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September 29, 2022

Town of Wallkill  
Attn: Town Clerk  
99 Tower Drive  
Middletown, NY 10941

***Re: Ecobat Resources New York LLC***

Dear Town Clerk:

Please take notice that the enclosed Environmental Easement was recorded with the Orange County Clerk's Office on September 19, 2022.

Very truly yours,

*/s/ Philip H. Gitlen*

Philip H. Gitlen

cc: Mark Hoffman, Ecobat Resources New York LLC



ORANGE COUNTY – STATE OF NEW YORK  
 KELLY A. ESKEW, COUNTY CLERK  
 255 MAIN STREET  
 GOSHEN, NEW YORK 10924

COUNTY CLERK'S RECORDING PAGE

\*\*\*THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH\*\*\*



BOOK/PAGE: 15310 / 1184  
 INSTRUMENT #: 20220067913  
 Receipt#: 3080335  
 Clerk: AV  
 Rec Date: 09/19/2022 02:47:25 PM  
 Doc Grp: D  
 Descrip: RT WY  
 Num Pgs: 20  
 Rec'd Frm: WHITEMAN OSTERMAN & HANNA  
 LLP

Party1: ECOBAT RESOURCES NY LLC  
 Party2: PEOPLE OF STATE OF NY  
 Town: WALLKILL (TN)  
 41-1-70.232

Recording:

Recording Fee	120.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00

Sub Total: 145.00

Transfer Tax	
Transfer Tax - State	0.00

Sub Total: 0.00

Total: 145.00

\*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\*

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
 Transfer Tax #: 1763  
 Transfer Tax  
 Consideration: 0.00

Total: 0.00

Payment Type: Check   
 Cash   
 Charge   
 No Fee

Comment: \_\_\_\_\_

Kelly A. Eskew  
 Orange County Clerk

Record and Return To:

ELECTRONICALLY RECORDED BY INGeo

**ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36  
OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW**

**THIS INDENTURE** made this 15<sup>th</sup> day of July, 2022, between Owner Ecobat Resources New York, LLC, having an office at 2777 Stemmons Freeway, Suite 1800, Dallas, Texas 75207, (the "Grantor"), and The People of the State of New York (the "Grantee"), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

**WHEREAS**, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

**WHEREAS**, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

**WHEREAS**, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

**WHEREAS**, Grantor, is the owner of real property located at the address of Ballard Road in the Town of Wallkill, County of Orange and State of New York, known and designated on the tax map of the County Clerk of Orange as tax map parcel number: Section 41 Block 1 Lot 70.22, being a portion of the property conveyed to Grantor by deed dated January 17, 2003 and recorded in the Orange County Clerk's Office in Liber and Page 6175/285.

**WHEREAS**, Grantor, is the owner of real property located at the address of 65 Ballard Road in the Town of Wallkill, County of Orange and State of New York, known and designated on the tax map of the County Clerk of Orange as tax map parcel number: Section 41 Block 1 Lot 70.232, being the same as that property conveyed to Grantor by deed dated February 27, 2014 and recorded in the Orange County Clerk's Office in Liber and Page 13780/1563.

**WHEREAS**, Grantor, is the owner of real property located at the address of Ballard Road in the Town of Wallkill, County of Orange and State of New York, known and designated on the tax map of the County Clerk of Orange as tax map parcel number: Section 41 Block 1 Lot 71.22,

being a portion of the property conveyed to Grantor by deed dated January 17, 2003 and recorded in the Orange County Clerk's Office in Liber and Page 6175/285.

**WHEREAS**, Grantor, is the owner of real property located at the address of 30 Ballard Road in the Town of Wallkill, County of Orange and State of New York, known and designated on the tax map of the County Clerk of Orange as tax map parcel number: Section 41 Block 1 Lot 73.1, being a portion of the property conveyed to Grantor by deed dated January 17, 2003 and recorded in the Orange County Clerk's Office in Liber and Page 6175/277.

**WHEREAS**, Grantor, is the owner of real property located at the address of Ballard Road in the Town of Wallkill, County of Orange and State of New York, known and designated on the tax map of the County Clerk of Orange as tax map parcel number: Section 41 Block 1 Lot 73.22, being a portion of the property conveyed to Grantor by deed dated January 17, 2003 and recorded in the Orange County Clerk's Office in Liber and Page 6175/277.

**WHEREAS**, Grantor, is the owner of real property located at the address of 744 Route 211E in the Town of Wallkill, County of Orange and State of New York, known and designated on the tax map of the County Clerk of Orange as tax map parcel number: Section 41 Block 1 Lot 74.82, being a portion of the property conveyed to Grantor by deed dated January 17, 2003 and recorded in the Orange County Clerk's Office in Liber and Page 6175/292.

