

When recorded, return to:
Weppco Associates
2363-2429 Emmaus Avenue
Allentown, PA 18103

The County Parcel Identification No. of the Property is:
Block 5, Lot 7 and APN No. 640507471808 - 1

GRANTOR: Weppco Associates

PROPERTY ADDRESS: 2363-2429 Emmaus Avenue, Allentown, PA 18103

ENVIRONMENTAL COVENANT

This Environmental Covenant is executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act No. 68 of 2007, 27 Pa. C.S. §§ 6501 – 6517 (UECA). This Environmental Covenant subjects the Property identified in Paragraph 1 to the activity and/or use limitations in this document. As indicated later in this document, this Environmental Covenant has been approved by the Pennsylvania Department of Environmental Protection (Department).

1. **Property affected.** The property affected (Property) by this Environmental Covenant is located in the City of Allentown, Lehigh County.

The latitude and longitude of the center of the Property is: 40.567926 latitude and - 75.475779 longitude.

The Property has been known by the following name(s): Weppco Associates

A description of the approximate extent of groundwater impacts is attached to this Environmental Covenant as Exhibit A. A map of the Property is attached to this Environmental Covenant as Exhibit B. A map of the Property illustrating the approximate extent of groundwater impacts is attached to this Environmental Covenant as Exhibit C.

2. **Property Owner / GRANTOR / GRANTEE.** Weppco Associates is the owner of the Property and the GRANTOR and GRANTEE of this Environmental Covenant.

3. The mailing addresses of the owner is: 2363-2429 Emmaus Avenue, Allentown, PA 18103.

4. **Description of Contamination & Remedy.** As required by 27 Pa. C.S. § 6504(a)(3) and (a)(7) and as allowed by 27 Pa. C.S. § 6504(b)(6), this sections provides a brief description of the contamination. Soil impacts were identified outside the Paint Storage Room on the adjacent Prior Coated Metals, Inc. (DEP Primary Facility ID# 738073) property. Based on the identification of elevated volatile organic compound (VOC) concentrations in soil, permanent groundwater monitoring wells were installed.

Results of groundwater monitoring and sampling performed at overburden and bedrock monitoring wells at the site indicate several exceedances of VOCs above their respective Pennsylvania Department of Environmental Protection (PADEP) Medium Specific Concentrations (MSCs). VOC exceedances include 1,1,2-trichloroethane (1,1,2-TCA) and trichloroethene (TCE). Groundwater impacts are vertically delineated at the source area on the adjacent Prior Coated Metals, Inc. property and are horizontally delineated onto the Weppco Associates property described in this covenant. A receptor evaluation was conducted by Prior Coated Metals, Inc. and did not identify any potential receptors within 1,000 feet of the site, which is beyond the horizontal extent of identified groundwater impacts. Additionally, the City of Allentown requires all new construction to connect to public water, if available. Furthermore, a basement study was completed, the results of which identified no properties with basements within 1,000 feet downgradient of the site.

Based on the site characterization activities completed by Prior Coated Metals, Inc., attainment for groundwater impacts at the Weppco Associates property has been demonstrated under the Act 2 Site-Specific Remediation Standards. The Act 2 Site-Specific Remediation Standard has been attained for VOC exceedances in groundwater via elimination of potential exposure pathways. Groundwater is not being used on or off-site and conservative vapor intrusion modeling has revealed that detected soil gas concentrations at the adjacent Prior Coated Metals, Inc. facility are not a concern.

The approximate extent of groundwater impacts is provided as Exhibit C. In addition, records pertaining to the contamination and remedy are located or available through PADEP, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701 and EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103.

5. **Activity and Use Limitations.** The Property is subject to the following activity and use limitations, which the then current owner of the Property, and its tenants, agents, employees and other persons under its control, shall abide by:

(a) Any excavation or other intrusive activity that could result in contact with contaminated groundwater within the extent of groundwater impacts (Exhibit C) is prohibited unless supported by a site-specific health and safety plan.

(b) The owner shall prohibit the use of groundwater at the Property for drinking or agricultural purposes.

