



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Subject: Environmental Covenant **Date:** April 27, 2016
 Parcel A-8, Gateway Commerce Center
 Former General Electric Company Appliance
 Park East
 Columbia, Maryland

From: John Hopkins
 Remedial Project Manager

To: John Armstead
 Director, Land and Chemicals Division

Through: Luis Pizarro
 Associate Director, Land and Chemicals Division

Attached for your signature is the Environmental Covenant for the Gateway Commerce Center (Parcel A-8) located at 9001 Snowden River Parkway, Columbia, Maryland.

A Statement of Basis was completed on July 5, 2012. A Final Decision and Response to Comments was completed on October 4, 2012 detailing the proposed Agency decision of Corrective Action Complete with Controls. The proposed covenant calls for groundwater, land use and excavation restrictions.

Please sign this memo to indicate your concurrence of the proposed covenant.

CONCURRENCES							
SYMBOL	< 3LC20	3LC20	3RC43	3RC43	3LC00		
SURNAME	< J. Hopkins	L. Pizarro	H. Burgos	S. Briggs-Steuteville	J. Armstead		
DATE	< 4/26/16	5/10/16	5/9/16	5/10/16	5/10/16		

ENVIRONMENTAL COVENANT

SITE NAME: Parcel A-8, Gateway Commerce Center
GRANTOR/OWNER: General Electric Company
GRANTEE(S)/HOLDER(S): General Electric Company
PROPERTY ADDRESS: S. Snowden River Parkway, Columbia Maryland

This Environmental Covenant is executed pursuant to the provisions of Subtitle 8, Title 1 of the Environment Article, Ann. Code of Md. (2013 Repl. Vol.). This Environmental Covenant subjects the Property identified in Paragraph 1 to the activity and/or use limitations in this document. This Environmental Covenant has been approved by the Maryland Department of the Environment ("Department" or "MDE") and the United States Environmental Protection Agency ("EPA").

1. **Property Affected.** The property affected ("Property") by this Environmental Covenant is located in Columbia, Howard County, Maryland.

The postal street address of the Property is: S. Snowden River Parkway, Columbia, Maryland 21046-0000.

The County Land Records Deed Reference: Tax Parcel 0043-0001-0587 A 8, Deed 511/001, Plat 9619.

The latitude and longitude of the center of the Property affected by this Environmental Covenant is: Latitude 39.1718851 and Longitude -76.8163469.

The Property has been known by the following names:

- Parcel A-8, Gateway Commerce Center

A complete metes and bounds 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.** General Electric Company is the owner ("Owner") of the Property and the Grantor of this Environmental Covenant. The mailing address of the Owner is: c/o E Property Tax, P.O. Box 4900, Scottsdale, Arizona 85261-4900.

3. **Holder(s)/Grantee(s).** General Electric Company. The mailing address of the Holder/Grantee is: c/o E Property Tax, P.O. Box 4900, Scottsdale, Arizona 85261-4900. For purposes of this Environmental Covenant, the Owner and the Department shall also be Holders.

4. **Regulatory Program(s) Issuing Determination.** The following regulatory programs are responsible for having issued a determination requiring the use of this Environmental Covenant:

- EPA Corrective Action Program under the Resource Conservation and Recovery Act

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Property: Parcel A-8, Gateway Commerce Center

Deed Reference: Deed 511/001, Plat 9619

MDE Programs

- Voluntary Cleanup Program
- Controlled Hazardous Substance Enforcement Program
- Oil Control Program
- Solid Waste Program
- Waste Diversion and Utilization Program
- Other Program within the Department: _____

5. **Activity & Use Limitations.** The Property is subject to the following activity and use limitations, which the Owner and each subsequent owner of the Property shall abide by:

The Property is part of the General Electric Company facility, Appliance Park East, located in Columbia, Maryland ("Facility"). On October 4, 2012, EPA issued a Final Decision and Response to Comments ("FDRTC") selecting the Final Remedy for the Facility. The Final Remedy includes a requirement that the following Activity and Use Limitations be imposed on the Property pursuant to General Electric's RCRA Corrective Action Permit, Permit Number MDD046279311, effective November 3, 2012:

- a. Residential land use is prohibited within that portion of the Property that overlaps with the ground water impacts associated with Corrective Measures Study ("CMS") Unit 4 (Underground Storage Tank ["UST"] #9). Residential land use includes single family homes, multiple family dwellings, schools, day care centers, child care centers, apartment buildings, dormitories, other residential-style facilities, hospitals, and in-patient care facilities.
- b. The use of ground water is prohibited from beneath portions of the Property that overlap with the ground water impacts associated with CMS Unit 4 other than for EPA-approved monitoring, testing or remediation purposes; and
- c. Subsurface soil excavation below the water table within portions of the Property that overlap with the ground water impacts associated with CMS Unit 4 is prohibited except in conformance with a soil management plan ("SMP") reviewed and approved in advance by EPA.

