

46392



**WHEN RECORDED, RETURN TO:**  
Redevelopment Authority of the City of York  
101 South George Street  
P.O. Box 509  
York, PA 17405-2875  
Attn: Shilvosky Buffaloe

**York County Tax Parcel Identification No. of the Property:** 03-046-01-0009.00

**GRANTOR:** Redevelopment Authority of the City of York  
**York County Deed Book Reference:** Deed Book 1861 / Page 5219 (ref. Tract No. 1)  
**Property Address:** 109 West Gay Avenue, York, PA 17401

**ENVIRONMENTAL COVENANT**

This Environmental Covenant is executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act No. 68 of 2007, 27 Pa. C.S. §§ 6501 – 6517 (UECA). This Environmental Covenant subjects the Property identified in Paragraph 1 to the activity and/or use limitations in this document. As indicated later in this document, this Environmental Covenant has been approved by the Pennsylvania Department of Environmental Protection (Department).

1. **Property affected.** The property affected (Property) by this Environmental Covenant is located in the City of York, York County, Pennsylvania.

- a. The latitude and longitude of the center of the Property affected by this Environmental Covenant is: N 39° 57' 51.66", W 76° 43' 57.22".
- b. The Property has been known by the following name(s): Keystone Color Works, Keystone Color and Paint Company, and (a portion of the) Northwest Triangle.
- c. The Department's Land Recycling Primary Facility eFACTS ID# is 711356.
- d. The EPA ID# for the former Keystone Color Works facility: PAD003018256.

A complete metes and bounds description of the Property is attached to this Environmental Covenant as Exhibit A. Maps of the Property are attached to this Environmental Covenant as Exhibits B and C.

2. **Property Owner / GRANTOR.** The Redevelopment Authority of the City of York is the Owner of the Property and the GRANTOR of this Environmental Covenant.

The mailing address of the property Grantor/Owner is:

Redevelopment Authority of the City of York  
101 South George Street  
PO Box 509  
York, PA 17405-0509  
Attn: Deputy Director

3. **Holder/GRANTEE.** The following is the GRANTEE and a “Holder”, as that term is defined in 27 Pa. C.S. § 6502, of this Environmental Covenant:

Redevelopment Authority of the City of York  
101 South George Street  
PO Box 509  
York, PA 17405-0509

4. **Description of Contamination & Remedy.** The Former Keystone Color Works facility was located at 109-151 West Gay Avenue, and consisted of two adjoining parcels (Tract #1 at approximately 0.33 acres, and Tract #2 at approximately 0.4 acres) that together encompassed approximately 0.73 acres of land. Keystone Color Works operated an organic/inorganic pulp pigment manufacturing operation on these parcels starting in 1919, but those operations have since been terminated, and the facility cleaned out and closed in the 1990s. The portion of the building that was previously located at 151 West Gay Avenue (Tract #2, or tax parcel ID# 03-046-01-0008.00) was demolished and removed, while the portion of the building located at 109 West Gay Avenue (Tract #1, or tax parcel ID #03-046-01-0009.00) is still present.

As part of the investigation and remediation of the multi-block area referred to as the Department’s Land Recycling & Environmental Remediation Standards Act (“Act 2”) Northwest Triangle site, the City of York Redevelopment Authority (“RDA”) conducted the sampling of soils and groundwater at the former Keystone Color Works parcels. Initial soil sampling activities indicated elevated concentrations of lead in shallow surface soils located to the immediate west of the existing building on Tract #1, and those soils were excavated and transported off-site for proper disposal. Post-excavation soil samples collected from this area in accordance with Act 2 indicated that residual constituent concentrations are below Statewide Health Standard (SHS) Medium Specific Concentrations (MSCs) for exposures at residential sites. Also, sampling of the groundwater monitoring well located immediately downgradient from the former Keystone Color Works operations (i.e., west of the existing building on Tract #1), and sampling of soils on Tract 2, did not indicate any constituents at concentrations in excess of MSCs for exposures at residential sites.

