

### 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:

The property subject to this environmental covenant is part of a larger property owned by Solutia Inc. The subject property is located at 1 Flexsys Drive, Poca District, Putnam County, West Virginia 25143, containing 126.645 acres, more or less. The deed for the property is recorded in the Office of the Clerk of the County Commission of Putnam County, West Virginia. The subject property consists of the following parcels:

Solutia, Inc.					
District	Map #	Parcel	Book	Page	Acreage
Poca	225	122	385	394	69.298
Poca	225	123	385	394	5.92
Poca	225	165	385	394	2.358
Poca	225	33.2	385	394	46.069
Poca	225	166.10	399	730	3.00
Total					126.645

The property described above is depicted on three maps entitled "Map Showing Area covered by Environmental Covenant, Solutia Inc., Nitro, WV, Site EPA I.D. No. WV039990965 Putnam Co., West Virginia" prepared by Potesta & Associates, Inc. dated November 6, 2018, Figure Nos. 1 through 3, attached as Exhibit A. Exhibit B (attached) includes a point table with latitude and longitude values for the approximate property boundary, limits of the engineered cap and cover areas, limits of impermeable engineering cap areas, and locations of groundwater extraction wells.

The above-referenced maps also show two areas where engineered caps and covers were constructed on the Solutia Inc. property as part of the remedial action. The South Engineered Cap and Cover Area includes an area of approximately 73.17 acres. The North Engineered Cap and Cover Area includes an area of approximately 37.32 acres. The South and North Engineered Cap and Cover Areas identified on the referenced maps bear specific environmental restrictions.

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:

POTESTA & ASSOCIATES INC  
ATTN: HAROLD D WARD  
601 57TH ST SE  
CHARLESTON, WV 25304



Doc ID: 004549860011 Type: MISC  
Recorded: 01/10/2019 at 09:40:59 AM  
Fee Amt: \$18.00 Page 1 of 11  
Putnam County Clerk  
Brian Wood County Clerk

BK 81 PG 627-637

**Restrictions Applicable to the 126.645-acre Property:**

1. Uses 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)) are prohibited.
2. The 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 West Virginia Department of Environmental Protection (WVDEP) is prohibited.
3. Installation of any new water wells on the property is prohibited 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.

**Restriction Applicable to North and South Engineered Cap and Cover Areas:**

4. All earth moving activities, including excavation, drilling/penetration and construction in the areas at the property where any contaminants remain in soils are prohibited unless such excavation, drilling/penetration and construction is conducted by a professional who is qualified and knowledgeable about releases and exposures to contaminants known to exist at the site. 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 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 which assures that an equivalent amount of engineering control of the site is achieved at the conclusion of the work.

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

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

The following entity is the holder of this covenant:

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

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

Chemical production began at the property in 1918 when the United States government started producing smokeless powder (nitrocellulose) for use in World War I. Nitrocellulose production ended in 1921 when the property was purchased by the Rubber Services Company and used for the manufacturing of chloride, phosphate and phenol compounds. Monsanto purchased the facility in 1929 and added the manufacture of flotation agents, pickling inhibitors, anti-oxidants, anti-skinning, wetting agents, and oils. Rubber chemicals manufactured at the property included vulcanization accelerators, vulcanization inhibitors and anti-oxidants for rubber products. In the 1940s, production at the property 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-tetrachlorodibenzo-para-dioxin (TCDD). TCDD has been detected in surface soils at the Nitro property. Production of 2,4,5-T ended in 1969.

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 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.
- TCDD, tetrachloroethene and its breakdown products (trichloroethylene, dichloroethene, and vinyl chloride) are present in the groundwater.

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

- Four groundwater source areas are contained with the installation of soil-bentonite barrier walls and impermeable engineering caps.
- Nine groundwater extraction wells located inside barrier walls 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.
- Portions of the property riverbank have been stabilized and covered with rock rip-rap.

