

April 24, 2023

VIA FEDERAL EXPRESS

Georgia Environmental Protection Division
Branch Chief
Land Protection Branch
2 Martin Luther King Jr. Drive SE
Suite 1054 East Tower
Atlanta, GA 30334
Attention: Jason Metzger

Received
Land Protection Branch

APR 27 2023

Hazardous Waste

RE: Recorded Uniform Environmental Covenant – Exley Land Holdings, LLC –
Property located in Savannah, Chatham County, Georgia

Dear Jason:

This letter concerns the Uniform Environmental Covenant (“UEC”) for the property owned by Exley Land Holdings, LLC in Savannah, Chatham County, Georgia.

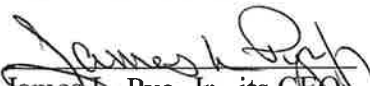
We hereby confirm that the signed UEC has now been recorded in Chatham County, Georgia, and a copy of the recorded UEC is enclosed herewith for your file.

In addition, we hereby certify that notice letters have been sent to each of the parties as required by O.C.G.A. § 44-16-7 (i.e., the City of Savannah, Chatham County and each adjoining landowner), with each such letter enclosing a copy of the recorded UEC.

Please let us know if you have any questions regarding this matter.

Respectfully yours,

Exley Land Holdings, LLC
By: Natrochem, Inc.,
a Georgia corporation, its Member

By: 
James L. Pye, Jr., its CEO

Address: P.O. Box 1205
Savannah, GA 31402-1205

Record and return to:
Exley Land Holdings, LLC
P.O. Box 1205
Savannah, Georgia 31402-1205
Attn. James L. Pye, Jr.

STATE OF GEORGIA

COUNTY OF CHATHAM

Type: COVE
Kind: DECLARATION OF RESTRICTIVE COV
Recorded: 4/20/2023 11:39:00 AM
Fee Amt: \$25.00 Page 1 of 11
Chatham, Ga. Clerk Superior Court
Tammie Mosley Clerk Superior Court

Participant ID: 5419980925

BK 3073 PG 793 - 803

CROSS REFERENCE:
Deed Book 298F, Page 0227

CHATHAM COUNTY PARCEL NO:
2-0018-01-008

ENVIRONMENTAL COVENANT
by and among EXLEY LAND HOLDINGS, LLC, NATROCHEM, INC.
and STATE OF GEORGIA, DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

After Recording Return to:
Exley Land Holdings, LLC
P.O. Box 1205
Savannah, Georgia 31402-1205
Attn: James L. Pye, Jr.

CROSS-REFERENCE:
County: CHATHAM
Deed Book: 298F
Page(s): 0227

Environmental Covenant

This instrument is an Environmental Covenant executed pursuant to the Georgia Uniform Environmental Covenants Act, O.C.G.A. § 44-16-1 *et seq.*, as may be amended from time to time (hereinafter "Act"). This Environmental Covenant is entered into by the entities EXLEY LAND HOLDINGS LLC executing this Environmental Covenant and subjects the property identified below to the activity and/or use limitations and other requirements. This Environmental Covenant further grants such other rights in favor of EPD and NATROCHEM, INC., a Georgia corporation, as set forth herein.

Fee Simple Owner(s)/Grantor(s): EXLEY LAND HOLDINGS, LLC
P.O. BOX 1205, SAVANNAH, GA 31402-1205

Grantee/Holder with the power to enforce: NATROCHEM, INC.
P.O. BOX 1205, SAVANNAH, GA 31402-1205

Grantee/Entity with express power to enforce: State of Georgia
Department of Natural Resources
Environmental Protection Division
2 Martin Luther King Jr. Drive, SE
Suite 1456 East Tower
Atlanta, GA 30334

Persons with Interests other than Fee Simple: N/A

Property Subject

The property subject to this Environmental Covenant is a tract of approximately 3.431076 acres of real property located at 1 EXLEY STREET, CHATHAM COUNTY, GEORGIA, which is further identified by the tax parcel ID number(s) below (hereinafter "Property"). The Property was conveyed on 11/29/2005 to EXLEY LAND HOLDINGS, LLC; such conveyance is recorded in Deed Book 298F, Page 0227, of the CHATHAM County deed records. The Property is located in Land Lot 2 of the 3rd District of CHATHAM County, Georgia.

The tax parcel(s) of the Property is 2-0018-01-008 of CHATHAM County, Georgia.

A legal description of the Property is attached as Exhibit A and a map of the Property is attached as Exhibit B. The entirety of the Property will be subject to activity/use limitation.

Environmental Covenant Runs with the Land and is Perpetual

Pursuant to the Act, this Environmental Covenant shall run with the land and shall be perpetual unless terminated or amended pursuant to terms herein or in accordance with provisions of the Act. This Environmental Covenant shall be binding upon EXLEY LAND HOLDINGS, LLC, AND NATROCHEM, INC., and all successors, assigns and transferees of any interest in the Property or any portion thereof.

