROPERTY BOUNDARY

PROJECT No.: 04-23-0587

FIGURE No.: 02

TRIAD
 TRIAD ENGINEERING, INC.

www.triadeng.com

10541 TEAYS VALLEY ROAD
SCOTT DEPOT, WV 25560

TECHNICAL IMPRACTICABILITY ZONE POINTS		
POINT #	LATITUDE	LONGITUDE
1	N38° 14' 21.1193"	W81° 32' 47.7785"
2	N38° 14' 21.0519"	W81° 32' 47.2701"
3	N38° 14' 20.6885"	W81° 32' 46.7424"
4	N38° 14' 20.3322"	W81° 32' 46.1989"
5	N38° 14' 19.9898"	W81° 32' 45.6644"
6	N38° 14' 19.6276"	W81° 32' 45.0850"
7	N38° 14' 19.0764"	W81° 32' 44.1960"
8	N38° 14' 18.6204"	W81° 32' 44.5437"
9	N38° 14' 18.5276"	W81° 32' 44.7975"
10	N38° 14' 18.2074"	W81° 32' 44.6469"
11	N38° 14' 18.3281"	W81° 32' 44.0853"
12	N38° 14' 16.2086"	W81° 32' 40.0823"
13	N38° 14' 16.1346"	W81° 32' 40.1462"
14	N38° 14' 15.5030"	W81° 32' 39.2605"
15	N38° 14' 14.7136"	W81° 32' 40.1219"
16	N38° 14' 13.7792"	W81° 32' 38.6753"
17	N38° 14' 13.5042"	W81° 32' 39.5261"
18	N38° 14' 13.4191"	W81° 32' 39.6391"
19	N38° 14' 13.1784"	W81° 32' 39.9044"
20	N38° 14' 12.9251"	W81° 32' 40.1569"
21	N38° 14' 12.5781"	W81° 32' 40.5471"
22	N38° 14' 12.6988"	W81° 32' 40.7097"
23	N38° 14' 12.6366"	W81° 32' 40.8665"
24	N38° 14' 12.4237"	W81° 32' 40.7384"
25	N38° 14' 12.3561"	W81° 32' 40.8164"
26	N38° 14' 11.9399"	W81° 32' 40.9941"
27	N38° 14' 11.6868"	W81° 32' 41.0293"
28	N38° 14' 11.0809"	W81° 32' 41.2740"
29	N38° 14' 10.8780"	W81° 32' 41.4681"
30	N38° 14' 10.0823"	W81° 32' 42.0145"

TECHNICAL IMPRACTICABILITY ZONE POINTS		
POINT #	LATITUDE	LONGITUDE
31	N38° 14' 11.1777"	W81° 32' 43.9034"
32	N38° 14' 11.8567"	W81° 32' 43.2391"
33	N38° 14' 12.1061"	W81° 32' 43.6258"
34	N38° 14' 10.6709"	W81° 32' 45.0685"
35	N38° 14' 09.2737"	W81° 32' 42.7332"
36	N38° 14' 08.9038"	W81° 32' 43.0896"
37	N38° 14' 08.8391"	W81° 32' 43.2822"
38	N38° 14' 08.7610"	W81° 32' 43.3722"
39	N38° 14' 08.3284"	W81° 32' 44.1641"
40	N38° 14' 08.0590"	W81° 32' 44.8086"
41	N38° 14' 07.8429"	W81° 32' 45.9139"
42	N38° 14' 08.2166"	W81° 32' 46.2956"
43	N38° 14' 08.3134"	W81° 32' 46.4981"
44	N38° 14' 08.5848"	W81° 32' 47.7496"
45	N38° 14' 08.7716"	W81° 32' 48.0721"
46	N38° 14' 08.9089"	W81° 32' 48.0805"
47	N38° 14' 09.1579"	W81° 32' 48.2416"
48	N38° 14' 09.9318"	W81° 32' 49.5171"
49	N38° 14' 11.3727"	W81° 32' 51.2049"
50	N38° 14' 11.7995"	W81° 32' 51.8898"
51	N38° 14' 11.8353"	W81° 32' 52.1300"
52	N38° 14' 11.9843"	W81° 32' 52.1919"
53	N38° 14' 12.6844"	W81° 32' 53.1701"
54	N38° 14' 12.9262"	W81° 32' 53.4444"
55	N38° 14' 13.7892"	W81° 32' 54.8873"
56	N38° 14' 14.1205"	W81° 32' 54.8563"
57	N38° 14' 17.6213"	W81° 32' 51.3149"
58	N38° 14' 18.3581"	W81° 32' 52.4883"
59	N38° 14' 20.3479"	W81° 32' 50.4797"
60	N38° 14' 19.6075"	W81° 32' 49.3055"