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 the environmental covenant.
- Storm water 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(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, DWWM 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:

Solutia Nitro Site  
EPA ID #WVD039990965

WVDEP and EPA 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.

**SOLUTIA INC.**

Printed Name: Edwin Williamson

Title: Vice President, Legal Affairs and Assistant General Counsel

Edwin Williamson

Signature

November 20, 2018

Date

I, Pamela Jean Phillips, a Notary Public in and for the County of Sullivan, State of Tennessee, 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 28<sup>th</sup> day of November, 2018.  
My commission expires 10-23-2019.

Pamela Jean Phillips  
Notary Public



**West Virginia Department of Environmental Protection**

Printed Name: Harold D. Ward  
Title: Acting Director, Division of Water & Waste Management

Harold D. Ward 12-18-18  
Signature Date

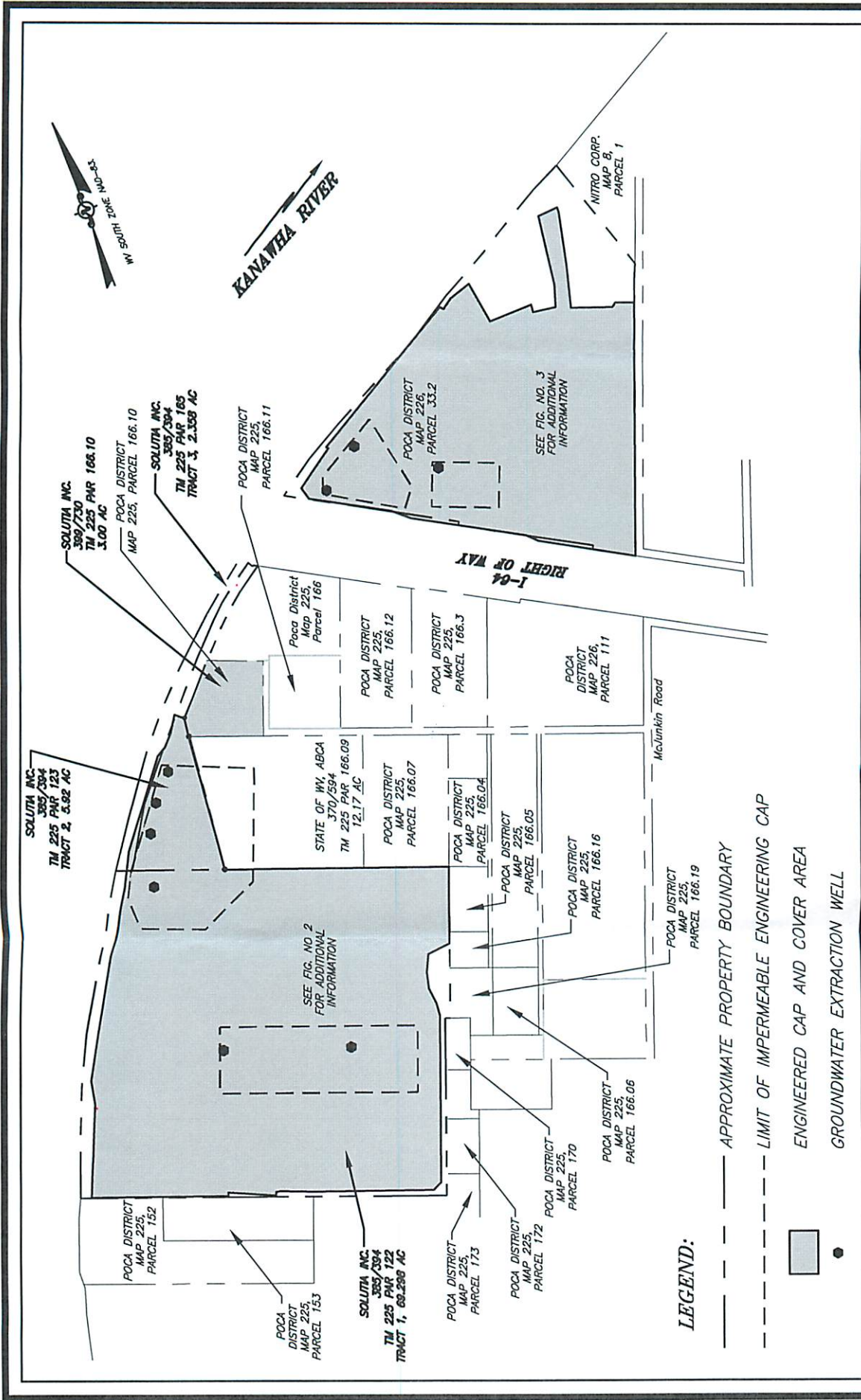
I, Tonya K. Ombler, a Notary Public in and for the County of Kanawha, State of West Virginia, do hereby certify that Harold D. Ward, whose name is signed above as the representative of the agency, this day executed this document in my presence or this day acknowledged same to be true act and deed of said holder(s).

