

ENVIRONMENTAL COVENANT

This is an environmental covenant executed pursuant to the Uniform Environmental Covenants Act, W. Va. Code § 22-22B-1, et seq., between the Alcohol Beverage Control Administration, as the owner of the below-described property (WVABCA or Owner); Pharmacia, LLC by Solutia, Inc., attorney-in-fact for Pharmacia, LLC, as a holder of this Environmental Covenant (Holder); and the West Virginia Department of Environmental Protection (WVDEP) to restrict the activities on, and uses of, the below-described property, which is only a portion of the total described property owned by WVABCA:

The property subject to this Environmental Covenant is limited to only the approximately 4.038-acre piece of the total 12.17 acre, more or less, property owned by WVABCA located at 97 Independent Avenue, Nitro, Poca District, Putnam County, West Virginia 25143. The deed for the property is recorded in the office of the Clerk of the County Commission of Putnam County, West Virginia, in Book 370, Page 594. A plat illustrating the approximately 4.038-acre piece of this property that is the only part subject to this Environmental Covenant was prepared by a Professional Surveyor and is attached to and made part of this Environmental Covenant as Exhibit A. The limited 4.038 acre area subject to the Environmental Covenant as described above is referred to throughout this Environmental Covenant as "the Property." For the avoidance of doubt, this Environmental Covenant shall not apply to the remaining 8.132 acres, more or less, of property owned by WVABCA and described in the above-referenced deed, but shall only apply to the limited area of the 4.038 acres.

ACTIVITY AND USE LIMITATIONS AND REQUIREMENTS. – 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. Use of the Property for any purpose other than as "nonresidential property" as defined by the West Virginia Voluntary Remediation and Redevelopment Act, W. Va. Code § 22-22-2(q);
2. Use of groundwater at the Property for any purpose other than operation, maintenance, and monitoring activities required by the United States Environmental Protection Agency (EPA) and/or the WVDEP;
3. All earth moving activities, including excavation, drilling/penetration or construction in the areas at the Property where any contaminants in soils above EPA's Screening Levels for non-residential use or groundwater above Federal Maximum Contaminant Levels(MCLs)/Tap Water Risk Based Concentrations (RBCs), unless such excavation, drilling/penetration or construction is conducted by a professional who is qualified and knowledgeable about releases and exposures to contaminants known to exist at the Property. The professional will be required to perform the work in accordance with a site-specific Health and Safety and Soil Management Plan approved by WVDEP. This

KATHRYN EMERY, DIRECTOR
WVDEP DIV OF WATER & WASTE
MANAGEMENT
601 57TH STREET SE
CHARLESTON, WV 25304



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Fee Amt: \$15.00 Page 1 of 9
Putnam County Clerk
Brian Wood County Clerk

BK 84 PG 848-856

plan will detail how excavated soils will be managed during any future subsurface activities. In addition, all soils that are to be disposed of will be sampled and disposed of in accordance with State and Federal regulations. The remediation professional will also be required to remediate the disturbed area in a manner that assures an equivalent amount of engineering control of the Property is achieved at the conclusion of the work.

4. Installation of any new water wells on the Property, unless it is demonstrated to WVDEP that such wells are necessary to implement the final remedy and WVDEP provides prior written approval to install such wells.

HISTORY OF SITE. – The facts regarding the remediation response project at this Property are:

Chemical production began in the Nitro area in 1918 at U.S. Explosives Plant “C” covering 1,772 acres when the United States government started producing smokeless powder (nitrocellulose) for use in World War I. Nitrocellulose production ended in 1921 when the plant was purchased by the Rubber Services Company and used for the manufacturing of chloride, phosphate, and phenol compounds. The U.S. Explosives Plant “C” property was subdivided and sold to various entities, including Monsanto, which purchased the facility in 1929 and added the manufacture of flotation agents, pickling inhibitors, antioxidants, anti-skinning, wetting agents, and oils. Rubber chemicals manufactured on the site included vulcanization accelerators, vulcanization inhibitors, and antioxidants for rubber products. In the 1940s, production at the site included the herbicide 2,4,5-trichlorophenoxyacetic acid (2,4,5-T) and sodium trichlorophenoxyacetic acid. A byproduct of the production of 2,4,5-T was the creation of 2,3,7,8-tetrachlorodibenzi-para-dioxin (TCDD). TCDD has been detected in surface soils at the site. Production of 2,4,5-T ended in 1969.

