

Tax Map or GPIN No.: 055.03-02-06.00-0000
055.03-02-08.00-0000
055.03-02-09.00-0000
055.03-02-10.00-0000
055.03-02-10.01-0000
055.03-02-11.00-0000

Prepared by: Beazer East, Inc. and Koppers Inc.
Remediation Program Site ID #: VAD 003-125-770

INSTRUMENT #201600373
RECORDED IN THE CLERK'S OFFICE OF
ROANOKE COUNTY ON
JANUARY 14, 2016 AT 11:26AM
STEVEN A. MCGRAW, CLERK
RECORDED BY: FPS
-COPY-

UECA ENVIRONMENTAL COVENANT

This environmental covenant is made and entered into as of the 6th day of November, 2015, by and between Koppers Inc., whose address is Koppers Inc., 436 Seventh Avenue, Suite 1800, Pittsburgh, PA 15219 (hereinafter referred to as the "Grantor" or "Owner"), and Beazer East, Inc., (hereinafter referred to as the "Grantee" or "Holder") whose mailing address is Beazer East, Inc., c/o Three Rivers Management, Inc., 1910 Cochran Road, Manor Oak One, Suite 200, Pittsburgh, Pennsylvania 15220.

The Virginia Department of Environmental Quality, whose address is 629 East Main Street, P.O. Box 1105, Richmond, VA 23218 (hereinafter referred to as the "Agency") also joins in this environmental covenant. The Agency shall be considered as an Additional Grantee for recordation purposes.

This environmental covenant is executed pursuant to the Virginia Uniform Environmental Covenants Act, §10.1-1238 et seq. of the Code of Virginia ("UECA"). This environmental covenant subjects the property identified in Paragraph 1 to the terms of this UECA Environmental Covenant which includes, among others, activity and use limitations.

1. **Property affected.** The property affected ("Property") by this environmental covenant is located at 4020 Koppers Road, Salem, Virginia, as further described in Exhibit A with a corresponding survey map provided as Exhibit B.
2. **Description of Contamination & Remedy.**
 - a. Identify the name and location of any administrative record for the environmental response project reflected in this UECA environmental covenant.

Virginia Department of Environmental Quality
P.O. Box 1105
629 East Main Street
Richmond, VA 23218

b. Describe the contamination and remedy relating to the Property, including descriptions of the Property before remedy implementation; contaminants of concern; pathways of exposure; limits on exposure; location and extent of contamination; and the remedy/corrective action undertaken.

The Property is an active wood treating plant that was built in 1955 as a creosote wood treating facility. Creosote was and is used to pressure treat wood products and has been the only wood preservative used at the Property during its operational history. Xylene was formerly used to dry untreated wood at the Property but this practice was discontinued in April 1986. Prior to the facility's construction, the Property was used for agricultural purposes. The facility is owned and operated by Koppers Inc., but Beazer East, Inc., a former owner, retains certain environmental responsibilities as a result of historical property ownership, pursuant to the terms of the December 28, 1988 Asset Purchase Agreement with Koppers Inc.

In 1981, the plant filed for Resource Conservation and Recovery Act ("RCRA ") Interim Status for two hazardous waste management units: a container storage facility ("CSF") and surface impoundments ("SIs"), which were listed as storage units for hazardous waste K001 (bottom sediment sludge from the treatment of wastewaters from wood-preserving processes that use creosote and/or pentachlorophenol). Operation of the SI units ceased in June 1988 and the units and closure activities were completed in November 1993. Closure activities for the SIs included removing and disposing of sludge and soils and constructing a cap that meets RCRA minimum technology requirements. The CSF was closed in August 1998. The Property was issued a RCRA Post-Closure Care Permit, which was modified in February 2003 and re issued in September 2007.

A number of corrective action activities have been ongoing at the Property since the mid 1980s. A RCRA Facility Investigation ("RFI") was completed to evaluate potential releases of site-related constituents ("SRCs") and a human health and ecological risk assessment was performed to evaluate potential risks from SRCs. The results of the RFI and risk assessment determined that SRCs are present in soil and groundwater at the Site at concentrations above protective levels for future unrestricted land use. Historical releases of SRCs in the eastern end of the process area and from the former SIs have impacted soil and groundwater in both the overburden and bedrock. Potential sources have been eliminated and there are no ongoing releases to the surface or subsurface. Based on the results of the RFI and risk assessment, pursuant to current standards, there are no unacceptable risks to human health under current or future commercial or industrial land use conditions of any of the areas evaluated in the Risk Assessment Report. In addition, no current groundwater exposure risks are known or inferred under current or future land use scenarios and pursuant to current standards.

While some isolated intervals of dense nonaqueous phase liquid (DNAPL) have been observed in the subsurface and may act as a continuing source of residual dissolved constituents to the groundwater, no recoverable pools of DNAPL have been observed. SRCs detected in soil and groundwater are primarily creosote constituents, including the following:

- Polynuclear aromatic hydrocarbons (PAHs), most commonly including naphthalene, 2-methylnaphthalene, dibenzofuran, phenanthrene, and 2-chlorophenol
- Volatile organic compounds (VOCs), most commonly including benzene, ethylbenzene, and xylenes

A Corrective Measures Study (CMS) was completed to evaluate remedial alternatives and recommend the remedies to be taken to achieve the corrective action objectives for the Property. Based on these evaluations the Agency has approved *Institutional Controls*, as defined in this environmental covenant, and *Monitored Plume Stability* for groundwater as the corrective action approach for the Property.

Institutional Controls, as further defined in Section 3 of this environmental covenant, will restrict specified land uses, restrict the use of groundwater beneath the Property, prohibit the disturbance of corrective action components installed at the Property, and require further assessment, and if necessary, mitigation measures to prevent vapor intrusion for any newly constructed totally enclosed building designed for occupation or existing buildings significantly modified in the future.

To implement a *Monitored Plume Stability* remedy groundwater data will be periodically collected to evaluate overburden and bedrock groundwater to confirm that the plume is stable, degradation of SRCs in groundwater is occurring and that the remedy will achieve the corrective action objectives for the Property as specified in the CMS.

3. Activity & Use Limitations.

a. The Property is subject to the following activity and use limitations, which shall run with the land and become binding on Grantor(s), Owner(s), and any successors, assigns, tenants, agents, employees, and other persons under Grantor(s)' and Owner(s)' control, until such time as this covenant may terminate as provided by law:

i. The Property shall not be used for residential purposes or for children's (under the age of 16) daycare facilities, schools or playground purposes.

ii. Groundwater beneath the Property shall not be used for any purposes except for environmental monitoring and testing, or for non-contact industrial use as may be requested in writing to the Agency, with a copy to the Holder(s), and as approved in writing by the Agency subject to the considerations in the Corrective Measures Study. Any new groundwater wells installed on the Property must be approved by the Agency.

iii. Excavation and disturbance on the Property shall be conducted pursuant to the Materials Management Plan attached as Exhibit C.

iv. Future modifications at the Property that could be reasonably understood to

adversely affect or interfere with the integrity or protectiveness of the final remedy will be evaluated to identify and address those potential impacts or interferences. No removal, disturbance or alteration shall occur to any corrective action components installed at the Property, including, but not limited to groundwater monitoring wells and the engineered cover installed over the closed SIs, without prior written request to the Agency, with a copy to the Holder(s), and written approval of the Agency.

v. Vapor intrusion mitigation measures shall be installed in any newly constructed totally enclosed building(s) designed for occupation within 100 feet of the foot print of groundwater that may be impacted with volatile and semi-volatile organic compounds. Additionally, the need for vapor intrusion mitigation measures shall be assessed for any existing totally enclosed building(s) designed for occupation should the use of such building(s) be modified from its current use in such a manner that vapor intrusion could become a human health risk. Vapor intrusion mitigation measures may be waived following a written request to the Agency, with a copy to the Holder(s), and written approval from the Agency based upon a demonstration that vapor intrusion does not represent a human health risk.

b. Geographic coordinate lists defining the boundary of each activity and use limitation, depicted as a polygon.

