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Fee Amt: \$14.00 Page 1 of 8  
Putnam County Clerk  
Brian Wood County Clerk

Great Lakes Chemical Corporation  
EPA ID #: WVD005005087

BK 81

PG 967-974

## 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:

Great Lakes Chemical Corporation (GLCC) Lab/Warehouse Parcel (hereinafter referred to as the "Property"), located at 200 Pickens Road in Nitro, Putnam County, West Virginia. The Property is located in a commercial/industrial area in Nitro and consists of six parcels of land, approximately 9.12 acres in size. Attachment 1 is a property boundary map of the Property and Attachment 2 is a metes and bounds description of the property.

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. New well installations on the Property unless it is demonstrated to West Virginia Department of Environmental Protection (WVDEP) and/or Environmental Protection Agency (EPA) that such wells are necessary to implement the final remedy and WVDEP and/or EPA provides prior written approval to install such wells.  
Groundwater for potable purposes, unless it is demonstrated to WVDEP and/or EPA that such use will not pose a threat to human health or the environment or adversely affect or interfere with the final remedy and WVDEP and/or EPA provides prior written approval for such use.
- b. Any residential uses of the Property unless it is demonstrated to WVDEP and/or EPA that such use will not pose a threat to human health or the environment or adversely affect or interfere with the final remedy and WVDEP and/or EPA provides prior written approval for such use.

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

Great Lakes Chemical Corporation  
2 Armstrong Rd.  
Shelton, CT 06484  
ATTN: Ramin Ansari, M.S., L.P.G. Corporate Manager, Environmental Affairs & Remediation

The following entity is the holder of this covenant:

Great Lakes Chemical Corporation  
2 Armstrong Rd.  
Shelton, CT 06484  
ATTN: Ramin Ansari, M.S., L.P.G. Corporate Manager, Environmental Affairs & Remediation

Return to: Div. of Water & Waste Mgmt.  
Attn: Harold D. Ward, Director  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304

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

FMC Corporation (FMC) owned and operated the former plant between 1950 and July 1999. GLCC, a wholly-owned subsidiary of Chemtura Corporation (Chemtura), operated the plant from July 1999 until July 2002. GLCC currently owns the Property. The plant produced a range of phosphorus-based specialty chemicals, including phosphorus chlorides and phosphate esters between 1950 and July 2002, when operations ceased.

The Property, referred to as the Lab/Warehouse Parcel, consists of 9.12 acres and houses a former laboratory and warehouse that was part of the plant. Both buildings are still standing on the Lab/Warehouse Parcel.

Historic aerial photographic evidence suggested that hazardous waste drums might have been stored in the northern area of the Lab/Warehouse Parcel. The Lab/Warehouse Parcel was included in the RCRA Facility Investigation (RFI) and was designated as Area of Interest (AOI) 39. In addition, AOI 26 – Control Laboratories and Bottle Wash Room was located on the laboratory on the Lab/Warehouse property. Surface soil samples were collected and three temporary wells installed on the Lab/Warehouse Parcel to characterize whether releases have occurred. Groundwater quality data from the three temporary wells indicated that groundwater is present 20 feet below the parcel and the groundwater did not contain constituents at concentrations above EPA or WVDEP groundwater quality screening values.

Dioxin/furans were detected at trace concentrations in shallow soils, and the data were presented in the Human Health Risk Assessment (HHRA) as 2,3,7,8-tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD) toxic equivalent quotients (TEQs), which were based on World Health Organization (WHO, 1998) toxicity equivalency factors (TEFs). The HHRA indicated that the detections at two locations (LW-1 and LW-2) created an unacceptable risk to future site workers. The HHRA found that if the dioxin-impacted soils at the two sample locations were remediated, the direct contact risk to a future outdoor commercial/industrial worker would fall within an acceptable risk range.

In 2016, the Respondents developed and implemented an interim measure (IM) to address the dioxin-impacted soil. The Respondents excavated 270 cubic yards of soil from the Lab/Warehouse Parcel and place the soil on the adjacent Solutia Inc. site. The IM was implemented in June 2016. In October 2016, EPA and FMC conducted a site visit to inspect the revegetated condition of the excavation area where the dioxin-impacted soil was removed and confirmed the interim measure was complete.

The results of the IM for the dioxin-impacted soil were presented to EPA and WVDEP in a November 2016 report. EPA and WVDEP approved the Lab/Warehouse IM Report in January 2018.

