

**BUCKS COUNTY RECORDER OF DEEDS**

55 East Court Street  
Doylestown, Pennsylvania 18901  
(215) 348-6209

Instrument Number - 2015040755

Recorded On 7/10/2015 At 2:16:15 PM

\* Total Pages - 15

\* Instrument Type - DEED AGREEMENT - NO PROPERTY TRANSFER

Invoice Number - 736443

User - AA

\* Grantor - ROHM & HAAS CO

\* Grantee - PENNA COMWTH DEPT ENVIRON PROTECTION

\* Customer - ROHM & HAAS CO

\* FEES

RECORDING FEES \$104.00

TOTAL PAID \$104.00

Bucks County UPI Certification  
On July 10, 2015 By SEC

**This is a certification page**


**DO NOT DETACH**

**This page is now part  
of this legal document.**

RETURN DOCUMENT TO:  
ROHM & HAAS CO

I hereby CERTIFY that this document is  
recorded in the Recorder of Deeds Office  
of Bucks County, Pennsylvania.



  
Joseph J. Szafran, Jr.  
Recorder of Deeds

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

108E55



**Prepared By:**  
Rohm and Haas Company  
310 George Patterson Blvd., Suite 100  
Bristol, PA 19007  
c/o Robert Casselberry  
1-215-785-7917

For  
Recorder's  
Use Only

RECEIVED

2015 JUL 10 P 1:36

BUCKS COUNTY  
RECORDER OF DEEDS

**Return to:**  
Robert L. Casselberry, Jr.  
Rohm and Haas Company  
310 George Patterson Blvd., Suite 100  
Bristol, PA 19007  
c/o Robert L. Casselberry  
1-215-785-7917

CPN Number: 05-062-01

**GRANTOR: Rohm and Haas Company**

**PROPERTY ADDRESS: 200 Route 413, Bristol, Pennsylvania 19007-3685**

### ENVIRONMENTAL COVENANT

This Environmental Covenant is executed on March 20, 2015 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 Bristol Township, Bucks County.

The postal street address of the Property is: 200 Route 413, Bristol, Pennsylvania 19007.

The latitude and longitude of the center of the Property affected by this Environmental Covenant is: latitude - 40° 05' 33.027" / longitude - 74° 52' 8.615".

The Property has been known by the following name: Tank Farm 30A Area, Rohm and Haas Company Bristol Polymers Plant.

For registered tanks, the PADEP Tank Facility ID No. is: Storage Tank Facility ID No. 09-01972, Incident No. 43864.

For other facilities, the DEP Primary Facility ID No. is: eFACTS ID No. 745672.

A complete description of the Property and covenant extents is attached to this Environmental Covenant as **Exhibit A**. Maps showing the location of Tank Farm 30A (the Site) on this Property and covenant extents are attached to this Environmental Covenant as **Exhibit B**.

2. **Property Owner / GRANTOR / GRANTEE.** Rohm and Haas Company is the owner of the Property and the GRANTOR and GRANTEE of this Environmental Covenant.

3. The mailing address of the owner is: Robert Casselberry, 310 George Patterson Blvd., Suite 100, Bristol, Pennsylvania 19007.

4. **Description of Contamination & Remedy.**

The Rohm and Haas Bristol Plant is located in Bristol Township, Bucks County, Pennsylvania along the Delaware River, near the intersection of Routes 13 and 413. Rohm and Haas has manufactured various chemicals and intermediates at the Bristol Plant since 1919.

On May 16, 2012, a lightning strike and resulting fire caused the release of Butyl Acrylate (BA) and Ethyl Acrylate (EA) from aboveground storage tanks (Tanks 010A and 011A, respectively) in Tank Farm 30A. The lightning strike and fire damaged gaskets and lines inside the tank dike; and BA and EA were released within the containment dike.