Given under my hand this the 18<sup>th</sup> day of December, 2018.  
My commission expires June 1, 2022.

Tonya K Ombler  
Notary Public

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 25034





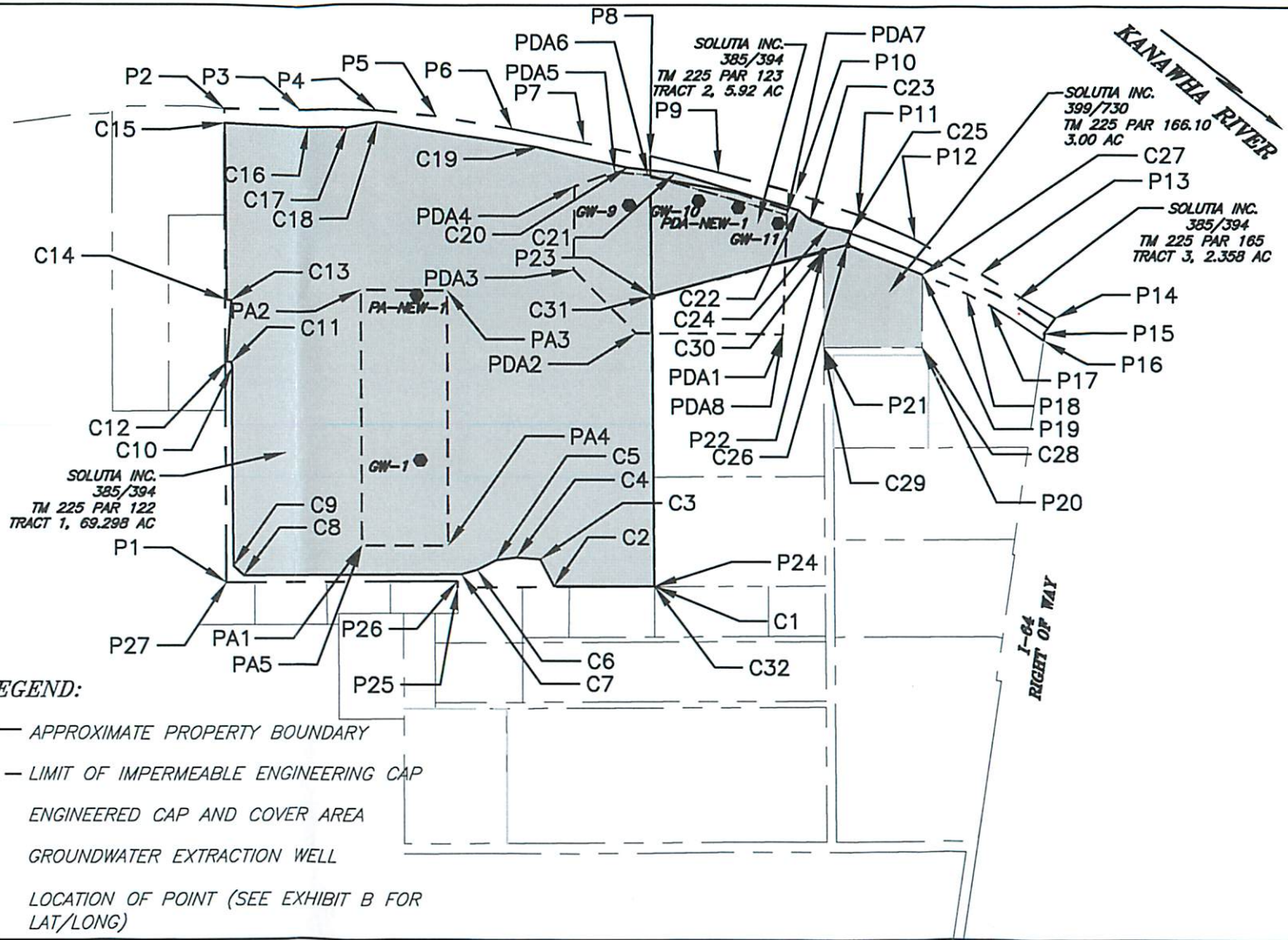
**POTESTA & ASSOCIATES, INC.**  
**ENGINEERS AND ENVIRONMENTAL CONSULTANTS**  
 7012 MacCorkle Ave. SE, Charleston, WV 25304  
 TEL: (304) 342-1400 FAX: (304) 343-9031  
 E-Mail Address: potesta@potesta.com

