



May 3, 2019

VIA EMAIL (Blankenbiller.Catheryn@epa.gov)

Ms. Catheryn Blankenbiller
PA Remediation Branch (3LC20)
Land and Chemicals Division
US EPA Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Dear Ms. Blankenbiller:

Subject: Municipal Notification – Environmental Covenant Recordation
1 Herron Avenue, Pittsburgh, PA 15202
Emsworth Borough, Allegheny County
CEC Project 173-259.0001

Notice is hereby given that the Environmental Covenant (EC) for the above-referenced site has been recorded and copies were submitted to Emsworth Borough and the Pennsylvania Department of Environmental Protection in accordance with Section 9 of the enclosed EC.

Please call us at 412-429-2324 if you have questions or comments regarding this notification.

Very truly yours,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

Jennifer A. Ewing, P.G.
Project Manager

Mary J. Guinee
Vice President

Enclosure

cc: David W. Sarver IV, Sampson Morris Group (via email)

173-259.0001-L-Municipal Notification-5.3.19/P

Official Receipt for Recording in:

Department of Real Estate
 101 County Office Bldg - 542 Forbes Avenue
 542 Forbes Avenue
 Pittsburgh, PA 15219

Issued To:
 CUSTOMER

PITTSBURGH PA 15219

Recording Fees

Filing Type	Number	Volm	Page	Time	Recording Amount
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Deed Agreement	10996	17590	00508	02:45:40p	166.75
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ENVIRONMENTAL COVENANT
 DR-KANEKTOK L P
 IN-PENNSYLVANIA COMWTH BY DEP ENVRMTL PROTE

Not a Deed of Transfer	10996	17590	00508	02:45:40p	.00
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DR-KANEKTOK L P
 IN-PENNSYLVANIA COMWTH BY DEP ENVRMTL PROTE

Collected Amounts 166.75

Payment Type	Amount
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2-Check	PNC 809	166.75
		166.75

Total Received :	166.75
Less Total Recordings:	166.75
Change Due :	.00

Thank You
 JERRY TYSKIEWICZ - Department of Real Estate

By - Joanna Clark

Receipt#	Date	Time
3570589	04/23/2019	02:45p

When recorded, return to:
David W. Sarver IV, President
Sampson Morris Group
2500 Eldo Road
Monroeville, PA 15146

The County Parcel Identification No. of the Property is: 213-G-70 and 213-G-71
GRANTOR: Kanektok L.P., a Pennsylvania limited partnership; 2500 Eldo Road,
Monroeville, PA 15146
PROPERTY ADDRESS: 1 Herron Avenue, Pittsburgh, Pennsylvania 15202

ENVIRONMENTAL COVENANT

This Environmental Covenant is executed 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 United States Environmental Protection Agency (EPA).

1. **Property affected.** The property affected (Property) by this Environmental Covenant is located in Emsworth Borough, Allegheny County.

The latitude and longitude of the center of the Property is: 40.5065394, -80.0895662. The Property has been known by the following name(s): Sampson Morris Group (Former Cyclops and Former Pittsburgh Industrial Plating; EPA ID No. PAD087569620).

A complete description of the Property is attached to this Environmental Covenant as Exhibit A. A map of the Property is attached to this Environmental Covenant as Exhibit B.

2. **Property Owner / GRANTOR / Holder / GRANTEE.** Kanektok L.P., a Pennsylvania limited partnership, is the Owner of the Property and the GRANTOR and Holder/GRANTEE of this Environmental Covenant.

3. The mailing address of the Owner is: 2500 Eldo Road, Monroeville, PA 15146.

4. **Description of Contamination and Remedy.** EPA determined that subsurface soils at the Property exceed the EPA Regional Screening Levels for industrial soil immediately adjacent to the building's southern wall. Both locations represent a subsurface exposure only, and direct contact with contaminated soil is prevented through the physical barriers of building structures, paving, and uncontaminated soil.

Groundwater samples show that benzene levels are below the Maximum Contaminant Level (MCL) of 5 micrograms per liter (ug/L), established under the federal Clean Drinking Water Act in all but two locations sampled. A downgradient location (Well MW 3) is directly adjacent to a former underground storage tank that has been removed. Well MW 3 did not contain benzene, showing there is no off-site migration of benzene above the MCL.

In October 2017, EPA selected a Final Remedy for the Property in a Final Decision and Response to Comments (FDRTC). The Final Remedy consists of implementing land and groundwater use limitations that would restrict residential use of the property and prohibit potable use of the groundwater beneath the property.

