

CITY OF BALTIMORE RECORDATION TAX
EXEMPT DOCUMENT
REVENUE COLLECTIONS
DEPARTMENT OF FINANCE

[Signature]
Recorder Clerk

6/29/21
Date

ENVIRONMENTAL COVENANT

SITE NAME: Former FMC Agricultural Products Group Facility - LOT 007

GRANTOR/OWNER/HOLDER: FMC Corporation

PROPERTY ADDRESS: 1600 E Patapsco Ave., Baltimore, Maryland 21226

This Environmental Covenant is executed pursuant to the provisions of Uniform Environmental Covenants Act, §§ 1-801 through 1-815 of the Environment Article, Annotated Code of Maryland ("Environment Article"). This Environmental Covenant subjects the Property identified in Paragraph I to the activity and/or use limitations in this document. This Environmental Covenant has been approved by the United States Environmental Protection Agency ("EPA"). This Property is one of three lots that comprise the Former FMC Agricultural Products Group Facility ("Facility"). Environmental covenants for Lots 001 and 008 are included in separate documents.

1. **Real Property Affected.** The real property affected ("Property") by this Environmental Covenant is located in Baltimore City, Maryland.

- 7335

The postal street address of the Property is: 1600 E Patapsco Ave., Baltimore, MD 21226.

The City Land Records Deed Reference: Liber MLP No. 9063, folio 565.

Tax Account Identification Number: Ward - 25 Section - 07 Block - 7335D Lot - 007.

The latitude and longitude of the center of the Property affected by this Environmental Covenant is: 39.23407/-76.58012.

A complete metes and bounds 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.** FMC Corporation is the owner ("Owner") of the Property and the Grantor of this Environmental Covenant. The mailing address of the Owner is: FMC Tower at Cira Center South, 2929 Walnut Street, Philadelphia, Pennsylvania 19104.

3. **Holder/Grantee.** For purposes of this Environmental Covenant, FMC Corporation shall also be a Holder. The mailing address of the Holder is: FMC Tower at Cira Center South, 2929 Walnut Street, Philadelphia, Pennsylvania 19104.

4. **EPA Regulatory Program Issuing Determination.** The following EPA regulatory program is responsible for having issued a determination requiring the use of this Environmental Covenant:

BALTIMORE CITY CIRCUIT COURT (Land Records) MB 23322, p. 0335, MSA_CE164_32479. Date available 07/14/2021. Printed 07/27/2021.

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 Liber MLP No. 9063, folio 565
 WARD 25, SECTION 07, BLOCK 7335D, LOT 007

- o Corrective Action Permit Pursuant to the Resource Conservation and Recovery Act issued to FMC Corporation (Permit No. MDD0030781875, "Permit"). The Permit requires the implementation and maintenance of the Final Remedy for the Property as selected by and described in the Final Decision and Response to Comments ("FDRTC") issued by EPA on April 14, 2011.

5. **Summary of Identified Contaminants.** The description of the contamination and remedy, which justifies the need for the activity and use limitations described under Item No. 6, is included in the Final Decision and Response to Comments (FDRTC) issued by USEPA on April 14, 2011 and in the USEPA-approved Soil Management Plan (SMP), dated August 7, 2020. As indicated in the FDRTC, volatile organic compounds (VOCs), primarily chlorobenzene, and semivolatile organic compounds (SVOCs) have been identified across the Site in both the shallow and intermediate aquifers, as well as in a perched aquifer zone at the north. A comprehensive investigation of soil quality was not necessary to characterize soil conditions because the Site's groundwater monitoring program identified the presence of chemicals of concern (COCs) sufficient to support the proposed remedial actions of capping the Site and recovering groundwater. Remedy implementation is required by the Permit for Corrective Action (USEPA ID No. MDD0030781875) issued by USEPA on January 30, 2013. The Site is currently vacant except for the groundwater treatment plant and associated support facilities. Redevelopment of the Site for industrial use will complete the capping remedy through installation of buildings, pavement and landscaped areas.