Administrative Records

This Environmental Covenant imposes activity and/or use limitations and other requirements on the Property that arise under corrective action performed and/or being performed at the NATROCHEM, INC. facility/site. Records pertaining to this corrective action are available at the following EPD location(s):

Georgia Environmental Protection Division
Land Protection Branch
Response and Remediation Program
2 Martin Luther King Jr. Drive, SE Suite 1054
East Floyd Tower
Atlanta, GA 30334-9000
Monday-Friday 8:00 AM to 4:30 PM, excluding state holidays

Notice: This Property has been listed on the State's Hazardous Site Inventory at HSI #10698 and has been designated as needing corrective action due to the presence of hazardous wastes, hazardous constituents, or hazardous substances regulated under state law. Contact the Property owner or the Georgia Environmental Protection Division for further information concerning this Property. This notice is provided in compliance with the Georgia Hazardous Site Response Act.

Activity and Use Limitations. The Property is subject to the following activity and/or use limitations:

- A. Real Property. The Property shall be used only for non-residential uses, as defined in Section 391-3-19-.02 of the Rules as of the date of this Environmental Covenant. Any residential use on the Property shall be prohibited.
- B. Groundwater. The use or extraction of groundwater beneath the Property for drinking water or for any other non-remedial purposes shall be prohibited.
- C. Vapor Intrusion Exposure Pathway Evaluation and Mitigation. Vapor-forming regulated substances, including naphthalene, are present in the subsurface of the Property. Prior to any building construction, the vapor intrusion exposure pathway must be evaluated. A report of the vapor intrusion exposure pathway

evaluation must be submitted to EPD for review and comment at least thirty (30) days prior to applying for a building permit. The report must be prepared by a Georgia registered professional engineer or a Georgia registered professional geologist who has experience in responsible charge of the investigation and remediation of releases of regulated substances. If warranted for any reconstruction or utility repair/installation plans, a vapor intrusion mitigation system (e.g., vapor barrier, sub-slab depressurization system, etc.) will be designed and installed in the proposed building. Any EPD comments regarding the vapor intrusion exposure pathway evaluation or the design and implementation of a vapor intrusion mitigation system will be addressed to EPD's satisfaction.

Other Requirements. The Property is subject to the following additional requirements.

- A. **Notice of Limitations and Requirements in Future Conveyances.** Each instrument hereafter conveying any interest in the Property or any portion thereof that may affect the activity and use limitations described herein shall include a statement that the Property is subject to this Environmental Covenant (and any amendments thereto), the location (County, Deed Book and Page) in the deed records where this Environmental Covenant (and any amendments thereto) is recorded and a copy of this Environmental Covenant (and any amendments thereto).
- B. **Notice to EPD of Future Conveyances.** Within thirty (30) days after each conveyance of a fee simple interest in the Property or any portion thereof, a notice shall be sent to EPD and EXLEY LAND HOLDINGS, LLC. The notice shall include the new owner's name, address, telephone number and other pertinent contact information, the date of the conveyance and the location (County, Deed Book and Page) where the conveyance is recorded, and, if the conveyance is a portion of the Property, a survey map showing the boundaries of the real property conveyed.
- C. **Notice of Change of Use.** If such activity will materially affect any required monitoring or maintenance of any institutional or engineering controls described herein, the owner of the Property must provide to EPD thirty (30) days' advance written notice of the owner's intent to change the use of the Property, to apply for a building permit for construction at the Property, or to perform any site work.

Environmental Covenant Does Not Authorize Use Otherwise Prohibited

Pursuant to the Act, this Environmental Covenant shall not be construed to authorize a use of the Property that is otherwise prohibited by zoning, ordinance, local law or general law or by a recorded instrument that has priority over this Environmental Covenant.

Rights of Access and Enforcement

Authorized representatives of EPD and EXLEY LAND HOLDINGS, LLC shall have the right to enter the Property at reasonable times in connection with implementation, compliance, or enforcement of this Environmental Covenant, including but not limited to the right to conduct inspections, examine related records, or to take samples.

This Environmental Covenant shall be enforceable by EPD, NATROCHEM, INC., and EXLEY LAND HOLDINGS, LLC and other parties as provided in the Act. Such rights of access and enforcement herein shall not limit EPD's authority under other applicable law.

No Interest in Real Property in EPD

EPD's rights under this Environmental Covenant and the Act shall not be considered an interest in real property.

Recording of Environmental Covenant and Service on Other Persons

Within thirty (30) days after execution of this Environmental Covenant by the Director of EPD, EXLEY LAND HOLDINGS, LLC shall record the Environmental Covenant in every county in which any portion of the Property is located in accordance with the law governing the recording and priority of interests in real property. Upon recording of the Environmental Covenant, EXLEY LAND HOLDINGS, LLC shall provide in a manner deemed acceptable by EPD a copy of the executed, recorded Environmental Covenant to each of the persons or entities identified in O.C.G.A. § 44-16-7.

