Kanawha County

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Vera J McCormick, Clerk

COVENANTS & RESTRICTIONS

26,00

### ENVIRONMENTAL COVENANT THE CHEMOURS COMPANY FC, LLC – BELLE PLANT AREA BELLE, WEST VIRGINIA

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 ("the Plant Area"):

Street Address:

901 West DuPont Avenue

City:

Belle

County:

Kanawha County

Tax District (as applicable):

23 - Malden District

Tax Map:

30

Tax Parcel(s):

See table below

Deed Book(s):

See table below

Page No(s):

See table below

Acres:

106.5

Parcel ID	Deed Book	Page.
23 30000400000000	2910	277
23 30D009000000000	2910	277
23 30D008900000000	2910	277
23 30D008800000000	2910	277
23 30D008700000000	2910	277
23 30D008600000000	2910	277
23 30D008500000000	2910	277
23 30D008400000000	2910	277

A map showing vertices and their coordinates is attached as Exhibit A indicating the Plant Area to which specific activity and use limitations apply. The surveyed metes and bounds describing the extent of the Plant Area where the specific activity and use limitations apply is attached as Exhibit B.

Activities on and uses of the above-described Plant Area 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:

- The Plant Area shall not be used for residential, as defined by the West Virginia Code §22-22-2(bb), purposes.
- Groundwater extracted from the Plant Area property shall not be used for any purpose, unless the United States Environmental Protection Agency (EPA) or the West Virginia Department of Environmental Protection (WVDEP) provide prior written approval, other than to conduct the maintenance and monitoring activities required by WVDEP and in accordance with a WVDEP-approved Groundwater Monitoring Plan.
- All earth-moving activities at the Plant Area, including excavation, drilling, and construction activities, shall be conducted in accordance with a WVDEP-approved Soil

Management Plan that includes appropriate Personal Protective Equipment requirements sufficient to meet WVDEP's acceptable risk and complies with all applicable Occupational Safety and Health Administration (OSHA) requirements.

The owner of record of the property, and its contact information, is:

The Chemours Company FC, LLC 1007 Market Street Wilmington, DE 19801 Attn: Corporate Real Estate

with a copy to:

The Chemours Company FC, LLC 1007 Market Street Wilmington, DE 19801 Attn: Chemours Legal Department

The following entity is the holder of this covenant:

The Chemours Company FC, LLC 1007 Market Street Wilmington, DE 19801

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

This property is subject to the Corrective Action program under the Resource Conservation and Recovery Act (RCRA) and the Hazardous and Solid Waste Amendments of 1984. E.I. du Pont de Nemours and Company (DuPont) and the subsequent site owner, Chemours, have completed a RFI to determine the nature and extent of contamination at the Belle Plant. This investigation was conducted in several phases for the Plant Area and identified SWMUs and AOCs across the site with impacted soil, groundwater, and/or historical fill. These units were carried forward into a Corrective Measures Study (CMS). Concurrent with the investigations, Chemours implemented several Interim Remedial Measures (IRMs) at the site: Dual-Phase Extraction, injection well closures, process sewer upgrades, and trench and sump system closures. Chemours submitted the CMS report for the Plant Area in October 2021. On August 16, 2022, the West Virginia Department of Environmental Protection (WVDEP) issued a Statement of Basis (SB) that described the contaminants of concern based on non-residential exposure assumptions, exposure pathways, limits on exposure, the location and extent of the contamination, and the proposed Final Remedy. The Final Remedy consists of land use restrictions for soils implemented through Institutional Controls (ICs); Monitored Natural Attenuation (MNA) of groundwater; and compliance with and maintenance of groundwater use restrictions through ICs. The WVDEP requested comments from the public on the proposed Final Remedy. The thirty-day public comment period began on August 16, 2022 and ended on September 17, 2022.

Since no comments were received during the comment period, WVDEP determined that it was not necessary to modify its Proposed Final Remedy as set forth in the SB. This covenant represents the institutional controls needed to implement the approved Final Remedy. The institutional controls will prevent residential use of the property and use of the groundwater drawn from beneath the property other than as described above.

The owner(s) of the property shall provide written notice to the holder, 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, or application for building permits regarding the property.

