

- 1: TM#20A1-3-----7C, 4.5486 ACRES, INDUSTRIAL EMPLOYMENT DISTRICT (I-2)
- 2: TM#20A1-3-----6A, 3.2349 ACRES, COMMUNITY BUSINESS DISTRICT (C-1)
- 3: TM#20A1-3-----7D, 30.0913 ACRES, MIXED-USE CAMPUS DEVELOPMENT (MCD) DISTRICT
- 4: TM#20A1-3-----7, 117.2945 ACRES, MIXED-USE CAMPUS DEVELOPMENT (MCD) DISTRICT
- 5: TM#20A1-3-----8, 240.7483 ACRES, INDUSTRIAL EMPLOYMENT DISTRICT (I-2)
- 6: 88 PARCELS, 71.53 ACRES, RESIDENTIAL-1 (R-1)



**Area 3 (Conservancy and Open Space Area) & Area 4 (West Bank Acres/Rivermont Acres)**

Instrument #140004560



The Property is subject to the following activity and use limitations, which shall run with the land and are binding on Grantor and any successors, assigns, tenants, agents, employees, and any other persons under its control, until such time as this environmental covenant may terminate or be amended as provided by law:

- A. Until such time as EPA determines that the groundwater clean-up levels specified in the OU7 ROD have been achieved and this environmental covenant has been amended to allow the same, the following groundwater use and well restrictions shall apply:
  1. Groundwater beneath the Property shall not be extracted or used for any purpose, except as may be required by EPA or DEQ for ground water monitoring and/or remediation; and
  2. No groundwater extraction wells shall be installed on the Property, until and unless, approved, in writing, by EPA.
- B. Residential dwellings of any kind are prohibited on the Property.
- C. Trails on the Property may be designed to provide access to the South Fork Shenandoah River by motorized emergency vehicles.
- D. Accumulation of trash, refuse, junk or any other unsightly material is not permitted on the Property.
- E. Hunting or trapping of animals on the Property is prohibited.
- F. Display of billboards, signs, or other advertisements is not permitted on or over the Property, except to provide notice necessary for: (1) protection of the Property; (2) health and welfare; (3) giving directions to visitors; and (4) such signage that is customary and appropriate for parks and recreational areas.
- G. No permanent or temporary building or structure shall be built or maintained on the Property except for:
  1. such buildings or structures as are necessary for the protection of human health or the environment or are constructed by either the United States or FMC on the Property for purposes of performing or implementing any activity relating to a response action on the Property pursuant to CERCLA.
  2. such buildings as are customary and appropriate for park and recreational usage, such as park ranger's stations, boat landings, storage or maintenance buildings, bathrooms and fences.
- H. The Property shall not be used in any manner that would interfere with, adversely affect or impair the integrity, protectiveness or efficacy of the removal or remedial actions implemented or to be implemented pursuant to the Consent Decree. The Property shall only be used in a manner which is consistent with any obligations or restrictions that EPA determines are necessary to implement, ensure non-interference with or ensure protectiveness of the removal or remedial actions implemented or to be implemented pursuant to the Consent Decree.
- I. The Conservancy and Open Space Area of the Property (Area 3 on Exhibit B) is restricted to conservancy and open space, but may include hiking, nonmotorized biking, or nature trails, a wastewater treatment plant and sewers, pipes and other means leading to the wastewater treatment plant; provided, however, no trails shall be placed on and no public access shall be permitted to the Treatment and Disposal Areas depicted in Exhibit C hereto where such trails or other public access would interfere with the response actions being performed under the

Consent Decree, or which may be fenced off by FMC. Until the completion of the response actions called for in the Consent Decree or other response action document, or unless necessary for the implementation of those response actions, logging or tree cutting in Area 3 on Exhibit B is prohibited. Any cutting of trees in Area 3 on Exhibit B after the completion of the response actions called for in the Consent Decree or other response action document shall be performed only to maintain hiking trails, nonmotorized biking trails, nature trails, wildlife refuges or wetlands areas and shall be performed in accordance with best management practices (BMPs) that are defined by the Virginia Department of Forestry or other such Virginia agency to which authority for defining such BMPs may be assigned. Cutting of trees is also allowed for maintenance of the capped basins or for control of surface water runoff,

- J. The West Bank Acres of the Property (Area 4 on Exhibit B) are restricted to public park and recreational usage.

Areas 2, 2A and 2B

Instrument #140004561



The Property is subject to the following activity and use limitations, which shall run with the land and are binding on Grantor and any successors, assigns, tenants, agents, employees, and any other persons under its control, until such time as this environmental covenant may terminate or be amended as provided by law:

- A. The Property shall be restricted to light commercial and industrial use. By way of example only and not of limitation, the following types of uses **are permitted** on the Property:
1. colleges and other institutions of higher education without on-premises residences;
  2. business, professional and government offices and facilities, including telecommuting stations, call centers and data storage centers;
  3. theaters;
  4. light manufacturing facilities;
  5. retail shops and stores that do not cater primarily to children;
  6. eating establishments;
  7. grocery stores;
  8. customer service businesses such as banks other financial institutions, accountants, insurance agencies, dry cleaners and laundries;
  9. personal service facilities such as barber shops, beauty shops, fitness centers, gyms, tattoo parlors, and tanning salons;
  10. warehouses and distribution facilities;
  11. parking facilities;
  12. public safety facilities such as fire, rescue and police stations;
  13. recycling transfer stations and material processing;
  14. public transportation facilities;
  15. repair service establishments;
  16. contractors' and tradesmen's offices and facilities;
  17. dental and medical offices and clinics, including but not limited to optometrists, chiropractors, hearing specialists, and similar specialists, and health care supply retailers;
  18. research and development facilities.
- B. The following activities and uses **are prohibited** on the Property:
1. Child or day care centers;
  2. Pre-school, elementary, middle or high schools;
  3. Residential dwellings of any kind;
  4. Outdoor recreational facilities;
  5. Elder care facilities;
  6. Facilities that shelter or house animals;
  7. Hunting or trapping of animals;
  8. Facilities that cater to or are specifically designed for children under the age of 12;
  9. Accumulation of trash, refuse, junk or any other unsightly material;
  10. Hotels, motels, hospitals, bed and breakfasts, or any other overnight accommodations.
- C. Excavation of soils on the Property.
1. Except as provided in Paragraph 3.c.2 immediately below, excavation of soil 10 feet below the elevations depicted on the map attached hereto as Exhibit C is prohibited;

2. Excavation of soil in any manner is prohibited in Borrow Area A depicted on the map attached hereto as Exhibit C.
- D. Until such time as EPA determines that the groundwater clean-up levels specified in the OU7 ROD have been achieved and this environmental covenant has been amended to allow the same, the following groundwater use and well restrictions shall apply:
1. Groundwater beneath the Property shall not be extracted or used for any purpose, except as may be required by EPA or DEQ for ground water monitoring and/or remediation; and
  2. No groundwater extraction wells shall be installed on the Property, until and unless, approved, in writing, by EPA.
- E. The Property shall not be used in any manner that would interfere with, adversely affect or impair the integrity, protectiveness or efficacy of the removal or remedial actions implemented or to be implemented pursuant to the Consent Decree. The Property shall only be used in a manner which is consistent with any obligations or restrictions that EPA determines are necessary to implement, ensure non-interference with or ensure protectiveness of the removal or remedial actions implemented or to be implemented pursuant to the Consent Decree.