Attached as Exhibit A is the description of the Property to which the activity and use limitations apply, including the SIs, which are described in a Deed Notification recorded with the Roanoke County, Virginia Circuit Court Clerk on July 11, 1994 in Deed Book 1451, pages 591-595.

Polygon vertices for the Property that comprise the entire Site and for the closed SIs that are subject to land use restrictions are provided below and are also included in Exhibit B.

CLOSED SURFACE IMPOUNDMENTS COORDINATES		
LONGITUDE	LATITUDE	VERTEX ID
80.1265624580	37.2743589050	CSI-1
80.1261034010	37.2745644150	CSI-2
80.1256443800	37.2747699230	CSI-3
80.1254140080	37.2747101870	CSI-4
80.1250852560	37.2741427540	CSI-5
80.1247565370	37.2735753100	CSI-6
80.1252865000	37.2733627120	CSI-7
80.1258164520	37.2731500990	CSI-8
80.1258951960	37.2732470060	CSI-9
80.1260626110	37.2736133170	CSI-10
80.1261377160	37.2737241460	CSI-11
80.1264539540	37.2741859440	CSI-12

PROPERTY PARCEL VERTEX COORDINATES					
LONGITUDE	LATITUDE	VERTEX ID	LONGITUDE	LATITUDE	VERTEX ID
80.1245193290	37.2752490290	1	80.1309132470	37.2705085920	15
80.1244126970	37.2750620890	2	80.1315483650	37.2706879450	16
80.1237335460	37.2738711640	2-A	80.1339382210	37.2712263780	17
80.1234320930	37.2733425520	2-B	80.1352194790	37.2709361700	18
80.1233602060	37.2730384520	2-C	80.1362913460	37.2709587340	19
80.1231603910	37.2725350100	2-D	80.1367421220	37.2710103740	20
80.1231537460	37.2725233390	3-A	80.1373787460	37.2711030660	21
80.1246375460	37.2736005550	4	80.1377675110	37.2711829740	22
80.1253142500	37.2747922040	5	80.1366670460	37.2716120820	23
80.1254205080	37.2749792800	6	80.1274132560	37.2713031850	28
80.1254850250	37.2749599930	7	80.1279534500	37.2723146220	29
80.1247020610	37.2735812390	8	80.1249410360	37.2732164120	30
80.1285965360	37.2709489340	9	80.1250615890	37.2734736130	31
80.1300228900	37.2736015140	10	80.1363452450	37.2717084560	40
80.1291609390	37.2691511060	11	80.1362969890	37.2716055780	41
80.1294427890	37.2694330690	12	80.1363964770	37.2713907330	42
80.1299130180	37.2698336880	13	80.1366700220	37.2713088140	43
80.1303575150	37.2701853660	14	80.1367392570	37.2710051040	44
80.1306257900	37.2703413880	14-A	80.1235686540	37.2739205050	50

4. **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.

5. **Compliance and Use Reporting.**

a. By the end of the calendar year following the year in which the Agency signed this environmental covenant , and every three years thereafter, and whenever else requested in writing by the Agency, the then current owner of the Property shall submit to the Agency and any Holder listed in the Acknowledgments below written documentation stating whether or not the activity and use limitations in this environmental covenant are being observed.

b. In addition, within one (1) month after any of the following events, the then current owner of the Property shall submit, to the Agency and any Holder listed in the Acknowledgments below , written documentation describing the following: noncompliance with the activity and use limitations in this environmental covenant; transfer of the Property; changes in use of the Property; or as to the closed SIs only, filing of applications for building permits for the Property and any proposals for any site work, if such building or proposed site work will affect the closed SIs on the Property subject to this environmental covenant.

6. **Access by the Holder(s) and the Agency.** In addition to any rights already possessed by the Holder(s) and the Agency, this environmental covenant grants to the Holder(s) and the Agency a right of reasonable access to the Property in connection with implementation, inspection, or enforcement of this environmental covenant. Further, this environmental covenant grants the Holder(s) and Agency access to the Property to inspect and evaluate the effectiveness of the final remedy and does not modify any rights already possessed by the Holder(s) and Agency to conduct, if necessary, additional remediation to ensure the protection of public health and safety and the environment.

7. **Subordination.** Grantor has conveyed no interest in any portion of the Property that is subordinate to this environmental covenant.

8. **Recording & Proof & Notification.**

a. Within 90 days after the date of the Agency's approval of this UECA environmental covenant, the Grantor shall record, or cause to be recorded, this environmental covenant with the Clerk of the Circuit Court for each locality wherein the Property is located . The Grantor, or then-current owner, shall likewise record, or cause to be recorded, any amendment, assignment, or termination of this UECA environmental covenant with the applicable Clerk(s) of the Circuit Court within 90 days of their execution. Any UECA environmental covenant, amendment, assignment, or termination recorded outside of these periods shall be invalid and of no force and effect.

b. The Grantor, or then-current owner, shall send a file-stamped copy of this environmental covenant, and of any amendment, assignment, or termination, to the Holder(s) and the Agency within 60 days of recording. Within that time period, the Grantor, or then-current owner, also shall send a file-stamped copy to the chief administrative officer of each locality in which the Property is located, any persons who are in possession of the Property who are not the Grantors or then-current owners, any signatories to this covenant not previously mentioned, and any other parties to whom notice is required pursuant to the Uniform Environmental Covenants Act.

9. **Termination or Amendment.** This environmental covenant is perpetual and runs with the land unless terminated or amended (including assignment) in accordance with UECA.

10. **Enforcement of environmental covenant.** This environmental covenant shall be enforced in accordance with § 10.1-1247 of the Code of Virginia.

ACKNOWLEDGMENTS:

GRANTOR

Koppers Inc, Grantor

Date: November 6, 2015

By (signature): 

Name (printed): Thomas D. Loadman

Title: Senior Vice President

COMMONWEALTH OF PENNSYLVANIA

CITY/COUNTY OF Allegheny

On this 6th day of November, 2015, before me, the undersigned officer, personally appeared Tom Loadman {Owner, Grantor} who acknowledged himself/herself to be the person whose name is subscribed to this environmental covenant, and acknowledged that s/he freely executed the same for the purposes therein contained.

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

My commission expires: August 31, 2016

Registration#: _____

Notary Public



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Denise M. Young, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires Aug. 31, 2016

MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

HOLDER(S)

Beazer East, Inc., Grantee

Date: 11-9-15

By (signature): *Robert S. Markwell*

Name (printed): Robert S. Markwell

Title: President

COMMONWEALTH OF PENNSYLVANIA

CITY/COUNTY OF Allegheny

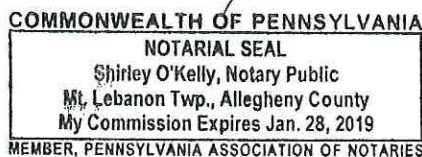
On this Tuesday of November, 2015 before me, the undersigned officer, personally appeared Robert Markwell {Holder, Grantee} who acknowledged himself/herself to be the person whose name is subscribed to this environmental covenant, and acknowledged that s/he freely executed the same for the purposes therein contained.

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

My commission expires: January 28, 2019

Registration#: _____

Notary Public *Shirley O'Kelly*



AGENCY

APPROVED by the Department of Environmental Quality as required by § 10.1-1238 et seq. of the Code of Virginia.