6. **Activity and Use Limitations.** The Property is subject to the following activity and use limitations (in accordance with Part II.B.4.a of the Permit), which the Owner, Holder, and each subsequent owner and holder of the Property shall abide by:

- a. Groundwater beneath the Facility shall not be used for potable purposes or any other use that could result in human exposure, unless such use is required by the Final Remedy selected by EPA in the FDRTC;
- b. Well drilling is prohibited at the Facility without prior written EPA approval, to prevent inadvertent exposure to the contaminated groundwater and adverse effects to the Final Remedy selected by EPA in the FDRTC;
- c. The Facility shall not be used for any purposes other than industrial purposes unless it is demonstrated to EPA that another use will not pose a threat to human health or the environment and EPA provides prior written approval for such use;
- d. All earth-moving activities on Facility property, including construction and drilling, shall be done in accordance with the EPA-approved Soil Management Plan, dated August 7, 2020, or as amended and approved by EPA;

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- e. A vapor intrusion control system, the design of which shall be approved in advance by EPA, shall be installed in each existing structure and each new structure constructed at the facility, not including existing structures that are idle or will not be used, unless it is demonstrated to EPA that vapor intrusion does not pose a threat to human health and EPA provides prior written approval that vapor intrusion control system is not needed; and
- f. The vapor intrusion control system and cap to be installed at the Property as a part of the Final Remedy shall be operated and maintained as necessary to protect their functional integrity in accordance with the requirements set forth in the Appendix A - Maintenance Plan for Fencing, Covers and Vapor Mitigation Systems of the EPA-approved Corrective Measures Implementation Work Plan for the Main Parcel, dated October 8, 2020, or as amended and approved by EPA.

7. **Notice of Limitations in Future Conveyances.** This Environmental Covenant runs with the land and shall be binding on successors in interest. Each instrument hereafter conveying any interest in the Property 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. The then-current owner shall notify EPA in writing at least thirty (30) days prior to any transfer of the Property or of any portion of the Property. Such written notice shall include the name, address, and telephone numbers of the transferee to who such interest is conveyed.

8. **Access by EPA and the Maryland Department of the Environment (Department).** In addition to any rights already possessed by the EPA and the Department, this Environmental Covenant grants to EPA and the Department a right of access of the Property to implement or enforce this Environmental Covenant.

9. **Recordation & Filing with Registry.** The Owner shall record this Environmental Covenant in the Land Records of Baltimore City within thirty (30) days of EPA's approval of this Environmental Covenant and shall send proof of the recording to EPA and the Department within thirty (30) days of recordation. This Environmental Covenant shall be filed as soon as possible after execution in the Registry of Environmental Covenants maintained by the Department. This Environmental Covenant may be found electronically on the Department's website at:

<http://mde.maryland.gov/programs/LAND/MarylandBrownfieldVCP/Pages/ueca.aspx>

10. **Termination or Modification.** This Environmental Covenant runs with the land unless terminated or modified in accordance with §1-808 or § 1-809 of the Environment Article. The then-current owner agrees to provide EPA and the Department with written notice of the

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pendency of any proceeding that could lead to a foreclosure referred to in § 1-808(a)(4) of the Environment Article within seven (7) calendar days of the owner's becoming aware of the pendency of such proceeding.

11. EPA's Address.

A file-stamped copy of this Environmental Covenant shall be sent to:

Attn: Chief, Corrective Action Branch #1
 U.S. EPA Region 3
 1650 Arch Street
 Mail Code: 3LD10
 Philadelphia, PA 19103

Subsequent submissions required by this Environmental Covenant shall be sent to the Region 3 RCRA Corrective Action digital repository for institutional control and reporting documents. The documents shall reference the RCRA Facility name and RCRA ID Number. The documents shall be submitted to: R3_RCRAPOSTREM@epa.gov

12. The Department's Address. Communications with the Department regarding this Environmental Covenant shall be sent to: Registry of Environmental Covenants, Maryland Department of the Environment, Land Management Administration, Land Restoration Program, 1800 Washington Blvd., Baltimore, MD 21230.

13. Administrative Record. The Administrative Record pertaining to the remedy selected by EPA in the FDRTC is located at the United States Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103. In addition, records pertaining to the remedy selected by EPA in the FDRTC are maintained by the Department at the address listed above.

14. Enforcement. This Environmental Covenant shall be enforced in accordance with § 1-810 of the Environment Article. The Holder shall have the right to rectify and/or remedy any breaches of violations of the activity and use limitations set forth in Paragraph 6 above in accordance with applicable laws.

15. Compliance Reporting. Within twenty-one (21) days after written request by EPA or the Department, the then-current owner of the Property shall submit, to EPA, the Department and any Holder listed in Paragraph 3, written documentation stating whether or not the activity and use limitations set forth in Paragraph 6 of this Environmental Covenant are being abided by. In addition, within twenty-one (21) days after any of the following events: a) transfer of title of the Property or of any part of the Property affected by this Environmental Covenant, b)

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noncompliance with Paragraph 6 (Activity and Use Limitations), and c) 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 will send a report to EPA, the Department and any Holder. The report will state whether there is compliance with Paragraph 6. If there is noncompliance, the report will state the actions that will be taken to assure compliance.

16. **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.