6. **Notice of Limitations in Future Conveyances.** Each instrument hereafter conveying any interest in the Property 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. **Access by the Department and EPA.** In addition to any rights already possessed by the Department or EPA, this Environmental Covenant grants to the Department and EPA a right of access to the Property to implement or enforce this Environmental Covenant.

8. **Recordation & Filing with Registry.** The Owner shall record this Environmental Covenant in the Land Records of Howard County within 30 days of the latter of the Department and EPA's approval of this Environmental Covenant and shall send proof of the recording to the Department and EPA within 30 days of recordation. This Environmental Covenant shall be filed as soon as possible after execution in the Registry of Environmental Covenants maintained by the

Environmental Covenant

Property: Parcel A-8, Gateway Commerce Center

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Department. This Environmental Covenant may be found electronically on the Department's website at:

www.mde.maryland.gov/programs/land/marylandbrownfieldvcp/pages/programs/landprograms/errp_brownfields/ueca.aspx

9. **Termination or Modification.** This Environmental Covenant runs with the land unless terminated or modified in accordance with § 1-808 or § 1-809 of the Environment Article, Ann. Code of Md. (2013 Repl. Vol.). The then-current owner agrees to provide the Department and EPA with written notice of the pendency of any proceeding that could lead to a foreclosure referred to in § 1-808(a)(4) of the Environment Article, Ann. Code of Md. (2013 Repl. Vol.), within seven calendar days of the owner's becoming aware of the pendency of such proceeding.

10. **EPA's Address.** Communications with EPA regarding this Environmental Covenant shall be sent to: Office of Remediation (3LC20), Land and Chemicals Division, U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia, PA 19103.

11. **The Department's Address.** Communications with the Department regarding this Environmental Covenant shall be sent to: Registry of Environmental Covenants, Maryland Department of the Environment, Land Management Administration, Land Restoration Program, 1800 Washington Blvd., Baltimore, MD 21230.

12. **Administrative Record.** The Administrative Record pertaining to the remedy selected by EPA in the Final Decision and Response to Comments ("FDRTC") is located at the United States Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103. In addition, records pertaining to the remedy selected by EPA in the FDRTC are maintained by the Department at Department of the Environment, Land Management Administration, Waste Diversion and Utilization Program, 1800 Washington Blvd., Baltimore, MD 21230.

13. **Enforcement.** This environmental covenant shall be enforced in accordance with § 1-810 of the Environment Article, Ann. Code of Md. (2013 Repl. Vol.).

14. **Compliance Reporting.**

Within 21 days after written request by the Department or EPA, the then current owner of the Property shall submit, to the Department, EPA and any Holder listed in Paragraph 3, written documentation stating whether or not the activity and use limitations set forth in Paragraph 5 of this Environmental Covenant are being abided by. In addition, within 21 days after any of the following events: a) transfer of title of the Property or of any part of the Property affected by this Environmental Covenant, b) noncompliance with Paragraph 5, and c) 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 will send a report to the Department, EPA and any Holder. The report will state whether there is compliance with Paragraph 5. If there is noncompliance, the report will state the actions that will be taken to assure compliance.

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15. 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.

Environmental Covenant

Property: Parcel A-8, Gateway Commerce Center

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IN WITNESS WHEREOF, the parties hereto have caused this Environmental Covenant to be executed and delivered as of the day and year first above written.

ACKNOWLEDGMENTS by Grantor/Owner, any Grantee(s)/Holder(s), the Department and EPA, in the following form:

ATTEST:

General Electric Company, Grantor/Owner/Holder/Grantee

Date: 2/4/16

By: Ann R. Klee

Name: Ann R. Klee

Title: Vice President, Global Operations, Environmental, Health & Safety

STATE OF CONNECTICUT

COUNTY OF FAIRFIELD

)
) SS:

On this 4th day of February, 2016, before me, the undersigned, personally appeared Ann R. Klee, Vice President, Global Operations, Environmental, Health & Safety, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he/she executed the same for the purposes therein contained.