Date: 11-30-2015

By (signature): 

Name (printed): Justin Williams

Title: Land Protection and Restoration Division Director

EXHIBIT A
Property Description

Property Description

The following describes the boundary of the Property and the Surface Impoundments: all those certain tracts or parcels of land situate, lying and being approximately three miles west of the Town of Salem, in Salem Magisterial District, Roanoke County, Virginia, bounded and described as follows:

Parcel No. 1

BEGINNING at Corner 10 on the southerly right of way line of the Norfolk & Western Railway Company's property, which point is the northwest corner of the property formerly of Virgil L. Frantz of record in the Clerk's Office of the Circuit Court for the County of Roanoke, Virginia, in Deed Book 319, page 461 (formerly land of Roanoke County); thence with the west line of the former Virgil L. Frantz property, S. 23 degrees 14' E. 1502.0 feet to Corner 9 on the northwest line of the Virginian Railway Company right-of-way; thence with the same and with a line 60 feet northwest from and parallel with the center line of the railroad track, S. 54 degrees 56' W. 418.2 feet to Corner 11 on the common high water mark of the northeast side of Roanoke River; thence with the same the following eleven (11) courses: N. 38 degrees 36' W. 131.4 feet to Corner 12; thence N. 43 degrees 09' W. 200.00 feet to Corner 13; thence N. 45 degrees 16' W. 182 feet to Corner 14; thence N. 53 degrees 56' W. 200 feet to Corner 15; thence N. 70 degrees 31' W. 196 feet to Corner 16; thence N. 74 degrees 14' W. 722.5 feet to Corner 17; thence S. 74 degrees 12' W. 387.5 feet to a Corner 18; thence N. 88 degrees 28' W. 312 feet to Corner 19; thence N. 81 degrees 49' W. 132.5 feet to Corner 20; thence N. 79 degrees 39' W. 188.3 feet to Corner 21; thence N. 75 degrees 33' W. 116.8 feet to Corner 22; thence leaving the common high water mark of the northeast side of Roanoke River and with the southerly right-of-way line of the Norfolk & Western Railway Company property and with a line 40 feet and southerly from and parallel with the center line of same, and with a curved line to the right whose radius is 1870.0 feet, an arc length of 356.83 feet; the chord of N. 64 degrees 01' E. 356.29 feet to Corner 23; thence continuing with

the same N. 69 degrees 29' E. 2064.5 feet to Corner 10, the place of Beginning containing 40.156 acres, more or less, the foregoing being a corrected description with bearings based on true meridian of Parcel 3 as shown on map made by C. B. Malcolm, Virginia State Certified Engineers, dated November 9, 1940, of record in Deed Book 280, page 271, in the aforesaid Clerk's Office, and now shown on a map prepared for Koppers Company, Inc., by C.B. Malcolm and Son, Virginia State Certified Engineers, dated April 26, 1954, attached to and recorded with that certain deed dated May 10, 1954, from T. E. Beason, et. ux. To Koppers Company, Inc. recorded in the Clerk's Office of the Circuit Court of Roanoke County in Deed Book 506, Pages 115-118.

TOGETHER WITH ALL right, title and interest of Koppers Company, Inc. in and to a certain 50-foot strip of land leading from the above described land to the south side of Lee Highway (U.S. Route No. 11) which said 50-foot strip is shown on said map dated April 26, 1954, and having as its corners 24, 25, 26 and 27 on said map.

LESS and except from Parcel No. 1 above described approximately 6 acres in the southeastern corner thereof which, together with other lands, were conveyed by Koppers Company, Inc. to Rowe Furniture Corporation by deed dated October 30, 1962, of record in the aforesaid Clerk's Office, in Deed Book 707, page 577;

FURTHER excepting from Parcel No. 1 above described, that certain parcel comprising 1.08 acres on the west side thereof which were conveyed by Koppers Company, Inc. to the City of Salem, Virginia (for a water pumping station) by Instrument entitled "Deed and Grant of Easement" dated October 12, 1970, recorded in the aforesaid Clerk's Office in Deed Book 906, page 645. The aforesaid "Deed and Grant of Easement" also conveyed to the City of Salem, Virginia certain access easements to which this Instrument of Conveyance is expressly subject, notwithstanding those matters set forth on Exhibit B.

Parcel No. 2

BEGINNING at Corner 7 on the southerly right-of-way line of the Norfolk & Western Railway Company property, said point being the northwesterly corner of a 20-foot width road right-of-way; thence with the southwest side of the 20-foot width road right-of-way, S. 24 degrees 23 ½' E. 1135.52 feet to Corner 8 on the northwest right-of-way line of the Virginian Railway Company property; thence with the same and with a line 60 feet northwesterly from and parallel with the centerline of the track, S. 54 degrees, 56' W. 1462.4 feet to Corner 9, the southeast corner of the former T. E. Beason property; thence with the northeast line of the former T. E. Beason property, N. 23 degrees 14' W. 1502.0 feet to Corner 10 on the southerly right-of-way line of the Norfolk & Western Railway Company property; thence with the same and with a line 40 feet southerly from and parallel with the center line of said right-of-way line, N. 69 degrees 29' E. 1409.96 feet to Corner 7, the place of Beginning containing 43.013 acres, more or less, and being a corrected description with bearings based on true meridian and shown on map prepared for Koppers Company, Inc., by C.B. Malcolm and Son, Virginia State Certified Engineers, dated April 26, 1954, recorded as aforesaid.

TOGETHER with all right, title and interest of Koppers Company, Inc. in and to the 20-foot right of way along the eastern boundary of Parcel No. 2 shown on said map dated April 26, 1954, recorded as aforesaid, its corners being designated as 4, 6, 7 and 8.

LESS and except from Parcel No. 2 above described, approximately 18.5 acres on the southerly side thereof which, together with other lands, were conveyed by Koppers Company, Inc. to Rowe Furniture Corporation by deed dated October 30, 1962, recorded as aforesaid.

The following describes the property for the Surface Impoundments located on Parcel No. 2:

Beginning at a 1/2" rebar with yellow cap being designated corner No. 1, said point bears S 29° 41' 10" W, 87.39' from control monument No. 106A, thence N 61° 43' 46" E, 153.10 to a 1/2" rebar with yellow cap designated corner No. 2; thence N 61° 43' 39" E, 153.09' to a 1/2" rebar with yellow cap designated corner No. 3; thence with a curve to the right whose radius is 47.50' an ARC distance of 79.39' (CHORD-S 71° 02' 11" E 70.47') to a 1/2" rebar with yellow cap designated corner No. 4, said point bears S 53° 58' 57" W, 325.97 from the Northeast corner of Koppers Industries Inc.; thence S 23° 51' 27" E, 227.67 to a 1/2" rebar with yellow cap designated corner No. 5; thence S 23° 51' 19" E, 227.67' to a 1/2" rebar with yellow cap designated corner No. 6, said corner bears S 50° 14' 47" E, 9.93' from control monument No. 500A and also bears S 71° 05' 32" W, 316.55' from the southwest corner of the Franklin Realestate Company and property (D. B. 691, Pg. 192); thence S 64° 19' 50" W, 172.54' to a 1/2" rebar with yellow cap designated corner No. 7, thence S 64° 19' 44" W, 172.54' to a 1/2" rebar designated corner No. 8; thence N 32° 00' 42" W, 42.07 to a 1/2" rebar with yellow cap designated corner No. 9, said point bears N 60° 53' 29" E, 92.86' from control monument No. 107; thence N 19° 04' 38" W, 141.99' to a 1/2" rebar with yellow cap designated corner No. 10; thence N 27° 27' 03" W, 45.89' to a 1/2" rebar with yellow cap designated corner No. 11; thence N 27° 42' 10" W, 191.67' to a 1/2" rebar with yellow cap designated corner No. 12; thence N 25° 13' 59" W, 70.44' to the point-of-beginning and containing 3.972 AC.