**Project**  
 EXHIBIT A  
 MAP SHOWING AREA COVERED  
 BY ENVIRONMENTAL COVENANT  
 SOLUTIA INC. NITRO,  
 WV SITE EPA ID. NO. WV039990965  
 PUTNAM CO., WEST VIRGINIA

**Scale** NO SCALE  
**Date** NOV. 6, 2018

**Dwg. No.** FIGURE 1





**POTESTA & ASSOCIATES, INC.**  
ENGINEERS AND ENVIRONMENTAL CONSULTANTS

7012 MacCorkle Ave. SE, Charleston, WV 25304  
TEL: (304) 342-1400 FAX: (304) 343-9031  
E-Mail Address: potesta@potesta.com

Project

**EXHIBIT A**  
MAP SHOWING AREA COVERED  
BY ENVIRONMENTAL COVENANT  
SOLUTIA INC. NITRO,  
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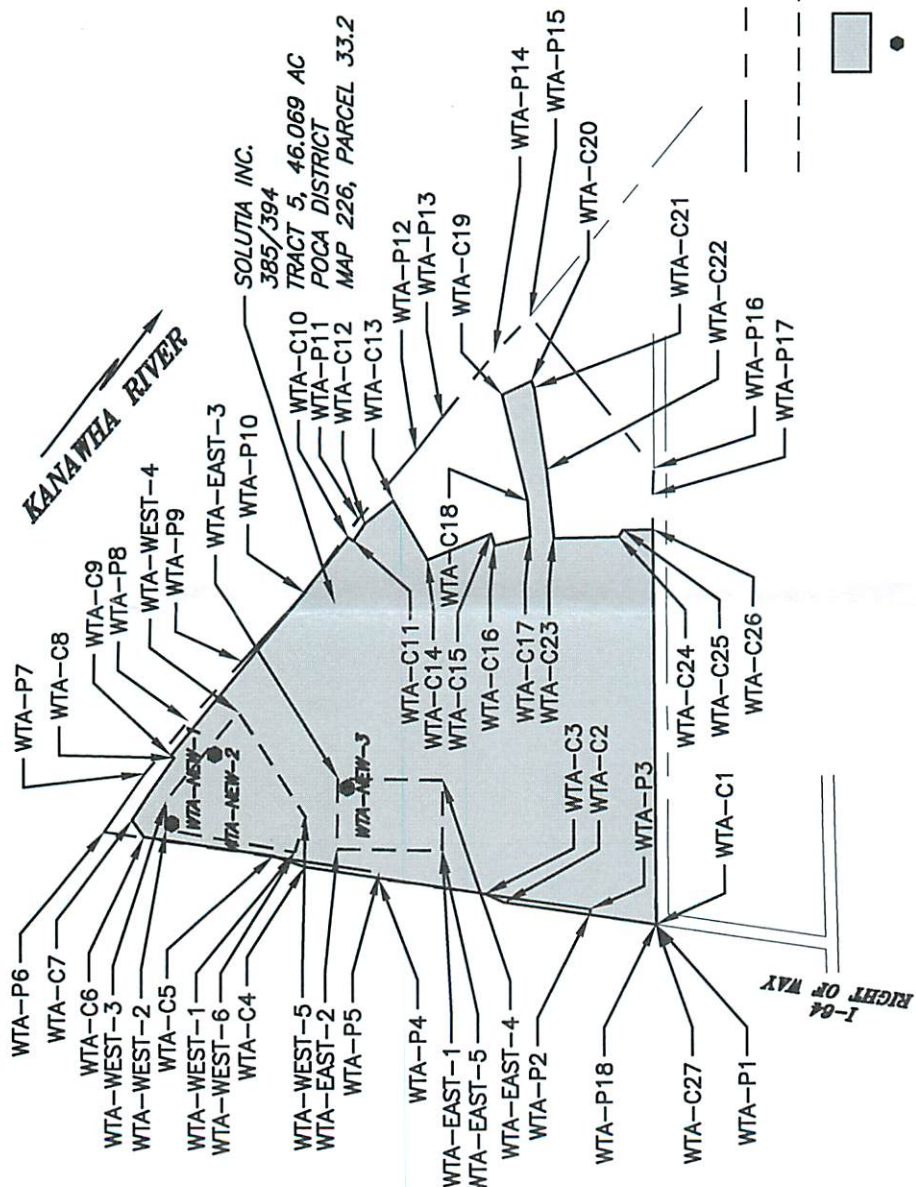
Scale NO SCALE

Date NOV. 6, 2018

Dwg. No.

**FIGURE 2**





**LEGEND:**

- — — — — APPROXIMATE PROPERTY BOUNDARY
- — — — — LIMIT OF IMPERMEABLE ENGINEERING CAP
- ENGINEERED CAP AND COVER AREA
- GROUNDWATER EXTRACTION WELL
- WTA-P1 LOCATION OF POINT (SEE EXHIBIT B FOR LAT/LONG)

Project

**EXHIBIT A**  
**MAP SHOWING AREA COVERED**  
**BY ENVIRONMENTAL COVENANT**  
**SOLUTIA INC. NITRO.**  
**WV SITE EPA ID. NO. WV039990965**  
**FUTNAM CO., WEST VIRGINIA**

Scale NO SCALE

Dwg. No.

Date NOV. 6, 2018

**FIGURE 3**

**POTESTA & ASSOCIATES, INC.**  
**ENGINEERS AND ENVIRONMENTAL CONSULTANTS**

7012 MacCorkle Ave. SE, Charleston, WV 25304  
 TEL: (304) 342-1400 FAX: (304) 343-9031  
 E-Mail Address: [potesta@potesta.com](mailto:potesta@potesta.com)



**EXHIBIT B**

***Latitude/Longitude Values for Property Boundary,  
Engineered Cap and Cover Areas, Impermeable Engineering  
Cap Areas, and Groundwater Extraction Wells***