The administrative record pertaining to the FDRTC is located at the locations listed below:

US EPA Region III
1650 Arch Street
Philadelphia, PA 19103
Contact: Catheryn Blankenbiller (3LC20)
Phone: (215) 814-3464

The administrative record is also available online at:

<https://www.epa.gov/hwcorrectiveactionsites/documents-reports-and-photographs-cyclops-corporation-formerly-pittsburgh>

In addition, records pertaining to the Final Remedy are maintained by the Pennsylvania Department of Environmental Protection (Department) at the Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222.

5. **Activity and 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:

(a) The use of the Property shall be limited to commercial, industrial, or nonresidential use, and shall exclude churches, schools, nursing homes, day-care facilities, and/or other commercial-residential-style facilities.

(b) The groundwater at and under the Property shall not be used for potable or agricultural purposes.

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 third January following EPA's approval of this Environmental Covenant, the then current owner of the Property shall submit to EPA and the Department, written documentation stating whether or not the activity and use limitations in this Environmental Covenant are being abided by. In addition, within 21 days after a) written request by EPA or the Department, b) transfer of title of the Property or of any part of the Property affected by this Environmental Covenant, c) noncompliance with Paragraph 5 (Activity and Use Limitations), d) an application for a permit or other approval for any building or site work that could affect contamination on any part of the Property, the then current owner shall send a report to EPA, the Department, and any Holder. The report shall state whether or not there is compliance with Paragraph 5. If there is noncompliance, the report will state the actions that will be taken to assure compliance.

8. **Access by EPA and the Department.** In addition to any rights already possessed by EPA and the Department, this Environmental Covenant grants to EPA and the Department a right of reasonable access of the Property in connection with implementation or enforcement of this Environmental Covenant.

9. **Recording and Notification of Recording.** Within 30 days after the date that EPA approves this Environmental Covenant, the Owner/Grantor/Holder/Grantee shall file this Environmental Covenant with the Recorder of Deeds for Allegheny County, and send a file-stamped copy of this Environmental Covenant to EPA within 90 days of EPA's approval of this Environmental Covenant. Within 90 days after this Environmental Covenant has been filed with the Recorder of Deeds for Allegheny County, the Owner/Grantor/Holder/Grantee shall send a file-stamped copy to Emsworth Borough and the Department.

10. **Termination or Modification.**

(a) This Environmental Covenant runs with the land unless terminated or modified in accordance with 27 Pa. C.S. § 6509 or 6510, or in accordance with this Paragraph. The then current owner of the Property shall provide EPA written notice of the pendency of any proceeding that could lead to a foreclosure, as referred to in 27 Pa. C.S. § 6509(a)(4), within seven calendar days of the owner's receiving notice of the pendency of such proceeding.

(b) 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) EPA.

11. **The Department.**

(a) **Notification.** The then current owner shall provide the EPA and the Department written notice of:

- (1) the pendency of any proceeding that could lead to a foreclosure as referred to in 27 Pa. C.S. § 6509(a)(4), within seven calendar days of the owner's receiving notice of the pendency of such proceeding;
- (2) any judicial action referred to in 27 Pa. C.S. § 6509(a)(5), within seven calendar days of the owner's receiving notice of such judicial action;
- (3) any judicial action referred to in 27 Pa. C.S. § 6509(b), within seven calendar days of the owner's receiving notice of such judicial action; and
- (4) termination or amendment of this Environmental Covenant pursuant to 27 Pa. C.S. § 6510, within seven calendar days of the owner's becoming aware of such termination or amendment.

(b) **Enforcement.** A civil action for injunctive or other equitable relief for violating this Environmental Covenant may be maintained by the Department.