The owner(s) of the property shall provide written notice to the holder, the Secretary of the West Virginia Department of Environmental Protection (WVDEP), and the United States Environmental Protection Agency, Region III (EPA Region III) ten (10) days *before* conducting any site work affecting the contamination on the property, except where immediate site work is needed to address an issue concerning health, safety, or plant functionality. Where advance notice of site work affecting the contamination on the property is not possible, the owner(s) of the property shall provide the written notice described above within ten (10) days *after* the commencement of the 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 57<sup>th</sup> Street SE Charleston, WV 25034 C/O: RCRA CA Project Manager 304-926-0499

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

US EPA Region III (3LD11) 4 Penn Center, 1600 JFK Boulevard, Philadelphia, PA 19103 215-814-5000

E-mail requests or inquiries from EPA Region to 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 holder 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, 1600 JFK Boulevard, Philadelphia, PA 19103-2029 and is entitled:

#### CHEMOURS FC, LLC EPA ID #WVD 005 012 851

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 holder has executed this covenant on the dates indicated.

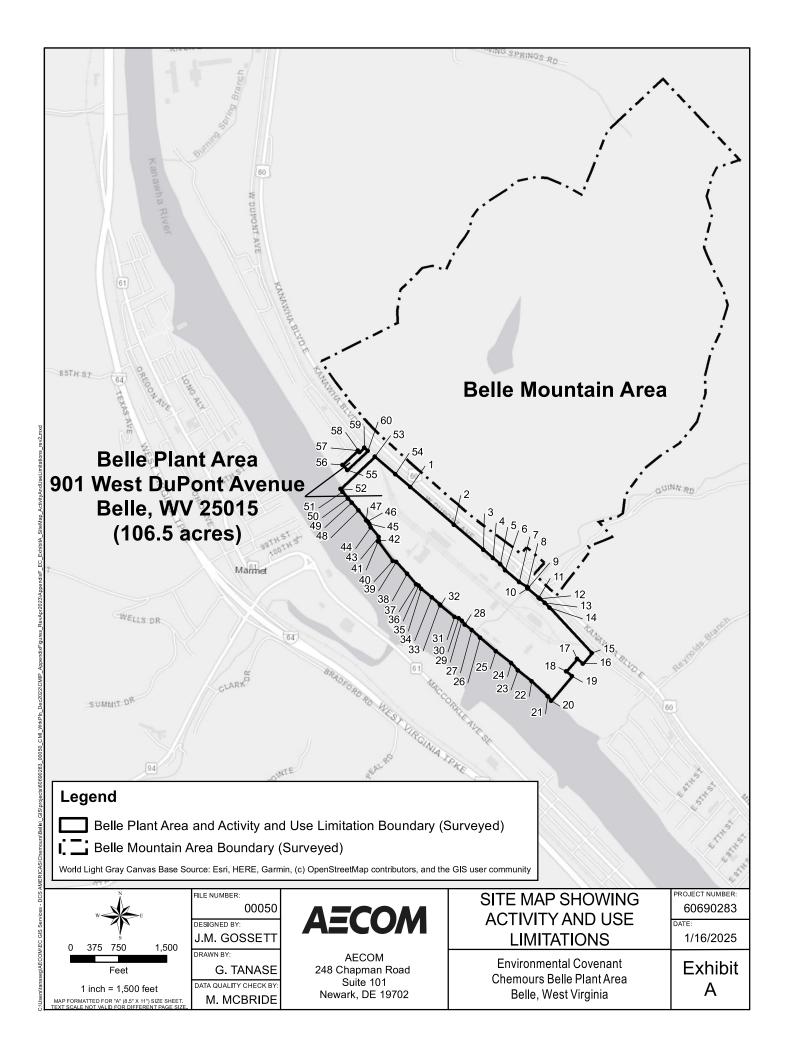
The Chemours Company FC, LLC	
Printed Name: Nicholas Martino	
Title: Plant Manager	
New Man	2/19/25
Signature	Date
certify that the holder(s) whose name document in my presence or this day of said holder(s).  Given under my hand this the My commission expires Jan 5	, a Notary Public in and for the County of e of, do hereby is signed above, this day executed this acknowledged same to be true act and deed, 2025.
	OFFICIAL SEAL NOTARY PUBLIC STATE OF WEST VIRIGINIA Trasie 5. Morton 212 Carson 5t. Saint Albans, WV 25177 My Commission Expires Jenuary 5, 2027