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

PAUL MEDALLA
NOTARY PUBLIC
COMMISSION EXPIRES 5/31/18

Paul Medalla
Paul Medalla
Notary Public

My commission expires: 5/31/18

Environmental Covenant
Property: Parcel A-8, Gateway Commerce Center
Deed Reference: Deed 511/001, Plat 9619

EXHIBIT A

Complete Metes and Bounds Description of the Property

EXHIBIT A

LEGAL DESCRIPTION

AREA OVERLAPPING WITH CMS UNIT 4 GROUND WATER

PARCEL A-8

GATEWAY COMMERCE CENTER

April 4, 2013

BEING all that strip or parcel of land, hereinafter described, situate, lying and being on the southerly side of, but not adjacent to Robert Fulton Drive in the 6th Election District of Howard County, Maryland; said strip or parcel of land being a portion of the lands of, now or formerly, General Electric Company, as recorded among the Land Records of Howard County, Maryland, in Liber 511, Folio 1; said strip or parcel of land being more particularly described as follows, to wit:

BEGINNING at a point on the southerly line of the lands of, now or formerly, Parcel 15, Common Open Area, as shown on a plat recorded among the Land Records of Howard County, Maryland, in Plat No. 18307; said beginning point also being shown as "777" on a plat recorded among the Land Records of Howard County, Maryland, in Plat No. 9619, thence,

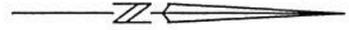
- 1) running by and with said Parcel 15, the following three courses and distances, North 89 degrees 58 minutes 13 seconds East 334.50 feet to a point, thence,
- 2) South 00 degrees 01 minutes 53 seconds East 78.12 feet to a point, thence,
- 3) North 89 degrees 58 minutes 19 seconds East 136.40 feet to a point, thence,
- 4) leaving said Parcel 15 and running through the lands of Parcel A-8, South 32 degrees 47 minutes 25 seconds West 161.64 feet to a point, thence,
- 5) North 60 degrees 51 minutes 29 seconds West 438.97 feet to the point and place of beginning; **CONTAINING** 43,145 square feet of land, more or less.

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EXHIBIT B

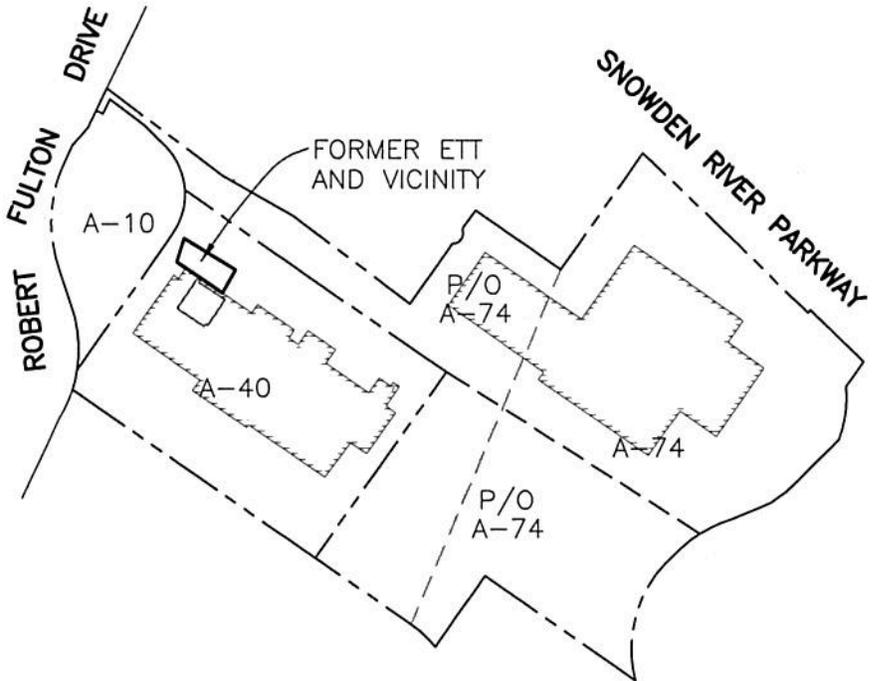
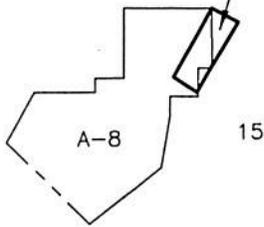
Map of the Property

MARYLAND STATE PLANE



COORDINATE SYSTEM
NAD 83

AREA OVERLAPPING
WITH CMS UNIT 4
GROUND WATER



NOTE: BUILDING LOCATIONS ARE
SCALED FROM AERIAL PHOTOS.