Sampling of soils located below the concrete floor slab of the existing building on Tract #1 (as shown in Exhibit C) indicated concentrations of arsenic above the Act 2 residential SHS, and concentrations of lead above the Act 2 residential and non-residential SHSs. However, because these soils are securely contained below the existing concrete floor slab, there are no potential exposure pathways of potential concern, and attainment of the Act 2 Site-Specific Standard (SSS) has been demonstrated for the soils located below the floor slab of the existing building on Tract #1.

This Environmental Covenant was developed to ensure that the SSS will be maintained at the site, and to identify the presence of elevated lead and arsenic concentrations in the soils below the concrete floor slab as shown in Exhibit C. In addition, this covenant prohibits future site uses that would involve removal of the

concrete floor slab that could result in unacceptable exposures to the soils currently located below the slab. However, residential and non-residential uses of the site are permitted, provided that the concrete slab is not removed or disturbed in such a way or for such a duration as to result in unacceptable exposures to the underlying soils.

The characterization and attainment demonstration activities completed for the former Keystone Color Works facility are described in detail within the following report:

- “Remedial Investigation Report and Final Report for the Northwest Triangle Properties,” prepared by ARM Group Inc. on behalf of the Redevelopment Authority of the City of York.

The above-listed report is maintained by the Department in its Southcentral Regional Office file room and is available for inspection at that location in accordance with the Department’s (or its successor agency’s) document retention and public access policies:

Pennsylvania Department of Environmental Protection  
Southcentral Regional Office  
909 Elmerton Avenue  
Harrisburg, PA 17110

Additional information regarding the site cleanup activities are presented in the “Final Decision and Response to Comments” for the Former Keystone Color Works Site that was issued by the United States Environmental Protection Agency (EPA) on September 8, 2014. This document and other records pertaining to the site are located or available through EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103.

5. **Activity and Use Limitations.** The Property is subject to the following activity and use limitations, which the then current Owner of the Property, and its tenants, agents, employees and other persons under its control, shall abide by:

a. The property is prohibited from any use that requires removal or disturbance of the concrete floor slab and exposure to the underlying soils as outlined in Exhibit C, unless soil characterization and (if necessary) remediation is conducted, and written approval is granted by the Department and EPA. If the slab is only temporarily removed and replaced within 2 weeks, and the removal of soils from below the slab is not required, no additional soil characterization or remediation is required.

b. Residential and non-residential site uses that do not require removal or disturbance of the concrete floor slab and exposure to the underlying soils are permitted.

c. All earth moving activities within the footprint of the existing building shown in Exhibit C, including excavation, drilling and construction activities, shall be prohibited unless it is demonstrated to the Department and EPA that such activity will not pose a threat to human health or the environment, and the Department and EPA provide prior written approval for such use. Earth moving activities include, but are not limited to, temporary (i.e., less than 30 calendar days) removal of isolated portions of the concrete floor slab for utility installation or similar site development activities. Such

activities shall include the following provisions: (1) the work is to be conducted by experienced contractors in accordance with applicable Occupational Safety and Health Administration (OSHA) requirements; (2) any soils removed from below the concrete floor slab are managed in accordance with all applicable local, state and federal laws and regulations; and (3) the concrete barrier is restored upon completion of construction activities to minimize the potential for human exposure to contamination in the underlying soils.

6. **Notice of Limitations in Future Conveyances.** Each instrument hereafter conveying any interest in the Property subject to this Environmental Covenant shall contain a notice of the activity and use limitations set forth in this Environmental Covenant and shall provide the recorded location of this Environmental Covenant.

7. **Compliance Reporting.** The then current owner of the Property shall submit to the Department, the EPA and any Holder listed in Paragraph 3, written documentation stating whether or not the activity and use limitations in this Environmental Covenant are being abided by. In addition, within 21 days after a) written request by DEP or EPA, b) transfer of title of the Property or of any part of the Property affected by this Environmental Covenant, c) noncompliance with paragraph 5 (Activity and Use Limitations), or d) an application for a permit or other approval for any building or site work that could affect contamination on any part of the Property, the then current owner will send a report to the DEP, the EPA and any Holder. The report will state whether or not there is compliance with paragraph 5. If there is noncompliance, the report will state the actions that will be taken to assure compliance.