## West Virginia Department of Environmental Protection

Printed Name:	Jeremy W. Bandy
Title:	Director, Division of Water & Waste Management
James	N. Berly 3-17-2025
Signature	Date
	, a Notary Public in and for the County of State of West Viginia, do hereby which which we have a signed above as the the agency, this day executed this document in my presence or edged same to be true act and deed of said holder(s).
Given under my h My commission e	nand this the 17th day of March, 2025.
	OFFICIAL SEAL  NOTARY PUBLIC  STATE OF WEST VIRIGINIA

The Clerk will return the recorded document to:
Mr. Jeremy W. Bandy, Director
WVDEP, DWWM
601 57<sup>th</sup> Street SE
Charleston, WV 25034

## **EXHIBIT A**



## **Exhibit A.1**

## Activity and Use Limitations Area Vertices and Coordinates Chemours Belle Plant Area Belle, West Virginia

Vertex	Latitude	Longitude
Label	(WGS84)	(WGS84)
1	38.24609033	-81.55676088
2	38.24454933	-81.55430141
3	38.24352417	-81.55266887
4	38.24318111	-81.55212294
5	38.24292611	-81.55171715
6	38.24267350	-81.55144253
7	38.24218172	-81.55065715
8	38.24198463	-81.55021361
9	38.24194986	-81.55015808
10	38.24192678	-81.55018130
11	38.24153971	-81.54956262
12	38.24149427	-81.54949023
13	38.24132238	-81.54922858
14	38.24112953	-81.54895128
15	38.23923693	-81.54657667
16	38.23877178	-81.54704682
17	38.23897679	-81.54737288
18	38.23842486	-81.54793073
19	38.23821986	-81.54760467
20	38.23713766	-81.54869845
21	38.23732106	-81.54890401
22	38.23795374	-81.54978828
23	38.23839942	-81.55056232
24	38.23869485	-81.55095012
25	38.23918865	-81.55180655
26	38.23973700	-81.55267414
27	38.24005343	-81.55314990
28	38.24027954	-81.55353524
29	38.24043911	-81.55368996
30	38.24055279	-81.55386930
31	38.24060317	-81.55410668
32	38.24107266	-81.55489105
33	38.24111019	-81.55491962
34	38.24139720	-81.55538325
35	38.24175626	-81.55596378
36	38.24189343	-81.55610547
37	38.24194606	-81.55625223

Vertex	Latitude	Longitude
Label	(WGS84)	(WGS84)
38	38.24237686	-81.55677408
39	38.24286735	-81.55739259
40	38.24291571	-81.55758311
41	38.24372007	-81.55841007
42	38.24374752	-81.55836737
43	38.24391725	-81.55839948
44	38.24432344	-81.55883685
45	38.24446721	-81.55892744
46	38.24455629	-81.55901170
47	38.24461026	-81.55909995
48	38.24501556	-81.55954170
49	38.24534130	-81.55992066
50	38.24550980	-81.56013509
51	38.24579126	-81.56044726
52	38.24591502	-81.56054635
53	38.24733731	-81.55875005
54	38.24662051	-81.55760812
55	38.24672549	-81.56021131
56	38.24693885	-81.56048247
57	38.24758035	-81.55967081
58	38.24751247	-81.55958453
59	38.24770850	-81.55933651
60	38.24757985	-81.55913033

WGS84 - World Geodetic System 1984

## **EXHIBIT B**

#### **EXHIBIT "A"**

#### "Replacement Description"

## TRACT ONE: MALDEN DISTRICT TAX MAP 30, PARCEL 4 DESCRIBED AS "THE PLANT"

A piece or parcel of land situate on the waters of the Kanawha River, along US Route 60, Malden District, Kanawha County, West Virginia, being designated as Tax parcel 4 of Tax Map 30, more particularly described as follows;