Parcel No. 3

BEGINNING at Corner 2 on the Alexander White line, which point is S. 24 degrees 29' E. 74.8 feet from Corner 1 on the southerly right-of-way line of the Norfolk & Western Railway Company property; thence with the old White line and with the southwest line of the R. G. Kerner property S. 24 degrees 29' E. 983.7 feet to Corner 3 on the northwest right-of-way line of the Virginia Railway

Company property; thence with the same and with a line 60 feet northwesterly from and parallel with the center of the track, S. 54 degrees 56' W. 286.0 feet to Corner 4; thence with the northeast side of a 20-foot width road right-of-way, N. 24 degrees 23.5 ' W. 1055.6 feet to Corner 5; thence with the southeast line of the 0.48 acre parcel of James M. Martin, N. 69 degrees 29' E. 280.12 feet to Corner 2, the place of Beginning containing 6.561 acres, more or less, and being a corrected description with bearings based on true meridian and shown on map prepared for Koppers Company, Inc., by C. B. Malcolm and Son, Virginia State Certified Engineers, dated April 26, 1954, recorded as aforesaid.

Less and except from Parcel No. 3 above described, approximately .219 acres in the southeasterly corner thereof as conveyed by Koppers Company, Inc. to the Commonwealth of Virginia, for roadway purposes, by deed dated June 12, 1958, recorded in the aforesaid Clerk's Office in Deed Book 599, page 123.

Less and except further from Parcel No. 3 above described, approximately 3.8 acres on the southerly side thereof which, together with other lands, were conveyed by Koppers Company, Inc. to Rowe Furniture Corporation by deed dated October 30, 1962, recorded as aforesaid.

TOGETHER with such easement rights as were obtained by Koppers Company, Inc. for access to Garman Road as set forth in a deed of easement dated April 30, 1963, from The Franklin Real Estate Company, recorded in the aforesaid Clerk's Office in Deed Book 716, page 39.

Parcel No. 4

BEGINNING at Corner 1 on the southerly right-of-way line of the Norfolk & Western Railway Company property at the Alexander White heirs line; thence with the old White line and with the southwest line of the property of R. G. Kerner, S. 24 degrees 29' E. 74.8 feet to Corner 2; thence with the northwest line

of the property formerly of A.H. Young, S. 69 degrees 29' W. 280.12 feet to Corner 5 on the northeast side of a 20-foot width road right-of-way; thence with the same N. 24 degrees 23.5 ' W. 74.8 feet to Corner 6 on the southerly right-of-way line of the Norfolk & Western Railway Company property; thence with the same and with a line 40 feet southerly from and parallel with the centerline of the middle track, N. 69 degrees 29' E. 280.0 feet to Corner 1, the place of Beginning, containing 0.480 acre, more or less, and being a corrected description with bearings based on true meridian and shown on map prepared for Koppers Company, Inc., by C. B. Malcolm and Son, Virginia State Certified Engineers, dated April 26, 1954, recorded as aforesaid.

Parcel No. 5

BEGINNING at Corner 2-A on the dividing line between the former property of the Franklin Real Estate Company (formerly Roanoke Valley Development Corporation) and Koppers Company, Inc. property acquired from A.H. Young and wife, said point being S. 24 degrees 29' E. 551.32 feet as measured along the said dividing line from a concrete monument on the southerly right-of-way line of the Norfolk & Western Railway Company right-of-way (80 feet wide); thence continuing with the westerly line of the former property of The Franklin Real Estate Company, S. 24 degrees 29' E. 211.51 feet to Corner 2-B on the westerly line of Garman Road (50 feet wide); thence with the westerly line of the same, S. 10 degrees 40' 40" E. 112.68 feet to Corner 2-C; thence with a curved line to the left whose radius is 800.0 feet, and whose chord is S. 17 degrees 34' 50" E. 192.30 feet, the arc length of 192.76 feet to a point of tangent at Corner 2-D; thence continuing along with the westerly side of Garman Road, S. 24 degrees 29' E. 4.67 feet to Corner 3-A on the northerly right-of-way line of the N. & W. Railway Company (formerly Virginian Railway Company); thence with the same and with a line 60 feet northerly from and parallel with the centerline of the track, S. 54 degrees 56' W. 2136.09 feet to Corner 11 on the common high water mark of Roanoke River; thence leaving the Norfolk and

Western Railway Company right-of-way and up Roanoke River along its common high water mark on its northerly side, N. 38 degrees 36' W. 131.4 feet to Corner 12; thence N. 43 degrees 09' W. 200 feet to Corner 13; thence N.45 degrees 16' W. 182.0 feet to Corner 14; thence N. 53 degrees 56' W. 96.54 feet to Corner 14-A; thence leaving the common high water mark on the northerly bank of Roanoke River and with five new lines adjacent to the property of Koppers Company, Inc., N. 69 degrees 29' E. 998.21 feet to Corner 28; thence with the centerline of a drain ditch, N. 23 degrees 05' 36" W. 400.40 feet to Corner 29; thence N. 69 degrees 29' E. 936.0 feet to Corner 30; thence N. 20 degrees 31' W. 100.0 feet to Corner 31; thence N. 69 degrees 29' E. 412.64 feet to Corner 2-A, the place of Beginning containing 28.257 acres more or less; and shown on Plat dated April 26, 1954 (revised September 24, 1962), prepared by C.B. Malcolm & Son, S.C.E., for Koppers Company, Inc.

Parcel No. 6

BEGINNING at an iron pin located in the boundary line between the former lands of The Franklin Real Estate Company (formerly Roanoke Valley Development Corporation) and lands of Koppers Company, Inc. (formerly A.H. Young and wife), said point of BEGINNING being located S. 24 degrees 29' E. 551.32 feet along said boundary line from a corner common to the above-mentioned said lands, which common corner is marked by a concrete monument located in the southerly right-of-way line of the Norfolk and Western Railway Company; thence with the boundary line between the above-mentioned said lands S. 24 degrees 29' E. 211.51 feet to an iron pin marking a property corner common to the above-mentioned said lands, which iron pin is located in the westerly line of Garman Road; thence with the westerly line of said road, which was also a boundary line of said lands of The Franklin Real Estate Company, N. 10 degrees 40' 40" W. 214.15 feet to an iron pin; thence leaving the westerly line of said Garman Road and running through the said lands of the Franklin Real Estate Company S. 69 degrees 29' W. 51.23 feet to the point of Beginning, and

containing 0.124 of an acre, more or less, as shown on a print of a map entitled "Plat Showing Survey of Portion of Property of The Franklin Real Estate Company to be Conveyed to Rowe Furniture Corporation", dated September 19, 1962, and prepared by C.B. Malcolm & Son, which is recorded with the deed dated April 1, 1963, of record in the aforesaid Clerk's Office in Deed Book 713, page 331, whereby The Franklin Real Estate Company conveyed said property to Rowe Furniture Corporation.

TOGETHER, FURTHER, with such easement rights as were conveyed to Koppers Company, Inc. by Southern States' Cooperative, Incorporated for purposes of constructing, maintaining and operating a low pressure sewer main across a portion of Southern States' property, all as set forth in an Agreement and Deed of Easement dated March 16, 1978, recorded in the aforesaid Clerk's Office, in Deed Book 1089, pages 721-724.

Parcel Numbers 1-6 Being the same property conveyed to Koppers Industries, Inc., by Koppers Company, Inc., by deed dated December 29, 1988 and recorded in the aforesaid Clerk's Office at Deed Book 1298, page 1003.