CADD FILE:
23-0587 Property Mosaic

DRAWN BY: CHECKED BY:

LAK

DLG

DATE:

4/17/2024

SCALE:

1" = 40'

EXHIBIT A
SITE MAP SHOWING ACTIVITY AND USE LIMITATIONS
EPA ID: WVD005010277

TECHNICAL IMPRACTICABILITY ZONE

PROJECT No.: 04-23-0587

FIGURE No.: 03

TRIAD
TRIAD ENGINEERING, INC.
www.triadeng.com

10541 TEAYS VALLEY ROAD
SCOTT DEPOT, WV 25560

PROPERTY BOUNDARY POINTS		
POINT #	LATITUDE	LONGITUDE
100	N38° 14' 21.2851"	W81° 32' 47.6123"
101	N38° 14' 20.6431"	W81° 32' 46.6713"
102	N38° 14' 20.0181"	W81° 32' 45.7002"
103	N38° 14' 19.4125"	W81° 32' 44.7092"
104	N38° 14' 18.5369"	W81° 32' 43.1912"
105	N38° 14' 18.2402"	W81° 32' 42.6636"
106	N38° 14' 17.3300"	W81° 32' 40.9328"
107	N38° 14' 16.6595"	W81° 32' 41.6186"
108	N38° 14' 15.6868"	W81° 32' 39.9058"
109	N38° 14' 16.4020"	W81° 32' 39.1788"
110	N38° 14' 16.1004"	W81° 32' 38.6086"
111	N38° 14' 14.7136"	W81° 32' 40.1219"
112	N38° 14' 13.7792"	W81° 32' 38.6753"
113	N38° 14' 12.0293"	W81° 32' 40.5096"
114	N38° 14' 11.2281"	W81° 32' 40.2413"
115	N38° 14' 12.5395"	W81° 32' 42.4941"

PROPERTY BOUNDARY POINTS		
POINT #	LATITUDE	LONGITUDE
116	N38° 14' 11.8567"	W81° 32' 43.2391"
117	N38° 14' 12.1073"	W81° 32' 43.6227"
118	N38° 14' 10.6698"	W81° 32' 45.0587"
119	N38° 14' 10.2179"	W81° 32' 44.2756"
120	N38° 14' 10.1874"	W81° 32' 44.3041"
121	N38° 14' 08.9785"	W81° 32' 42.2258"
122	N38° 14' 07.1630"	W81° 32' 43.8213"
123	N38° 14' 06.2004"	W81° 32' 44.8522"
126	N38° 14' 10.3027"	W81° 32' 50.1884"
127	N38° 14' 10.8586"	W81° 32' 51.0274"
128	N38° 14' 13.7053"	W81° 32' 55.2761"
129	N38° 14' 17.6214"	W81° 32' 51.3167"
130	N38° 14' 18.3581"	W81° 32' 52.4880"
131	N38° 14' 20.3447"	W81° 32' 50.4793"
132	N38° 14' 19.6080"	W81° 32' 49.3080"

CADD FILE:
23-0587 Property Mosaic

DRAWN BY: LAK
CHECKED BY: DLG

DATE: 4/17/2024
SCALE: 1" = 60'