A warehouse was constructed on a 12.17-acre parcel of property during the 1970s. During site clearing, concrete, soil, and construction rubble from demolition of the former industrial buildings were pushed onto the western portion of the Property. The State of West Virginia purchased this 12.17-acre parcel of this site in January 1996. The warehouse building and access/parking areas operated by the WVABCA are located on approximately eight acres of the 12.17-acre parcel. The remaining 4.038 acres of the Property contained the various materials described above left by a previous owner. The remedial actions required on the Property under the federal Resource Conservation and Recovery Act to address past activities on the Property were completed on behalf of the Holder.

Environmental site assessments generated laboratory analytical data that were screened to non-residential human health risk values. Primary constituents of concern (COCs) identified at the Property are volatile and semi-volatile organic compounds and dioxins/furans. Those chemicals are associated with the described past uses of the land abutting the Property. The following conditions remain in the residual media at the Property:

- COCs are present in the site soils beneath the engineered caps and covers; and
- TCDD, tetrachloroethene, and tetrachloroethene's breakdown products (trichloroethylene, dichloroethene, and vinyl chloride) are present in the groundwater.

Remedial actions at the Property have accomplished the following engineering controls:

- Groundwater source areas are contained with the installation of a soil-bentonite barrier wall and impermeable engineering cap.
- Four groundwater extraction wells located inside the barrier wall are used to control groundwater gradients.
- Extracted groundwater is treated prior to discharge to surface water via a permitted outfall.
- Industrial site soils have been covered with geosynthetic materials overlain with clean soil material in the form of caps and covers.

The following summarizes the exposure pathways between site media and potential human and ecological receptors for the Property operating as a non-residential facility with the engineering and institutional controls in place and functioning as designed:

- The exposure pathway to soil impacted by past industrial operations and potential human and ecological receptors has been severed through the installation of geosynthetic materials and clean soil cover installed as part of the engineered caps and covers.
- No residential receptors will be present on-site as a condition of this Environmental Covenant. Therefore, there are no completed pathways to residential receptors.
- The direct contact pathway between industrial/commercial site workers and visitors/trespassers and the subsurface soil and groundwater will be restricted as a condition of this Environmental Covenant.
- Stormwater runoff and groundwater discharge from the Property have been controlled through the installation of engineered caps and covers and barrier containment walls.
- The pathway to human and ecological receptors from exposure to ambient air is complete, but not of concern.

The Owner of record of the Property, and its contact information, is:

West Virginia Alcohol Beverage Control Administration (WVABCA)
 Attn: Commissioner, WVABCA
 900 Pennsylvania Avenue, 4th Floor
 Charleston, West Virginia 25302

Pharmacia LLC through its Attorney-in-Fact, Solutia, Inc. is the Holder of this covenant and its contact information is:

Solutia, Inc.
Attn: Remediation Services Group
575 Maryville Centre Drive
St. Louis, Missouri 63141

NOTICE UPON CONVEYANCE. – 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.

COMPLIANCE AND USE REPORTING. – The Holder, or Pharmacia LLC through its Attorney-in-Fact, Solutia Inc., or Solutia Inc.'s designated representatives, shall conduct inspections of the Property to monitor compliance with this environmental covenant at least one time per year and shall submit two (2) signed copies of the inspection monitoring report to the Owner, WVDEP, and EPA within thirty 30 days of the inspection.

The communications with WVDEP regarding this environmental covenant may be sent to:

WVDEP, DWWM
601 57th Street SE
Charleston, WV 25034
C/O: RCRA CA Project Manager

WVDEP Project Manager Contact Information:

Phone: 304-238-1220 Ext. 3507

E-mail: Kenan.Cetin@wv.gov

The communications with EPA regarding this environmental covenant may be sent to:

US EPA Region III (3LD10)
1650 Arch Street Philadelphia, PA 19103
215-814-5000

EPA Project Manager Contact information:

Phone: 215-814-3437

E-mail: Hopkins.John@epa.gov

E-mail requests may be sent to: R3_RCRAPOSTREM@epa.gov

Subsequent submissions required by this environmental covenant shall be sent to the Region III RCRA Corrective Action digital reporting documents repository mailbox at:

R3_RCRAPOSTREM@epa.gov. EPA RCRA Facility ID number must be included in the e-mail subject line.

AMENDMENT OR TERMINATION. – 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), the Holder, the Secretary of WVDEP and EPA Region III at the time of the proposed amendment, modification, or termination. 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.

ADMINISTRATIVE RECORD. – 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:

Solutia Nitro Site
EPA ID #WVD039990965

RIGHTS OF ACCESS. – WVDEP, EPA Region III, and Holder are granted full right of access to the property for the purpose of implementation or enforcement of this covenant upon reasonable notice to the Owner.