EPA issued the Final Decision and Response to Comments on August 31, 2017. EPA's remedy for the Site is a combination of No Further Action for AOI 26 and institutional controls, and included the acceptance of the IM as the final remedy for the Lab/Warehouse Parcel. Some contaminants remain in the soil and groundwater at some areas above levels appropriate for residential uses; therefore, the final remedy requires the compliance with and maintenance of land and groundwater use restrictions set forth in this Environmental Covenant.

The owner of the property shall provide written notice to the holder, the Secretary of the West Virginia Department of Environmental Protection (WVDEP), the United States Environmental Protection Agency, Region III (EPA Region III) and FMC 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 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, Division of Water and Waste Management (DWWM) headquarters in Charleston, WV, EPA Region III and FMC 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; FMC 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:

Great Lakes Chemical Company  
[sic Great Lakes Chemical Corporation]  
EPA ID #WVD005005087

WVDEP and EPA Region III are granted full right of access to the property for the purpose of implementation or enforcement of this covenant and FMC is granted full right of access to the property to carry out its obligations under the U.S. Asset Purchase and Framework Agreement between FMC Corporation and Great Lakes Chemical Corporation dated May 4, 1999.

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 owner and holder has executed this covenant on the date indicated.

Great Lakes Chemical Corporation

Printed Name: Robert M. Trozenski

Title: Head of HSEQ

Signature

Date

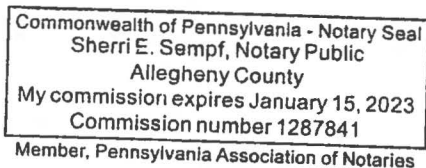
2/22/19

I, Sherri Sempf, a Notary Public in and for the County of Allegheny, State of Pennsylvania, do hereby certify that the above individual whose name is signed above as the representative of owner and holder, this day executed this document in my presence or this day acknowledged same to be true act and deed of said owner and holder.

Given under my hand this the 22 day of February, 2019.  
My commission expires January 15, 2023.

Sherri E Sempf  
Notary Public

(SEAL)





**West Virginia Department of Environmental Protection**

Printed Name: Harold D. Ward

Title: Acting Director, Division of Water & Waste Management

Signature

Harold D. Ward

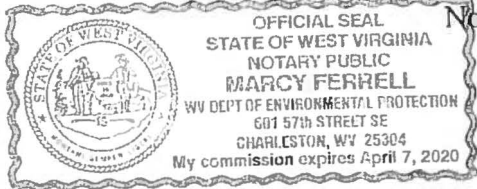
Date

2-28-19

I, Marcy Ferrell, a Notary Public in and for the County of Kanawha, State of West Virginia, do hereby certify that Harold D. Ward, 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 28<sup>th</sup> day of February, 2019.  
My commission expires April 7, 2020.

Notary Public



(SEAL)

Prepared by: Great Lakes Chemical Corporation

The Clerk will return the recorded document to:

Mr. Harold D. Ward, Acting Director  
WVDEP, DWWM  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304





ATTACHMENT 1

METES AND BOUNDS DESCRIPTION  
OF  
THE GREAT LAKES CHEMICAL CORPORATION LAB/WAREHOUSE PARCEL

BEGINNING AT A CONCRETE MONUMENT FOUND, COMMON CORNER TO GREAT LAKES CHEMICAL CORPORATION AND ONYX INDUSTRIAL SERVICE, INC., SAID POINT BEING FURTHER IDENTIFIED AS HAVING THE FOLLOWING GEOGRAPHICAL COORDINATES:  
N38.4371584, W81.8408574;

THENCE S21°46'16"W 467.08' TO A POINT HAVING GEOGRAPHICAL COORDINATES: N38.4359630, W81.8414485;

THENCE S68°13'44"E 452.00' TO A POINT, HAVING A GEOGRAPHICAL COORDINATE OF N38.4355131, W81.8399778;

THENCE S21°46'16"W 587.97' TO A POINT, HAVING A GEOGRAPHICAL COORDINATE OF N38.4340083, W81.8407218;

