

BUCKS COUNTY RECORDER OF DEEDS

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

Instrument Number - 2013045815

Recorded On 6/3/2013 At 10:07:57 AM

* Total Pages - 12

* Instrument Type - DEED AGREEMENT - NO PROPERTY TRANSFER

Invoice Number - 594698

User - KLJ

* Grantor - ROHM & HAAS CO

*

* Customer - ROHM & HAAS CO

* FEEs

RECORDING FEES \$100.00

TOTAL PAID \$100.00

Bucks County UPI Certification
On June 3, 2013 By MDM

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.

0DE5BA



Prepared By:
Rohm and Haas Company
3100 State Road
Croydon, PA 19021
c/o Robert Casselberry

For
Recorder's
Use Only

RECEIVED
2013 JUN -3 A 4 26
BUCKS COUNTY RECORDER OF DEEDS

Return To:
Rohm and Haas Company
3100 State Road
Croydon, PA 19021
c/o Robert Casselberry
Phone: 215-785-7917

CPN Number: 5-56-1
5-57-15
5-57-16

GRANTOR: Rohm and Haas Company
PROPERTY ADDRESS: Route 413, Bristol Township, Croydon, Pennsylvania
19021

ENVIRONMENTAL COVENANT

This Environmental Covenant is executed on May 16, 2013 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 tax map parcel 5-57-15, tax map parcel 5-57-16, and a portion of tax map parcel 5-56-1, all of which are located in Bristol Township, Bucks County.

The postal street address of the Property is: Route 413, Croydon, Pennsylvania 19021.

The latitude and longitude of the approximate center of the Property affected by this Environmental Covenant is: latitude 40 deg, 5 min, 07.5190 sec / longitude 74 deg, 52 min, 38.0867 sec.

The Property includes ground within the Rohm and Haas Bristol Plant that had previously been the location of the portions of the facility's wastewater treatment plant (WWTP). The Property has been known by the following name(s): WWTP RCRA Study Area; former WWTP Area; area containing SWMUs 1, 2, 7, 8, and AOC identified as the Former Burning Area ; Pennsylvania Department of Environmental Protection primary facility ID No. 745672 (remediation ID No. 42674).

A legal description of the Former WWTP Area is attached to this Environmental Covenant as **Exhibit A**. Maps of the Former WWTP Area 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, Dow Engineering Solutions, 3100 State Road, Croydon, Pennsylvania 19021.

4. **Description of Contamination & Remedy**

The former WWTP Area is the out-of-service portion of the former wastewater treatment plant at the Rohm and Haas Bristol Plant. The former WWTP Area occupies about 70 acres located west of Route 413, between River Road and the Delaware River, where untreated and treated water basins remain from the former WWTP. The area for Act 2 Closure consists of basins identified as Solid Waste Management Units (SWMUs) 1, 2, 7, and 8 and the area of concern (AOC) identified as the Former Burning Area (See Exhibit B, Figure 2).

Rohm and Haas submitted to the Department an Act 2 Final Report for soil and sediment in the former WWTP Area dated October 2012 and an Addendum to the Final Report dated March 2013. The Final Report and Addendum characterized soil and sediment quality in the former WWTP Area and demonstrated attainment of Act 2 standards as discussed below. The Department approved the Final Report and Addendum by letter dated March 25, 2013.

Soil Quality

Characterization of surface and subsurface soils in the former WWTP Area showed that soils met the residential statewide health standard because there were no exceedances of the Residential Direct Contact medium specific concentration (MSC) or the soil to groundwater MSC.

Sediment Quality

Characterization of sediments in basins within the former WWTP Area identified the following constituents that exceeded the statewide health standard:

- SWMU 2: benzo(a)pyrene and benzo(b)fluoranthene exceeded the Residential Direct Contact MSC
- Treated Water Basins 3A and 3B: bis(2-chloroethyl)ether (BCEE) exceeded the Residential Soil-to-Groundwater MSC
- SWMUs 1, 2, and 8: The following metals exceeded the saturated soil Residential Soil-to-Groundwater MSC: arsenic, cadmium, cobalt, lead, manganese, mercury, nickel, and zinc

Attainment of Act 2 Standards

The Final Report and the Addendum to the Final Report provided the basis for PADEP to grant a release of liability under Act 2 for soils and sediments in the former WWTP area as follows:

- Residential statewide health standard for surface and subsurface soil
- Residential site-specific standard for sediments that, for purposes of Act 2, were considered as soils in the following areas that are no longer water-filled basins:
 - Solid Waste Management Units (SWMUs) 1, 2, and 7 (backfilled in 2012)
 - Treated Water Basin (TWB) 2 (transitional basin, amount of area covered by water varies seasonally)
 - TWB 3A and TWB 3B (areas have dried out since cessation of WWTP discharges in early 1990s, except during wet periods when a small area of water may collect near the former discharge point of TWB 3B)
- Site-specific standard for sediments (ecological receptors) in basins TWB 1 and TWB 2, which are still mainly covered by water

Although the Final Report for Soil and Sediment did not completely characterize groundwater, the Report did present historic data which indicate that shallow groundwater does exhibit limited impacts from volatile organics, BCEE, and metals that were detected in site soils and/or sediments. Rohm and Haas plans to subsequently demonstrate an Act 2 Site-Specific Standard for WWTP Area shallow groundwater that will include the activity and use limitations listed in Section 5 of this covenant.

5. Activity & 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:

- 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.
- On-site groundwater shall not be used for potable, agricultural, or any other consumptive purposes unless groundwater quality conditions are re-evaluated under the provisions of Act 2 or the appropriate statute, and are shown to meet the applicable SHS as evidenced by written approval from PADEP.
- Vapor intrusion pathway is currently incomplete. Any future construction of occupied buildings in the former WWTP Area must be preceded by an evaluation of the vapor intrusion pathway and installation of vapor barriers as necessary.

- Within the area of former SWMUs 1, 2, and 7, about seven feet of clean soil was used to backfill the basins in 2012 to provide a soil cap over the impacted sediments at the bottom of the basins. This soil cap shall be maintained and inspected annually for a minimum of five years following the Department's approval of this Environmental Covenant. If there has been no evidence of the soil cover being disturbed by natural processes during a consecutive five-year period, the inspection requirement ends; however, the annual reporting requirements of item 7 below still apply.

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.** By the end of every January following the Department's approval of this Environmental Covenant, the 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. In addition, within 1 month after any of the following events, the current owner of the Property shall submit to the Department written documentation of: 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 recorded interest in the Property;
- East person in possession of the Property; and
- Other persons as required by the Department.

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, Pennsylvania 19401

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:

Name: Robert L. Casselberry Jr.

Title: Remediation Leader

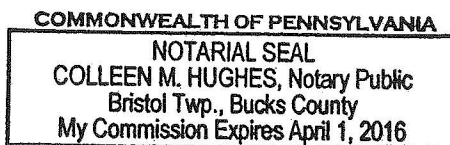
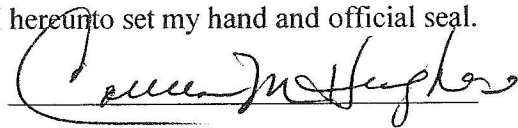
COMMONWEALTH OF PENNSYLVANIA

COUNTY OF BUCKS

On this 2th day of May, 2013, before me, the undersigned officer, personally appeared Robert Casselberry (Owner, Grantor, Grantee) 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



DEPARTMENT ACKNOWLEDGMENT:

APPROVED, by Commonwealth of Pennsylvania,
Department of Environmental Protection

By:  _____

Name: James Wentzel, P.E.

Title: Acting Assistant Regional Director
PA DEP – Southeast Regional Office

Date: 5/16/13

COMMONWEALTH OF PENNSYLVANIA

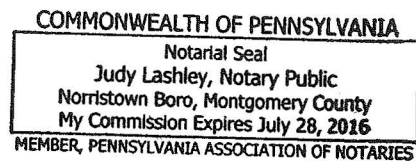
COUNTY OF MONTGOMERY

On this 16th day of May, 2013, before me, the undersigned officer, personally appeared James Wentzel, P.E. 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



**DESCRIPTION OF FORMER WWTP AREA
CONTAINED WITHIN TAX PARCEL 5-56-1
ROHM & HAAS COMPANY, BRISTOL SITE**

BEGINNING at a point in the common line with Tax Parcel 5-54-157 and in the westerly line of Route 413 (variable width). Said point having a Northing of 289067.327 and an Easting of 2772959.054; and extending thence

Along said westerly line of Route 413 the following seven (7) courses:

1. S 06°04'10" E a distance of 1209.49 feet to a point; thence
2. S 83°55'50" W a distance of 10.00 feet to a point; thence
3. Along a curve to the LEFT, having a radius of 1050.00 feet, a delta angle of 48° 15' 10", and a chord bearing of S 30°11'45" E and a distance of 858.38 feet to a point of tangency; thence
4. S 54°19'20" E a distance of 235.79 feet to a point of curvature; thence
5. Along a curve to the RIGHT, having a radius of 950.00 feet, a delta angle of 14° 36' 32", and whose long chord bears S 47°01'04" E a distance of 241.57 feet to a point of tangency; thence
6. S 71°50'05" W a distance of 10.76 feet to a point; thence
7. Along a curve to the RIGHT, having a radius of 940.00 feet, a delta angle of 19° 51' 02", and a chord bearing of S 30°01'44" E and a distance of 324.04 feet to a point in the common line with Tax Parcel 5-57-23;thence
8. Along Tax Parcel 5-57-23, S 71°50'05" W a distance of 43.80 feet to a point in the same; thence
9. Along the same, S 41°19'42" E a distance of 46.64 feet to a point in the same; thence
10. Along the same, N 71°50'05" E a distance of 26.25 feet to a point in the westerly line of route 413; thence
11. Along the line of route 413, S 18°59'20" E a distance of 267.36 feet to a point at along the Delaware River; thence

Along said Delaware River the following seven (7) courses:

12. S 88°55'00" W a distance of 418.53 feet to a point; thence
13. S 69°36'11" W a distance of 357.95 feet to a point; thence
14. S 73°25'08" W a distance of 365.8 feet to a point; thence
15. S 74°27'54" W a distance of 235.54 feet to a point; thence
16. S 81°19'30" W a distance of 465.16 feet to a point; thence
17. S 83°04'06" W a distance of 276.65 feet to a point; thence

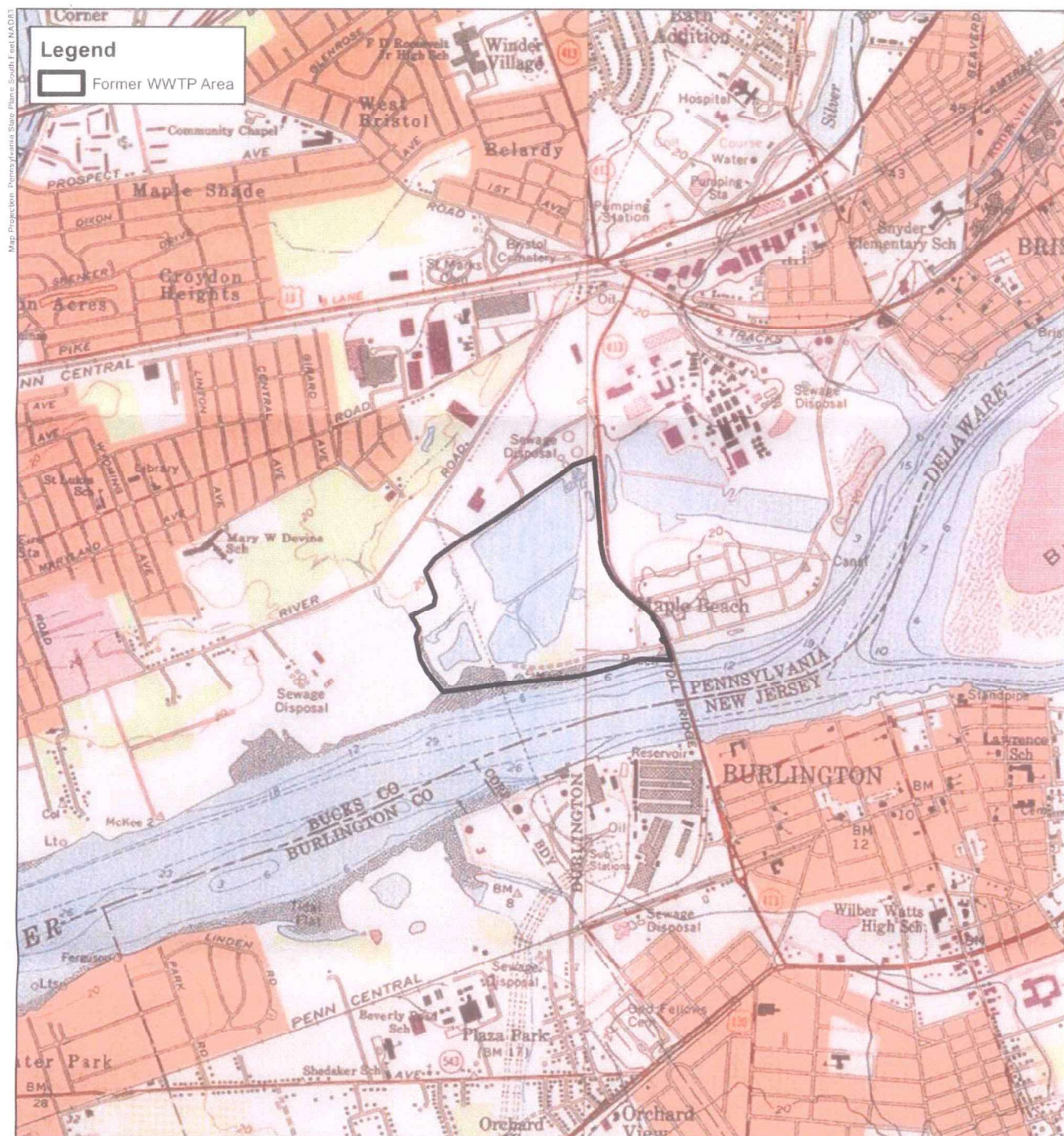
18. S 80°20'05" W a distance of 1117.11 feet to a point near Hog Run Creek;
thence