**WHEREAS**, Grantor, is the owner of real property located at the address of Goshen Turnpike in the Town of Wallkill, County of Orange and State of New York, known and designated on the tax map of the County Clerk of Orange as tax map parcel number: Section 41 Block 1 Lot 76, being a portion of the property conveyed to Grantor by deed dated January 17, 2003 and recorded in the Orange County Clerk's Office in Liber and Page 6175/292.

**WHEREAS**, the property subject to this Environmental Easement (the "Controlled Property") comprises approximately 156.0798 +/- acres, and is hereinafter more fully described in the Land Title Survey dated January 30, 2018 and last revised February 27, 2018 prepared by J. Peter Borbas, L.L.S. of Borbas Surveying and Mapping, LLC, which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A; and

**WHEREAS**, the Department accepts this Environmental Easement in order to ensure the protection of public health and the environment and to achieve the requirements for remediation established for the Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and

**NOW THEREFORE**, in consideration of the mutual covenants contained herein and the terms and conditions of the Final Statement of Basis Corrective Measures Selection dated June 2017 for the Revere Smelting & Refining RCRA Facility, EPA ID No. NYD030485288 / Site No. 336053, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement").

1. **Purposes.** Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in

perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Final Statement of Basis Corrective Measures Selection and any current or future Site Management Plan (collectively "SMP") are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may have the following allowed uses:

The property identified in Schedule A as "**Operable Unit No. 1 Commercial/Industrial Boundary Tract 1**" may be used for Commercial purposes as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial purposes as described in 6 NYCRR Part 375-1.8(g)(2)(iv)

The property identified in Schedule A as "**Operable Unit No. 1 Commercial/Industrial Boundary Tract 2**" may be used for Commercial purposes as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial purposes as described in 6 NYCRR Part 375-1.8(g)(2)(iv)

The property identified in Schedule A as "**Operable Unit 1 Industrial Environmental Easement**" may be used for Industrial purposes as described in 6 NYCRR Part 375-1.8(g)(2)(iv)

The property identified in Schedule A as "**Operable Unit 4 Industrial Environmental Easement**" may be used for Industrial purposes as described in 6 NYCRR Part 375-1.8(g)(2)(iv)

(2) All Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP);

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP;

(4) With the exception of industrial purposes in the Operable Unit 4 Industrial Environment Easement area, the use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Orange County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;

(5) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(6) Groundwater derived from the OU-4 groundwater extraction and treatment system and the OU-1 containment cell leachate collection system as well as groundwater purged from monitoring wells located in OU-1 and OU-4 are exempted from (Item 4) and may be treated within OU-4 prior to use for industrial purposes within OU-4;

(7) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

(8) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;

(9) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;

(10) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP;

(11) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for the following purposes: Residential, Restricted Residential or Commercial purposes as defined in 6NYCRR 375-1.8(g)(i), (ii) and (iii),

The property identified in Schedule A as “**Operable Unit No. 1 Commercial/Industrial Boundary Tract 1**” shall not be used Residential or Restricted Residential purposes as defined in 6NYCRR 375-1.8(g)(2)(i) and (ii)

The property identified in Schedule A as “**Operable Unit No. 1 Commercial/Industrial Boundary Tract 2**” shall not be used for Residential or Restricted Residential purposes as defined in 6NYCRR 375-1.8(g)(2)(i) and (ii) )

The property identified in Schedule A as “**Operable Unit 1 Industrial Environmental Easement**” shall not be used for Residential, Restricted Residential or Commercial purposes as defined in 6NYCRR 375-1.8(g)(i), (ii) and (iii)

The property identified in Schedule A as “**Operable Unit 4 Industrial Environmental Easement**” shall not be used for Residential, Restricted Residential or Commercial purposes as defined in 6NYCRR 375-1.8(g)(i), (ii) and (iii)

C. The above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

D. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified

reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Site Control Section  
Division of Environmental Remediation  
NYSDEC  
625 Broadway  
Albany, New York 12233  
Phone: (518) 402-9553

E. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

F. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

**This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation Law.**

G. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

H. Grantor covenants and agrees that it shall, at such time as NYSDEC may require, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

(1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3).

(2) the institutional controls and/or engineering controls employed at such site:  
(i) are in-place;  
(ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and

(iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;

- 
- (3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;
  - (4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;
  - (5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;
  - (6) to the best of his/her knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and
  - (7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against the owner of the Property, any lessees, and any person using the land. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings in accordance with applicable law.



IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its name.

