

**UECA ENVIRONMENTAL COVENANT  
Pursuant to Virginia Code §10.1-1240**

**Tax Map or GPIN No: 086-A-30**

**Prepared by: Phillip G. Hearl, Esq. (Virginia State Bar No. 30034)**

**Remediation Program Site ID# VAD 000 020 115**

This Uniform Environmental Covenant (UECA) is made and entered into as of the 11<sup>th</sup> day of SEPTEMBER, 2013 by and between V P FAMILY HOLDINGS, LLC, a Virginia limited liability company, whose address 14430 Enterprise Road, Abingdon, Virginia 24210 (hereinafter referred to as the "Grantor" or "Owner"), and V P FAMILY HOLDINGS, LLC, a Virginia limited liability company (hereafter referred to as the "Grantee" or "Holder") whose address is 14430 Enterprise Road, Abingdon, Virginia 24210. THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY, whose address is 629 East Main Street, Richmond, Virginia 23218 (hereinafter referred to as the "Agency") also joins in this environmental covenant as an additional Grantee for recordation purposes.

1. **Property affected:** The property affected by this environmental covenant is located at 14430 Enterprise Road, Abingdon, Virginia 24210, and is further described as being the real estate leased to Sterling Hardware, LLC ("Facility") that lies in the Harrison Magisterial District of Washington County, Virginia approximately four (4) miles northeast of the Town of Abingdon. This site is more properly described in a Deed of record in the Office of the Clerk, Circuit Court of Washington County, Virginia in Instrument No. 100003570 and as shown on a plat of record in Plat Book 24, Page 104. The property lies just north of Interstate 81 at the intersection of State Routes 704 and 879, and contains approximately five (5) acres on the southern portion of the Abingdon/Washington County Industrial Park. The site is occupied by a single industrial, one-story building and parking lot in the northeast and two hazardous waste landfills along the west and south sides of the site

2. **Description of Contamination and Remedy**

a. **Name and Location of any administrative record for this covenant:**

The property affected by this Environmental Covenant, VP Family Holding, LLC and Sterling Hardware, LLC (formerly Sterling Casket Hardware Company), is located at 14430 Enterprise Road, Abingdon, Virginia 24210. Sampling has been ordered under EPA ID No VAD000020115 and Enforcement Order and Post-Closure Care-Detection Monitoring Program with the DEQ on September

16, 2011. This administrative record (AR) for the Property, identified as the former Grantor V P Family, Holdings, LLC. and formerly known as Sterling Casket Hardware Company (Sterling Hardware, LLC) is kept at the Facility address above, at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond VA 23219, and, by the Statement of Basis (SB) issued by the EPA on April 6, 2010, the record shall be kept at the USEPA at 1650 Arch Street, Philadelphia, Pennsylvania, 19103. This information, including this Environmental Covenant, is recorded at the Washington County Courthouse, Abingdon, Virginia.

b. Describe the contamination and remedy relating to the Property including:

i) Description of the Property before the remedy implementation:

The facility has been operated since 1963 to manufacture casket hardware. On-site activities include molding, casting, electroplating, painting, and assembly of casket hardware parts. The facility currently performs zinc, nickel and cyanide-based plating. The process building houses a machine shop, a casket hardware molding room, a shipping warehouse, a painting room, a flammable chemical storage room, a finishing area, several hardware assembly areas, and an electroplating process area. The Facility is subject to the Virginia Hazardous Waste Management Regulations (VHWMR) including the Corrective Action Program promulgated under the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976, and the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. Sections 6901 to 6992K. The Corrective Action Program is designed to ensure that certain facilities subject to RCRA have investigated and cleaned up any releases of hazardous waste and waste constituents that have occurred at their property.