Parcel No. 7

BEGINNING at a point which marks the extreme westerly corner of the property of the City of Salem, said point being in the southerly line of the right-of-way of the Norfolk and Western Railway and on the northerly bank of Roanoke River; thence with the southerly right-of-way line of the Norfolk and Western Railway along a curve with a radius of 1870 feet, an arc distance of 356.83 feet, and a chord of N. 64 degrees 01' E. 356.29 feet to a point; thence continuing with said southerly right-of-way line N. 69 degrees 29' W. 100.00 feet to a point; thence with four new division lines through the property of the City of Salem, S. 20 degrees 31' E. 40 feet; S. 20 degrees 20' W. 83.41 feet; S. 69 degrees 29' W,

85.00 feet; and S. 10 degrees 21' W. 112.4 feet to a point on the northerly bank of Roanoke River and in the original line of the property of the City of Salem; thence with said original line N. 79 degrees 39' W. 188.3 feet and B. 75 degrees 33' W. 116.8 feet to the place of Beginning and containing 1.08 acres, as shown on that certain map dated August 20, 1970, made by F.A. Spiggle, City Engineer of Salem, Virginia, recorded in the aforesaid Clerk's Office in Deed Book 906, page 649.

TOGETHER WITH a 20' wide strip of land for access to the above-described 1.08 acre tract as more particularly described in said Deed of October 12, 1970.

BEING the same property conveyed to Koppers, Inc. by the City of Salem, by deed dated July 9, 2007 and by Deed of Correction dated September 7, 2007 and recorded in the aforesaid Clerk's Office as Instrument Number 200714392.

EXHIBIT B
Property Survey Map

EXHIBIT C

Materials Management Plan

Material Management Plan

Roanoke Valley Plant
4020 Koppers Road, Salem, Virginia
VAD 003-125-770

Purpose

This Materials Management Plan (MMP) was developed to guide decisions regarding management practices for soil or other material that may be encountered during future excavation or other subsurface activities at the 85-acre property located at 4020 Koppers Road in Salem, Roanoke County, Virginia (Property¹; **Figure 1**).

Beazer East, Inc. (Beazer), the former Property owner, retains certain environmental responsibilities at the Property and is implementing Resource Conservation and Recovery Act (RCRA) corrective action to address site related constituents (SRCs) in soil and groundwater. The selected corrective action remedy includes the filing of an environmental covenant (Covenant) under Virginia's Unified Environmental Covenants Act (UECA) on the Property to specify future land use restrictions for the Property. The remedy is presented in the Corrective Measures Study (CMS; ARCADIS, 2013).

This MMP specifies future management practices determined by the Virginia Department of Environmental Quality (VDEQ) to be necessary and required by the Covenant and RCRA corrective action for soil or other material that may be excavated or encountered at the Property as part of future construction or maintenance activities, such as repairing or installing underground utilities or constructing new buildings, or other activities requiring subsurface disturbance.

This MMP is part of the Covenant and compliance with the MMP, as part of the Covenant, is required. This MMP provides material management protocols in the absence of express VDEQ approval of an alternate material management approach. However, any party planning or conducting work on the Property may propose an alternative material management approach for individual projects through proper notification to VDEQ and Holder(s) to the Covenant. Such alternative material management approach may be implemented following receipt of VDEQ written approval. Additionally, note that parties implementing this MMP may be subject to other laws and regulations that apply to work of this nature on the Property.

The MMP is based on the following general steps or concepts for planning and implementing a project involving future excavation or other subsurface activities on the Property. These steps are defined in detail in the text below and on the attached figures.

- Identify the location of the project on the Property;
- Identify the potential in-place volume of the material to be excavated;
- Determine any applicable notification/approval requirements for the proposed project;
- Identify the nature of impacts, if any, to the disturbed soil;
- Follow specified material management protocols depending on the location of the project on the Property and the nature of impacts identified in the disturbed material, including, but not limited to, re-placement of material within the excavation, analytical testing and potential placement of excess material in other areas of the Property, or off-Site disposal;

¹ The Property as defined by the Covenant is located at 4020 Koppers Road, Salem, Virginia.

Material Management Plan

Roanoke Valley Plant
4020 Koppers Road, Salem, Virginia
VAD 003-125-770

- Follow standard health & safety practices during project implementation; and
- Document any project involving disturbance of greater than 50 cubic yards (cy) of in-place material.

Definition of Areas

Figure 2 shows the three areas of the Property where this MMP will apply:

1. Disturbance Exclusion Area - The Closed RCRA Surface Impoundments (SIs) are referred to as the Disturbance Exclusion Area. No disturbance is to occur in the Disturbance Exclusion Area without prior written notification to and written approval from the VDEQ.
2. Disturbance Restriction Area - The Disturbance Restriction Area is where SRCs have been historically encountered and remain, or may reasonably be expected to be present.
3. Remainder of Property – Portions of the Property not within the Disturbance Exclusion Area or Disturbance Restriction Area are referred to as the Remainder of Property. SRCs are either not expected to be present or may reasonably be expected to be present at concentrations below applicable screening criteria in the Remainder of Property area.

Definition of Types of Impact

A material management approach is based on screening the material to be managed for the presence of odors, sheens or visible staining or non-aqueous phase liquid (NAPL) that would be indicative of creosote or other wood treating constituents. Concerning the potential types of impact, three categories have been identified as described below:

1. No Impact – Any soils or materials without visible NAPL and lacking visible sheens and/or noticeable odors.
2. Slight Impact – Any soils or materials without visible NAPL but containing visible sheens and/or noticeable odors.
3. Significant Impact – Any soils or materials containing visible NAPL.

Notifications

The Disturbance Exclusion Area represents an area where no subsurface disturbance will be permitted without prior written notification to the VDEQ Central Office (629 E. Main Street, Richmond, Virginia 23219; 804-698-4219 or 1-800-592-5482), with a copy to Holder(s) to the Covenant and written approval by the VDEQ Central Office.

Material Management Plan

Roanoke Valley Plant
4020 Koppers Road, Salem, Virginia
VAD 003-125-770

Project Implementation

Prior to and during the implementation of activities that may involve material disturbance and handling, the following shall be implemented:

- The Owner's representative and site personnel implementing the work shall be familiar with the Covenant and MMP requirements.
- The Owner's representative shall determine if the planned project is within the Disturbance Restriction Area or Disturbance Exclusion Area (**Figure 2**) and make the proper notifications, as necessary as described above.
- Following any notifications that may be required, the planned project should proceed in accordance with the material identification, testing and handling provisions detailed in the MMP Flowchart provided as **Figure 3**. Note that this MMP Flowchart provides material management protocols in the absence of express VDEQ approval of an alternate material management approach. Any party planning or conducting work on the Property may propose an alternative material management approach for individual projects through proper notification to VDEQ and Holder(s) to the Covenant. Such alternative material management approach may be implemented following receipt of VDEQ written approval.
- If the project is reasonably expected to generate material classified as Slightly Impacted or Significantly Impacted, excavation or other work involving contact with this material shall be completed under the direction of Hazardous Waste Operations and Emergency Response (HAZWOPER) trained personnel. Health, and safety practices to be implemented include, but are not limited to:
 - Communication of potential health and safety implications;
 - Use of proper personal protective equipment;
 - Proper containerizing or staging of excavated material to avoid potential cross-contamination;
 - Proper decontamination of equipment as needed; and,
 - Control of work area access as appropriate.
- Any Slightly Impacted or Significantly Impacted materials undergoing testing as described in the MMP Flowchart provided as **Figure 3** must be properly containerized or staged per Virginia and Federal hazardous waste regulations pending receipt of the results of any material sample laboratory analyses used to determine the final disposition of the material as detailed on **Figure 3**.
- If clean soil² from off-site or concrete/asphalt is used to backfill the excavation, a demarcation layer, such as geotextile or other suitable material, may be placed between surrounding soil and clean

² Clean fill imported from off-Property that is determined to meet the definition of clean fill in accordance with VDEQ's Division of Land Protection and Revitalization's Guidance for Management and Reuse of Contaminated Media.

Material Management Plan

Roanoke Valley Plant
4020 Koppers Road, Salem, Virginia
VAD 003-125-770

backfilled material. This layer will demarcate the boundary of the clean fill for reference during potential future projects that may again require disturbance of material in this area. If a demarcation layer is used, then during a subsequent project in the area, material above the demarcation layer can be managed as clean cover soil/material as described above, unless impacts are observed in the material.