Ecobat Resources New York, LLC

By: Carl Raycraft

Print Name: Carl Raycraft

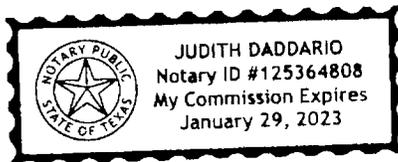
Title: VP. EHS Date: June 27, 2022

**Grantor's Acknowledgment**

STATE OF TEXAS )  
 ) ss:  
COUNTY OF Denton )

On the 27 day of June, in the year 2022 before me, the undersigned, personally appeared Carl Raycraft, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Judith Daddario  
Notary Public - State of Texas



**THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK**, Acting by and Through the Department of Environmental Conservation as Designee of the Commissioner,

By: Andrew Guglielmi  
Andrew Guglielmi ~~Susan Edwards, Acting Director~~  
Division of Environmental Remediation

**Grantee's Acknowledgment**

STATE OF NEW YORK    )  
  ) ss:  
COUNTY OF ALBANY    )

Andrew Guglielmi

On the 15<sup>th</sup> day of July, in the year 2022, before me, the undersigned, personally appeared ~~Susan Edwards~~, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Jennifer Andoloro  
Notary Public - State of New York

JENNIFER ANDALORO  
Notary Public, State of New York  
No. 02AN6098246  
Qualified in Albany County  
Commission Expires January 14, 2024

**SCHEDULE "A" PROPERTY DESCRIPTIONS****Description of Environmental Easement Area  
at Revere Smelting and Refining Site****Operable Unit No. 1 Commercial/Industrial Tract 1****Tax Map Section 41 Block 1 Lots 70.232, 73.1, 73.22, 74.82, and 76  
in the Town of Wallkill, Orange County, New York**

BEGINNING at the northwesterly corner of Tax Lot 73.22, being a point in the easterly sideline of Ballard Road, said point being approximately 175 feet southerly of New York State Route 211, said point being the beginning point of the fourth course of Tract 2 in a deed from Quemetco, Inc (grantor) to Eco-Bat New York, LLC (grantee) on January 17, 2003, said point being marked with a concrete monument found, having a NAD83 New York East State Plane Coordinate of North: 958621.7 East: 530219.2 (US Survey Feet); and runs thence

1. North 72 degrees 38 minutes 51 seconds East 322.12 feet to a point marked with a concrete monument found; thence
2. North 53 degrees 49 minutes 36 seconds West 178.99 feet to a point marked with a concrete monument found in the southerly sideline of New York State Route 211; thence the following 9 courses along the southerly sideline of New York State Route 211
3. North 84 degrees 08 minutes 08 seconds East 84.25 feet to a point marked with a concrete monument found; thence
4. North 72 degrees 52 minutes 10 seconds East 730.73 feet to a point marked with a concrete monument found; thence
5. North 79 degrees 16 minutes 33 seconds East 249.58 feet to a point; thence
6. North 81 degrees 26 minutes 55 seconds East 274.23 feet to a point; thence
7. North 84 degrees 34 minutes 10 seconds East 130.96 feet to a point; thence
8. South 89 degrees 02 minutes 34 seconds East 107.74 feet to a point; thence
9. North 85 degrees 17 minutes 05 seconds East 227.17 feet to a point; thence
10. North 81 degrees 23 minutes 36 seconds East 129.98 feet to a point; thence
11. North 85 degrees 43 minutes 26 seconds East 46.86 feet to a point; thence
12. Southerly along a curve to the right having a radius of 40.00 feet, a central angle of 90 degrees 00 minutes 00 seconds, a chord of South 49 degrees 16 minutes 34 seconds East 56.57 feet, for an arc length of 62.83 feet to a point in the westerly sideline of Commercial Avenue; thence the following two courses along Commercial Avenue
13. South 04 degrees 16 minutes 34 seconds East 21.70 feet to a point; thence
14. Southeasterly along a curve to the left having a radius of 475.00 feet, a central angle of 44 degrees 36 minutes 27 seconds, a chord of South 26 degrees 34 minutes 44 seconds East 360.54 feet, for an arc length of 369.81 feet to the northerly corner of Section 41 Block 1 Lot 74.7, witnessed by an iron pin found 0.4 feet to the northeast; thence
15. Along the northerly line of Section 41 Block 1 Lot 74.7, South 54 degrees 27 minutes 13 seconds West 395.42 feet to point; thence
16. South 35 degrees 32 minutes 47 seconds East 1116.15 feet to a point, said point witnessed by an iron pin found 0.1 feet to the west and 0.1 feet to the south; thence