6. **Notice of Limitations in Future Conveyances.** Each instrument hereafter conveying any interest in the Property subject to this Environmental Covenant 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. **Compliance Reporting.** As requested by the Department and EPA, the then current owner of the Property shall submit to the Department and the EPA written documentation stating whether or not the activity and use limitations in this Environmental Covenant are being abided by. In addition, within one month after any of

the following events, the then current owner of the Property shall submit to the Department and the EPA written documentation: noncompliance with the activity and use limitations in this Environmental Covenant; transfer of the Property; changes in use of the Property; or filing of applications for building permits for the Property and any proposals for any site work, if the building or proposed site work will affect the contamination on the Property subject to this Environmental Covenant.

8. **Access by the Department and by the EPA.** In addition to any rights already possessed by the Department and by the EPA, this Environmental Covenant grants to the Department and to the EPA a right of reasonable access of the Property in connection with implementation or enforcement of this Environmental Covenant.

9. **Recording and Notification of Recording.** Within 30 days after the date of the Department's approval of this Environmental Covenant, Weppco Associates shall file this Environmental Covenant with the Recorder of Deeds for Lehigh County, and send a file-stamped copy of this Environmental Covenant to the Department within 90 days of the Department's approval of this Environmental Covenant. Within that time period, Weppco Associates also shall send a file-stamped copy to each of the following: City of Allentown and Lehigh County; and the EPA.

10. **Termination or Modification.**

(a) This Environmental Covenant runs with the land unless terminated or modified in accordance with 27 Pa. C.S. §§ 6509 or 6510, or in accordance with this paragraph.

(b) This Environmental Covenant may be amended or terminated as to any portion of the Property that is acquired for use as state highway right-of-way by the Commonwealth provided that: (1) the Department waives the requirements for an environmental covenant and for conversion pursuant to 27 Pa. C.S. §6517 to the same extent that this Environmental Covenant is amended or terminated; (2) the Department determines that termination or modification of this Environmental Covenant will not adversely affect human health or the environment; and (3) the Department provides 30-days advance written notice to the current property owner, each holder, and, as practicable, each person that originally signed the Environmental Covenant or successors in interest to such persons.

(c) This Environmental Covenant shall terminate upon attainment, in accordance with 35 P.S. §§ 6026.101 – 6026.908, with an unrestricted use remediation standard for the above-described contamination at the Property. The Department must approve, in writing, of such termination.

(d) In accordance with 27 Pa. C.S. § 6510(a)(3)(i), Grantor hereby waives the right to consent to any amendment or termination of the Environmental Covenant by consent; it being intended that any amendment to or termination of this Environmental Covenant by consent in accordance with this Paragraph requires only the following

signatures on the instrument amending or terminating this Environmental Covenant: (i) the Holder at the time of such amendment or termination; (ii) the then current owner of the Property and (iii) the Department.

11. **EPA.**

(a) **Notification.** The then current owner shall provide the EPA written notice of:

- (1) the pendency of any proceeding that could lead to a foreclosure as referred to in 27 Pa. C.S. § 6509(a)(4), within seven calendar days of the owner's receiving notice of the pendency of such proceeding;
- (2) any judicial action referred to in 27 Pa. C.S. § 6509(a)(5), within seven calendar days of the owner's receiving notice of such judicial action;
- (3) any judicial action referred to in 27 Pa. C.S. § 6509(b), within seven calendar days of the owner's receiving notice of such judicial action; and
- (4) termination or amendment of this Environmental Covenant pursuant to 27 Pa. C.S. § 6510, within seven calendar days of the owner's becoming aware of such termination or amendment.

(b) **Enforcement.** A civil action for injunctive or other equitable relief for violating this Environmental Covenant may be maintained by the EPA.

12. **Department's and EPA's address.** Communications with the Department and the EPA regarding this Environmental Covenant shall be sent to:

Environmental Cleanup and Brownfields Program Manager
PA DEP
Northeast Regional Office
2 Public Square, Wilkes-Barre, Pennsylvania 18701

Mr. Grant Dufficy
Land and Chemicals Division (3LC30)
U.S. EPA Mid-Atlantic Region III
1650 Arch St., Philadelphia, PA 19103

13. **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.