Hazardous waste management operations in the early history of the operation included the collection and conveyance of rinse wastewaters and drip-off from the electroplating operations into concrete-lined ditches within the manufacturing building. The process continued with conveyance of this mixture to an outdoor buried tank and surface impoundments for treatment and settling. Following treatment, the wastewater was directed to four surface impoundments for disposal. Rinse wastewater from alkaline and acid cleaning operations and the sulfuret finishing operation was discharged to Impoundment #1 and #2, and the overflow went to Impoundment #3 and Impoundment #4. This process resulted in sodium and plating metals being deposited in the impoundments. Directed by the Agency to provide a Closure Plan for these impoundments, the Facility installed a recycling unit in September, 1985 to reduce water consumption and to

provide for more environmentally sound hazardous waste management. Upon installation of the recycling equipment, the use of the surface impoundments was discontinued.

Due to continued environmental concerns, the previously mentioned Closure Plan was requested by the Agency to remove and properly cap the four former surface impoundments (HWMUs) with wastes in place as two hazardous waste landfills under VHWMR and the RCRA Regulations during Phase III of the Plan dated March 31, 1988. Closure activities were officially completed when the landfills were certified closed on April 18, 1994 by Olver Consulting Engineers from Blacksburg, Virginia. Groundwater monitoring was scheduled as a single HWMU during post-closure care under the VHWMR and RCRA Regulations.

Post-closure care was implemented under a Consent Order issued by the Virginia Department of Environmental Quality to Sterling Casket Hardware Company on September 30, 1994 and new Consent Order issued to both VP Family Holdings, LLC and Sterling Hardware, LLC on September 1, 2011.

Post-closure care included groundwater monitoring of the closed regulated units and the maintenance of the existing landfill caps, as well as filing of the required Deed Notice with the County to ensure that the engineered caps and landfills were not disturbed. The Deed Notice is in place with the Washington County Circuit Court Clerk's Office, Deed Book 844, Page 767-768, and identifies the location of the hazardous waste surface impoundments closed with waste in-place as a landfill.

Until 2013, groundwater samples were collected from four (4) monitoring wells installed at the downgradient end of the property and sampled for multiple constituents. During the course of the sampling program, there were no confirmed exceedances above facility background or the maximum concentration level for drinking water standards.

The post-closure care period and orders may be terminated following the recordation of this covenant if the facility has demonstrated that termination would be protective of human health and the environment in accordance with 40 CFR 264.117 (a) (2) (i).

In addition to the post-closure care activities, additional environmental investigations took place at the site. According to the above referenced Statement of Basis (SB) issued by the EPA on April 6, 2010, the initial

environmental investigation at the Facility focused on soil sampling at six specific areas listed in the SB, and depicted in Attachment 1 of that document. In July, 2002, the US Army Corp of Engineers (US ACOE) sampling team collected a soil sample from twenty six (26) areas of concern, and one (1) from a background location. The samples were analyzed for eleven (11) inorganic constituents including: arsenic, barium, cadmium, chromium, copper, lead, nickel, selenium, silver, zinc, and cyanide. The final remedy selected for the facility was institutional controls to restrict the use of the facility to commercial/industrial uses. The final remedy was approved by EPA on May 11, 2010 and incorporated by reference into the VDEQ's Consent Orders dated September 1, 2011.

ii) Contaminants of Concern:

Contaminants of concern in soil that were identified above levels protective of unrestricted use but met the risk based performance standards for future industrial use are arsenic, cadmium, copper, chromium, and nickel. As of 2013, there were no contaminants of concern identified in groundwater.