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

9. **Recording and Notification of Recording.** Within thirty (30) calendar days after the date of the Department's approval of this Environmental Covenant, the Property Owner shall file this Environmental Covenant with the Recorder of Deeds for York County, and send a file-stamped copy of this Environmental Covenant to the Department and EPA within sixty (60) calendar days of recording. Within that time period, the Property Owner also shall send a file-stamped copy to each of the following: City of York; York County; the EPA; the Holder identified in this Environmental Covenant; each person holding a recorded interest in the Property; and each person in possession of the Property.

10. **Termination or Modification.**

(a) This Environmental Covenant runs with the land unless terminated or modified in accordance with 27 Pa. C.S. §§ 6509 or 6510, or in accordance with this paragraph.

(b) This Environmental Covenant may be amended or terminated as to any portion of the Property that is acquired for use as state highway right-of-way by the

Commonwealth provided that: (1) the Department waives the requirements for an environmental covenant and for conversion pursuant to 27 Pa. C.S. §6517 to the same extent that this Environmental Covenant is amended or terminated; (2) the Department determines that termination or modification of this Environmental Covenant will not adversely affect human health or the environment; and (3) the Department provides 30-days advance written notice to the current property owner, each holder, and, as practicable, each person that originally signed the Environmental Covenant or successors in interest to such persons.

(c) This Environmental Covenant shall terminate upon attainment, in accordance with 35 P.S. §§ 6026.101 – 6026.908, with an unrestricted use remediation standard for the above-described contamination at the Property. The Department must approve, in writing, of such termination.

11. **EPA.**

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

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

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

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

**For the Department:**  
Pennsylvania Department of Environmental Protection  
Southcentral Region  
909 Elmerton Avenue  
Harrisburg, PA 17110-8200  
Attn: Environmental Cleanup & Brownfields Program, Land Recycling  
Chief

For the EPA:  
Director, Land and Chemicals Division  
United States Environmental Protection Agency Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

13. **Severability**. The paragraphs of this Environmental Covenant shall be severable and should any part hereof be declared invalid or unenforceable, the remainder shall continue in full force and effect between the parties.

ACKNOWLEDGMENTS by Owner, in the following form:

**Redevelopment Authority of the City of York -  
"Owner/Grantor"**

Date: October 8, 2014  
By: [Signature]  
Name: SHILVSKY BUFFALO  
Title: RDA ASSISTANT SECRETARY

COMMONWEALTH OF PENNSYLVANIA )  
 )  
COUNTY OF YORK ) SS:

On this 8<sup>th</sup> day of October, 2014, before me, the undersigned officer, personally appeared Shilvsky Buffalo [Owner, Grantor] who acknowledged himself/herself to be the person whose name is subscribed to this Environmental Covenant, and acknowledged that s/he executed same for the purposes therein contained.

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

[Signature]  
Notary Public

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Dianna L. Thompson-Mitchell, Notary Public  
City of York, York County  
My Commission Expires April 16, 2017  
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES





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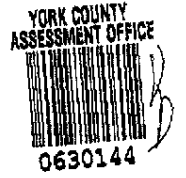
**EXHIBIT A**

**Legal Description**

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99222



2P

UPI: 03-046-01-0009.00  
109 W. Gay Street  
03-046-01-0008.00  
151 W. Gay Alley

**DEED**

THIS DEED made the 24th day of October, the year two thousand six (2006),

**BETWEEN**

**KEYSTONE COLOR WORKS, INC.**, a Pennsylvania corporation, with offices at W. Gay Avenue, York County, Pennsylvania, *f/k/a* **KEYSTONE COLOR AND PAINT COMPANY**, a Pennsylvania corporation, of York County, Pennsylvania

**Grantor**

30

**AND**

**REDEVELOPMENT AUTHORITY OF THE CITY OF YORK**, a public body corporate and politic, organized and existing under the laws of the Commonwealth of Pennsylvania, having its principal place of business in the City of York, York County, Pennsylvania,