EXHIBIT A
PROPERTY DESCRIPTION

11 November 2015
200007201

**WRITTEN DESCRIPTION
APPROXIMATE EXTENT OF GROUNDWATER IMPACTS AREA
PORTION OF BLOCK 5, LOT 7
IN THE CITY OF ALLENTOWN
LEHIGH COUNTY, PENNSYLVANIA**

All that certain piece of ground, situate in the City of Allentown, Lehigh County, Pennsylvania as shown in accordance with a plan entitled, "Prior Coated Metals Inc., Extent of Soil and Groundwater Impacts" prepared by Langan Engineering and Environmental Services, Job No. 200007201, dated 5/7/15, Exhibit C, and being more particularly described as follows;

Beginning at a point on the dividing line between Block 5, Lot 7 and Block 5, Lot 8, said point being located the following course from the northwesterly end of the dividing line between Block 5, Lot 7 and Block 5, Lot 8; thence,

- a. Extending along the dividing line between Lots 7 and 8, South 50°32'15" East, a distance of 55.14 feet to the point of BEGINNING; thence,
 1. Leaving said line and extending through portions of Block 5, Lot 7, South 85°06'38" East, a distance of 57.54 feet; thence,
 2. South 81°43'00" East, a distance of 18.12 feet; thence,
 3. South 76°38'54" East, a distance of 16.26 feet; thence,
 4. On an arc curving to the right having a radius of 37.50 feet, an arc distance of 82.81 feet, and a central angle of 126°31'01", and being subtended by a chord which bears South 13°23'23" East, a chord length of 66.98 feet; thence,
 5. South 49°52'07" West, a distance of 8.88 feet to a point on the dividing line between Lots 7 and 8; thence,
 6. Along said dividing line between Lots 7 and 8, North 50°32'15" West, a distance of 129.26 feet to the first mentioned point and place of BEGINNING.

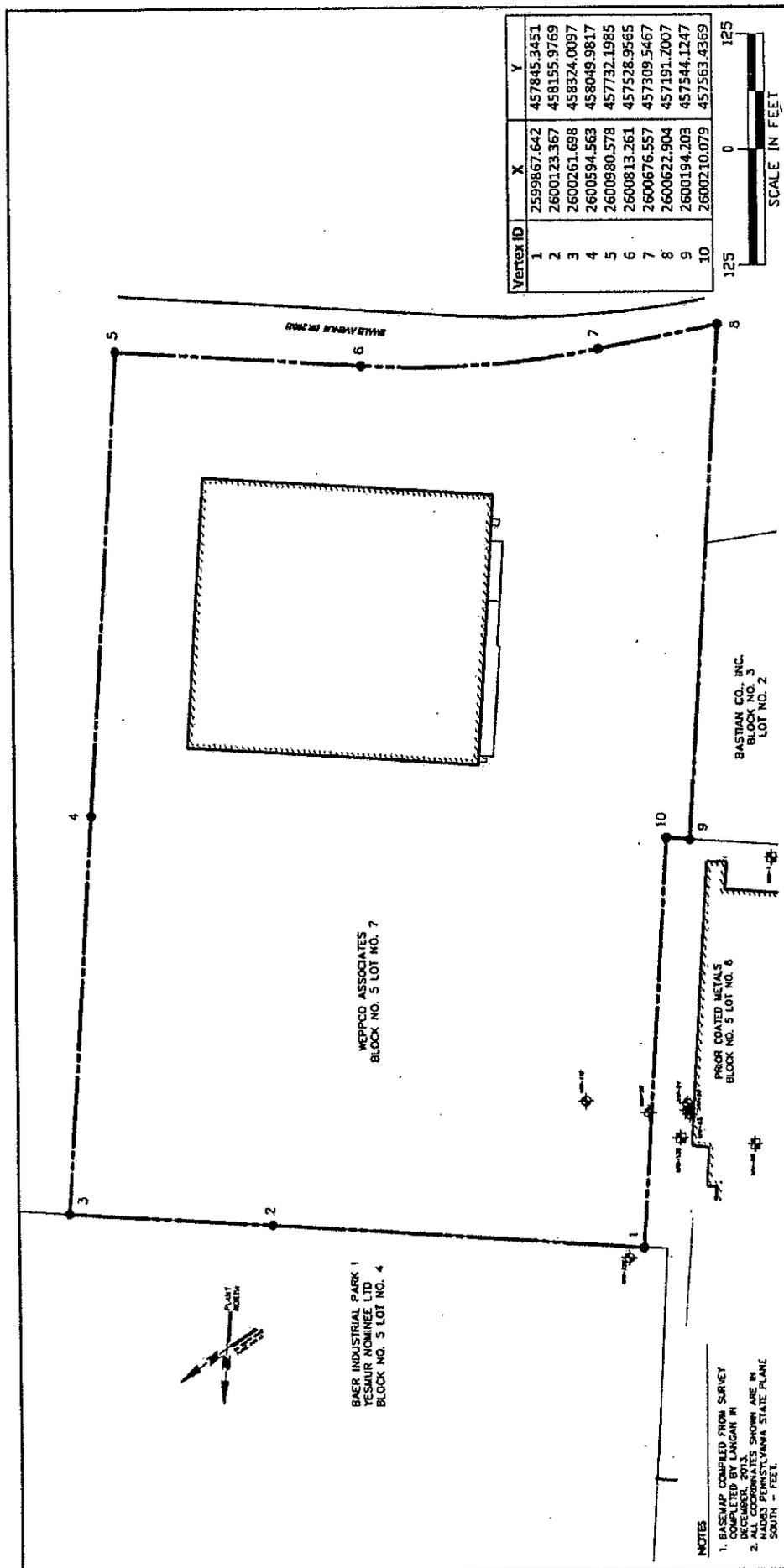
Encompassing an area of 0.104 acres or 4,545 square feet.