Following emergency response actions, Rohm and Haas performed multiple environmental assessments to determine the extent of impacts to soil and groundwater. The hydrogeologic evaluation of the Tank Farm 30A area identified two aquifers above the underlying bedrock: the upper (water table) alluvial aquifer and the lower Trenton Gravel aquifer.

Soil testing indicated that the area of soil impact from BA and EA was less than one acre. The impact was limited to a source area which included the tank farm dike area and the street area immediately north of the tank farm. The observed impacts were most prevalent immediately above and below the groundwater table and in the unsaturated zone. Groundwater impacts in the alluvial aquifer were limited to the source area. Groundwater in the Trenton Gravel Formation was not impacted.

Between June and November 2012, interim remedial actions (IRAs) were conducted. Following interim actions, the surficial soil met the numerical standards proposed in the Site Characterization Report - Remedial Investigation Report (SCR-RIR). BA and EA mass in the subsurface soil were reduced 50% by the ISCO remediation. Natural attenuation of BA and EA has continued after the ISCO program. Testing in February 2014 indicate that more than 70% of the original BA and EA mass has been eliminated.

The fate and transport model predicted that natural attenuation mechanisms control migration of BA and EA in groundwater. To confirm this model, twelve rounds (ten quarters) of groundwater samples were collected after the release. Impacts of BA and EA to groundwater have not been detected outside of the source area (i.e. the tank farm and street area directly north of the tank farm) for over 2 years. In addition, BA and EA concentrations in the two source-area wells (W-111-20 and W-112-18) have decreased one to three orders of magnitude over the last seven quarters of monitoring (May 2013 to October 2014). Finally, degradation by-products of BA and EA (Ethanol and N-Butyl Alcohol) were also detected in the groundwater in these two source-area wells.

With the significant reduction of the BA and EA mass and the existing surficial cover, soil and groundwater attainment of the selected remediation standards are achieved through numerical and pathway elimination standards. The current exposure pathways to indoor and outdoor industrial workers are incomplete because surficial soil (0-2 feet) does not exceed the numerical criteria throughout the impacted area and there are no occupied buildings within 100 feet of soil or groundwater exceeding remediation standards. Advance review of intrusive activities and written health and safety measures will eliminate the exposure pathway for future construction and utility workers.

Rohm and Haas submitted to the Department a *Remedial Action Completion Report - Final Report Tank Farm 30A*, dated November 2014. This report was submitted as a Remedial Action Completion Report (RACR) pursuant to the Storage Tank Corrective Action Regulations (Title 25 Pa. Code Section 245.313) and as a Final Report (FR) pursuant to the Land Recycling and Environmental Remediation Standards Act (Act 2 of 1995) and regulations (Title 25 Pa. Code Chapter 250). The report described investigations that characterized soil, groundwater, and soil vapor quality, and conclusions regarding the Tank Farm 30A release. Demonstration of attainment of Act 2 standards is presented below. The Department approved the *Remedial Action Completion Report - Final Report Tank Farm 30A* by correspondence dated February 17, 2015.

### **Soil Quality**

Ethyl Acrylate and Butyl Acrylate have attained the nonresidential Site-Specific Standard in soil with pathway elimination using a soil cap as an engineering control.

Rohm and Haas will maintain the existing cover of clean soil (engineering control) over the impacted subsurface soil areas within the soil extent described and shown in the Exhibits A and B. The soil Activity and Use Limitation (AUL) will ensure compliance with soil use restrictions to prevent unacceptable contact with impacted subsurface soil during intrusive activities and require advance review of intrusive activities and written health and safety measures.

### **Groundwater Quality**

Ethyl Acrylate and N-Butyl Alcohol have attained the Statewide Health Standard in groundwater. Butyl Acrylate has attained the Site-Specific Standard in groundwater with no exceedances of the numeric standard at point of compliance wells.

The groundwater AUL will prohibit use of impacted groundwater within the groundwater extent described and shown in Exhibits A and B. Also, future contact with impacted groundwater during future intrusive activities will be controlled by requiring advance review of intrusive activities and written health and safety measures.