**Grantee**

**WITNESSETH:**

That in consideration of **FIVE HUNDRED THIRTY THOUSAND and 00/100 DOLLARS (\$530,000.00)** in hand paid, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and convey to the said Grantee, its successors and assigns,

**All the following two tracts of land, situate in the City of York, Pennsylvania:**

**TRACT NO. 1:**

**ALL** the following described piece or parcel of ground, with the buildings and improvements thereon erected, situate in the Third Ward of the City of York, Pennsylvania:

**BEGINNING** at the Northwest corner of Gay and Park Alleys; thence North along the west side of Park Alley one hundred and ninety-one (191) feet, four (4) inches, more or less, to the West side of the switch

of the Northern Central Railway and to the North of said switch and along the Southward side of the said Northern Central Railway, two hundred forty-two (242) feet, six (6) inches, more or less, to said Gay Alley; thence Eastwardly across the tracts of said switch and along said Gay Alley one hundred and forty-eight (148) feet and two (2) inches, more or less to the place of BEGINNING, whereon is erected a three story building and boiler house.

**BEING** the same premises which Leroy K. Lafean, single man, and John S. McCoy and Rose M. McCoy, his wife, by their deed dated July 18, 1925, and recorded in the Office of the Recorder of Deeds in Record Book 23-E, Page 471, granted and conveyed unto Keystone Color and Paint Company, n/k/a Keystone Color Works, Inc., the Grantor herein.

**TRACT NO. 2:**

**ALL** that certain tract of land, on which is erected a one and one-half (1½) story brick building, situate in the Third Ward of the City of York, York County, Pennsylvania, on the northeast corner of West Gay Alley and North Park Alley, bounded and described as follows, to wit:

**BEGINNING** at the northeast intersection of West Gay Alley and North Park Alley, and extending thence northward along the East side of North Park Alley one hundred fifteen (115) feet, five (5) inches to a point at other lands nor or formerly of Jonathan Barnitz; extending thence along said lands and at a right angle with North Park Alley, eastwardly, one hundred forty-one (141) feet to a point; extending thence along the same, at a right angle with the last mentioned line, southwardly, one hundred fifteen (115) feet, five (5) inches, to a point on the North side of West Gay Alley, which point is one hundred nineteen (119) feet, one (1) inch, west from the northwest corner of North Beaver Street and West Gay Alley; extending thence westwardly along the North side of West Gay Alley, one hundred forty-one (141) feet to the point and place of BEGINNING.

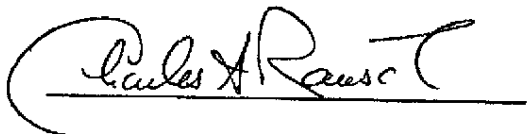
**BEING** the same premises which the Maple Press Company, by its deed dated August 23, 1977 and recorded in the Office of the Recorder of Deeds in Record Book 73B, Page 82, granted and conveyed unto Keystone Color Works, Inc., formerly known as Keystone Color and Paint Company, the Grantor herein.

**AND** the said Grantor hereby covenants and agrees that it will warrant **SPECIALLY** the property hereby conveyed.

**IN WITNESS WHEREOF**, said Grantor has hereunto set its hand and seal the day and year first above written.

ATTEST:

KEYSTONE COLOR WORKS, INC., f/k/a  
Keystone Color and Paint Company

  
\_\_\_\_\_

By:   
\_\_\_\_\_

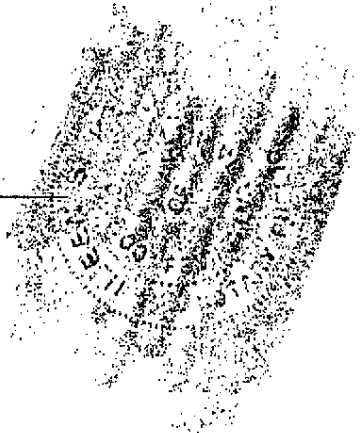
Baxter Smith, IV, President

COMMONWEALTH OF PENNSYLVANIA :  
:   
COUNTY OF YORK :

On this the 24th day of October, 2006, before me, a Notary Public, the undersigned officer, personally appeared Baxter Smith, IV, who acknowledged himself to be the President of Keystone Color Works, Inc., f/k/a Keystone Color and Paint Company, and that he, as such President, being duly authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as President.