17. North 66 degrees 37 minutes 33 seconds East 146.04 feet to a point witnessed by an iron pin found 0.2 feet to the south; thence
18. Northerly along a curve to the left having a radius of 300.00 feet, a central angle of 101 degrees 21 minutes 24 seconds, a chord of North 15 degrees 56 minutes 52 seconds West 464.16 feet, for an arc length of 530.70 feet to a point marked with an iron pin found; thence
19. Along the southeasterly terminus of Commercial Avenue North 55 degrees 16 minutes 10 seconds East 50.00 feet to a point; thence
20. Southerly along a curve to the right having a radius of 350.00 feet, a central angle of 13 degrees 52 minutes 47 seconds, a chord of South 27 degrees 47 minutes 16 seconds East 84.58 feet, for an arc length of 84.79 feet to a point; thence
21. North 40 degrees 18 minutes 13 seconds East 295.24 feet to a point; thence
22. South 34 degrees 43 minutes 50 seconds East 891.10 feet to a point in the northerly line of lands now or formerly of Pennsylvania Lines, LLC.; thence the following seven courses along said lands of the Pennsylvania Lines, LLC
23. Easterly along a curve to the right having a radius of 11,409.20 feet, a central angle of 14 degrees 16 minutes 19 seconds, a chord of South 70 degrees 41 minutes 05 seconds West 2834.59 feet more or less, for an arc length of 2,841.93 feet to a point; thence
24. North 50 degrees 56 minutes 51 seconds West 12.88 feet to a point; thence
25. Southwesterly along a curve to the right having a radius of 11,399.20 feet, a central angle of 00 degrees 26 minutes 05 seconds, a chord of South 78 degrees 20 minutes 07 seconds West 86.47 feet, for an arc length of 86.47 feet to a point; thence
26. South 78 degrees 33 minutes 09 seconds West 674.40 feet to a point; thence
27. South 11 degrees 26 minutes 51 seconds East 10.00 feet to a point; thence
28. South 78 degrees 33 minutes 09 seconds West 400.00 feet to a point; thence
29. North 11 degrees 26 minutes 51 seconds West 184.70 feet to a point; thence
30. North 80 degrees 04 minutes 51 seconds West 51.12 feet to a point; thence the following eight courses along NYDOT Parcel 2 as recited in Liber 2172 at Page 1003
31. North 05 degrees 38 minutes 28 seconds East 100.23 feet to a point; thence
32. North 02 degrees 22 minutes 18 seconds East 99.61 feet to a point; thence
33. North 03 degrees 04 minutes 54 seconds West 92.96 feet to a point; thence
34. South 08 degrees 09 minutes 58 seconds West 210.01 feet to a point; thence
35. South 04 degrees 01 minutes 52 seconds West 18.15 feet to a point; thence
36. South 03 degrees 04 minutes 45 seconds East 14.32 feet to a point; thence
37. South 11 degrees 21 minutes 36 seconds East 30.07 feet to a point; thence
38. South 21 degrees 17 minutes 22 seconds East 22.61 feet to a point; thence
39. North 80 degrees 04 minutes 51 seconds West 63.08 feet to a point in Ballard Road; thence the following 13 courses in or running east of Ballard Road
40. North 06 degrees 41 minutes 55 seconds East 482.15 feet to a point; thence
41. North 22 degrees 30 minutes 00 seconds East 314.11 feet to a point; thence
42. North 49 degrees 48 minutes 08 seconds West 111.36 feet to a point; thence
43. North 05 degrees 47 minutes 06 seconds East 210.19 feet to a point; thence
44. North 08 degrees 19 minutes 27 seconds East 77.52 feet to a point; thence
45. South 25 degrees 00 minutes 03 seconds East 102.50 feet to a point; thence
46. South 46 degrees 45 minutes 03 seconds East 35.70 feet to a point; thence
47. North 03 degrees 27 minutes 03 seconds West 211.00 feet to a point; thence
48. North 08 degrees 17 minutes 57 seconds East 53.00 feet to a point; thence

49. North 25 degrees 36 minutes 48 seconds East 310.29 feet to a point; thence
50. North 12 degrees 56 minutes 04 seconds East 136.46 feet to a point; thence
51. North 06 degrees 03 minutes 13 seconds West 182.00 feet to a point; thence
52. North 16 degrees 37 minutes 32 seconds West 109.68 feet to the point and place of BEGINNING.

Excepting those areas described below as "Operable Unit 1 Industrial Environmental Easement" and "Operable Unit 4 Industrial Environmental Easement".

Containing 4,944,228 square feet or 113.5039 acres of land.

**Description of Environmental Easement Area  
at Revere Smelting and Refining Site**

**Operable Unit No. 1 Commercial/Industrial Boundary  
Tract 2  
Tax Map Section 41 Block 1 Lots 70.22 and 71.22  
in the City of Middletown, Orange County, New York**

BEGINNING at a point in the easterly sideline of Ballard Road, said point being the northeast corner of New York State Department of Transportation Parcel 6 as shown on Map 4, New York State Department of Transportation, Description and Map for the Acquisition of Property, Ballard Road, Orange County, dated February 11, 1980, said point having a NAD83 New York East State Plane Coordinate of North: 956170.7 East: 529967.7 (US Survey Feet); and runs thence the following 5 courses along the Southerly line of lands now or formerly of Pennsylvania Lines, LLC