### **Soil Vapor**

The vapor intrusion pathway is incomplete as there are no occupied buildings within 100 feet of the impacted area. Attainment has been demonstrated for nonresidential use.

The soil vapor AUL will prevent the construction of new facilities and a change in occupancy of existing, unoccupied facilities within 100 feet of the impacted area without an assessment of



potential soil vapor conditions and need for vapor mitigation measures (engineering control). The assessment will be submitted for approval by the Department. The extent of potential soil vapor impacts is described and shown in Exhibits A and B.

5. **Activity & Use Limitations.**

The Property described in Section 1 and Exhibits A and B 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:

- The Property conveyed hereby shall never be used for any form or type of residential structure whatsoever including by way of example, and not by way of limitation, single and multiple family dwellings, apartments, condominiums, modular homes, houses, trailers, schools, and day care centers.
- All Rohm and Haas and contractor staff working within the soil, groundwater and soil vapor extent areas as described and shown in Exhibits A and B will be subject to OSHA standards, training, and controls.

**Soil**

Currently, surficial soil (0 to 2 feet) meets all MSC standards. Subsurface soil (below 2 feet) contains BA and EA concentrations exceeding the numerical standards in the impacted source area (see Exhibits A and B). This could result in exposure during future intrusive work for construction or utility repairs. Therefore, the post-remediation care plan will include the following additional institutional and engineering controls for soil:

- Maintain the existing soil cover over the impacted subsurface soil areas (engineering control).
- A documented inspection of the clean soil cover will be conducted annually and the records will be maintained at the facility.
- Control or prevent contact with impacted subsurface soil by conducting a review of intrusive activities, exposure controls and written health and safety measures (institutional control) prior to conducting such activities.

**Groundwater**

Currently, groundwater exceedances of numerical standards are limited to the residual source area (see Exhibits A and B). Therefore, the post-remediation care plan will include the following institutional controls for groundwater within the extent of impact:

- Prohibit the use of impacted groundwater.
- Control contact with impacted groundwater during future intrusive activities (construction or utility repairs) through an advance review of intrusive activities and written health and safety measures.
- Properly manage disposal of any construction water produced during intrusive activities.

## **Soil Vapor**

Currently, no occupied buildings exist within 100 feet of areas with residual impacted soils or groundwater exceeding the numerical remediation standards (see soil vapor extents in Exhibits A and B). Occupied facilities in this area will have the potential to open the soil vapor exposure pathway. Therefore, the post-remediation care plan will require the following institutional and engineering controls for future construction of new buildings, or occupancy of currently unoccupied existing buildings.

- Evaluate exposure to constituents in indoor air by an assessment of soil vapor levels (institutional control) and the need for vapor mitigation (engineering control) prior to construction or occupancy of existing unoccupied facilities within the soil vapor extent described and shown in Exhibits A and B.
- Prior to occupancy, the assessment will be submitted to the Department.
- If mitigation is required, the system will be maintained and monitored, as appropriate. Maintenance and monitoring records will be kept with the annual inspection documentation.

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.** After written request by the Department, the then current owner of the Property shall submit to the Department written documentation stating whether or not the activity and use limitations in this Environmental Covenant are being abided by. Within 1 month after any of the following events, the current owner of the Property shall submit to the Department 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.** In addition to any rights already possessed by the Department, this Environmental Covenant grants to the Department a right of reasonable access of the Property in connection with implementation or enforcement of this Environmental Covenant.