- Representative samples must be collected to characterize any material designated for off-site disposal in accordance with applicable current regulations, including 40 CFR 261.24. Either the proposed disposal facility or VDEQ may be consulted for appropriate sampling requirements.

Benzo(a)pyrene Toxic Equivalents

As described on **Figure 3**, Slightly Impacted excess material generated that cannot fit back into the excavation may be tested for naphthalene and benzo(a)pyrene toxic equivalents (BaP-TE) parameters.

Carcinogenic polycyclic aromatic hydrocarbons (cPAHs) are converted to benzo(a)pyrene toxic equivalents (BaP-TE) for comparison to screening values as described on **Figure 3**. A toxicity equivalency factor (TEF) is used to convert concentrations of cPAHs to an equivalent concentration of benzo(a)pyrene. The sum of the equivalent concentrations of benzo(a)pyrene is used for comparison purposes. **Table 1** below describes how to perform the BaP-TE calculation.

Additional guidance on converting concentrations of carcinogenic PAHs to BaP-TE is found at http://www.epa.gov/reg3hwmd/risk/human/rb-concentration_table/documents/600R93089.pdf and in Section 2.3.5 Table of Toxicity Equivalence Factors at http://www.epa.gov/reg3hwmd/risk/human/rb-concentration_table/usersguide.htm.

Table 1 - Benzo(a)pyrene Toxic Equivalent Calculation

Compound	Result (mg/kg)	TEF	Equivalent concentration of benzo(a)pyrene
Benzo(a)pyrene	A	1	= A*1
Benz(a)anthracene	B	0.1	= B*0.1
Benzo(b)fluoranthene	C	0.1	= C*0.1
Benzo(k)fluoranthene	D	0.01	= D*0.01
Chrysene	E	0.001	= E*0.001
Dibenzo(a,h)anthracene	F	1	= F*1
Indeno(1,2,3-c,d)pyrene	G	0.1	= G*0.1
BaP-TE is the sum of equivalent concentrations of benzo(a)pyrene.			= (A*1) + (B*0.1) + (C*0.1) + (D*0.01) + (E*0.001) + (F*1) + (G*0.1)

Material Management Plan

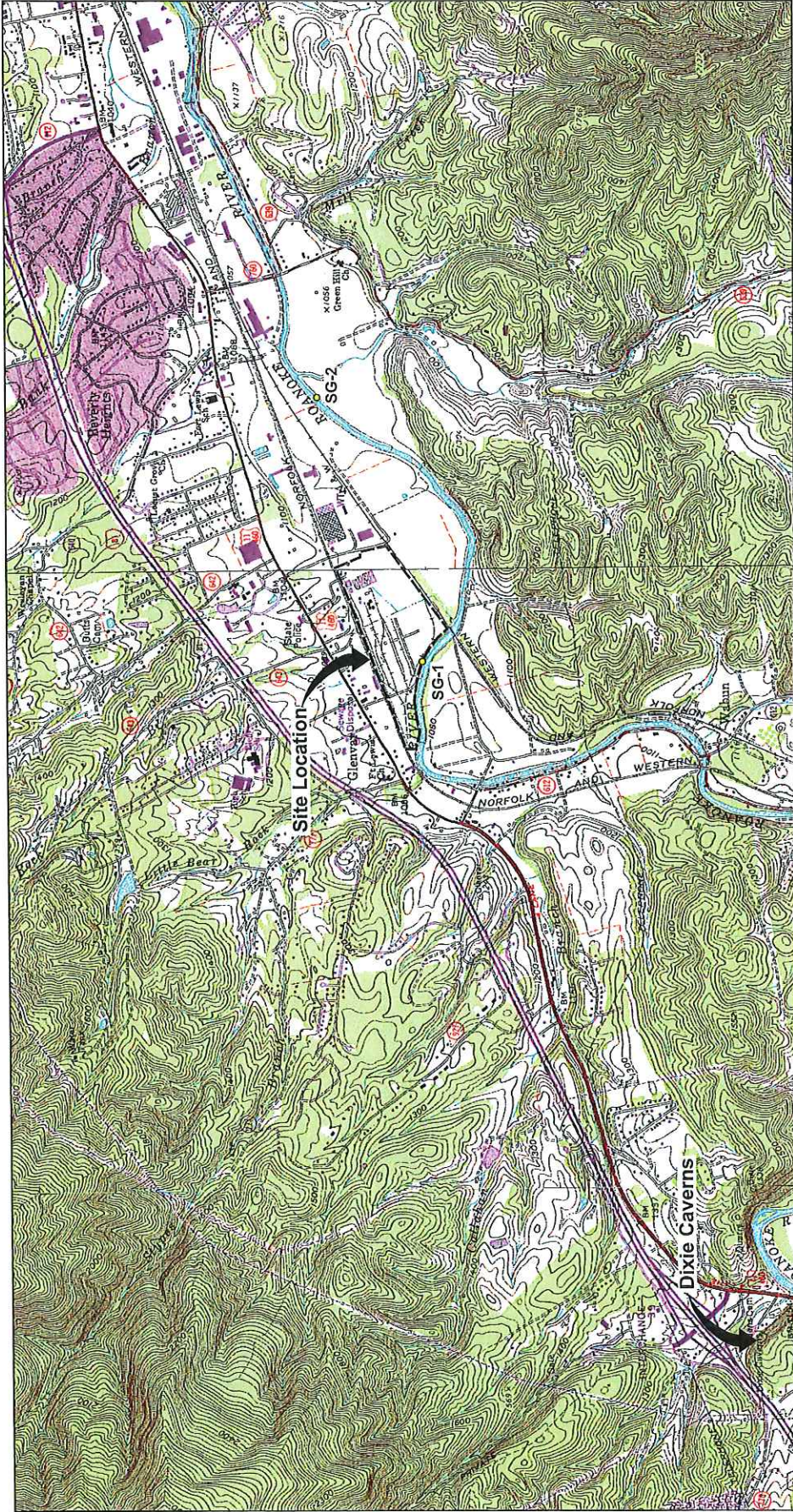
Roanoke Valley Plant
4020 Koppers Road, Salem, Virginia
VAD 003-125-770

Reporting

The Owner will document projects involving disturbance of greater than 50 cy of in-place material. The documentation concerning these projects must be kept on file at the Property for three years with a copy provided to Holder(s) annually. See **Attachment A** for a sample form that can be used for this purpose. The project documentation shall include any laboratory testing results and/or any material disposal manifests (or a listing of manifest numbers) or other disposal documentation, as applicable.

Per the Covenant, by the end of the calendar year following the year in which the Covenant is signed, and every three years thereafter, and whenever else requested in writing by the VDEQ, the Owner will submit to the VDEQ Central Office and Holder(s) to the Covenant written documentation stating whether or not the activity and use limitations in the Covenant are being observed. The report can be a letter and/or form that documents compliance with the Covenant and this MMP. In addition, within one month after any of the following events, the Owner will submit to the VDEQ Central Office and Holder(s) to the Covenant written documentation describing the following:

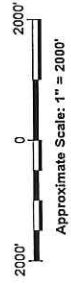
- noncompliance with the activity and use limitations in the Covenant;
- transfer of the Property;
- changes in use of the Property; and
- filing of applications for building permits for the Property and any proposals for any work, if such building or proposed work will affect the Disturbance Exclusion Area.



REFERENCE: BASE MAP USGS 7.5 MIN. QUADS, GLENVAR, VA, 1963, PHOTOREVISED 1984 AND SALEM, VA, 1994.