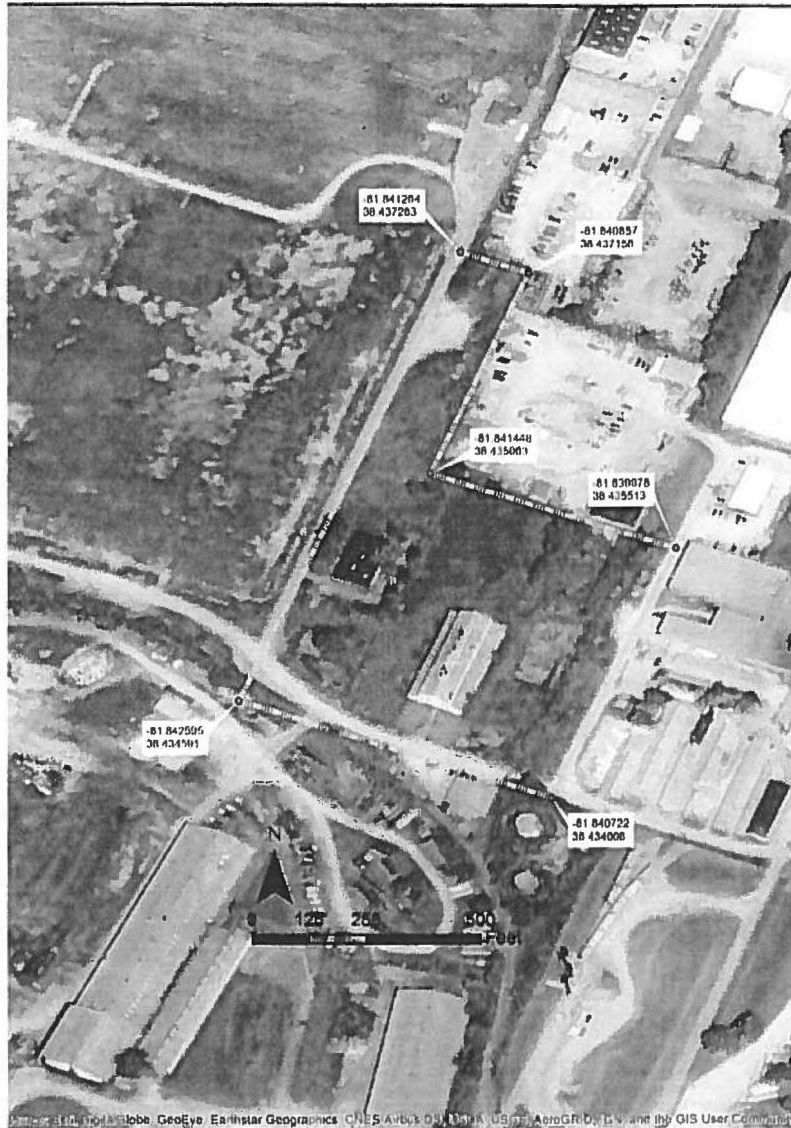
THENCE N68°13'57"W 452.00' TO A POINT HAVING A GEOGRAPHICAL COORDINATE OF N38.4344581, W81.8421925;

THENCE N21°46'16"E 3.21' TO A POINT HAVING A GEOGRAPHICAL COORDINATE OF N38.4344663, W81.8421885;

THENCE N68°13'44"W 125.00' TO A POINT, HAVING A GEOGRAPHICAL COORDINATE OF N38.4345907, W81.8425952;

THENCE N21°46'16"E 1051.87' TO A POINT, HAVING A GEOGRAPHICAL COORDINATE OF N38.4372828, W81.8412642;

THENCE S68°13'44"E 125.00' TO THE PLACE OF BEGINNING, CONTAINING 9.12 ACRES, MORE OR LESS, AS SHOWN ON AN EXHIBIT MAP PREPARED BY TERRADON CORPORATION, DATED FEBRUARY 21, 2018.



## ATTACHMENT 2 PROPERTY CORNERS AND WELL LOCATIONS GREAT LAKES CHEMICAL CORPORATION SITE NITRO, WEST VIRGINIA

COORDINATE SYSTEM  
GCS\_WGS\_1984  
WKID: 4326 AUTHORITY: EPSG

ANGULAR UNIT: DEGREE (0.0174532925199433)  
PRIME MERIDIAN: GREENWICH (0.0)  
DATUM: D\_WGS\_1984  
SPHEROID: WGS\_1984  
SEMI-MAJOR AXIS: 6378137.0  
SEMI-MINOR AXIS: 6356752.314245179  
INVERSE FLATTENING: 298.257223563