9. **Recording & Proof & Notification.** Within 30 days after the date of the Department's approval of this Environmental Covenant, Rohm and Haas Company shall file this Environmental Covenant with the Recorder of Deeds for each County in which the Property is located, and send a file-stamped copy of this Environmental Covenant to the Department within 60 days of recording. Within that time period, Rohm and Haas Company also shall send a file-stamped copy to each of the following:

- Bristol Township
- Bucks County
- Each person holding a recording interest in the Property

10. **Termination or Modification.**

(a) This Environmental Covenant may only be 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. **Department's address.** Communications with the Department regarding this Environmental Covenant shall be sent to:

ECP Manager, Land Recycling Program  
PADEP, Southeast Regional Office  
2 East Main Street  
Norristown, PA 19401-4915

12. **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.

ACKNOWLEDGMENTS by Owner and any Holder, in the following form:

Rohm and Haas Company, Grantor  
Date: By: [Signature]  
Name: Robert L. Casselberry, Jr.  
Title: Remediation Leader

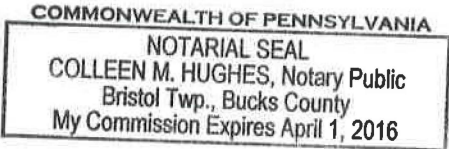
APPROVED, by Commonwealth of Pennsylvania, Department of Environmental Protection  
Date: 6/14/15 By: [Signature]  
Name: Stephan Sinding  
Title: Environmental Cleanup Program Manager, PADEP - Southeast Regional Office

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF BUCKS

On this 20 day of MARCH, 2015, before me, the undersigned officer, personally appeared Robert Casselberry (Owner, Grantor, Grantee) who acknowledged himself/herself to be the person whose name is subscribed to this Environmental Covenant, and acknowledged that he executed same for the purposes therein contained.

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

[Signature]  
Notary Public



Property Owner: Rohm and Haas Company

Property Address: 200 Rte. 413

Bristol Township

Bucks County

APPROVED, by Commonwealth of Pennsylvania,

Department of Environmental Protection

Date: 6/16/15

By: 

Name: Stephan Sinding

Title: Environmental Cleanup & Brownfields Program Manager

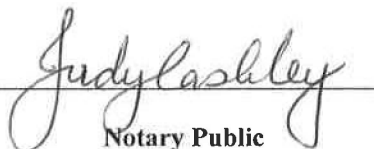
PA DEP - Southeast Regional Office

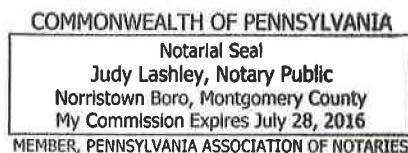
COMMONWEALTH OF PENNSYLVANIA

COUNTY OF MONTGOMERY

On this 16<sup>th</sup> day of June, 2015, before me, the undersigned officer, personally appeared Stephan Sinding, Environmental Cleanup and Brownfields Program Manager of the Commonwealth of Pennsylvania, Department of Environmental Protection, Southeast Regional Office, who acknowledged himself to be the person whose name is subscribed to this Environmental Covenant, and acknowledged that he executed same for the purposes therein contained.

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

  
Notary Public





**Exhibit A**  
**Legal Description of the Property**

**Exhibit A - Legal Description of the Property**

All that certain lot, tract, and parcel of land lying and being in the Township of Bristol, County of Bucks, Commonwealth of Pennsylvania known as Tax Map Parcel No. TMP 5-62-1, as recorded with the Register of Deeds, Bucks County, 55 East Court Street, Doylestown, Pennsylvania 18901.

**DESCRIPTION OF COVENANT  
GROUNDWATER EXTENTS  
ROHM AND HAAS COMPANY  
BRISTOL, BUCKS COUNTY, PENNSYLVANIA**

**BEGINNING** at a point within the lands of Rohm and Haas Company, having the Pennsylvania State Plane Coordinates of North: 289374.0668, East: 2774278.5468. Said Beginning point being shown on Exhibit A; and extending thence

Through said lands of Rohm and Haas Company the following four (4) courses:

1. N 29°30'11" W, a distance of 366.52' to a point in the same having the coordinates of N: 289693.0610, E: 2774098.0469; thence
2. N 60°30'00" E, a distance of 595.58' to a point in the same having the coordinates of N: 289986.3366, E: 2774616.4097; thence
3. S 29°39'56" E, a distance of 366.52' to a point in the same having the coordinates of N: 289667.8546, E: 2774797.8148; thence
4. S 60°30'00" W, a distance of 596.62' to the Point of Beginning.