IN WITNESS WHEREOF, the parties hereto have caused this Environmental Covenant to be executed and delivered as of the day and year written below.

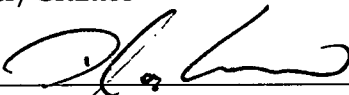
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ACKNOWLEDGMENTS by Grantor/Owner, any Grantee(s)/Holder(s), and EPA, in the following form:

ATTEST:

FMC Corporation, Grantor/Owner and
Holder/Grantee

Date: 12/10/2020

By: 

Name: Douglas Groux

Title: Director, EHS Remediation & Governance

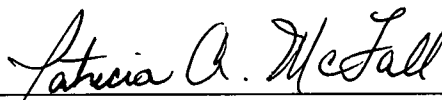
COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF Philadelphia)

SS:

On this 10 day of December, 2020, before me, the undersigned, personally appeared Douglas Groux, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he/she executed the same for the purposes therein contained.

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



Patricia A. McFall
Notary Public

Commonwealth of Pennsylvania - Notary Seal
Patricia A. McFall, Notary Public
Philadelphia County
My commission expires August 14, 2023
Commission number 1355559
Member, Pennsylvania Association of Notaries

My commission expires: 8/14/2023

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APPROVED, by United States Environmental Protection Agency, Region III

Date: 12/18/2020

By: Stacie Driscoll
Stacie Driscoll
Acting Director
Land, Chemicals and Redevelopment Division
United States Environmental Protection Agency
Region III

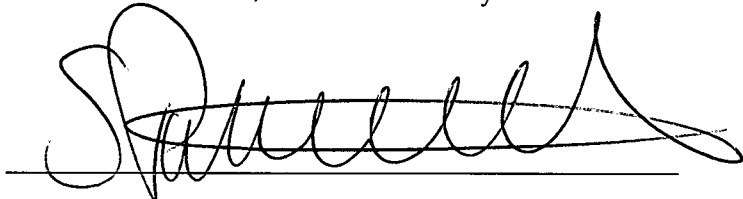
COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Montgomery)
)
)
)

SS:

On this 18th day of December, 2020 before me, the undersigned, personally appeared Stacie Driscoll, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

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



Notary Public

My commission expires: April 28, 2022

Commonwealth of Pennsylvania - Notary Seal
SABRINA ANGELA PATTERSHALL - Notary Public
Montgomery County
My Commission Expires Apr 28, 2022
Commission Number 1283162

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EXHIBIT A
METES AND BOUNDS DESCRIPTION

WARD 25, SECTION 07, BLOCK 7335D, LOT 007 IN BALTIMORE CITY, MARYLAND

7335

Beginning for the first at a point at the end of the second line of the land which by Deed dated February 4, 1953, and recorded among the land records of Baltimore City in Liber MLP No. 9063, folio 565, was conveyed by National Distillers Products Corporation to American Alcolac Corporation, said point of beginning being also in the first line of the land which by Deed dated August 30, 1919, and recorded among the aforesaid Land Records in Liber SCL. No. 3393, folio 231, was conveyed by United States Industrial Chemical Co., Inc. to the Baltimore Ohio Railroad Company, and running thence and binding on a part of the- first line of said last mentioned land, and referring he courses of this description to the True Meridian as adopted by the Baltimore City Survey Control System, South 73 degrees 48 minutes 40 seconds West 1003.55 feet to the end of the third line of the first parcel of land which by Deed dated September 28, 1944, and recorded among the aforesaid Land Records in Liber MLP No. 6643, folio 547, was conveyed by United States Industrial Chemicals, Inc. to Defense Plant Corporation, and running thence and binding reversely on said third line and on the second line of said first parcel North 66 degrees 37 minutes 00 seconds East 357.08 feet and North 14 degrees 17 minutes 20 seconds West 503.41 feet to intersect the second line of the tenth parcel of land which by Deed dated July 31, 1951, and recorded among the aforesaid Land Records in Liber MLP No. 8531, folio 582, was conveyed by U.S. Industrial Chemicals, Inc. to National Distillers Products Corporation, thence binding reversely on a part of said second line North 73 degrees 17 minutes 40 seconds East 632.62 feet to the end of the third line of the land first herein referred to, and thence binding reversely on said third line South 16 degrees 11 minutes 20 seconds East 553.56 feet to the place- of beginning.

Containing 8.2930 acres, more or less.

Saving and excepting therefrom, however, so much thereof as by Deed dated January 9, 1974 and recorded among the Land Records of Baltimore City in Liber RHB No. 3093, folio 476 was granted and conveyed by FMC Corporation unto Alcolac Inc.