**3. Activity and Use Limitations:**

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

a. A Deed Notice in place with the Washington County Circuit Court Clerk's Office, Deed Book 844, Page 767-768, identifies the location of the hazardous waste surface impoundments closed with waste in-place as a landfill. These areas shall not be disturbed and the existing caps shall be maintained.

b. Future land use on the facility property will be restricted to industrial or commercial use. Land uses which are inconsistent with this Environmental Covenant, and which, if implemented at the Facility, may result in a significant risk of harm to human health, safety, public welfare or the environment, are as follows:

- i) Construction and occupancy of residential dwellings,
- ii) Playgrounds for children,
- iii) Childcare centers, and

iv) Public garden spaces.

c. This Environmental Covenant also specifies that the following obligations and conditions are required in connection with the facility in order to minimize a risk of harm to human health and the environment:

- i) No construction at the Facility shall be undertaken without prior consultation with, and written approval from, the VDEQ and the E.P.A.
- ii) All soil removed from within the Facility's boundaries shall be treated and if found to be RCRA hazardous waste, shall be treated and disposed of as such.
- iii) All workers involved in disturbing the soils by digging at the Facility shall be properly trained and provided with proper personal protective equipment before they engage in any such activity.
- iv) Incorporation of the Environmental Covenant into deeds, mortgages, leases, and instrumentation of land or ownership transfers in which an interest in, and/or a right to, use the Facility is conveyed.

b. Geographic coordinate lists defining the boundary of each activity and use restriction. See attached:

**4. Notice of Limitations of 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 every third January following the Agency's approval of this Environmental Covenant 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 below in the Acknowledgements section, written documentation stating whether or not the activity and use limitations in this

Environmental Covenant are being observed. This documentation shall be signed by a qualified and certified professional engineer who has inspected and investigated compliance with this Environmental Covenant.

- b. In addition, thirty (30) days prior to any of the following events, the then current owner of the Property shall submit, to the Agencies and any Holder listed above, written documentation describing the following transfer of the Property; changes in use of the Property; or filing of applications for building permits for the Property and any proposals for any Property work, if such building or Property work will affect the contamination on the Property subject to this Environmental Covenant.
- c. Within seven (7) calendar days upon finding of noncompliance with the activity and use limitations in this Environmental Covenant, the then current owner shall submit to the Agencies written documentation describing such non-compliance.

#### **6. Access to 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.

#### **7. 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 within the Property is located. The Grantor 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 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 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, any signatories to this Covenant not previously mentioned, and any other parties to whom notice is required pursuant to the Uniform Environmental Covenants Act.

8. **Subordination.** Following legal review of title and DEQ acceptance of said review it has been determined that no subordination agreements are necessary for this facility.

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 Section 10.1-1247 of the Code of Virginia.

WITNESS the following signatures and seals:

GRANTOR:

V P FAMILY HOLDINGS, LLC

Date: SEPT. 11, 2013

Printed Name: JOEL VERPLANK

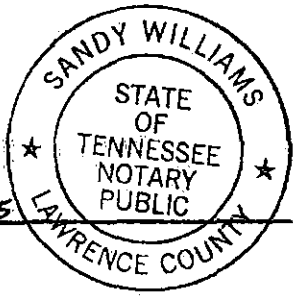
Signature: 

Title: MANAGER

<sup>Tennessee</sup>  
Commonwealth of ~~Virginia~~;  
County of ~~Washington~~: <sup>Lawrence</sup>

Joel Verplank, who is the manager of V P Family Holdings, LLC and whose identity is known to me personally or has been proven by acceptable photographic evidence, executed and acknowledged the foregoing before me on this the 11 day of September, 2013, for and on behalf of said Virginia limited liability company.

My Commission Expires: 05-26-2015



05-26-2015

Sandy Williams  
NOTARY PUBLIC

HOLDER:

V P FAMILY HOLDINGS, LLC

Date: SEPT. 11, 2013

Printed Name: JOEL VERPLANK

Signature: [Handwritten Signature]

Title: MANAGER

*Tennessee*  
Commonwealth of Virginia;  
County of Washington: *Lawrence*

Joel Verplank, who is the Manager of V P Family Holdings, LLC and whose identity is known to me personally or has been proven by acceptable photographic evidence, executed and acknowledged the foregoing before me on this the 11 day of September, 2013, for and on behalf of said Virginia limited liability company.