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

Ileen S. Krone  
Notary Public  
My Commission expires:



COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
ILEEN S. KRONE, Notary Public  
City of York, York County  
My Commission Expires March 28, 2009

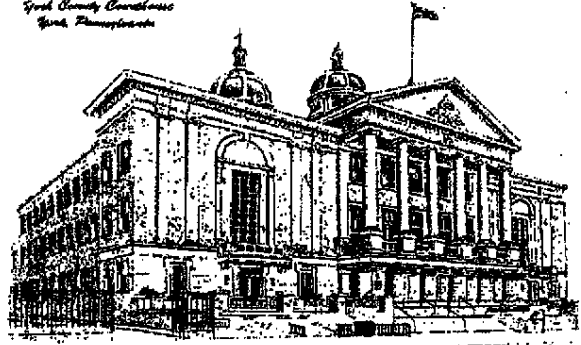
CERTIFICATE OF RESIDENCE

I do hereby certify that the precise residence and complete post office address of the within named Grantees is One Marketway West, 3<sup>rd</sup> Floor, York, PA 17401-1231.

Date: 10/24/06

[Signature]  
Attorney for Grantee

York County Courthouse  
York, Pennsylvania



**YORK COUNTY RECORDER OF DEEDS**  
**28 EAST MARKET STREET**  
**YORK, PA 17401**

*Randi L. Reisinger - Recorder*  
*Gloria A. Fleming - Deputy*

Instrument Number - 2006098222  
Recorded On 12/13/2006 At 12:32:14 PM  
\* Instrument Type - DEED  
Invoice Number - 668512  
\* Grantor - KEYSTONE COLOR WORKS INC  
\* Grantee - REDEVELOPMENT AUTHORITY OF THE CITY OF YORK  
User - BKB  
\* Customer - BLAKEY YOST/WENDY

Book - 1861 Starting Page - 5219  
\* Total Pages - 4

\* Received By: COUNTER

**\* FEES**

STATE TRANSFER TAX	\$5,300.00
STATE WRIT TAX	\$0.50
JCS/ACCESS TO JUSTICE	\$10.00
RECORDING FEES	\$13.00
AFFORDABLE HOUSING	\$11.50
PIN NUMBER FEES	\$4.00
COUNTY ARCHIVES FEE	\$2.00
ROD ARCHIVES FEE	\$3.00
YORK CITY SCHOOL	\$5,300.00
REALTY TAX	
TOTAL PAID	\$10,644.00

**PARCEL IDENTIFICATION NUMBER**

030460100090000000  
030460100080000000  
Total Parcels: 2

I Certify This Document To Be  
Recorded In York County, Pa.



*Randi L. Reisinger*  
Recorder of Deeds

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THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