1. North 78 degrees 30 minutes 12 seconds East 194.19 feet more or less to a point; thence
2. North 11 degrees 29 minutes 48 seconds West 150.00 feet to a point; thence
3. North 78 degrees 30 minutes 12 seconds East 200.00 feet to a point; thence
4. South 09 degrees 41 minutes 48 seconds East 9.99 feet to a point; thence
5. North 78 degrees 30 minutes 12 seconds East 990.40 feet to a point marked with a concrete monument found, said monument having a State Plane Coordinate of North: 956583.8 East: 531296.1; thence
6. South 52 degrees 01 minutes 12 seconds West 1319.20 feet to a point being the easterly corner of Section 41 Block 1 Lot 71.22; thence
7. South 46 degrees 07 minutes 12 seconds West 385.58 feet to a point in the easterly sideline of Ballard Road; thence the following four courses along the easterly sideline of Ballard Road
8. North 18 degrees 45 minutes 25 seconds West 107.74 feet to a point; thence
9. North 04 degrees 42 minutes 56 seconds West 98.03 feet to a point; thence
10. North 07 degrees 37 minutes 40 seconds East 254.44 feet to a point; thence
11. North 00 degrees 30 minutes 42 seconds West 214.10 feet to the point and place of BEGINNING.

Containing 500,784 square feet or 11.4964 acres of land.

**Description of Environmental Easement Area  
at Revere Smelting and Refining Site**

**Operable Unit 1 Industrial Environmental Easement**

**a portion of Tax Map Section 41 Block 1 Lots 70.232 and 74.82  
in the Town of Walkill, Orange County, New York**

BEGINNING at a point in Section 41 Block 1 Lot 70.232 having a NAD83 New York East State Plane Coordinate of North: 957744.1 East: 530735.2 (US Survey Feet), said point being approximately 660 feet more or less west of Ballard Road and 1140 feet more or less southerly of New York State Route 211, said point being 27 feet more or less southerly of the northeasterly corner of a parking lot and 7 feet more or less east of said parking lot; and runs thence

1. By a line across Section 41 Block 1 Lot 70.232, North 86 degrees 13 minutes 34 seconds East 61.31 feet to a point; thence
2. North 13 degrees 25 minutes 13 seconds East 255.04 feet to a point; thence
3. North 64 degrees 10 minutes 14 seconds East 52.50 feet to a point; thence
4. North 40 degrees 04 minutes 52 seconds East 126.81 feet to a point; thence
5. North 23 degrees 37 minutes 52 seconds East 66.07 feet to a point; thence
6. North 26 degrees 45 minutes 06 seconds East 64.90 feet to a point; thence
7. North 25 degrees 53 minutes 15 seconds East 49.28 feet to a point; thence
8. South 53 degrees 03 minutes 19 seconds East 135.72 feet to a point; thence
9. North 88 degrees 59 minutes 28 seconds East 27.98 feet to a point; thence
10. South 69 degrees 18 minutes 17 seconds East 50.99 feet to a point in Section 41 Block 1 Lot 74.82; thence
11. By a line across Section 41 Block 1 Lot 74.82, South 77 degrees 41 minutes 04 seconds East 42.10 feet to a point; thence
12. South 78 degrees 57 minutes 38 seconds East 23.16 feet to a point; thence
13. South 55 degrees 20 minutes 45 seconds East 28.54 feet to a point; thence
14. South 83 degrees 34 minutes 06 seconds East 18.53 feet to a point; thence
15. South 43 degrees 46 minutes 21 seconds East 44.80 feet to a point; thence
16. South 43 degrees 10 minutes 44 seconds East 45.93 feet to a point; thence
17. South 44 degrees 09 minutes 23 seconds East 27.93 feet to a point; thence
18. South 43 degrees 33 minutes 24 seconds East 24.83 feet to a point; thence
19. South 40 degrees 07 minutes 31 seconds East 23.90 feet to a point; thence
20. South 22 degrees 47 minutes 58 seconds East 6.98 feet to a point; thence
21. South 08 degrees 26 minutes 43 seconds West 10.99 feet to a point to in Section 41 Block 1 Lot 70.232; thence
22. By a line across Section 41 Block 1 Lot 70.232, South 46 degrees 31 minutes 13 seconds East 45.00 feet to a point; thence
23. South 74 degrees 08 minutes 27 seconds East 6.50 feet to a point; thence
24. South 52 degrees 45 minutes 22 seconds East 18.74 feet to a point; thence
25. South 34 degrees 55 minutes 39 seconds East 5.78 feet to a point; thence
26. South 33 degrees 33 minutes 38 seconds East 24.44 feet to a point; thence
27. South 19 degrees 42 minutes 41 seconds East 28.44 feet to a point; thence