Through said Tax Parcel 5-56-1 the following ten (10) courses:

19. N 39°11'10" W a distance of 377.42 feet to a point; thence
20. N 30°44'02" W a distance of 204.21 feet to a point; thence
21. N 12°54'40" W a distance of 307.53 feet to a point; thence
22. N 18°29'40" E a distance of 112.46 feet to a point; thence
23. N 31°35'25" W a distance of 231.03 feet to a point; thence
24. N 62°48'02" E a distance of 374.74 feet to a point; thence
25. N 06°02'51" E a distance of 118.87 feet to a point; thence
26. N 24°45'10" W a distance of 379.17 feet to a point; thence
27. N 35°21'33" E a distance of 221.28 feet to a point; thence
28. N 51°34'30" E a distance of 401.26 feet to a point in the common line with
Tax Parcel 5-54-157; thence
29. Along Tax Parcel 5-54-157, N 56°27'20" E a distance of 581.92 feet to a
point in the same; thence
30. N 52°49'41" E a distance of 1162.52 feet to a point in the same; thence
31. N 47°34'44" E a distance of 204.99 feet to a point in the same; thence
32. N 68°24'20" E a distance of 323.71 feet to the point of beginning.

Containing within the above described bounds, 158.77± Acres.

The above described bounds were prepared from 2012 survey completed by
William G. Major Associates.



Source: DRG 1:24K Topographic maps created by USGS.



URS Corporation
 Iron Hill Corporate Center
 4051 Ogletown Road, Suite 300
 Newark, DE 19713



0 1,000 2,000
 Feet
 1 inch = 2,000 feet
 MAP FORMATTED FOR 'A' (8.5" X 11") SIZE SHEET.
 TEXT SCALE NOT VALID FOR DIFFERENT PAGE SIZE

REGIONAL LOCATION MAP

ROHM AND HAAS COMPANY, FORMER WWTP AREA
 BRISTOL TOWNSHIP
 BUCKS COUNTY, PENNSYLVANIA

FILE NUMBER:	PROJECT NUMBER: 41568770.00006
DESIGNED BY: MKL	DATE: 5/8/2013
DRAWN BY: MKL	FIGURE NUMBER: 1
DATA QUALITY CHECK BY: HWK	

Map Projection: Pennsylvania State Plane South East NAD83

V:\Projects\11551\PA_Dave Bantini\GIS\Fig01_Site Loc Map.mxd

Legend

- County Tax Parcel
- Former WWTP Area
- SWMU
- Site Location
- National Hydrography Dataset Flowline

Notes:

Property boundary survey provided by:
William G. Mager Associates

Aerial Imagery: 2010 Pennsylvania imagery provided by:
National Agriculture Imagery Program (NAIP)
Source: <http://gispa.state.pa.us/gis/gisarcators>

Map Projection: Pennsylvania State Plane South Feet NAD83

AREA MAP



1 inch = 800 ft

UNIVERSITY MICROFILMS INTERNATIONAL
SERIALS ACQUISITION DEPT. 300 N. ZEEB RD.
ANN ARBOR, MI 48106-1500

URS

URS Corporation
Iron Hill Corporate Center
4051 Ogletown Road, Suite 300
Newark, DE 19713

FORMER WWTP AREA

ROHM AND HAAS COMPANY
BRISTOL TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA

PROJECT NUMBER	41568770.00006
DESIGNED BY	MKL
DATE	4/23/2013
DRAWN BY	MKL
SCALE NUMBER	2
DATE QUALITY CHECKED BY	HWK

