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Filed for Record in  
HANCOCK COUNTY, WV  
GEORGE FOLEY, COUNTY CLERK  
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STATE TAX .00  
COUNTY TAX .00  
OR Book 852 Page 827 - 832

Received  
Division of Land Restoration

Airco Welding Products  
EPA ID # WVD980554760

## 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:

A parcel of land being part of a tract of land now or formerly belonging to AIR REDUCTION COMPANY, INCORPORATED (Parcel ID 15-04-G9-0019-0000) as recorded in Deed Book Volume 128, Page 428, situated in the District of Grant, County of Hancock, State of West Virginia and being further described as follows. Commencing at a 1/2" iron pin found at the intersection of the north line of the said AIR REDUCTION COMPANY, INCORPORATED (Parcel ID 15-04-G9-0019-0000) tract and the south line of a tract of land now or formerly belonging to THE TURRELL CORPORATION (Parcel ID 15-04-G9-0017-0000), as recorded in Deed Book Volume 205, Page 171 with the east line of a tract of land now or formerly belonging to MOUNTAINEER PARK, INCORPORATED (Parcel ID 15-04-G9-0019-0001), as recorded in Deed Book Volume 265, Page 418, Thence, with the said west line of the said AIR REDUCTION COMPANY, INCORPORATED tract and the said east south line of the said MOUNTAINEER PARK, INCORPORATED (Parcel ID 15-04-G9-0019-0001), South 33° 22' 36" East, a distance of 74.29 feet to a point and the true place of beginning. Thence, through the said AIR REDUCTION COMPANY, INCORPORATED tract, North 57° 52' 09" East, a distance of 208.19 feet to a point at the northwest corner of a 0.06 Acre tract of land now or formerly belonging to the said THE TURRELL CORPORATION (Parcel ID 15-04-G9-0017-0000), as recorded in Deed Book Volume 205, Page 171, Parcel II; Thence, with the east line of the said AIR REDUCTION COMPANY, INCORPORATED tract and the west line of the said THE TURRELL CORPORATION tract, South 33° 08' 00" East, a distance of 80.17 feet to a point; Thence, with the said south line of the said AIR REDUCTION COMPANY, INCORPORATED tract and the north line of the said MOUNTAINEER PARK, INCORPORATED (Parcel ID 15-04-G9-0019-0001) tract, South 45° 24' 06" West, a distance of 167.83 feet to a point; Thence, with the said west line of the said AIR REDUCTION COMPANY, INCORPORATED tract and the said east line of the said to MOUNTAINEER PARK, INCORPORATED (Parcel ID 15-04-G9-0019-0001) tract the following two (2) courses and distances: 1) North 69° 38' 54" West, 43.22 feet to a point; 2) North 45° 25' 27" West, 84.37 feet to a point and the true place of beginning. Containing 0.447 Acres more or less and subject to all legal highways, right of ways and easements. A map of the property is attached to this environmental covenant as Exhibit A.

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:

- 1) Any activities within the vicinity of the former lagoon area that might damage the lagoon cap and/or adversely affect or diminish the owner's ability to maintain the lagoon cap in the future, including any excavation, drilling or penetration unless such excavation, drilling or penetration is conducted by a contractor or a professional who is qualified and knowledgeable about releases and exposures to contaminants known to exist at the site. The contractor and/or qualified professional 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 qualified professional. The contractor will 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 written notice to the Secretary of the West Virginia Department of Environmental Protection (WVDEP) of the intent to conduct such work.

2) Groundwater extraction and use will be limited to non-potable purposes only.

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

Linde North America, Inc.  
200 Somerset Corporate Boulevard  
Bridgewater, NJ 08807  
Attn: Vice President, Safety, Health and Environment

The following entity is the holder of this covenant:

Linde North America, Inc.  
200 Somerset Corporate Boulevard  
Bridgewater, NJ 08807  
Attn: Vice President, Safety, Health and Environment

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

This location formerly manufactured welding rods. The process generated acidic waste that was managed in two lagoons approximately 2,000 square feet each. The lagoons were closed in the 1984, with all waste materials excavated and removed offsite. The lagoons were backfilled with clean soil and in October of 1990, the lagoons were capped using a 30-mil PVC geo-textile liner, placed within a sand bed, and overlain by topsoil, that was then re-vegetated.

After the lagoons were excavated and the sludge and contaminated soil removed for off-site disposal, potential impacts to groundwater were evaluated. Groundwater monitoring throughout the 1980's and 1990's revealed the presence of volatile organic compounds (VOC's) above drinking water standards in one monitoring well. In an effort to resolve the outstanding issue of the contamination in the one monitoring well, a proposal was made to WVDEP in 2005 to address the situation by injecting an oxidant into the well to destroy the VOC's. In 2006, the injection was done. Post-injection monitoring revealed that VOC's were below drinking water standards. EPA agreed that no further monitoring was needed and the groundwater monitoring wells were abandoned.

The only remaining activities will be maintenance of the lagoon cap, and filing of an environmental covenant requiring cap maintenance and limiting of groundwater use at the property to non-potable purposes only.

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, 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, DLR headquarters in Charleston, WV, and EPA Region III within thirty (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-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, 1650 Arch Street, Philadelphia, PA 19103-2029 and is entitled:

Airco Welding Products  
EPA ID #WVD980554760

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

Pursuant to W.Va. Code §22-22B-11(a), a civil action for injunctive or other equitable relief for violating this covenant may be maintained by EPA.

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.

**Linde North America, Inc.**

Printed Name: JAMES J. BRISTER  
Title: VICE PRESIDENT HSE, REGION AMERICAS

  
Signature

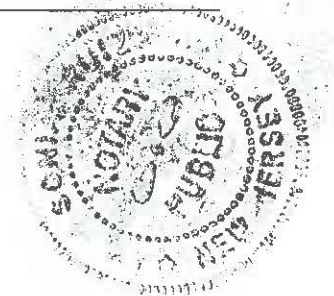
\_\_\_\_\_  
Date      May 16, 2017

I, SONIA RUIZ, a Notary Public in and for the County of \_\_\_\_\_, State of \_\_\_\_\_, do hereby certify that the holder(s) whose name is 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 16 day of MAY, 2017.  
My commission expires \_\_\_\_\_

Sonia Ruiz  
Notary Public

**SONIA RUIZ**  
**NOTARY PUBLIC OF NEW JERSEY**  
**ID # 2377524**  
**My Commission Expires 9/2/2018**



West Virginia Department of Environmental Protection

Printed Name: Patricia A. Hickman

Title: Director, Division of Land Restoration

Patricia A. Hickman  
Signature

5-23-17  
Date

I, Jessica A. Henson, a Notary Public in and for the County of Kanawha, State of West Virginia, 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 holder(s).

Given under my hand this the 23rd day of May, 2017.  
My commission expires April 7, 2020

Jessica A. Henson  
Notary Public

The Clerk will return the recorded document to:

Ms. Patricia A. Hickman, Director  
WVDEP, DLR  
601 57<sup>th</sup> Street SE  
Charleston, WV 25034



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