Legend

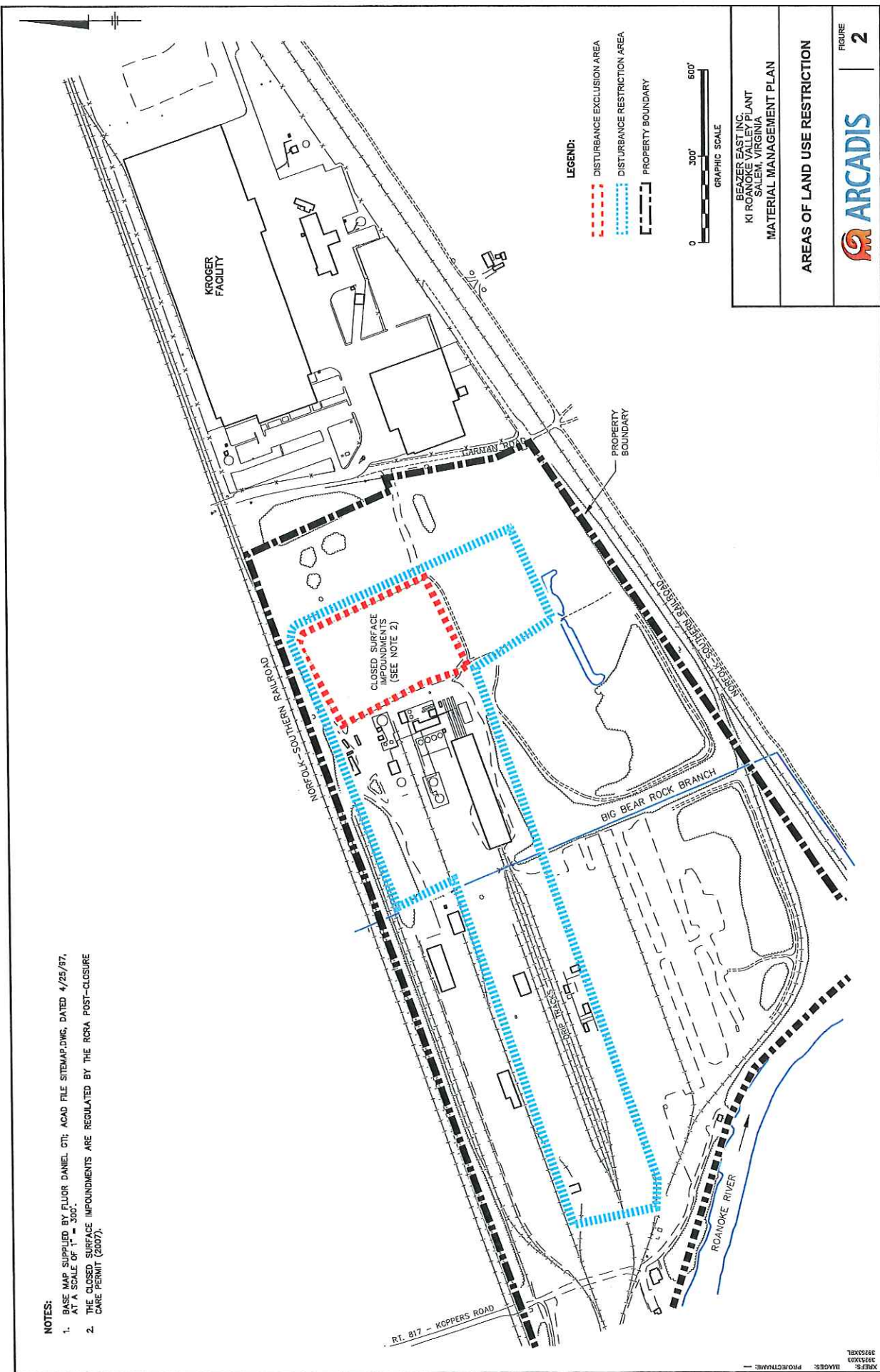
- Surface Water Gauge



Area Location

BEAZER EAST INC. ROANOKE VALLEY PLANT SALEM, VIRGINIA MATERIAL MANAGEMENT PLAN	
SITE LOCATION MAP	
	FIGURE 1

- NOTES:**
1. BASE MAP SUPPLIED BY FLUOR DANIEL, CTI; ACAD FILE STEMAP.DWG, DATED 4/25/97, AT A SCALE OF 1" = 300'.
 2. THE CLOSED SURFACE IMPOUNDMENTS ARE REGULATED BY THE RORA POST-CLOSURE CARE PERMIT (2007).




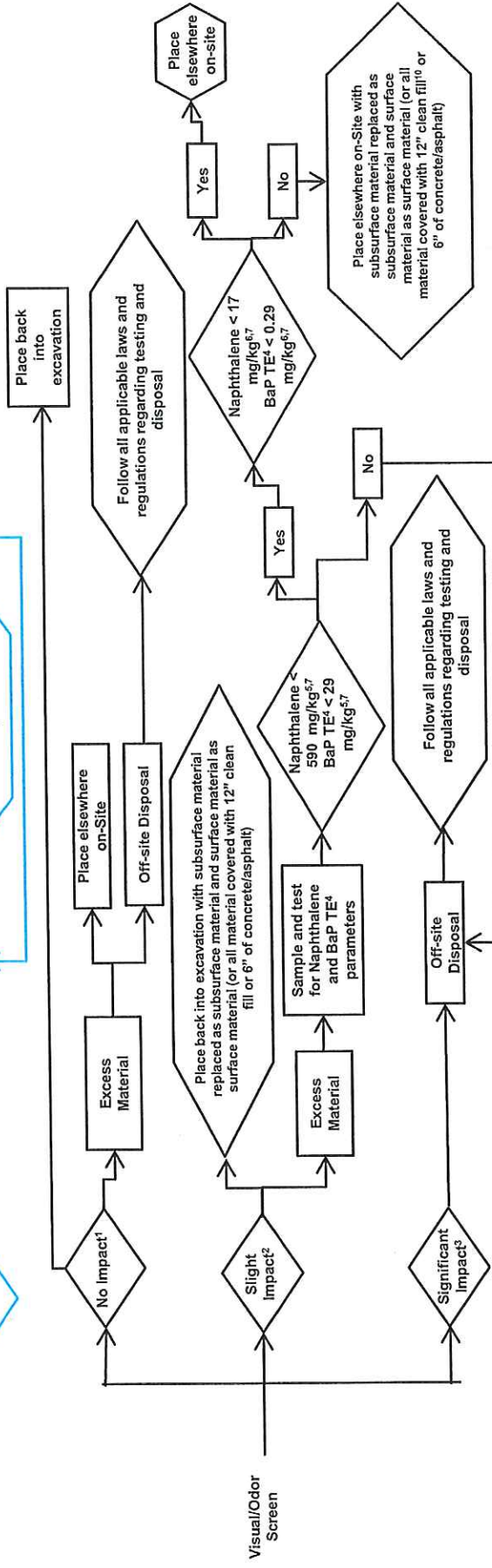
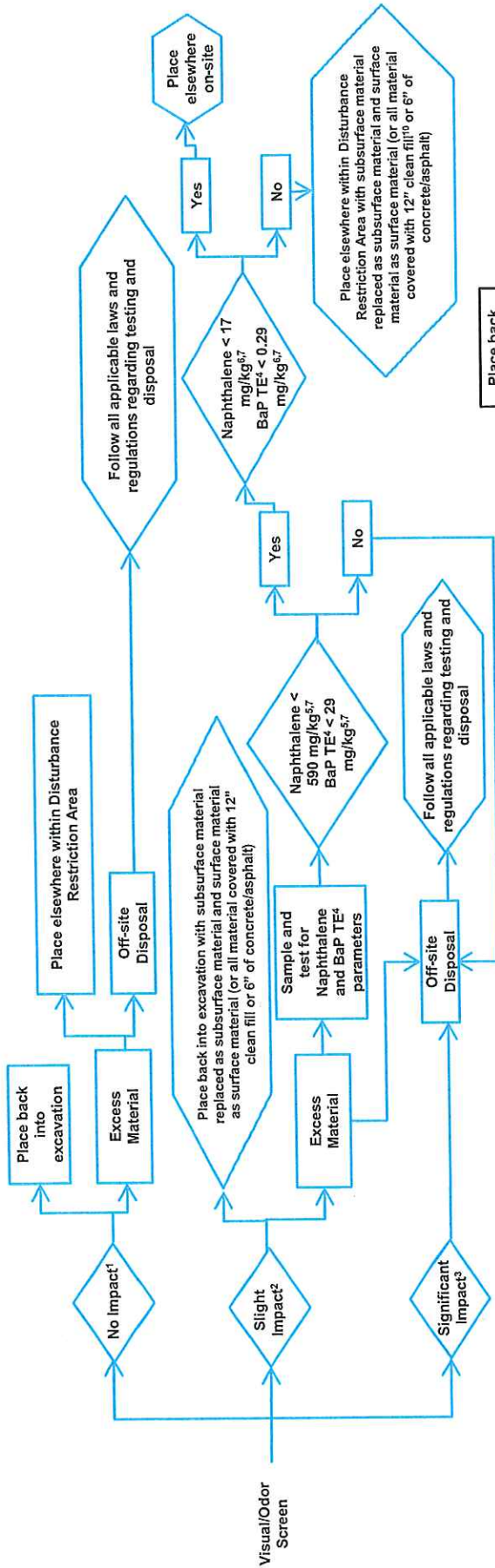
BEAZER EAST, INC. KI ROANOKE VALLEY PLANT SALEM, VIRGINIA
MATERIAL MANAGEMENT PLAN
AREAS OF LAND USE RESTRICTION