Shaun F. Higgins
Professional Land Surveyor
Pennsylvania License No. SU-051088-E

EXHIBIT B

SITE PLAN



Project No. 200007201
 Date 12/11/15
 Scale 1"=125'
 Drawn By JLR
 Submission Date

Drawing Title
SITE PLAN - WEPPCO ASSOCIATES

Project
PRIOR COATED METALS, INC.
 BLOCK NO. 5 LOT NO. 8
 ALLENTOWN
 LEHIGH COUNTY PENNSYLVANIA

LANGAN
 Environmental & Earth Sciences, Inc.
 7121 S. 43rd Street, Suite 200
 Warminster, PA 18980
 T: 215.481.6500 F: 215.481.8001 www.langan.com
 Langan Engineers, Inc. Environmental, Surveying and
 Landscape Architecture, L.P.A.
 Langan International LLC
 Collectively known as Langan

APPROXIMATE CLIENT OF
 WEPPCO ASSOCIATES
 (CONCENTRATIONS GREATER
 THAN PADEP DIRECT CONTACT
 MEDIUM SPECIFIC
 CONCENTRATIONS (MSCs))

LEGEND
 - - - - - PROPERTY BOUNDARY
 [Hatched Box] BUILDING
 [Circle with 'C'] CURB
 [Circle with 'M'] BEDROCK MONITORING WELL LOCATION
 [Circle with 'O'] OVERBURDEN MONITORING WELL LOCATION

NOTES
 1. BASEMAP COMPILED FROM SURVEY CONDUCTED BY LANGAN IN 2008.
 2. ALL COORDINATES SHOWN ARE IN NAD83 PENNSYLVANIA STATE PLANE SOUTH - FEET.