Containing within the above described bounds, 218,481.52 square feet (5.02 Acres), more or less.

**DESCRIPTION OF COVENANT  
SOIL VAPOR EXTENTS  
ROHM AND HAAS COMPANY  
BRISTOL, BUCKS COUNTY, PENNSYLVANIA**

**BEGINNING** at a point within the lands of Rohm and Haas Company, having the Pennsylvania State Plane Coordinates of North: 289374.0668, East: 2774278.5468. Said Beginning point being shown on Exhibit A; and extending thence

Through said lands of Rohm and Haas Company the following five (5) courses:

1. N 29°30'11" W, a distance of 468.64' to a point in the same having the coordinates of N: 289781.9393, E: 2774047.7559; thence
2. N 60°44'04" E, a distance of 480.88' to a point in the same having the coordinates of N: 290017.0239, E: 2774467.2607; thence
3. S 28°58'54" E, a distance of 156.98' to a point in the same having the coordinates of N: 289879.7049, E: 2774543.3206; thence
4. S 05°46'22" E, a distance of 338.30' to a point in the same having the coordinates of N: 289543.1207, E: 2774577.3484; thence
5. S 60°30'00" W, a distance of 343.31' to the Point of Beginning.

Containing within the above described bounds, 203,250.76 square feet (4.67 Acres), more or less.

**Exhibit B**  
**Maps of the Property**

FOR EXHIBIT SEE

2015040756

INSTRUMENT # \_\_\_\_\_



**BUCKS COUNTY RECORDER OF DEEDS**

55 East Court Street  
Doylestown, Pennsylvania 18901  
(215) 348-6209

Instrument Number - 2015040756

Recorded On 7/10/2015 At 2:16:16 PM

\* Total Pages - 3

\* Instrument Type - PLAN EXHIBIT

Invoice Number - 736443

User - AA

\* Grantor - ROHM & HAAS CO

\*

\* Customer - ROHM & HAAS CO

\* FEES

RECORDING FEES \$55.00

TOTAL PAID \$55.00

Bucks County UPI Certification  
On July 10, 2015 By SEC

This is a certification page

**DO NOT DETACH**

This page is now part  
of this legal document.