28. South 33 degrees 13 minutes 56 seconds East 22.10 feet to a point; thence
29. South 38 degrees 01 minutes 21 seconds East 53.65 feet to a point; thence
30. South 04 degrees 14 minutes 39 seconds East 111.12 feet to a point; thence
31. South 04 degrees 02 minutes 39 seconds East 13.30 feet to a point; thence
32. South 04 degrees 02 minutes 39 seconds East 7.19 feet to a point; thence
33. South 15 degrees 56 minutes 59 seconds West 38.69 feet to a point; thence
34. South 26 degrees 42 minutes 41 seconds East 29.35 feet to a point; thence
35. South 28 degrees 37 minutes 37 seconds East 17.95 feet to a point; thence
36. South 27 degrees 47 minutes 48 seconds West 66.91 feet to a point; thence
37. South 04 degrees 14 minutes 43 seconds West 5.22 feet to a point; thence
38. South 53 degrees 25 minutes 57 seconds West 97.44 feet to a point; thence
39. South 35 degrees 12 minutes 57 seconds West 101.40 feet to a point; thence
40. South 46 degrees 53 minutes 12 seconds West 90.00 feet to a point; thence
41. South 19 degrees 28 minutes 07 seconds West 71.53 feet to a point; thence
42. South 42 degrees 29 minutes 55 seconds West 70.57 feet to a point; thence
43. South 57 degrees 43 minutes 46 seconds West 47.17 feet to a point; thence
44. South 30 degrees 02 minutes 49 seconds West 74.61 feet to a point; thence
45. South 49 degrees 20 minutes 28 seconds West 118.48 feet to a point; thence
46. South 48 degrees 18 minutes 31 seconds West 82.69 feet to a point; thence
47. South 46 degrees 37 minutes 40 seconds West 196.14 feet to a point; thence
48. South 40 degrees 25 minutes 38 seconds West 153.11 feet to a point thence
49. North 10 degrees 53 minutes 47 seconds East 119.80 feet to a point; thence
50. North 01 degrees 31 minutes 57 seconds West 115.12 feet to a point; thence
51. North 81 degrees 39 minutes 12 seconds West 23.90 feet to a point; thence
52. North 27 degrees 47 minutes 14 seconds East 117.92 feet to a point; thence
53. North 26 degrees 56 minutes 12 seconds East 46.35 feet to a point; thence
54. North 24 degrees 37 minutes 24 seconds East 26.01 feet to a point; thence
55. North 19 degrees 51 minutes 03 seconds East 26.03 feet to a point; thence
56. North 17 degrees 59 minutes 10 seconds East 27.24 feet to a point; thence
57. North 16 degrees 29 minutes 53 seconds East 73.52 feet to a point; thence
58. North 17 degrees 26 minutes 01 seconds East 60.84 feet to a point; thence
59. North 14 degrees 05 minutes 14 seconds East 39.99 feet to a point; thence
60. North 11 degrees 16 minutes 14 seconds East 84.59 feet to a point; thence
61. North 09 degrees 07 minutes 24 seconds East 29.50 feet to a point; thence
62. North 03 degrees 22 minutes 05 seconds East 29.91 feet to a point; thence
63. North 02 degrees 08 minutes 08 seconds West 9.31 feet to a point; thence
64. North 13 degrees 40 minutes 14 seconds West 38.07 feet to a point; thence
65. North 29 degrees 36 minutes 50 seconds West 16.75 feet to a point; thence
66. North 50 degrees 57 minutes 39 seconds West 11.06 feet to a point; thence
67. North 73 degrees 42 minutes 16 seconds West 48.50 feet to a point; thence
68. North 75 degrees 54 minutes 29 seconds West 82.49 feet to a point; thence
69. North 77 degrees 54 minutes 00 seconds West 43.09 feet to a point; thence
70. South 10 degrees 34 minutes 53 seconds West 17.34 feet to a point; thence
71. South 10 degrees 12 minutes 10 seconds West 62.63 feet to a point; thence
72. South 09 degrees 37 minutes 00 seconds West 4.17 feet to a point; thence
73. South 13 degrees 47 minutes 08 seconds West 11.91 feet to a point; thence
74. South 09 degrees 36 minutes 24 seconds West 33.69 feet to a point; thence

75. South 14 degrees 52 minutes 26 seconds West 6.99 feet to a point; thence
76. South 87 degrees 56 minutes 25 seconds West 73.46 feet to a point; thence
77. South 82 degrees 51 minutes 31 seconds West 15.23 feet to a point; thence
78. South 75 degrees 06 minutes 29 seconds West 10.85 feet to a point; thence
79. North 12 degrees 04 minutes 18 seconds East 26.50 feet to a point; thence
80. North 12 degrees 29 minutes 22 seconds East 4.42 feet to a point; thence
81. North 11 degrees 00 minutes 49 seconds East 32.54 feet to a point; thence
82. North 11 degrees 21 minutes 12 seconds East 109.71 feet to a point; thence
83. North 10 degrees 10 minutes 38 seconds East 15.59 feet to a point; thence
84. North 11 degrees 08 minutes 41 seconds East 43.79 feet to the point of place of BEGINNING.

Containing 654,325 square feet or 15.0212 acres of land.