Beginning at a 5/8 inch rebar with plastic cap set on the southern right of way line of Old Route 60 at the common corner to Appalachian Power Company, recorded in Deed Book 345 at page 11, from which a concrete monument found at the intersection of the southern right of way line of said Old Route 60 and the western right of way line of Maryland Avenue bears N54°08'39''W at 140.75 feet, thence leaving said Appalachian Power Company and running with the said right of way line of Old Route 60

S51°08'11"E, 419.13 feet to a concrete monument found, thence

S51°13'24"E, 310.60 feet to a concrete monument found, thence

S51°11'24"E, 902.09 feet to a P-K nail set, thence

S51°07'46"E, 599.31 feet to a concrete monument found, thence

S51°06'39"E, 200.47 feet to a P-K nail set, thence

S51°06'39"E, at 100.20 feet crossing a concrete monument found, in all a total distance of 149.01 feet to a concrete monument found, thence

S40°16'05"E, 121.17 feet to a point, thence

S51°12'40"E, 288.00 feet to a P-K nail set, thence

S60°15'43"E, 146.21 feet to a P-K nail set, thence

S51°12'40"E, 20.36 feet to a P-K nail set, thence

S38°45'52"W, 10.73 feet to a point, thence

S51°14'09"E, 226.80 feet to a concrete monument found, thence

S51°08'51"E, 26.57 feet to a concrete monument found, thence

S49°51'57"E, 97.80 feet to a concrete monument found, thence

S48°15'21"E, 106.18 feet to a concrete monument found, thence

S44°21'38"E, 969.58 feet to a P-K nail set at the common corner to Diamond Shamrock Corporation, recorded in Deed Book 1104 at page 191, thence leaving said right of way line of Old Route 60 and running with the line of said Diamond Shamrock Corporation

S38°53'57"W, 216.62 feet to a point at the common corner between said Diamond Shamrock Corporation and Occidental Chemical Corporation, recorded in Deed Book 2416 at page 443, thence with said Occidental Chemical Corporation

N51°06'03"W, 119.76 feet to a P-K nail found, thence

S38°53'57"W, 257.03 feet to a point, thence

S51°06'03"E, 119.76 feet to a point at the common corner between said Occidental Chemical Corporation and said Diamond Shamrock Corporation, thence with the line of Diamond Shamrock Corporation

S38°53'57"W, 503.97 feet to the northern flow line of the Kanawha River, thence down the river with the same the following calls

N41°08'19"W, 89.14 feet to a point, thence

N47°26'52"W, 342.90 feet to a point, thence

N53°31'44"W, 275.25 feet to a point, thence

N45°39'10"W, 154.85 feet to a point, thence

N53°29'26"W, 304.69 feet to a point, thence

N50°57'05"W, 319.31 feet to a point, thence

N49°31'02"W, 178.74 feet to a point, thence

N53°00'30"W, 137.94 feet to a point, thence

N37°03'43"W, 73.15 feet to a point, thence

N50°52'11"W, 66.08 feet to a point, thence

N74°35'50"W, 70.60 feet to a point, thence N52°27'40"W, 282.80 feet to a point, thence N30°38'20"W, 15.94 feet to a point, thence N51°31'38"W, 169.27 feet to a point, thence N51°33'07"W, 211.88 feet to a point, thence N38°49'30"W, 64.43 feet to a point, thence N65°12'19"W, 46.30 feet to a point, thence N43°20'50"W, 216.96 feet to a point, thence N44°29'54"W, 251.90 feet to a point, thence N71°48'40"W, 57.48 feet to a point, thence N38°41'27"W, 377.09 feet to a point, thence N51°09'21"E, 15.82 feet to a point, thence N08°08'25"W, 62.49 feet to a point, thence N39°59'30"W, 194.05 feet to a point, thence N26°04'45"W, 58.46 feet to a point, thence N36°22'40"W, 40.47 feet to a point, thence N51°51'34"W, 32.07 feet to a point, thence N40°20'07"W, 194.62 feet to a point, thence N42°11'24"W, 160.98 feet to a point, thence N44°45'26"W, 86.93 feet to a point, thence N40°49'40"W, 136.17 feet to a point, thence

N31°55'29"W, 53.30 feet to a point at the common corner to said Appalachian Power Company, thence leaving said river and running with the line of Appalachian Power

N45°10'28"E, 730.90 feet to THE POINT OF BEGINNING, containing 105.47 acres more or less.