ENFORCEMENT OF ENVIRONMENTAL COVENANT. – Pursuant to W. Va. Code § 22-22B-11(a), a civil action for injunctive or other equitable relief for violating this Environmental Covenant may be maintained by any party to this Environmental Covenant; any person whose interest in the Property or whose collateral or liability may be affected by an alleged violation of this Environmental Covenant; the municipality or other unit of local government in which the Property is located; WVDEP; or EPA. Nothing in this Environmental Covenant shall restrict WVDEP or EPA from exercising any other authority provided to them under applicable law.

RUNNING WITH THE LAND. – All restrictions and other requirements described in this Environmental Covenant shall run with the land and shall be binding upon the Holder, Owner, and their grantees, lessees, authorized agents, employees or persons acting under their direction or control and their respective successors, assigns, and legal representatives.

GOVERNING LAW. – This Environmental Covenant shall be governed by and interpreted in accordance with the laws of the State of West Virginia.

EFFECTIVE DATE. – The effective date of this Environmental Covenant shall be the date upon which the fully executed Environmental Covenant is recorded as a deed record for the Property in the Office of the Clerk of the Putnam County Commission.

RECORDATION. – Within thirty (30) days following the date that this Environmental Covenant is fully executed, the Owner shall file it in the Office of the Clerk of the Putnam County Commission,

in the same manner as a deed to the Property. This Environmental Covenant shall be indexed in the grantor's index in the name of the Owner and in the grantee's index in the name of the Holder and WVDEP.

SEVERABILITY. – If any provision of this Environmental Covenant is found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.

IN WITNESS WHEREOF, the following have executed this covenant on the dates indicated.

West Virginia Alcohol Beverage Control Administration - as Owner

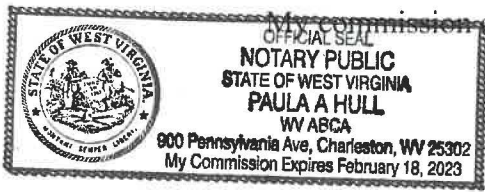
Printed Name: Fredric L. Wooton

Title: Commissioner

Fred Woot 07-16-2020
Signature Date

I, Paula A. Hull, a Notary Public in and for the County of Kanawha, State of West Virginia, do hereby certify that the Owner 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 owner.

Given under my hand this the 16th day of July, 2020, 2019.



My commission expires Feb. 18, 2023.
Paula A. Hull
Notary Public

Pharmacia LLC by Solutia Inc., Its Attorney-in-Fact - as Holder

Printed Name: Edwin Williamson

Title: Vice President, Legal Affairs and Assistant General Counsel

Edwin Williamson August 7, 2020
Signature Date

I, Karen B. Mills, a Notary Public in and for the County of Sullivan, State of Tennessee, do hereby certify that the holder 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.

Given under my hand this the 7th day of August, 20, 2019.



My commission expires January 29, 2023.
Karen B. Mills
Notary Public

West Virginia Department of Environmental Protection

Printed Name: Katherine D. Emery

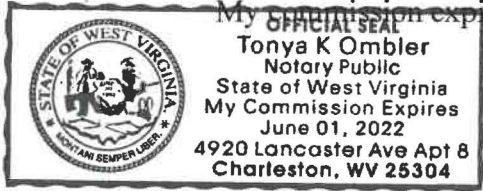
Title: Acting Director, Division of Water & Waste Management

Katherine Emery _____ 8/25/2020
Signature Date

I, Tonya K Ombler, a Notary Public in and for the County of Kanawha, State of West Virginia, do hereby certify that Katheryn Emery, 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).

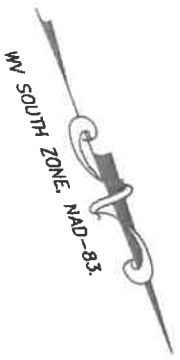
Given under my hand this the 28th day of August, 2020.

My ~~commission~~ ^{OFFICIAL SEAL} expires June 1, 2022.



Tonya K Ombler
Notary Public

The Clerk will return the recorded document to:
Ms. Katherine D. Emery, Acting Director
WVDEP, DWWM
601 57th Street SE
Charleston, WV 25034



LINE TABLE

LINE	BEARING	DISTANCE
L1	S25°30'13"W	154.09'
L2	S23°24'36"W	49.89'
L3	S22°28'42"W	264.47'
L4	S22°28'40"W	200.14'
L5	N68°28'35"W	169.85'
L6	N06°58'23"E	94.13'

NOTES:

- 1. THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A LAWYER'S TITLE REPORT AND MAY NOT REFLECT ALL EXCEPTIONS, RIGHT-OF-WAYS, EASEMENTS OR RESTRICTIONS.

