



west virginia department of environmental protection

Division of Land Restoration
601 57th Street SE
Charleston, WV 25304
P: 304-926-0455

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
dep.wv.gov

December 8, 2014

Certified Mail #91-7199-9991-7034-3218-2763

Union Carbide Corporation
437 MacCorkle Ave S.W.
Charleston, WV 25303

Re: Former UCC Technology Park Land Use Covenants
Tracts A and B, West Virginia Higher Education Policy Commission Property
Tract D-1, United Disciples of Christ Church Property
Tract D-2, Union Carbide Corporation

Dear Mr. Cibrik:

Enclosed please find the signed and notarized Land Use Covenants for the subject parcels.

Please make arrangements to have the Land Use Covenants properly recorded with the Kanawha County Clerk, and request the clerk return a copy of each recorded instrument to my attention:

Ms. Patricia A. Hickman, Interim Director
WVDEP Division of Land Restoration
601 57th Street SE
Charleston, WV 25304

Once recorded, the Land Use Covenants will become a part of the Administrative Record for the subject site.

Thank you for your attention to this matter. Please contact me if you have any questions.

Sincerely,

Patricia A. Hickman
Interim Director

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Enclosure

cc: WVDEP File #WVD060682291
Charles Armstead, Program Manager, WVDEP/OER

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:

Tract D-1 of the Union Carbide Corporation (UCC) Technology Park in South Charleston, West Virginia (herein after the "property") as described in the legal description in Attachment 1. A map of the property is provided as Figure 1 in Attachment 2.

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:

- A. Extraction of groundwater from the property for any purpose other than monitoring or remediation approved by the West Virginia Department of Environmental Protection (WVDEP) is prohibited.
- B. Monitoring wells installed and operated under the Resource Conservation and Recovery Act (RCRA) Corrective Action Program shall not be removed, disturbed, or damaged without written approval from UCC and WVDEP. If the use of any of these monitoring wells is discontinued, the monitoring well shall be properly abandoned by the owner in accordance with Title 47 Series 60 of the West Virginia Code of State Rules or other applicable laws and regulations in effect at the time of the well abandonment.

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

United Disciples of Christ Church
100 United Disciples Drive
South Charleston, WV 25309

Any person, including a person that owns an interest in the real property, the state or federal agency determining or approving the environmental response project pursuant to which an environmental covenant is created, or a municipality or other unit of local government may be a holder of an environmental covenant. The following are all of the holders of this covenant:

United Disciples of Christ Church
100 United Disciples Drive
South Charleston, WV 25309

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

UCC is the current or previous owner of the parcels that make up the UCC Technology Park (the "site"), comprising approximately 574 acres (of which 72 acres are in Tract D-1) in the city of South Charleston, West Virginia. UCC entered the site into a RCRA Facility Lead Agreement with the United States Environmental Protection Agency (USEPA) effective December 15, 1999.

USEPA issued a Final Decision on December 15, 2010 identifying the approved corrective actions for the property. The corrective action for the property requires recording an

Environmental Covenant to prohibit the use of groundwater for any purpose other than monitoring or remediation required by WVDEP and/or USEPA.

WVDEP issued a Corrective Action Permit (USEPA ID# WVD060682291) to UCC for the site on February 2, 2012. The corrective action permit for the site contains provisions requiring corrective action that fulfill the requirements for the approved corrective actions defined in the Final Decision issued by USEPA.

The owner of the property shall provide written notice to all holders, UCC, the Secretary of the WVDEP, and USEPA within 10 days following transfer of a specified interest in the property subject to this covenant or proposals for any site work affecting the contamination on the property.

UCC or their designated representatives shall conduct inspections of the property to monitor compliance with this Environmental Covenant at least once per year, and shall submit two (2) signed copies of the inspection monitoring report to the WVDEP, Division of Land Restoration headquarters in Charleston, within 30 days of the inspection.

This covenant shall not be amended, modified or terminated except by written instrument executed in accordance with W. VA. Code § 22-22B-10, by and between the owner at the time of the proposed amendment, modification or termination, the Secretary of the WVDEP, USEPA, the holders of this covenant, and UCC. Within 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 5 days thereafter, the owner shall provide a true copy of the recorded amendment, modification or termination to the Secretary of the WVDEP.