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Book: 1861 Page: 5222

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**EXHIBIT B**

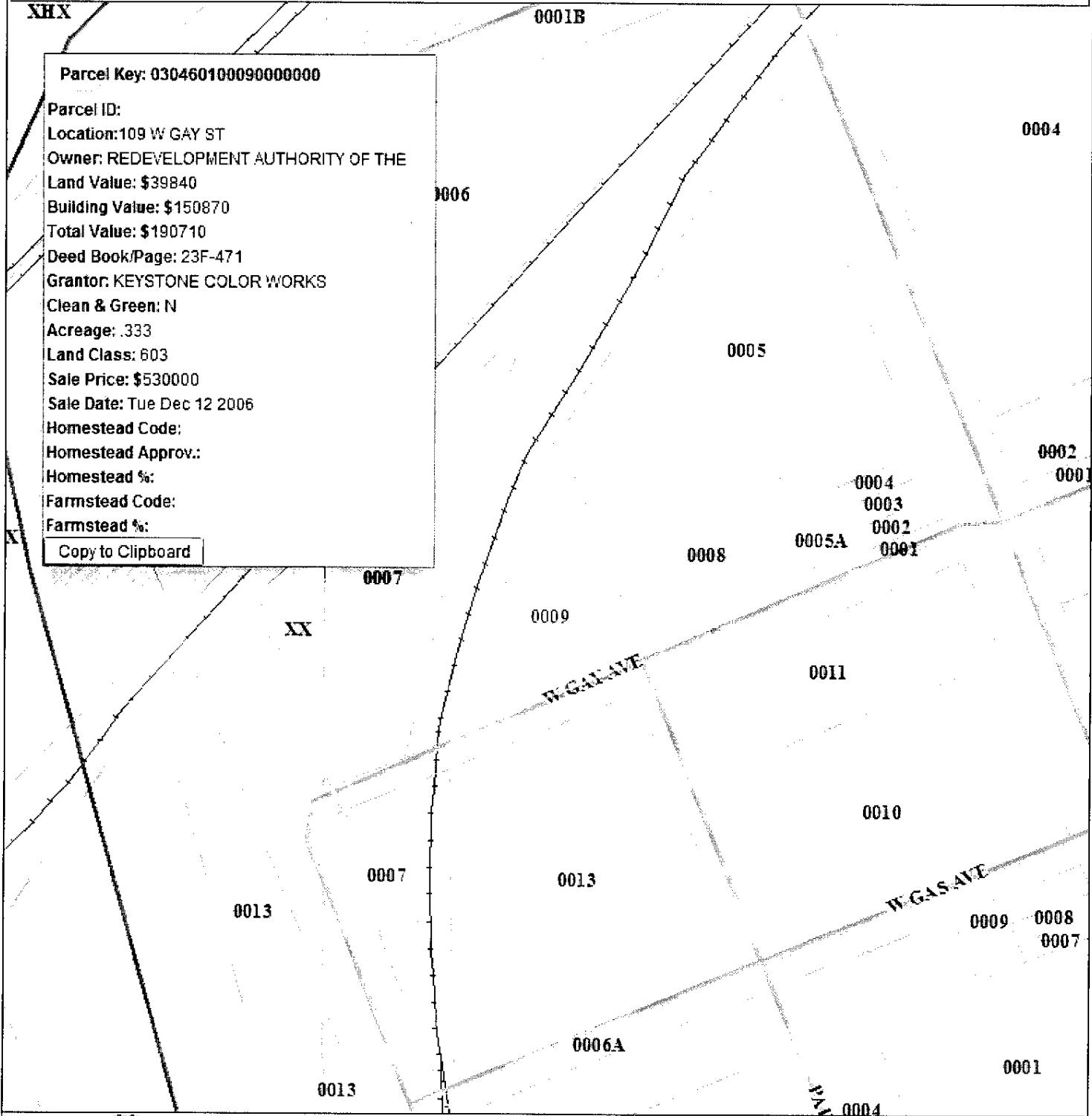
**Property Plan**

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# Former Keystone Color Works Property

**Parcel Key: 030460100090000000**  
 Parcel ID:  
 Location: 109 W GAY ST  
 Owner: REDEVELOPMENT AUTHORITY OF THE  
 Land Value: \$39840  
 Building Value: \$150870  
 Total Value: \$190710  
 Deed Book/Page: 23F-471  
 Grantor: KEYSTONE COLOR WORKS  
 Clean & Green: N  
 Acreage: .333  
 Land Class: 603  
 Sale Price: \$530000  
 Sale Date: Tue Dec 12 2006  
 Homestead Code:  
 Homestead Approv.:  
 Homestead %:  
 Farmstead Code:  
 Farmstead %:



**York  
 County  
 Assessment  
 Office**

- Road
  - Municipalities
  - 100 yr Floodplain
  - (---) Easements
  - Rail
  - Parcels
  - ( ) Soils
- Maps are not from actual survey