South Area Engineered Cap and Cover Area, ±74.09 Acres, See Figure 2		
Point #	Latitude	Longitude
C1	38.43922271	-81.84022106
C2	38.43822617	-81.84072003
C3	38.43819766	-81.84113478
C4	38.43796787	-81.84127866
C5	38.43775073	-81.84134661
C6	38.43752587	-81.84131654
C7	38.43734990	-81.84133802
C8	38.43518183	-81.84240989
C9	38.43511969	-81.84258034
C10	38.43589553	-81.84513015
C11	38.43590547	-81.84519543
C12	38.43586370	-81.84522339
C13	38.43614601	-81.84598533
C14	38.43610103	-81.84601147
C15	38.43678467	-81.84828253
C16	38.43760001	-81.84782739
C17	38.43798306	-81.84760709
C18	38.43830846	-81.84752561
C19	38.43980177	-81.84641387
C20	38.44061553	-81.84570600
C21	38.44106992	-81.84539822
C22	38.44214822	-81.84430911
C23	38.44222666	-81.84413187
C24	38.44237741	-81.84394938
C25	38.44259488	-81.84376934
C26	38.44249576	-81.84362328
C27	38.44312592	-81.84287692
C28	38.44283513	-81.84195238
C29	38.44186074	-81.84243303
C30	38.44223778	-81.84366771
C31	38.44035028	-81.84393908
C32	38.43922271	-81.84022106

Point of Beginning

Point of Ending

Property Boundary for Solutia Inc., Tract Nos. 1, 2, and 3, 77.576 Acres, See Figure 2		
Point #	Latitude	Longitude
P1	38.43498129	-81.84240299
P2	38.43683559	-81.84847038
P3	38.43759773	-81.84808868
P4	38.43834252	-81.84768300
P5	38.43891618	-81.84731368
P6	38.43961985	-81.84677045
P7	38.44028070	-81.84623747
P8	38.44088934	-81.84574027
P9	38.44149720	-81.84518978
P10	38.44218888	-81.84453723
P11	38.44272658	-81.84394134
P12	38.44318667	-81.84335825
P13	38.44371282	-81.84259762
P14	38.44428158	-81.84166111
P15	38.44409974	-81.84152147
P16	38.44407744	-81.84143335
P17	38.44367628	-81.84215457
P18	38.44349160	-81.84241297
P19	38.44312592	-81.84287692
P20	38.44283513	-81.84195238
P21	38.44186074	-81.84243303
P22	38.44223778	-81.84366771
P23	38.44035028	-81.84393908
P24	38.43922271	-81.84022106
P25	38.43726012	-81.84118534
P26	38.43728515	-81.84126662
P27	38.43498129	-81.84240299

Point of Beginning

Point of Ending

Impermeable Engineering Cap Areas See Figure 2		
Point #	Latitude	Longitude
PA1	38.43648166	-81.84220033
PA2	38.43748103	-81.84547100
PA3	38.43833661	-81.84504124
PA4	38.43733722	-81.84177054
PA5	38.43648166	-81.84220033
PDA1	38.44150034	-81.84280796
PDA2	38.44004630	-81.84355287
PDA3	38.43975610	-81.84466025
PDA4	38.44001717	-81.84572654
PDA5	38.44047427	-81.84571161
PDA6	38.44078785	-81.84550662
PDA7	38.44201281	-81.84430410
PDA8	38.44150034	-81.84280796

Point of Beginning

Point of Ending

Point of Beginning

Point of Ending

Groundwater Extraction Wells See Figure 2		
Point #	Latitude	Longitude
PA-NEW-1	38.44155544	-81.84464184
GW-1	38.43740128	-81.84300698
PDA-NEW-1	38.43801784	-81.84513115
GW-9	38.44048402	-81.84521240
GW-10	38.44118840	-81.84492479
GW-11	38.44189315	-81.84423856

**EXHIBIT B**

**Latitude/Longitude Values for Property Boundary,  
Engineered Cap and Cover Areas, Impermeable Engineering  
Cap Areas, and Groundwater Extraction Wells**