The administrative record for the environmental response project reflected in this covenant is maintained at the WVDEP Division of Water and Waste Management (DWWM) address below and is titled, UCC Technology Park, South Charleston, ID# WVD060682291.

WVDEP
DWWM
601 57th Street
Charleston, WV, 25304

WVDEP is granted full right of access to the property for the purpose of implementation or enforcement of this covenant. In addition, UCC, its employees, representatives, and contractors are granted full right of access to the property for the purpose of monitoring compliance with the covenant.

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

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

SIGNED:

Date:

Joseph Bee
Trustee
United Disciples of Christ Church

10/30/2014

SIGNED:

Date:

Mary S. Zehl
Trustee
United Disciples of Christ Church

10-31-14

SIGNED:

Date:

Julia McCarmick
Trustee
United Disciples of Christ Church

11/2/14

SIGNED:

Date:

Tommy Sizer
Trustee
United Disciples of Christ Church

12/2/14

SIGNED:

Date:

Ruby M. Reed
Trustee
United Disciples of Christ Church

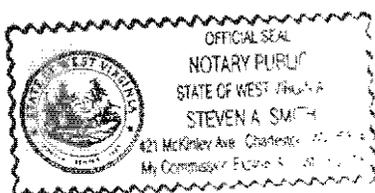
11-16-14

I, Steven A Smith, a Notary Public in and for the County of Kanawha, State of WV, do hereby certify that trustees the holder(s) whose names are signed above, as the authorized representatives of the United Disciples of Christ Church, this day executed this document in my presence or this day acknowledged same to be said holder(s) true act and deed.

Given under my hand this the 16th day of November 2014.

My commission expires August 13, 2019

Steven A Smith
Notary Public



SIGNED:

Date:

Jerome E. C...
Remediation Leader
Union Carbide Corporation

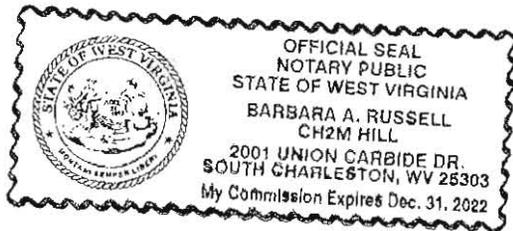
11/19/14

I, Barbara Russell, a Notary Public in and for the County of Kanawha State of WV, do hereby certify that Jerome Cibrik whose name is signed above, as the authorized representative of the Union Carbide Corporation, this day executed this document in my presence or this day acknowledged same to be his/her (as appropriate) true act and deed.

Given under my hand this the 19 day of November, 2014.

My commission expires December 31, 2022.

Barbara Russell
Notary Public



SIGNED:

Date:

Patricia A. Hickman

12-8-14

Interim Director
West Virginia Department of Environmental Protection

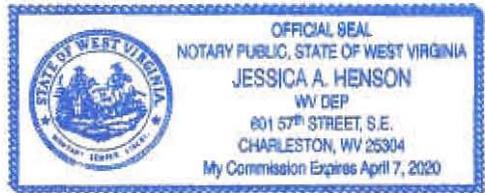
I, Jessica A. Henson, a Notary Public in and for the County of Kanawha
State of WV, do hereby certify that Patricia A. Hickman whose name is signed
above as the representative of the agency, this day executed this document in my presence or this
day acknowledged same to be true act and deed of said agency.

Given under my hand this the 8th day of December, 2014.

My commission expires April 7, 2020

Jessica A. Henson
Notary Public

The Clerk will return the recorded document to:
Ms. Patricia A. Hickman, Interim Director
WVDEP, DLR
601 57th Street
Charleston, West Virginia 25304



Attachment 1
Legal Description



Description of 71.816 acres

Property hereby described as being on the waters of the Davis Creek, South Charleston District, Kanawha County, West Virginia, bounded and described as following.