12. **EPA and the Department's addresses.** Communications with EPA and the Department regarding this Environmental Covenant shall be sent to:

Catheryn Blankenbiller
PA Remediation Branch (3LC20)
Land and Chemicals Division
US EPA Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Kevin Halloran
Program Manager
Environmental Cleanup & Brownfields
Pennsylvania Department of Environmental Protection
Southwest Regional Office
400 Waterfront Drive
Pittsburgh, PA 15222

13. **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

Kanektok L.P., a Pennsylvania limited partnership
Sampson Morris Group, Inc., a Pennsylvania
corporation, its sole general partner

By: David W Sarver IV
David W. Sarver IV, President

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Allegheny

On this 22nd day of March, 2019, before me, a Notary Public the undersigned officer, personally appeared David W. Sarver IV, who acknowledged himself to be the President, of Sampson Morris Group, Inc., a Pennsylvania corporation, sole general partner of Kanektok L.P., a Pennsylvania limited partnership and that he as such President, represent that he is authorized to act on behalf of Sampson Morris Group, Inc., a Pennsylvania corporation do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as President.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires: April 23, 2022 Notary Public

M. Suzanne Hoffman

Commonwealth of Pennsylvania - Notary Seal
M. Suzanne Hoffman, Notary Public
Allegheny County
My commission expires April 23, 2022
Commission number 1189439
Member, Pennsylvania Association of Notaries

Date: 3.28, 2019

By: *John A. Armstead*
John A. Armstead
Director
Land and Chemicals Division
United States Environmental Protection Agency
Region III

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF PHILADELPHIA

On this 28 day of March, 2019, before me, the undersigned officer, personally appeared John A. Armstead who acknowledged himself to be the person whose name is subscribed to this Environmental Covenant, and acknowledged that he freely executed the same for the purposes therein contained.

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

Bettina L. Dunn
Notary Public

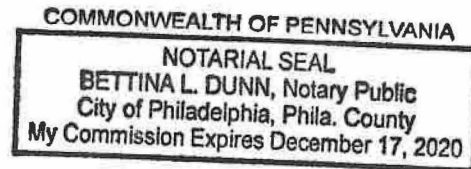


EXHIBIT A

PROPERTY DESCRIPTION

PARCEL NO. 1

213-G-70

Description of property situate in the Borough of Emsworth, Allegheny County, Pennsylvania being in part Lot No's. 31 through 46 and Lot No's 60 through 89, inclusive, in the H.F.W. Hespenheld's Revised Plan of Lots.

BEGINNING at a point at the intersection of the easterly side of Herron Avenue, 30 ft. wide, and the southerly side of William Street, 40 ft. wide, as vacated by Ordinance No. 611 approved May 12, 1958; thence from said point of beginning by the southerly side of William Street as vacated and crossing in part the right of way for the relocation of Lowries Run, S 74 degrees 31' 10" E a distance of 245.00 ft. to a point; thence by a line through said Lowries Run right of way, said line also being through Taylor Avenue, as vacated by Ordinance No. 534, S 15 degrees 28' 50" W a distance of 25.00 ft. to a point; thence by a line crossing Taylor Avenue and Lowries Run right of way, said line also being the line dividing Lot No's. 59 and 60 in the H.F.W. Hespenheld's Revised Plan of Lots as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Volume 16, page 4, S. 74 degrees 31' 10" E a distance of 101.30 ft. to a point on the Westerly side of Lowries Run; thence by the Westerly side of Lowries Run S. 1 degrees 28' 50" W a distance of 77.30 ft. to a point; thence by same S. 15 degrees 28' 50" W. a distance of 319.96 ft. to a point on the northerly line of lands now or formerly of Conrail; thence by the line dividing lands of Conrail and lands now or formerly of Elwin G. Smith Co. the following courses and distances; in a westerly direction by a curve to the left having a radius of 2677.58 ft. through an arc distance of 39.66 ft.; N 74 degrees 31' 10" W a distance of 297.13 ft.; N 15 degrees 28' 50" E a distance of 29.52 ft.; in a westerly direction by a curve to the left having a radius of 2677.58 ft. through an arc distance of 28.75 ft.; N 74 degrees 09' 40" W a distance of 30.00 ft.; N 70 degrees 46' 10" W a distance of 79.54 ft.; in a northerly direction by a curve to the right having a radius of 15 ft. through an arc distance of 22.64 ft. to a point on the easterly side of Herron Avenue, 30 ft. wide; thence by the Easterly side of Herron Avenue the following courses and distances; N 15 degrees 43' 10" E a distance of 109.56 ft.; in a northerly direction by a curve to the right having a radius of 133.55 ft. through an arc distance of 127.58 ft.; in a northerly direction by a curve to the left having a radius of 155.00 ft. through an arc distance of 148.71 ft.; N 15 degrees 28' 50" E a distance of 17.25 ft. to the point of beginning.

Containing an area of 176,197.47 sq. ft. or 4.045 acres.