FIGURE 2

Figure 3 – Material Management Plan Flowchart
4020 Koppers Road, Salem Virginia

No disturbance without written notification to the Agency and Holder and written approval from the Agency



NOTES:
1. No Impact – Any soils or materials without visible nonaqueous phase liquid (NAPL) and lacking visible sheens and/or noticeable odors.
2. Slight Impact – Any soils or materials without visible NAPL but containing visible sheens and/or noticeable odors.
3. Significant Impact – Any soils or materials containing visible NAPL.
4. Carcinogenic PAHs are converted to benzo(a)pyrene toxic equivalents (BaP-TE) for comparison to the industrial soil RSL for benzo(a)pyrene. Guidance on converting concentrations of carcinogenic PAHs to BaP-TE is found at http://www.epa.gov/reg3hwmtd/risk/human/rb-concentration_table/usersguide.htm.
5. Concentrations of these key constituents are based on USEPA Regional Screening Levels (RSLs) for industrial soil. For naphthalene, the concentration is USEPA's RSL with a noncarcinogenic hazard index of 1. For BaP-TE, the concentration is based on USEPA's benzo(a)pyrene RSL with a site-specific adjustment to a 1X10⁻⁴ risk assumption basis consistent with the approved site risk assessment.
6. Concentrations of these key constituents are based on USEPA's benzo(a)pyrene RSL for industrial soils based on target risk (TR) = 1E-06. For BaP-TE, the concentration is based on USEPA's benzo(a)pyrene RSL for industrial soils.
7. RSLs are evaluated and updated regularly. Current RSLs are provided at http://www.epa.gov/reg3hwmtd/risk/human/rb-concentration_table/Generic_Tables/index.htm.
8. This Materials Management Plan Flowchart provides material management protocols in the absence of Agency approval of an alternate material management approach. Any party planning or conducting work on-site may propose an alternative material management approach for individual projects through proper notification to Agency and Holder. Such alternative material management approach may be implemented following receipt of Agency written approval.
9. For any project involving disturbance of greater than 50 cy of in-place material documentation concerning the project must be kept on file at the Property and copy to Holder(s) annually. See Attachment A for a sample form that can be utilized for this purpose.

ARCADIS

Attachment A
Material Management Plan - Report Form

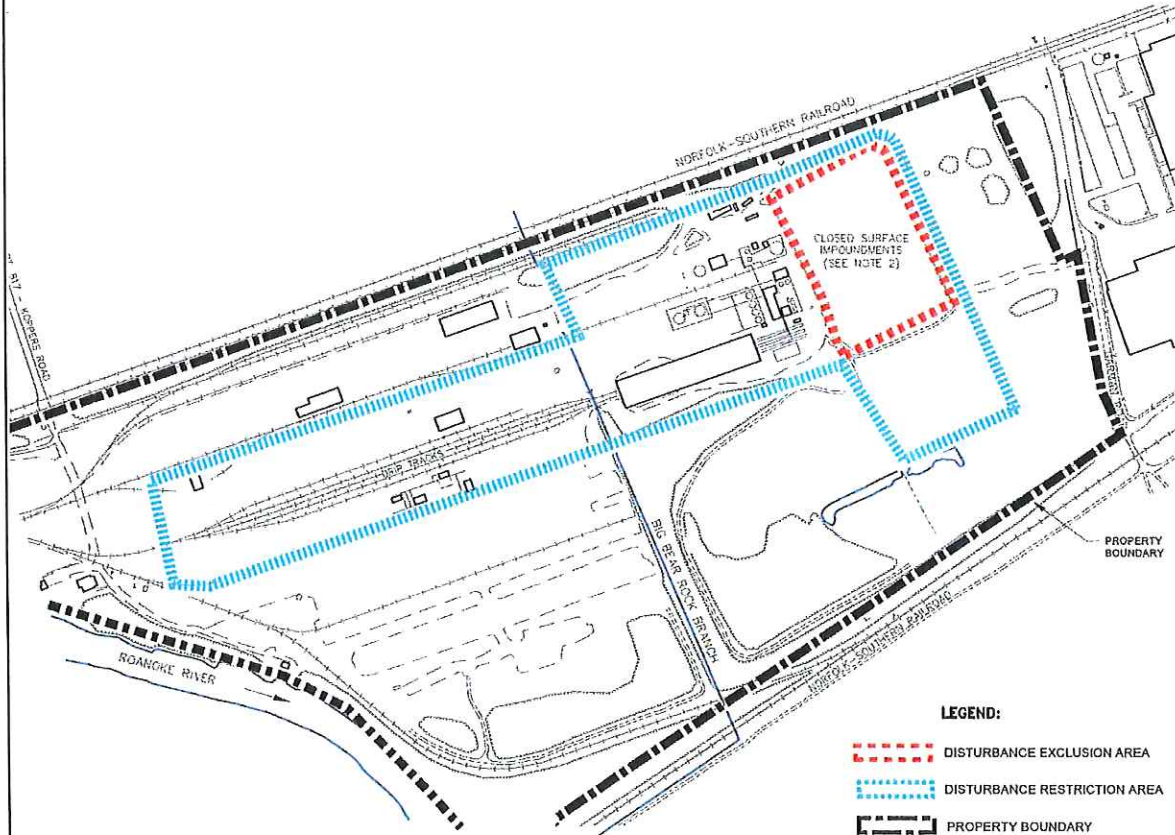
Material Management Plan - Report Form
Handling of > 50 CY of Material

Koppers Inc. Roanoke Valley Plant
 Salem, Virginia




Date: _____

Project Description: _____

Preparer: _____



LEGEND:

-  DISTURBANCE EXCLUSION AREA
-  DISTURBANCE RESTRICTION AREA
-  PROPERTY BOUNDARY

Material Volume: _____ CY

Any Slightly Impacted for Significantly Impacted Material? YES NO
 (circle one)

Was any analytical testing conducted on material? YES NO
 If yes, attach laboratory report(s). (circle one)

Was any material disposed off-site? YES NO
 If yes, list disposal facility name/location below and attach copies of manifest(s) or a listing of manifest numbers. (circle one)

Off-site disposal facility name/location (if applicable): _____

Additional Notes/Comments: _____