- LEGEND**
- MONUMENT FOUND (AS NOTED)
 - EXISTING FENCE POST
 - ⊙ CALCULATED POINT

**PLAT OF SURVEY
SHOWING
ENVIRONMENTAL COVENANT AREA
FOR THE
WEST VIRGINIA ALCOHOL BEVERAGE CONTROL
ADMINISTRATION PROPERTY
SITUATE IN
POCA DISTRICT, PUTNAM COUNTY, WEST VIRGINIA**

SOLUTA INC.
385/394
TM 225 PAR 122
TRACT 1, 69.298 AC

SCALE: 1"=200' DATE: NOV. 14, 2017

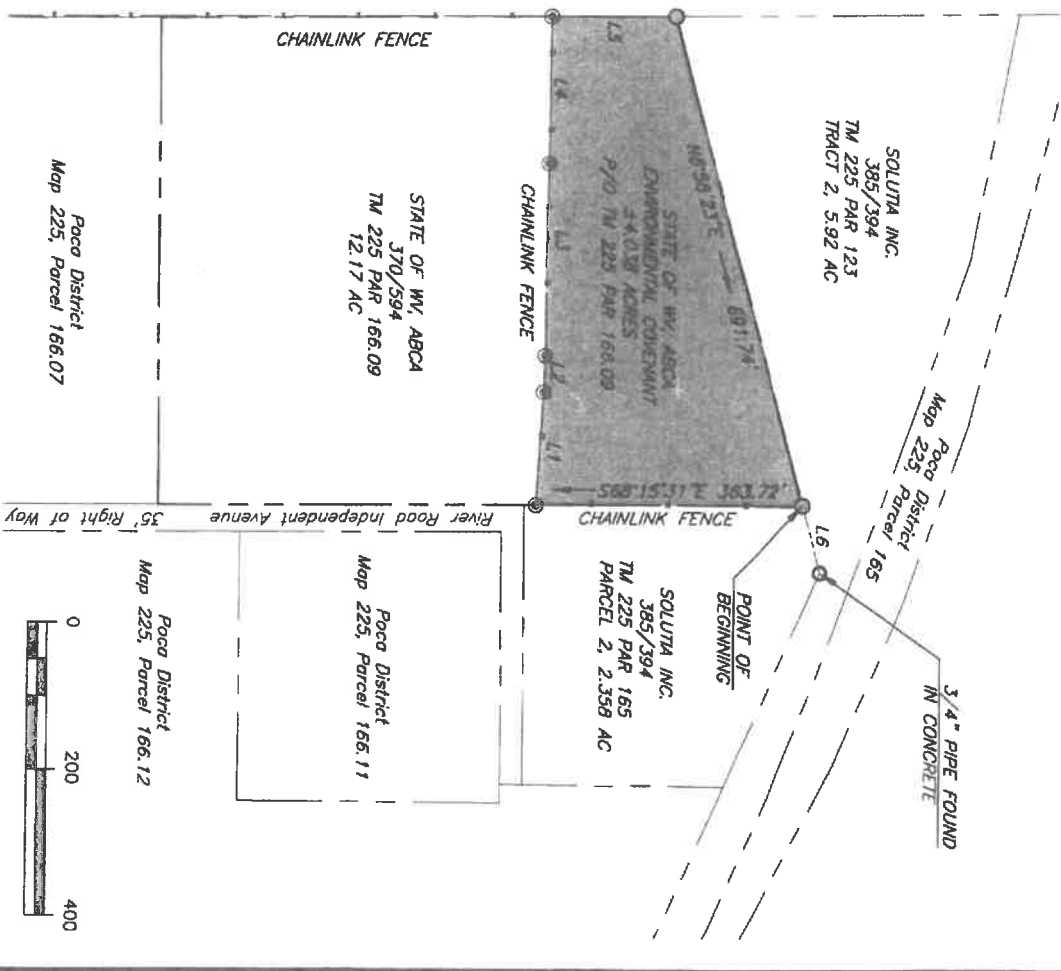
POTESTA & ASSOCIATES, INC.
ENGINEERS AND ENVIRONMENTAL CONSULTANTS
7012 MacCorkle Ave. SE, Charleston, WV 25304
TEL: (304) 342-1400 FAX: (304) 343-9031
potesta@potesta.com

FOR REVIEW

VICTOR M. DAWSON P.S. #956

STATE OF WEST VIRGINIA Putnam
County Commission Clerk's Office
09/23/2020. The foregoing Miscellaneous
together with the certificate of its
acknowledgment, was this day presented
in said office and admitted to record.

Teste: *[Signature]* Clerk



JOB #01-0081-700H DKC:ABCA COVENANT