10/10/2012  
 Scale 1:1200

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**EXHIBIT C**

**Sample Locations and Concentrations**

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LEGEND

- 1 ⊙ = SOIL SAMPLING LOCATION (0"-6" + 18"-24")
- 2 • = SOIL SAMPLING LOCATION (0"-6")

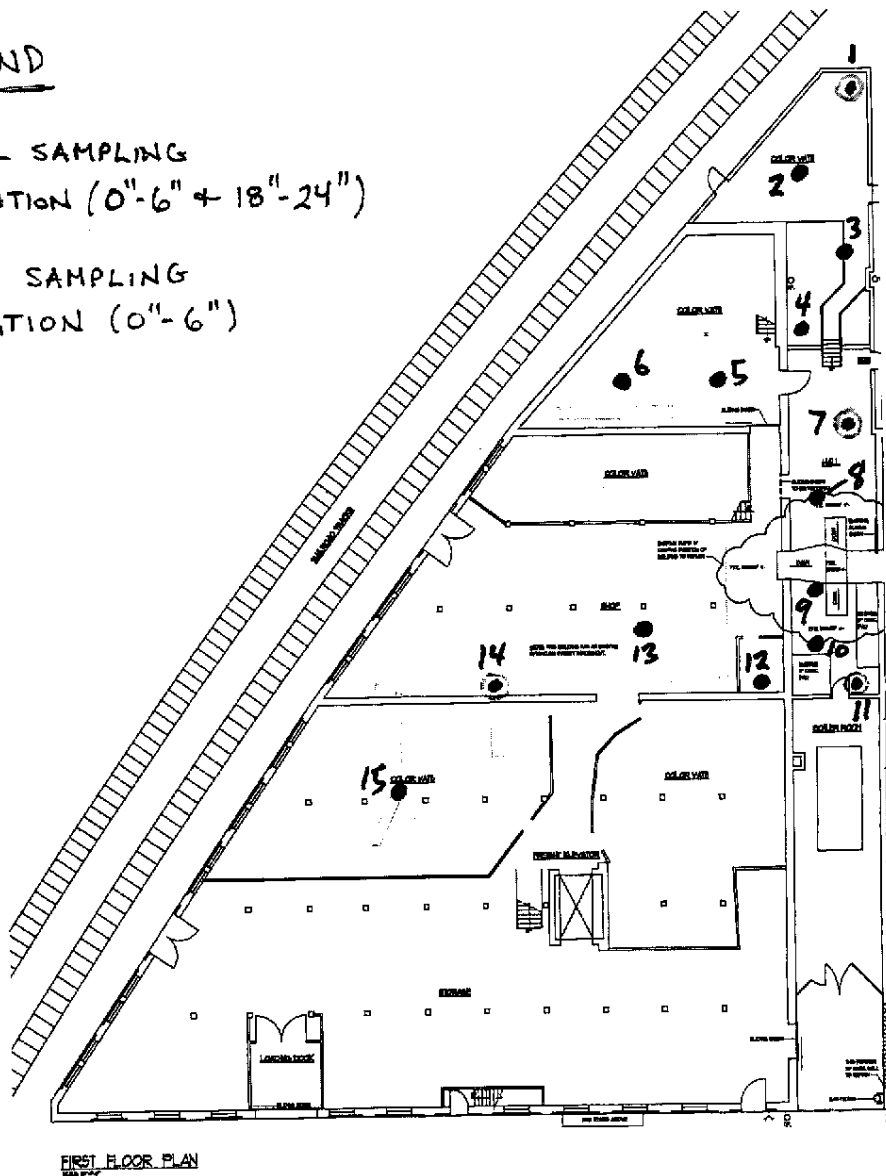


FIGURE 1

KEYSTONE COLOR WORKS BUILDING  
SUBSLAB SAMPLING (5/18/2012)

**Table 1**  
**Summary of Soil Sample Results: Keystone Color Works Subslab Sampling**  
**Northwest Triangle Initiative**  
**York City, York County, Pennsylvania**