**Description of Environmental Easement Area  
at Revere Smelting and Refining Site**

**Operable Unit 4**

**a portion of Tax Map Section 41 Block 1 Lot 70.232  
in the Town of Walkill, Orange County, New York**

BEGINNING at a point in the easterly sideline of Ballard Road, said point being along the northerly sideline of the paved entrance to the Revere Smelting and Refining Main Gate, having a NAD83 New York East State Plane Coordinate of North: 957396.1 East: 530083.7 (US Survey Feet); and runs thence

1. By a line across Section 41 Block 1 Lot 70.232, South 78 degrees 50 minutes 11 seconds East 253.00 feet to a point; thence
2. North 13 degrees 59 minutes 46 seconds East 7.58 feet to a point; thence
3. North 43 degrees 36 minutes 40 seconds East 6.93 feet to a point; thence
4. North 10 degrees 19 minutes 05 seconds East 23.24 feet to a point; thence
5. South 82 degrees 24 minutes 06 seconds East 17.11 feet to a point; thence
6. North 41 degrees 53 minutes 37 seconds East 28.27 feet to a point; thence
7. North 11 degrees 46 minutes 56 seconds East 67.49 feet to a point; thence
8. South 79 degrees 12 minutes 44 seconds East 24.43 feet to a point; thence
9. North 12 degrees 49 minutes 27 seconds East 49.26 feet to a point; thence
10. North 72 degrees 12 minutes 38 seconds West 24.28 feet to a point; thence
11. North 15 degrees 33 minutes 50 seconds East 77.33 feet to a point; thence
12. North 14 degrees 32 minutes 20 seconds East 30.77 feet to a point; thence
13. North 10 degrees 42 minutes 36 seconds East 32.85 feet to a point; thence
14. North 11 degrees 15 minutes 08 seconds East 202.26 feet to a point; thence
15. South 79 degrees 35 minutes 54 seconds East 150.81 feet to a point; thence
16. South 79 degrees 08 minutes 41 seconds East 94.99 feet to a point; thence
17. South 37 degrees 52 minutes 35 seconds East 20.62 feet to a point; thence
18. South 04 degrees 45 minutes 26 seconds West 5.39 feet to a point; thence
19. South 38 degrees 22 minutes 13 seconds East 11.55 feet to a point; thence
20. South 01 degrees 17 minutes 51 seconds East 12.43 feet to a point; thence
21. South 11 degrees 08 minutes 41 seconds West 64.77 feet to a point; thence
22. South 10 degrees 10 minutes 38 seconds West 15.59 feet to a point; thence
23. South 11 degrees 21 minutes 12 seconds West 109.71 feet to a point; thence
24. South 11 degrees 00 minutes 49 seconds West 32.54 feet to a point; thence
25. South 12 degrees 29 minutes 22 seconds West 4.42 feet to a point; thence
26. South 12 degrees 04 minutes 18 seconds West 26.50 feet to a point; thence
27. North 75 degrees 06 minutes 29 seconds East 10.85 feet to a point; thence
28. North 82 degrees 51 minutes 31 seconds East 15.23 feet to a point; thence
29. North 87 degrees 56 minutes 25 seconds East 73.46 feet to a point; thence
30. North 14 degrees 52 minutes 26 seconds East 6.99 feet to a point; thence
31. North 09 degrees 36 minutes 24 seconds East 33.69 feet to a point; thence
32. North 13 degrees 47 minutes 08 seconds East 11.91 feet to a point; thence