Beginning at a point (Northing = 488329.60 Easting = 1770151.65) a corner to Robert Grishaber Jr. (Deed Book 1357 Page 4), and the W.V. Department of Highways (Deed Book 1997 Page 582) Sta. 314+01 215' Lt;

Thence leaving said Robert Grishaber Jr. and with said W.V. Department of Highways the following eight (8) bearings and distances:

- 1) S 87°28'30" W 598.04' to a point, Sta. 307+00 235' Lt.;
- 2) N 61°03'30" W 344.44' to a point, Sta. 303+00 320' Lt. ;
- 3) N 57°10'00" W 395.75' to a point, Sta. 299+47.96 350' Lt.;
- 4) N 70°45'40" W 356.17' to a point, Sta. 296+00 270' Lt.;
- 5) N 43°47'00" W 207.19' to a point, Sta. 294+00 320' Lt.;
- 6) N 56°05'10" W 518.60' to a point, Sta. 288+81.72 340' Lt.;
- 7) N 54°28'40" W 376.90' to a point, Sta. 285+50 380' Lt.;
- 8) N 80°58'40" W 424.45' to a point, Sta. 382+25 320' Lt

Thence leaving said W.V. Department of Highways and with the eastern right of way of Jefferson Road the following two (2) bearings and distances:

- 1) N 40°20'20" W 200.00' to a point;
- 2) N 57°34'20" W 187.15' to a point;

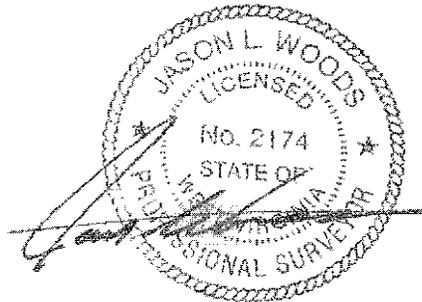
Thence leaving said Jefferson Road and with new lines through the parent tract the following twelve (12) bearings and distances;

- 1) S 87°49'00" E 693.11' to a point;
- 2) N 45°00'40" E 265.39' to a point;
- 3) N 63°44'40" E 153.35' to a point;
- 4) N 88°19'30" E 507.58' to a point;
- 5) N 67°18'40" E 508.64' to a point;
- 6) N 60°20'50" E 119.34' to a point;
- 7) N 44°15'00" E 91.87' to a point;
- 8) N 66°23'30" E 66.29' to a point;
- 9) N 82°53'00" E 279.03' to a point;
- 10) N 82°17'50" E 258.22' to a point;
- 11) N 70°25'20" E 8.71' to a point;
- 12) N 63°52'10" E 196.48' to a point in a line of Rose Marie Grishaber (Deed Book 2632 Page 794);

Thence with said Rose Marie Grishaber the following four (4) bearings and distances:

- 1) S 21°06'50" W 340.30' to a point;
- 2) S 13°33'00" W 561.86' to a point;
- 3) S 04°00'00" E 274.29' to a point;
- 4) S 22°56'00" E 1153.57' to the place of beginning