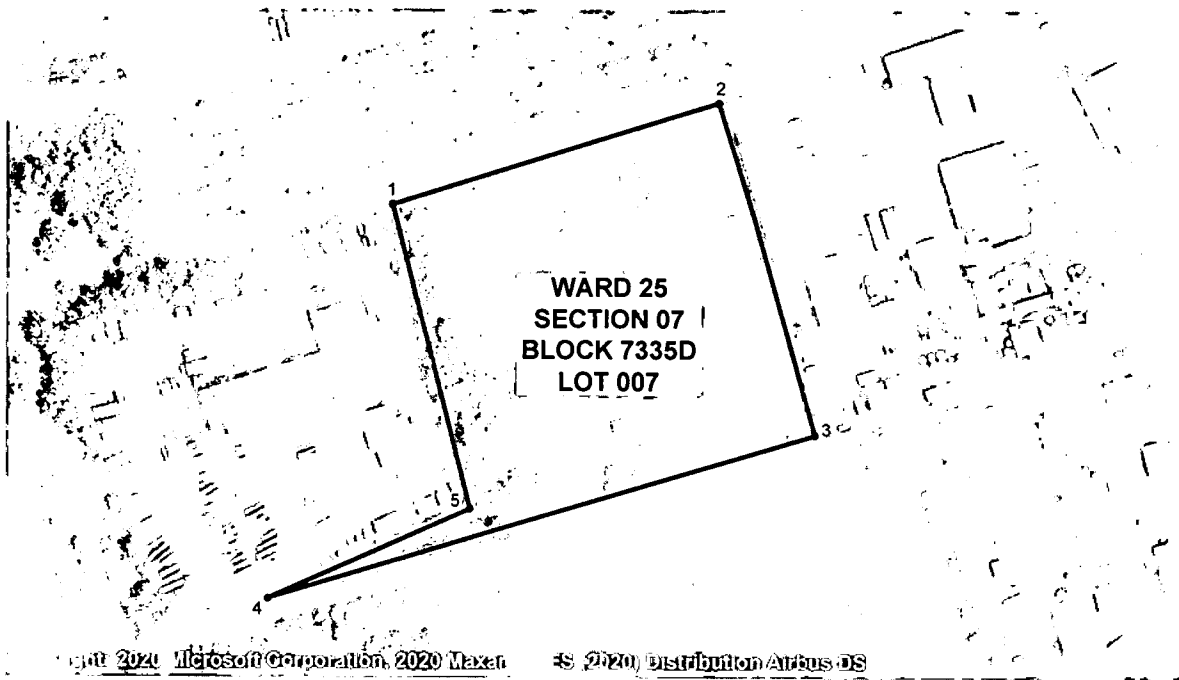
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EXHIBIT B
MAP OF PROPERTY

BALTIMORE CITY CIRCUIT COURT (Land Records) MB 23322, p. 0343, MSA_CE164_32479. Date available 07/14/2021. Printed 07/27/2021.

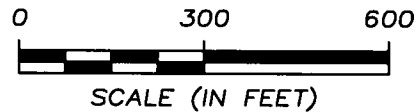
EXHIBIT B

EPA ID #MDD0030781875



COORDINATE TABLE

TURNING POINT #	NORTHING	EASTING
1	571323.008	1430953.575
2	571484.564	1431481.748
3	570954.681	1431637.913
4	570693.537	1430752.116
5	570836.721	1431079.532



NOTE:
 COORDINATES ARE MARYLAND STATE PLANE, NAD 83, US FEET

Q:\Team\DM\H\FM\0551171\0551171-03.dwg, NORTHERN PARCEL, 10/15/2020 4:45:27 PM, FAK - Holland

BALTIMORE CITY CIRCUIT COURT (Land Records) MB 23322, p. 0344, MSA_CE164_32479. Date available 07/14/2021. Printed 07/27/2021.

FAK 10/15/20

FMC AGRICULTURAL PRODUCTS GROUP FACILITY—LOT 007

1600 EAST PATAPSCO AVENUE
 BALTIMORE, MARYLAND

CADD Review
 ERM

CHK'D ME

0551171

EXHIBIT B

3029

7335 ^{RS}

Register 03
 LR - Agreement 75.00
 Recording Fee
 Name: FMC CORPORATION
 Ref: 1600 E. PATAPSCO
 AVE.
 LR - Agreement 40.00
 Surcharge
 Subtotal: 115.00
 Total: 8,020.00
 06/30/2021 02:29
 CC24-ES
 #15143383 CC001 -
 Baltimore City
 Mltche11/CC08.01.03 -

②
 90
 75