**RETURN DOCUMENT TO:**  
ROHM & HAAS CO

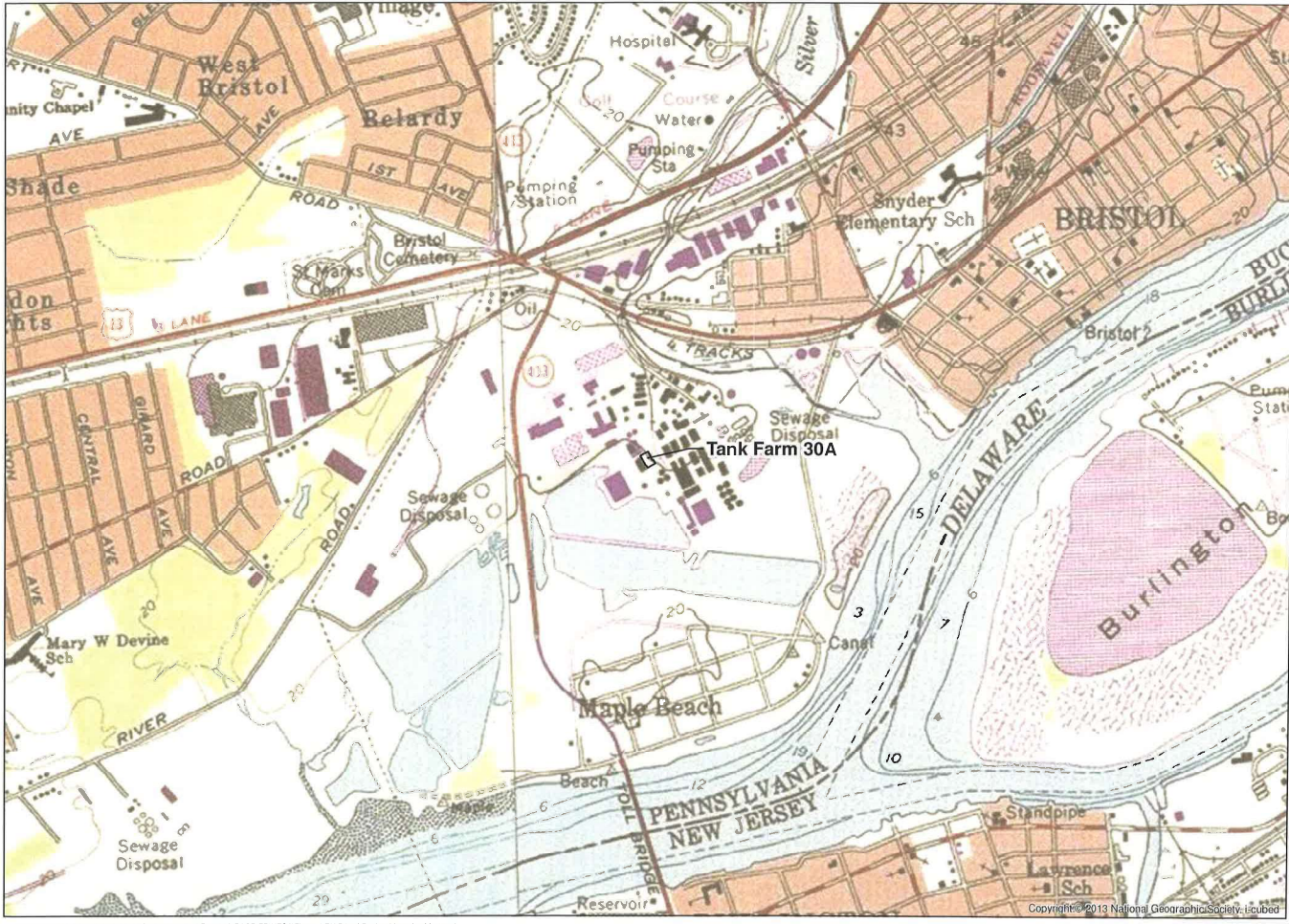
I hereby CERTIFY that this document is  
recorded in the Recorder of Deeds Office  
of Bucks County, Pennsylvania.



  
Joseph J. Szafran, Jr.  
Recorder of Deeds

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





**Legend**

- Tank Farm 30A

EXHIBIT TO  
INSTRUMENT #

NAD 1983 StatePlane Pennsylvania South Lambert Conformal Conic  
Unit: Feet  
Datum: USGS 7.5 Topographic Maps  
Revised: 3/1/1990  
Detail: 24 (1981)

0 500 1,000 2,000 Feet

**URS**

**Figure 1  
Regional Location Map  
Tank Farm 30A**

Rohm and Haas Chemicals LLC  
Bristol, Bucks County, Pennsylvania

Prepared By: PJI	Checked By: RQ
Job: 415642/4300	Date: 5/18/2015

S:\Projects\MS\ROHM\HAAS\BRISTOL\Projects\TankFarm30A\RACR-FR\UECA\Figure 1 R- Bristol Regional Location Map.rvt

Copyright © 2013 National Geographic Society. Excerpted



S:\Project\MS\ROHM\HAAS\BRISTOL\Projects\TankFarm30A\RACR\FRI\MECA\Figure 2 Covenant Extents.mxd