My Commission Expires:

05-26-2015



Sandy Williams  
NOTARY PUBLIC

AGENCY:


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

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

Date: OCTOBER 1, 2013

Printed Name: JEFFERY A. STEERS



Signature:   
Title: DIRECTOR

**Attachment A –Coordinates for the Sterling Casket Facility and Hazardous Waste Areas.****Entire Facility –Restrictions are as identified in Sections 3.b and c.****Lat/Lon**

<b>Sequence</b>	<b>Longitude</b>	<b>Latitude</b>
1	-81.89937	36.738995
2	-81.89937	36.738995
3	-81.900414	36.740123
4	-81.900479	36.740194
5	-81.899415	36.740838
6	-81.899289	36.740735
7	-81.89917	36.740628
8	-81.899057	36.740517
9	-81.89895	36.740401
10	-81.898366	36.739741
11	-81.898325	36.739624
12	-81.898726	36.739395
13	-81.898889	36.739351
14	-81.899266	36.739102
15	-81.89937	36.738995

**Hazardous Area 1 –Restrictions are as identified in Section 3.a.****Lat/Lon**

<b>Sequence</b>	<b>Longitude</b>	<b>Latitude</b>
1	-81.899601	36.739824
2	-81.899319	36.739659
3	-81.89865	36.740055
4	-81.89836	36.739725
5	-81.898321	36.739608
6	-81.898722	36.739381
7	-81.898876	36.739332
8	-81.899253	36.739083
9	-81.89937	36.738995
10	-81.900197	36.739889
11	-81.899863	36.740087

**Hazardous Area 2 – Restrictions are as identified in Section 3.a.**

**Lat/Lon**

<b>Sequence</b>	<b>Longitude</b>	<b>Latitude</b>
1	-81.899797	36.740491
2	-81.90008	36.740321
3	-81.90008	36.740321
4	-81.900139	36.740385
5	-81.899856	36.740555
6	-81.899797	36.740491

**Hazardous Area 3 – Restrictions are as identified in Section 3.a.**

**Lat/Lon**

<b>Sequence</b>	<b>Longitude</b>	<b>Latitude</b>
1	-81.89945	36.740675
2	-81.899328	36.74075
3	-81.899225	36.74064
4	-81.899347	36.740566
5	-81.89945	36.740675

**Attachment B – EPA Map of Facility and Hazardous Areas.**

INSTRUMENT #130006030  
RECORDED IN THE CLERK'S OFFICE OF  
WASHINGTON COUNTY ON  
OCTOBER 11, 2013 AT 02:17PM

PATRICIA S. MOORE, CLERK  
RECORDED BY: KXM

RECORDED

OCT 11 2013

CLERK'S OFFICE





OFFICIAL RECEIPT  
WASHINGTON COUNTY CIRCUIT  
DEED RECEIPT

DATE: 10/11/13 TIME: 14:20:51 ACCOUNT: 191CLR130006030 RECEIPT: 13000015085  
CASHIER: KXM REG: WJ36 TYPE: OTHER PAYMENT: FULL PAYMENT  
INSTRUMENT : 130006030 BOOK: PAGE: RECORDED: 10/11/13 AT 14:17  
GRANTOR: V P FAMILY HOLDINGS LLC EX: N LOC: CO  
GRANTEE: VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY EX: N PCT: 100%

AND ADDRESS :

RECEIVED OF : BOLLING & HEARL

CHECK: \$35.00 6538

DESCRIPTION 1: UNIFORM ENVIRONMENTAL COVENANT  
2: HARRISON DIST 5 AC

PAGES: 13 OF 0  
NAMES: 0

CONSIDERATION: .00 A/VAL: .00 MAP: 086A30  
PIN:

301 DEEDS	28.50	145	VSLF	1.50
106 TECHNOLOGY TRST FND	5.00			

TENDERED : 35.00  
AMOUNT PAID: 35.00  
CHANGE AMT : .00

CLERK OF COURT: PATRICIA S. MOORE

PAYOR'S COPY  
RECEIPT COPY 1 OF 3