**AND BEING** all those certain tracts or parcels of land, or portions thereof, conveyed to the Grantor by the following instruments:

DATE OF DEED	GRANTOR	DEED BOOK/PAGE
9/10/1934	J.A. Slack, and Belle Slack	DB 397/512
1/19/1970	Kathleen Green Rand, Lucy Rand Briggs and Gaither E. Briggs, Kathryn Rand Hoolihan, Martha Rand Hand and Larry Hand, Jr., and Robert B. Rand	DB 1582/343
8/31/1931	DuPont Ammonia Corporation	DB 372/351
2/6/1934	Plus R. Levi and Isabelle Levi	DB 392/525
10/4/1938	Charles Markoloky	DB 472/315
5/13/1937	Annie Gonano	DB 432/8
7/31/1937	Plus R. Levi and Isabelle Levy, his wife	DB 437/204
1/29/1936	Sam Shdeed and Bahia Shdeed	DB 410/300
1/29/1936	Plus R. Levi and Isabelle Levi	DB 404/179
1/22/1934	Katie R. Miller	DB 404/180
6/14/1935	Mason Crickard and Mabel Crickard; and William T. Lively and Mary D. Lively	DB 404/181
4/29/1935	August Gonano and Mary Gonano	DB 403/352

1/20/1024	Earn Ashley and Edna Ashley	DB 392/246
1/20/1934	Earli Asiney and Lena Promey	
9/30/1938	Nemmie M. Alston Gardner and Robert H. Gardner	DB 472/295
10/3/1938	Menal Kalias and Koula Kalias	DB 472/293
3/23/1937	Virginia Lee Lynn	DB 431/110
8/30/1937	The Charleston National Bank	DB 438/216
10/1/1938	Charles Markoloky	DB 472/313
11/18/1935	Gertrude Arnett	DB 408/358
3/4/1941	Catherine Midelburg, Charles Wilson Midelburg, Beverly Midelburg, Reed and Kelly E. Reed	DB 567/140
1/6/1937	Rosina Theil and George Theil	DB 409/537
12/3/1935	G.P. Thornton and Edith Thornton	DB 409/447
2/6/1934	Isabelle Levi and Plus R. Levi	DB 392/526
3/4/1935	Plus R. Levi and Isabelle Levi	DB 401/357
3/4/1935	C.S. Ashley, James Coon, W.H. Kersey, Ward Wiseman and J.C. Slack, Trustees of the Judson Baptist Church of Belle	DB 401/367
11/30/1935	Charles Markoloky	DB 409/156

1/27/1934	John K. Quick and Clotile Quick	DB 392/287
1/22/1934	Guy S. Dooley and Gladys L. Dooley	DB 392/308
1/27/1934	Nan G. Frazer and Herndon V. Frazer	DB 392/432
2/24/1936	Garland B. Potterfield and Phyllis Potterfield, his wife	DB 411/402
12/22/1938	George D. Andredakis and Maria George Andredakis	DB 484/137
12/31/1935	Walter Brown and Bessie Brown	DB 409/510
1/17/1936	J.G. Stierer and Betty Stierer, M.I. Stierer and Tillia Stierer, and Max Roth and Jennie Roth	DB 410/392
10/1/1938	Joseph Lovett, M.I. Stierer and Tillie Stierer	DB 472/246
3/16/1937	E.A. Lamb	DB 430/495
1/14/1936	J.A. Slack and Belle Slack	DB 410/361
1/27/1934	Clarence M. Frum and Maggie B. Frum	DB 392/286
		DD 410/200
1/17/1936	Irene Domokos and Domokos  Domokos	DB 410/296
1/10/1936	Herschel C. Ogden	DB 411/4