EXHIBIT A

PROPERTY DESCRIPTION

213-G-71

All that certain lot or parcel of land situate in the Borough of Emsworth, County of Allegheny, Commonwealth of Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point at the intersection of the easterly side of Herron Avenue, 30 ft. wide, and the southerly side of William Street, 40 ft. wide, as vacated by Ordinance No. 611 approved May 12, 1958; thence from said point of beginning by the easterly side of Herron Avenue, 30 ft. wide, North 15°28'50" East, 40.00' to a point on the northerly side of William Street, 40 ft. wide; thence by the northerly side of William Street, 40 ft. wide, South 74°31'10" East, 155.00' to a point; thence through William Street, 40 ft. wide, the following three (3) courses and distances, viz: South 15°28'50" West, 20.00' to a point; thence South 74°31'10" East, 82.10' to a point; thence North 15°28'50" East, 20.00' to a point on the northerly side of William Street, 40 ft. wide; thence by the northerly side of William Street, 40 ft. wide, South 74°31'10" East, 84.77' to a point on the southerly side of Atlantic Avenue, 40 ft. wide; thence by the southerly side of Atlantic Avenue, 40 ft. wide, South 41°08'40" East, 11.78' to a point on the Westerly side of Lowries Run, 40 ft. wide; thence by the Westerly side of Lowries Run, 40 ft. wide, South 01°28'50" West, 13.93' to a point; thence through William Street, 40 ft. wide, the following two (2) courses and distances, viz: North 74°31'10" West, 90.08' to a point; thence South 15°28'50" West, 20.00' to a point on the southerly side of William Street, 40 ft. wide; thence by the southerly side of William Street, 40 ft. wide, North 74°31'10" West, 245.00' to the point of beginning.

Containing an area of 9,883.14 sq. ft. or 0.227 acres

Coordinate Table (WGS 1984)

Label	Latitude	Longitude	Label	Latitude	Longitude	Label	Latitude	Longitude	Label	Latitude	Longitude	Label	Latitude	Longitude
1	40.5072883	-80.0898132	11	40.506858	-80.0866902	21	40.5063152	-80.0906057	31	40.5067923	-80.0903286	41	40.5069229	-80.0900345
2	40.5071798	-80.0892742	12	40.506652	-80.0886864	22	40.5066018	-80.0904955	32	40.5068079	-80.0903017	42	40.5069404	-80.0900095
3	40.5071339	-80.0892885	13	40.5058146	-80.0890279	23	40.5066264	-80.0904847	33	40.506822	-80.0902734	43	40.506959	-80.0899863
4	40.5070711	-80.089016	14	40.5058809	-80.0891997	24	40.5066502	-80.090472	34	40.5068347	-80.0902437	44	40.5069788	-80.0899645
5	40.5071223	-80.0889887	15	40.5060812	-80.0902459	25	40.5066734	-80.0904571	35	40.5068458	-80.0902135	45	40.5069996	-80.0899441
6	40.507063	-80.088694	16	40.5061659	-80.090216	26	40.5066959	-80.0904399	36	40.5068564	-80.0901788	46	40.5070214	-80.089926
7	40.5069966	-80.0886927	17	40.5062571	-80.0905866	27	40.5067174	-80.0904213	37	40.5068668	-80.0901477	47	40.507044	-80.0899097
8	40.5070657	-80.0889927	18	40.5062706	-80.0905967	28	40.5067378	-80.0904004	38	40.5068787	-80.0901175	48	40.5070674	-80.0898952
9	40.5070108	-80.0890127	19	40.5062849	-80.0906032	29	40.5067573	-80.0903782	39	40.5068921	-80.0900888	49	40.5070838	-80.0898863
10	40.5069352	-80.0890403	20	40.5063006	-80.0906062	30	40.5067754	-80.0903541	40	40.5069068	-80.090061	50	40.5072006	-80.0898391



PARCEL BOUNDARY DERIVED FROM ALLEGHENY COUNTY PARCELS DATASET, ALLEGHENY COUNTY DIVISION OF COMPUTER SERVICES GIS GROUP, 2016.

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNR, USDA, USGS, AeroGRID, IGN, and the GIS User Community

EXHIBIT B
SAMPSON MORRIS GROUP
(FORMERLY CYCLOPS AND FORMER PITTSBURGH INDUSTRIAL PLATING)
1 HERRON AVENUE
PITTSBURGH, PA
EPA ID #PAD087569620

□ PARCEL BOUNDARY