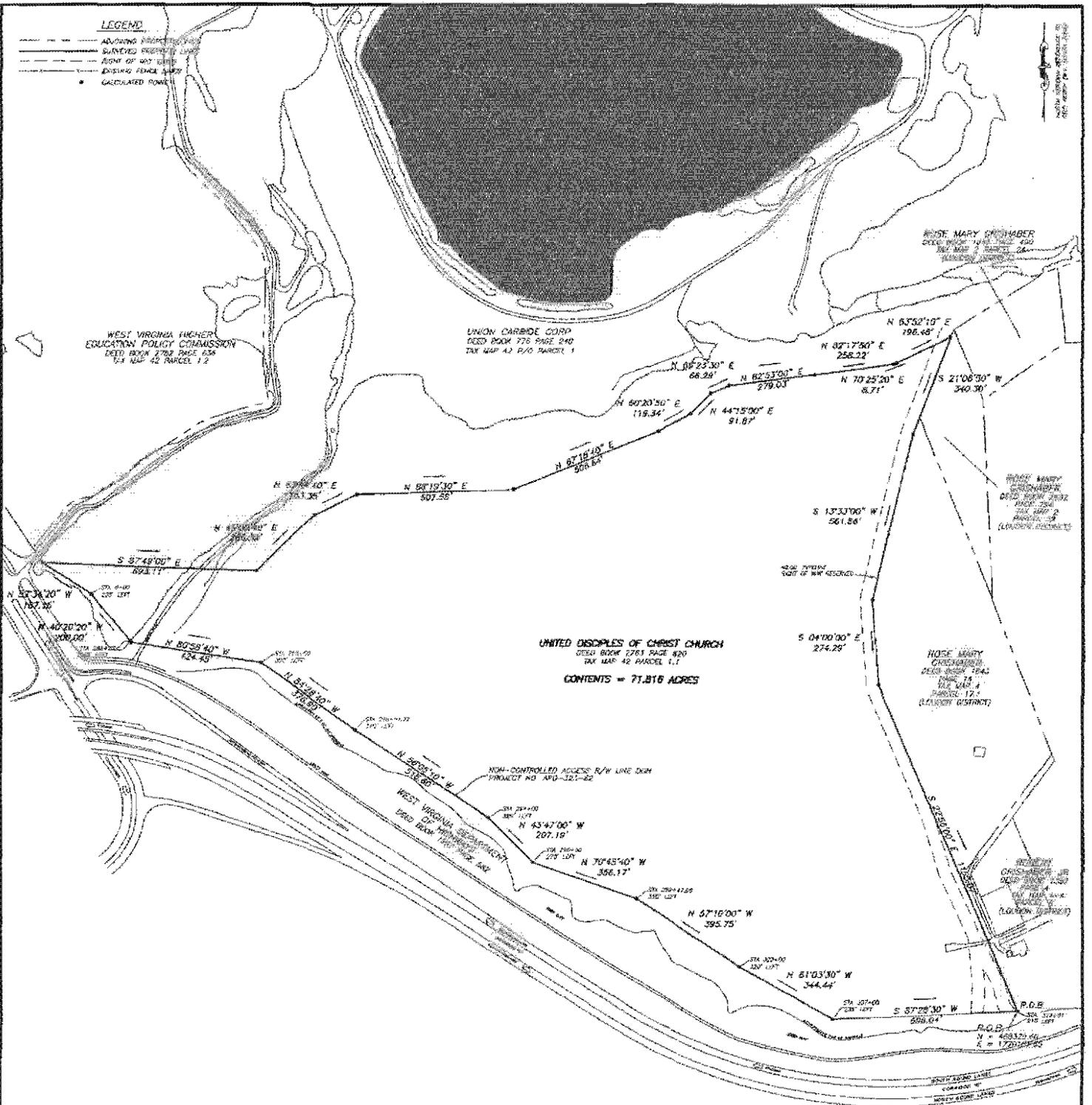
Containing **71.816 acres**, and being shown as Tract D-1 upon that certain plat made as a result of survey by Paramount Surveying. A copy of said plat, dated June 13, 2014 is attached hereto and made a part of this description.



Attachment 2
Figure

LEGEND

- ADJACENT PROPERTY
- SURVEYED PROPERTY LINE
- BOUND OF ROAD EASE
- EXISTING FENCE LINE
- CALCULATED POINT



BEFORE ME
 the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

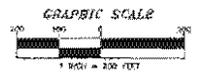
Given under my hand and seal of office this _____ day of _____, 2014.

Notary Public for the State of West Virginia

SURVEYOR'S CERTIFICATION
 I, the undersigned, being duly sworn, certify that the foregoing plat shows the correct and true survey of the tract described hereon, and that the same is in accordance with the original field notes and computations of the survey.



FIGURE 1
 PLAT SHOWING SURVEY OF TRACT D-1
 CONTAINING
 71.816 ACRES
 OWNED BY:
UNITED DISCIPLES OF CHRIST CHURCH
 DEED BOOK 276J PAGE 620
 SOUTH CHARLESTON DISTRICT,
 HAMMARH COUNTY, WEST VIRGINIA



COUNTY	WALKER	STATE	WV
DEED BOOK BY	DATE OF	DEED OR	
S. J. HARRIS, L.L.C.		12/15/14	
S. J. HARRIS, L.L.C.		12/15/14	
S. J. HARRIS, L.L.C.		12/15/14	
S. J. HARRIS, L.L.C.		12/15/14	