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12/19/1935	Lizzibeth Glover and William Glover	DB 409/445
3/10/1936	Alex Jerep and Elizabeth Jerep	DB 412/258
1/30/1934	Arch C. Moore and Ollie Moore	DB 392/423
10/3/1938	Joe Bonovitch and Anna Bonovitch	DB 472/297
12/19/1935	William Glover and Lizzibeth Glover	DB 409/213
4/15/1937	J.P. Casey and Gertrude Casey, and L.S. Casey	DB 433/506
6/24/1940	E.A. Lamb	DB 540/99
1/27/1934	Margaret Kuntz Legg and Stanley G. Legg	DB 392/285
4/28/1934	Aimi Bultel and Martha Bultel	DB 394/203
8/28/1941	W. Victor Ross, unmarried	DB 612/339
1/31/1934	Ramie Truslow and Adah R. Truslow	DB 392/528

## TRACT TWO: MALDEN DISTRICT TAX MAP 30-D, PARCELS 84, 85, 86, 87, 88, 89 and 90 DESCRIBED AS "THE SAVAGE ADDITION"

A piece or parcel of land situate on the waters of the Kanawha River, along Old US Route 60, Malden District, Kanawha County, West Virginia, being designated as Tax parcels 84,85,86,87,88,89 and 90, of Tax Map 30-D, more particularly described as follows:

Beginning at a concrete monument found at the intersection of the southern right of way line of Old Route 60 and the western right of way line of Maryland Avenue, thence leaving Old Route 60 and running with Maryland Avenue

S45°16'57"W, 439.50 feet to a point from which a 5/8 inch rebar found bears S45°16'57"W at 108.38 feet, thence leaving Maryland Avenue

N44°43'03"W, 110.00 feet to a mag nail set, thence running with the eastern division line of tax parcels 73, 74, 76, 77, 78, 79 and 80

N45°16'57"E, 330.00 feet to a mag nail set at the common corner to tax parcel 80 and in the southern division line of tax parcel 82, thence

S44°43'03"E, 35.00 feet to a mag nail set at the common corner to tax parcel 83, thence with said parcel 83

N45°16'57"E, 100.84 feet to a point in the southern right of way line of said Old Route 60, thence with said right of way line

S51°18'15"E, 75.50 feet to THE POINT OF BEGINNING, containing 1.01 acres more or less.

AND BEING all those certain tracts or parcels of land, or portions thereof, conveyed to Grantor by the following instruments:

DATE OF DEED	<u>GRANTOR</u>	DEED BOOK/PAGE
11/17/1965	John David Sherwood and Zelma Juanita Sherwood	DB 1450/475
11/17/1965	Glenna M. Schaller	DB 1450/473

11/3/1965	Dan F. Shreve and Caroline M. Shreve, Lillie P. Shreve, Acree S. Shreve, Jr. and Jane Shreve, and Theodore M. Shreve, and Carolyn C. Shreve	DB 1450/687
11/17/1965	Roscoe B. Slusher and Kathleen M. Slusher	DB 1450/477
11/17/1965	C.A. Ogle and Martha G. Ogle	DB 1450/539
8/31/1931	DuPont Ammonia Corporation	DB 372/351
11/17/1965	Anna Marie Gehrken	DB 1450/537
6/27/1978	Claude P. White and Florence A. White	DB 1871/364

# TRACT THREE: MALDEN DISTRICT TAX MAP 29, PARCEL 21; MALDEN DISTRICT TAX MAP 30, PARCELS 2, 3, 31 AND 35; BELLE CORPORATION DISTRICT TAX MAP 1, PARCEL 1 DESCRIBED AS "THE HILLSIDE"

A piece or parcel of land situate on the waters of the Kanawha River, along US Route 60, Malden and Belle Corporation District, Kanawha County, West Virginia, more particularly described as follows;

Beginning at a 5/8 inch rebar with plastic cap set on the eastern right of way line of U.S. Route 60 at the common corner to the James P. Embry tract, recorded in Deed Book 2619 at page 510, thence leaving said right of way line and running with said Embry

N61°59'33"E, 1336.34 feet to a rebar found, thence

N03°43'05"W, 179.39 feet to a concrete monument found, thence

N06°53'51"E, 346.38 feet to a 5/8" rebar with plastic cap set, thence

N45°23'50"E, 285.38 feet to a concrete monument found, thence

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