WEPPCO ASSOCIATES
 BLOCK NO. 5 LOT NO. 7

BAER INDUSTRIAL PARK 1
 YESHAIR NOMINEE LTD
 BLOCK NO. 5 LOT NO. 4

BASTIAN CO., INC.
 BLOCK NO. 3
 LOT NO. 2

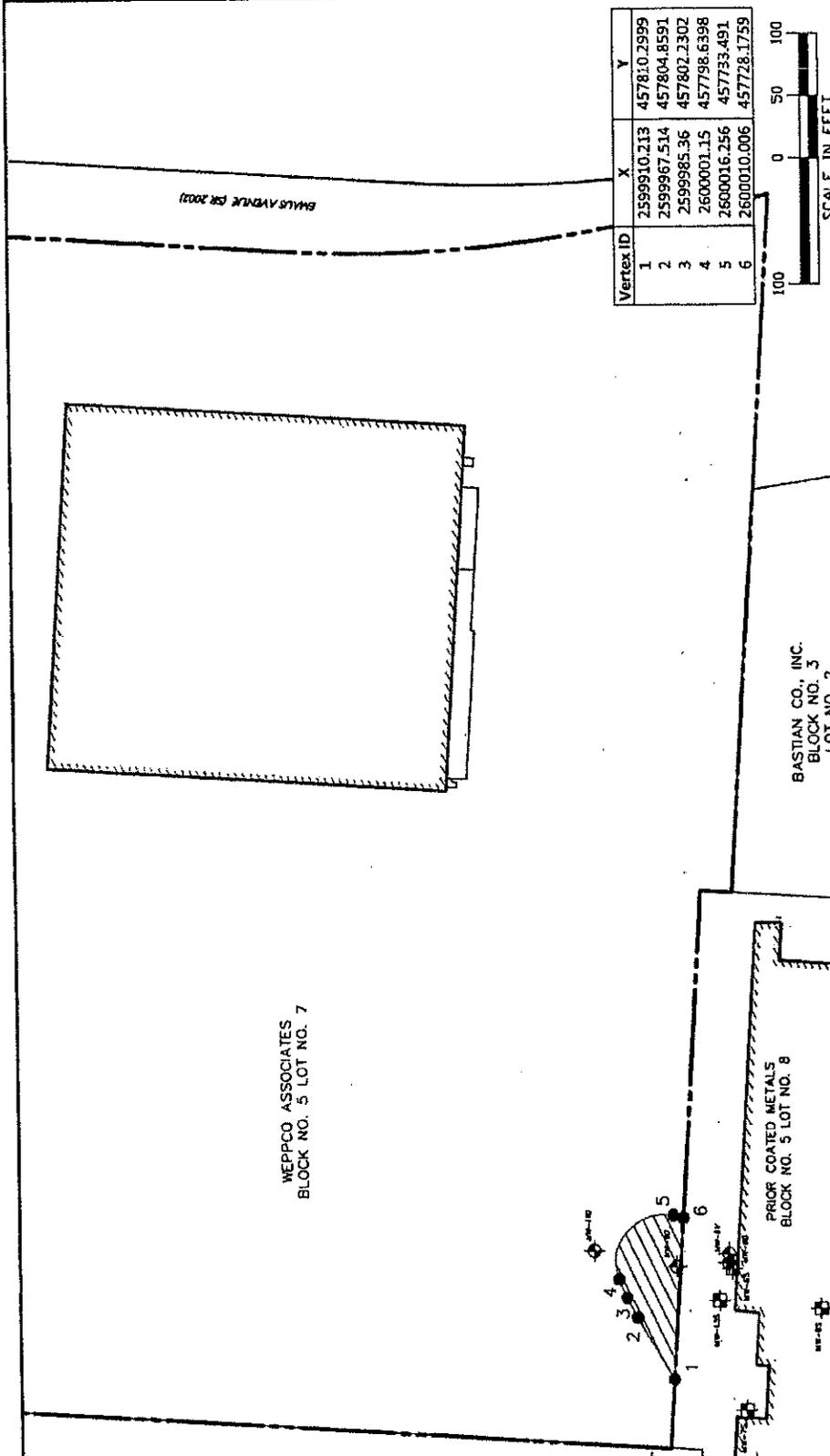
PRIOR COATED METALS
 BLOCK NO. 5 LOT NO. 6

EXHIBIT C
EXTENT OF IMPACTS



BAER INDUSTRIAL PARK I
YESMUR NOMINEE LTD
BLOCK NO. 5 LOT NO. 4

WEPPCO ASSOCIATES
BLOCK NO. 5 LOT NO. 7



Vertex ID	X	Y
1	2599910.213	457810.2999
2	2599967.514	457804.8591
3	2599985.36	457802.2302
4	2600001.15	457798.6398
5	2600016.256	457733.491
6	2600010.006	457728.1759

BASTIAN CO., INC.
BLOCK NO. 3
LOT NO. 2

NOTE
1. BASEMAP COMPILED FROM SURVEY
COMPLETED BY LANGAN IN
2002. COORDINATES SHOWN ARE IN
NAD83 PENNSYLVANIA STATE PLANE
SOUTH - FEET.