SHEET 1 OF 2

dbf DAVIS,
BOWEN &
FRIEDEL, INC. ARCHITECTS ENGINEERS SURVEYORS

SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441

EXHIBIT B
AREA OVERLAPPING
GATEWAY COMMERCE CENTER
EXHIBIT TO
ENVIRONMENTAL COVENANT
HOWARD COUNTY, MARYLAND

Date: 04/03/13 Scale: 1" = 1000' Proj.No.: 1840B002

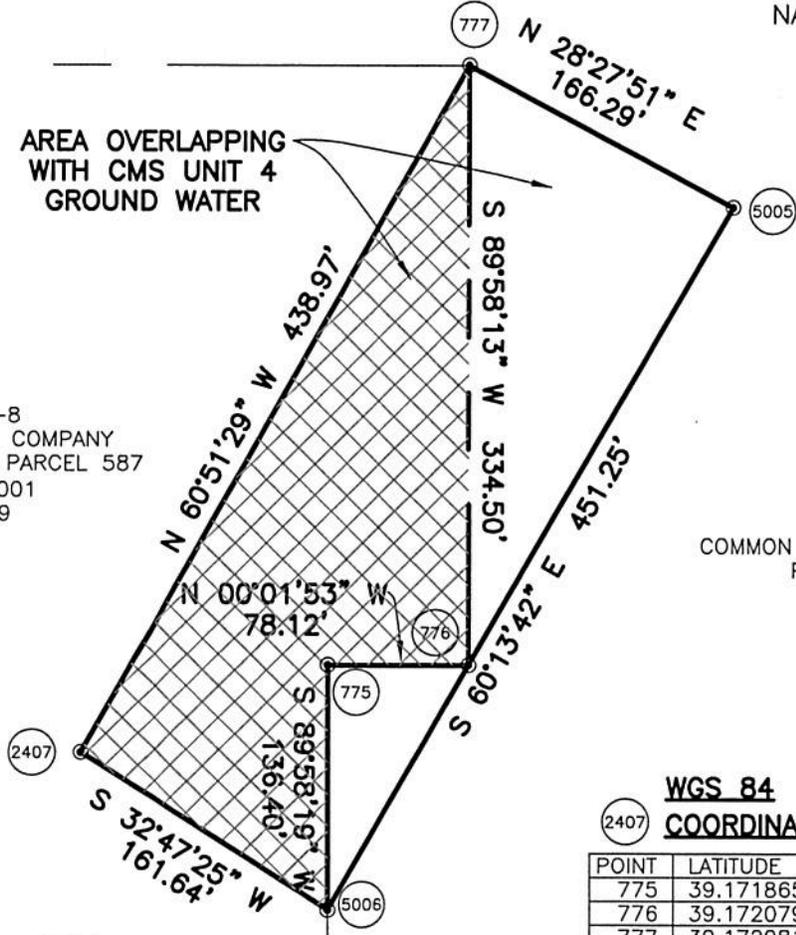
MARYLAND STATE PLANE

COORDINATE SYSTEM
NAD 83

AREA OVERLAPPING
WITH CMS UNIT 4
GROUND WATER

PARCEL A-8
GENERAL ELECTRIC COMPANY
TAX MAP 43 GRID 1 PARCEL 587
DEED 511/001
PLAT 9619

PARCEL
15
COMMON OPEN SPACE AREA
PLAT 18307



WGS 84

2407 COORDINATE TABLE

POINT	LATITUDE	LONGITUDE
775	39.1718654	-76.8160772
776	39.1720799	-76.8160768
777	39.1720813	-76.8172567
2407	39.1714922	-76.8159058
5005	39.1724822	-76.8169761
5006	39.1718648	-76.8155961



SHEET 2 OF 2



DAVIS,
BOWEN &
FRIEDEL, INC. ARCHITECTS ENGINEERS SURVEYORS

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EXHIBIT B
AREA OVERLAPPING
GATEWAY COMMERCE CENTER
EXHIBIT TO
ENVIRONMENTAL COVENANT
HOWARD COUNTY, MARYLAND

Date: 04/03/13

Scale: 1" = 100'

Proj.No.: 1840B002