Property Boundary for Solutia Inc., Tract No. 5, 46.069 Acres, See Figure 3		
Point #	Latitude	Longitude
WTA-P1	38.44225887	-81.83510934
WTA-P2	38.44256045	-81.83577472
WTA-P3	38.44260803	-81.83573985
WTA-P4	38.44356790	-81.83785741
WTA-P5	38.44361548	-81.83782254
WTA-P6	38.44485102	-81.84054844
WTA-P7	38.44519453	-81.83988500
WTA-P8	38.44548565	-81.83920530
WTA-P9	38.44580242	-81.83839739
WTA-P10	38.44616726	-81.83745470
WTA-P11	38.44659461	-81.83657840
WTA-P12	38.44696027	-81.83568837
WTA-P13	38.44715247	-81.83527231
WTA-P14	38.44750871	-81.83444987
WTA-P15	38.44769976	-81.83391193
WTA-P16	38.44603295	-81.83323217
WTA-P17	38.44581735	-81.83335472
WTA-P18	38.44225887	-81.83510934

Point of Beginning

Point of Ending

North Area Engineered Cap and Cover Area, ±37.32 Acres, See Figure 3		
Description	Latitude	Longitude
WTA-C1	38.44225887	-81.83510934
WTA-C2	38.44295121	-81.83662554
WTA-C3	38.44308715	-81.83679369
WTA-C4	38.44390754	-81.83859279
WTA-C5	38.44410023	-81.83887363
WTA-C6	38.44467923	-81.84015254
WTA-C7	38.44485582	-81.84020798
WTA-C8	38.44522835	-81.83950849
WTA-C9	38.44525839	-81.83953381
WTA-C10	38.44647945	-81.83675991
WTA-C11	38.44643124	-81.83671474
WTA-C12	38.44653528	-81.83652635
WTA-C13	38.44663050	-81.83612966
WTA-C14	38.44603080	-81.83601493
WTA-C15	38.44603638	-81.83522730
WTA-C16	38.44592821	-81.83524053
WTA-C17	38.44587792	-81.83482954
WTA-C18	38.44617891	-81.83470639
WTA-C19	38.44714006	-81.83453861
WTA-C20	38.44715791	-81.83417050
WTA-C21	38.44708941	-81.83417184
WTA-C22	38.44637406	-81.83437733
WTA-C23	38.44579186	-81.83458214
WTA-C24	38.44558694	-81.83388700
WTA-C25	38.44562851	-81.83381494
WTA-C26	38.44553267	-81.83349492
WTA-C27	38.44225887	-81.83510934

Point of Beginning

Point of Ending

Impermeable Engineering Cap Areas See Figure 3		
Point #	Latitude	Longitude
WTA-EAST-1	38.44358770	-81.83706758
WTA-EAST-2	38.44394958	-81.83817457
WTA-EAST-3	38.44451979	-81.83787413
WTA-EAST-4	38.44416091	-81.83676713
WTA-EAST-5	38.44358770	-81.83706758
WTA-WEST-1	38.44405978	-81.83863003
WTA-WEST-2	38.44466749	-81.83988588
WTA-WEST-3	38.44489702	-81.83977993
WTA-WEST-4	38.44539130	-81.83864240
WTA-WEST-5	38.44431110	-81.83837417
WTA-WEST-6	38.44405978	-81.83863003

Point of Beginning

Point of Ending

Point of Beginning

Point of Ending

Groundwater Extraction Wells See Figure 3		
Description	Latitude	Longitude
WTA-NEW-1	38.44469785	-81.83980536
WTA-NEW-2	38.44512137	-81.83906530
WTA-NEW-3	38.44441260	-81.83781098

STATE OF WEST VIRGINIA, Putnam  
County Commission Clerk's Office  
01/10/2019. The foregoing Miscellaneous  
together with the certificate of its  
acknowledgment, was this day presented  
in said office and admitted to record

Teste: *[Signature]* Clerk