- LEGEND
- PROPERTY BOUNDARY
 - ▭ BUILDING
 - CURB
 - ⊕ BEDROCK MONITORING WELL LOCATION
 - ⊕ OVERBURDEN MONITORING WELL LOCATION

APPROXIMATE EXTENT OF
GROUNDWATER IMPACTS
(CONCENTRATIONS GREATER
THAN PADEP DIRECT CONTACT
MEDIUM SPECIFIC
CONCENTRATIONS (MSG2))

LANGAN
State Noted Consulting Engineer, 2700 Ash-Hoag, Suite 100
Wilmington, PA 19381
717-261-1822 - F: 717-261-1281 - www.langan.com
Langan Engineers, Inc. and Environmental Services, Inc.
Langan Environmental Services, Inc. - a Langan company
Langan International, Inc.
Langan International LLC
Executive Office: 10000 W. 10th St., Suite 100
Overland Park, KS 66211

Project
**PRIOR COATED
METALS, INC.**
BLOCK NO. 5 LOT NO. 8
ALLENTOWN, PENNSYLVANIA

Drawing Title
**EXTENT OF
GROUNDWATER
IMPACTS - WEPPCO
ASSOCIATES**

Project No. 200007201
Date 12/11/15
Scale 1"=100'
Drawn By JR
Submission Date X

Exhibit
C
Sheet 001 of 001

APPROVED, by Commonwealth of Pennsylvania, Department of Environmental Protection

Date: 12/28/16

By: 

Name: Eric Supry

Title: ECB Manager

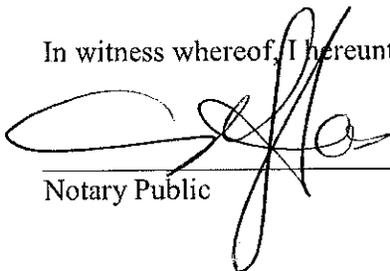
COMMONWEALTH OF PENNSYLVANIA)

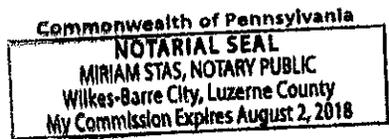
COUNTY OF Luzerne)

SS:

On this 28 day of December, 2016, before me, the undersigned officer, personally appeared Eric Supry, who acknowledged himself/herself to be the ECB Manager [Title] of the Commonwealth of Pennsylvania, Department of Environmental Protection, Northeast Region, whose name is subscribed to this Environmental Covenant, and acknowledged that s/he executed same for the purposes therein contained.

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


Notary Public



ANDREA E. NAUGLE
LEHIGH COUNTY CLERK OF JUDICIAL RECORDS



Recorder of Deeds Division
Deborah A. Casciotti, Chief Deputy
Lehigh County Courthouse
455 W. Hamilton Street - Room 122
Allentown, PA 18101-1614
(610) 782-3162

***RETURN DOCUMENT TO:**

GREGORY GEMGNANI
2857 FAIRFIELD DR
ALLENTOWN, PA 18103

Instrument Number - 2017000941

Recorded On 1/10/2017 At 1:59:56 PM

* Instrument Type - MISCELLANEOUS

Invoice Number - 293068 User ID: KCA

* Grantor - WEPPCO ASSOCIATES

* Grantee - PENNSYLVANIA COMMONWEALTH OF ENVIRONMENTAL PROTECTION

* Customer - GREGORY GEMGNANI

***Total Pages - 13**

*** FEES**

STATE WRIT TAX	\$0.50
RECORDING FEES	\$29.00
COUNTY ARCHIVES FEE	\$2.00
ROD ARCHIVES FEE	\$3.00
UPI CERTIFICATION FEES	\$10.00
TOTAL PAID	\$44.50

I hereby CERTIFY that this document is
Recorded in the Recorder of Deeds Office
of Lehigh County, Pennsylvania



Andrea E. Naugle

Andrea E. Naugle
Clerk of Judicial Records
Recorder of Deeds Division

LCGIS Registry UPI Certification
On January 10, 2017 By SC

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

INSTRUMENT NUMBER - 2017000941