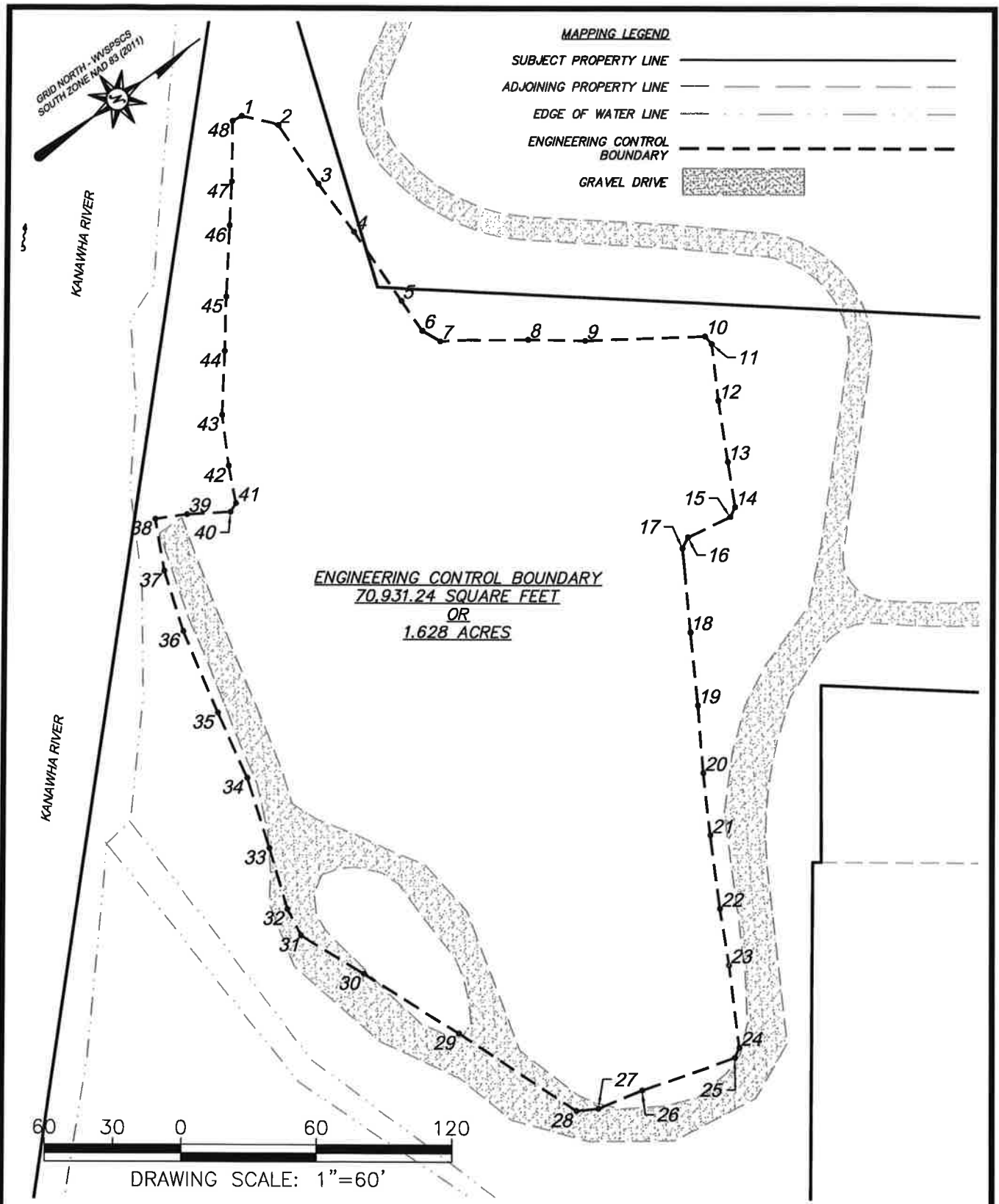
EXHIBIT A
SITE MAP SHOWING ACTIVITY AND USE LIMITATIONS
EPA ID: WVD005010277
PROPERTY BOUNDARY

PROJECT No.: 04-23-0587

FIGURE No.: 04

TRIAD
TRIAD ENGINEERING, INC.
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10541 TEAYS VALLEY ROAD
SCOTT DEPOT, WV 25560



Plotted by: lkirk
y:\sw_sa_04\2023\5_04-23-0587 oxy chem environmental covenant exhibit\survey\cadd\17-0329 oxychem site.dwg

CADD FILE:
17-0329 Oxychem Site

DRAWN BY: LAK
CHECKED BY: DLG

DATE: 4/16/2024
SCALE: 1" = 60'

EXHIBIT B
SITE MAP SHOWING ACTIVITY AND USE LIMITATIONS
EPA ID: WVD005010277
**SHEET PILE WALL
(ENGINEERING CONTROL BOUNDARY)**

PROJECT No.: 04-23-0587

FIGURE No.: 01

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SCOTT DEPOT, WV 25560