33. North 09 degrees 37 minutes 00 seconds East 4.17 feet to a point; thence
34. North 10 degrees 12 minutes 10 seconds East 62.63 feet to a point; thence
35. North 10 degrees 34 minutes 53 seconds East 17.34 feet to a point; thence
36. South 77 degrees 54 minutes 00 seconds East 43.09 feet to a point; thence
37. South 75 degrees 54 minutes 29 seconds East 82.49 feet to a point; thence
38. South 73 degrees 42 minutes 16 seconds East 48.50 feet to a point; thence
39. South 50 degrees 57 minutes 39 seconds East 11.06 feet to a point; thence
40. South 29 degrees 36 minutes 50 seconds East 16.75 feet to a point; thence
41. South 13 degrees 40 minutes 14 seconds East 38.07 feet to a point; thence
42. South 02 degrees 08 minutes 08 seconds East 9.31 feet to a point; thence
43. South 03 degrees 22 minutes 05 seconds West 29.91 feet to a point; thence
44. South 09 degrees 07 minutes 24 seconds West 29.50 feet to a point; thence
45. South 11 degrees 16 minutes 14 seconds West 84.59 feet to a point; thence
46. South 14 degrees 05 minutes 14 seconds West 39.99 feet to a point; thence
47. South 17 degrees 26 minutes 01 seconds West 60.84 feet to a point; thence
48. South 16 degrees 29 minutes 53 seconds West 73.52 feet to a point; thence
49. South 17 degrees 59 minutes 10 seconds West 27.24 feet to a point; thence
50. South 19 degrees 51 minutes 03 seconds West 26.03 feet to a point; thence
51. South 24 degrees 37 minutes 24 seconds West 26.01 feet to a point; thence
52. South 26 degrees 56 minutes 12 seconds West 46.35 feet to a point; thence
53. South 27 degrees 47 minutes 14 seconds West 117.92 feet to a point; thence
54. South 81 degrees 39 minutes 12 seconds East 23.90 feet to a point; thence
55. South 01 degrees 31 minutes 57 seconds East 115.12 feet to a point; thence
56. South 10 degrees 53 minutes 47 seconds West 150.00 feet to a point; thence
57. South 27 degrees 11 minutes 10 seconds East 53.48 feet to a point; thence
58. South 46 degrees 59 minutes 49 seconds West 86.77 feet to a point; thence
59. South 76 degrees 59 minutes 49 seconds West 148.56 feet to a point; thence
60. South 76 degrees 24 minutes 41 seconds West 7.25 feet to a point; thence
61. South 77 degrees 27 minutes 32 seconds West 9.19 feet to a point; thence
62. South 53 degrees 11 minutes 37 seconds West 4.14 feet to a point; thence
63. South 37 degrees 14 minutes 58 seconds West 5.71 feet to a point; thence
64. South 18 degrees 59 minutes 54 seconds West 6.02 feet to a point; thence
65. South 18 degrees 40 minutes 48 seconds West 8.66 feet to a point; thence
66. South 10 degrees 32 minutes 13 seconds West 9.35 feet to a point; thence
67. South 09 degrees 59 minutes 29 seconds West 9.71 feet to a point in the northerly sideline of lands now or formerly of Pennsylvania Lines, LLC; thence the following three courses along the Northerly line of lands now or formerly of Pennsylvania Lines, LLC.
68. South 78 degrees 31 minutes 41 seconds West 156.51 feet to a point; thence
69. South 11 degrees 26 minutes 51 seconds East 10.00 feet to a point; thence
70. South 78 degrees 33 minutes 09 seconds West 110.50 feet to a point; thence
71. By a line across Section 41 Block 1 Lot 70.232, North 77 degrees 27 minutes 01 seconds West 35.47 feet to a point; thence
72. North 68 degrees 21 minutes 10 seconds West 10.35 feet to a point; thence
73. North 65 degrees 31 minutes 17 seconds West 46.91 feet to a point; thence
74. North 60 degrees 09 minutes 12 seconds West 55.59 feet to a point; thence
75. North 06 degrees 14 minutes 23 seconds East 16.71 feet to a point; thence
76. North 10 degrees 39 minutes 27 seconds East 26.54 feet to a point; thence

77. North 62 degrees 52 minutes 08 seconds West 6.74 feet to a point; thence
78. North 19 degrees 15 minutes 44 seconds East 47.30 feet to a point; thence
79. North 17 degrees 35 minutes 10 seconds East 35.18 feet to a point; thence
80. North 03 degrees 53 minutes 59 seconds East 39.20 feet to a point; thence
81. North 07 degrees 20 minutes 53 seconds West 40.05 feet to a point; thence
82. North 01 degrees 02 minutes 42 seconds East 66.83 feet to a point; thence
83. North 04 degrees 51 minutes 40 seconds East 60.51 feet to a point; thence
84. North 05 degrees 05 minutes 39 seconds East 40.00 feet to a point; thence
85. North 05 degrees 50 minutes 21 seconds East 49.99 feet to a point; thence
86. North 05 degrees 36 minutes 57 seconds East 49.99 feet to a point; thence
87. North 08 degrees 03 minutes 35 seconds East 44.98 feet to a point; thence
88. North 07 degrees 40 minutes 44 seconds East 45.02 feet to a point; thence
89. North 08 degrees 08 minutes 00 seconds East 20.00 feet to a point; thence
90. North 07 degrees 59 minutes 14 seconds East 30.00 feet to a point; thence
91. North 09 degrees 30 minutes 25 seconds East 39.97 feet to a point; thence
92. North 13 degrees 10 minutes 08 seconds East 56.83 feet to a point; thence
93. North 10 degrees 53 minutes 24 seconds East 21.48 feet to a point; thence
94. North 76 degrees 14 minutes 18 seconds West 6.99 feet to a point; thence
95. North 08 degrees 42 minutes 54 seconds East 9.69 feet to a point; thence
96. North 78 degrees 31 minutes 25 seconds West 146.27 feet to a point; thence
97. North 79 degrees 13 minutes 14 seconds West 86.43 feet to a point; thence
98. North 69 degrees 15 minutes 08 seconds West 12.18 feet to a point in the easterly sideline of Ballard Road; thence
99. Along the easterly sideline of Ballard Road, North 22 degrees 30 minutes 00 seconds East 50.72 feet to the point of place of BEGINNING.

Containing 699,499 square feet or 16.0583 acres of land.