**Soil Total Metals Analytical Results**  
**Sample Date: May 18, 2012**

Parameter	Residential Direct Contact MSC (0-15')	Non-Residential Direct Contact MSC (0-2')	Non-Residential Direct Contact MSC (2-15')	Soil to Groundwater MSC	KCWA [0-6"]	KCWB [0-6"]	KCWC [0-6"]	KCWD [0-6"]	KCWE [18-24"]	KCW7 [0-6"]	KCW12 [0-6"]
Arsenic	12	53	190,000	29	13.0	7.8	13.7	6.4	16.2	14.4	5.9
Barium	44,000	190,000	190,000	8,200	3,210	1,910	759	872	1,450	5,200	280
Cadmium	110	1,400	190,000	38	5.1	3.0	1.3	0.60	2.7	10.2	ND
Chromium (total)	190,000	190,000	190,000	190,000	664	69.0	74.3	31.7	72.3	338	38.2
Hexavalent Chromium	660	8,400	190,000	190	87.7	54.9	ND	10.3	3.3	159	3.4
Lead	500	1,000	190,000	450	7,140	596	249	215	518	2,060	35.6
Mercury	35	450	190,000	10	1.2	0.16	0.28	0.088	0.50	0.19	0.18
Selenium	1,100	14,000	190,000	26	ND	ND	ND	ND	ND	ND	ND
Silver	1,100	14,000	190,000	84	ND	ND	ND	ND	ND	ND	ND

**Notes:**

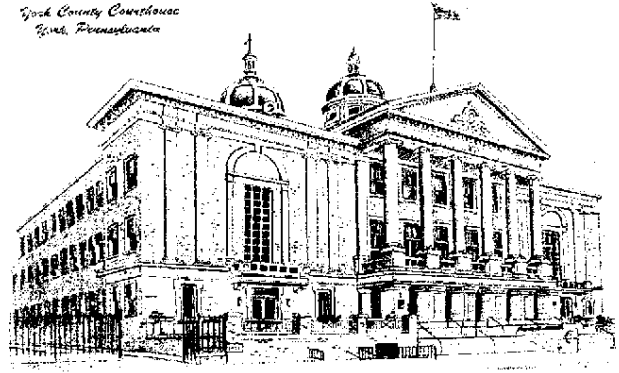
All values in milligrams per kilogram (mg/kg)

MSC = PADEP Statewide Health Medium Specific Concentration

ND = Not Detected

29 = Result exceeds PADEP MSC

Equal-part composite soil samples were derived from the grab sample locations as follows: KCWA from 1, 2, 3 & 4; KCWB from 5, 6, 7 & 8; KCWC from 9, 10, 11 & 12; KCWD from 13, 14 & 15; and KCWE from 1, 7, 11 & 14. See Figure 1 for sample locations.



**YORK COUNTY RECORDER OF DEEDS**  
**28 EAST MARKET STREET**  
**YORK, PA 17401**

*Randi L. Reisinger - Recorder*  
*Bradley G. Daugherty - Deputy*

Instrument Number - 2014046392  
Recorded On 10/16/2014 At 12:36:15 PM  
\* Instrument Type - MISCELLANEOUS INSTRUMENT  
Invoice Number - 1113037  
\* Grantor - REDEVELOPMENT AUTHORITY OF THE CITY OF YORK  
\* Grantee - KEYSTONE COLOR WORKS  
User - BLR  
\* Customer - SHILVOSKY BUFFALOE

Book - 2296 Starting Page - 758  
\* Total Pages - 19

\* Received By: COUNTER

\* **FEEES**

STATE WRIT TAX	\$0.50
RECORDING FEES	\$44.00
PIN NUMBER FEES	\$10.00
COUNTY ARCHIVES FEE	\$2.00
ROD ARCHIVES FEE	\$3.00
TOTAL PAID	\$59.50

PARCEL IDENTIFICATION NUMBER  
030460100090000000  
Total Parcels: 1

**I Certify This Document To Be**  
**Recorded In York County, Pa.**



*Randi L. Reisinger*  
Recorder of Deeds

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Book: **2296** Page: **776**