Representations and Warranties by Grantor(s). EXLEY LAND HOLDINGS, LLC represents and warrants that all of the following are true and correct:

- A. EXLEY LAND HOLDINGS, LLC holds fee simple title to the Property.
- B. EXLEY LAND HOLDINGS, LLC has the authority to enter into this Environmental Covenant, has the authority to grant any rights granted by it within, has the ability to carry out the obligations described within and, based upon information and belief after reasonable inquiry, does not know of any anticipated material change in the practices, ownership, or authority of EXLEY LAND HOLDINGS, LLC that will alter this representation and warranty.
- C. The execution and delivery of this Environmental Covenant and carrying out the obligations described within will not conflict with any of the provisions of the organizational documents, operating agreement of EXLEY LAND HOLDINGS, LLC nor will it violate, contravene and/or constitute a breach or default under any agreement, contract, order or instrument to which EXLEY LAND HOLDINGS, LLC is a party or by which EXLEY LAND HOLDINGS, LLC may be bound.
- D. There are no persons with existing interests other than fee simple in the Property;

- E. This Environmental Covenant does not authorize a use of the Property that is otherwise prohibited by zoning, ordinance, local law or general law or by a recorded instrument that has priority over this Environmental Covenant.
- F. At least thirty (30) days prior to presenting this Environmental Covenant to EPD for execution, EXLEY LAND HOLDINGS, LLC served a copy of the proposed final text of this Environmental Covenant on all persons or entities required to be noticed in accordance with O.C.G.A. § 44-16-7.

Submission of Required Documents and Communications

Documents and communications required by this Environmental Covenant shall be submitted to:

Georgia Environmental Protection Division
Branch Chief
Land Protection Branch
2 Martin Luther King Jr. Drive SE
Suite 1054 East Tower
Atlanta, GA 30334

With a copy to:

EXLEY LAND HOLDINGS, LLC
P.O. BOX 1205
SAVANNAH, GA 31402-1205

EPD's Environmental Covenants Registry

This Environmental Covenant and any amendment thereto or termination thereof may be included in EPD's registry for environmental covenants.

Severability

Should any provision of this Environmental Covenant be found by a court of competent jurisdiction to be invalid and/or unenforceable in any respect, the remaining provisions shall continue in full force and effect.

Effective Date

This Environmental Covenant shall be effective on the date the fully executed Environmental Covenant is recorded in accordance with O.C.G.A. § 44-16-8(a).

Grantee

NATROCHEM, INC.,
a Georgia corporation

By: James L. Pye, Jr., its CEO

James L. Pye, Jr.

Signed in the presence of:

Chelsea W. Lavender
Unofficial Witness (signature)

Chelsea W. Lavender
Unofficial Witness (print name)

Pamela J. Williams
Official Witness (Notary Public)
[Notary Seal]

State of Georgia
County of Chatham

This instrument was signed or attested
before me this 23 day of Jan,
2023, by James L. Pye, Jr., as CEO of
Natrochem, Inc.

Personally Known
 Produced Identification

Pamela J. Williams
Notary Public (Signature)

Pamela J. Williams
NOTARY PUBLIC

My Commission Expires:

Effingham County, GEORGIA
My Commission Expires 08/19/2025

(NOTARY SEAL) _____

Grantor

EXLEY LAND HOLDINGS, LLC,
a Georgia limited liability company

By: Natrochem, Inc.,

a Georgia corporation, its Sole Member

By:

James L. Pye, Jr., its CEO

James L. Pye, Jr.

Signed in the presence of:

Chelsea W. Lavender
Unofficial Witness (*signature*)

Chelsea W. Lavender
Unofficial Witness (*print name*)

[Signature]
Official Witness (Notary Public)
[Notary Seal]

State of Georgia
County of Chatham

This instrument was signed or attested
before me this 23 day of Jan,
2023, by James L. Pye, Jr., as CEO of
Natrochem, Inc., in the latter's capacity as
the sole member of Exley Land Holdings,
LLC.

Personally Known
 Produced Identification

[Signature]
Notary Public (*Signature*)

My Commission Expires:

Pamela J Williams

NOTARY PUBLIC

Effingham County, GEORGIA

My Commission Expires 08/19/2025

(NOTARY SEAL)

For the Environmental Protection Division, Department of Natural Resources, State of Georgia,
this 4th day of April, 2023:

Richard E. Dunn
(Signature)

Print Name: Richard E. Dunn
Director, Environmental Protection Division

Signed in the presence of:

LADUSKA Ferrell

Unofficial Witness (signature)

LADUSKA Ferrell

Unofficial Witness (print name)

Official Witness (Notary Public)

[Notary Seal]

State of Georgia
County of Fulton

This instrument was signed or attested
before me this 4th day of April,
2023, by Richard Dunn, as
of the Environmental
Protection Division.

Personally Known
 Produced Identification

Jessie Tabrail Speer Cate
Notary Public (Signature)

My Commission Expires: 6/1/2026

(NOTARY SEAL) _____



Exhibit A
Legal Description of Property

All that tract or parcel of land situate, lying and being in the City of Savannah, Chatham County, Georgia, being described as Lot 2 (3.43 acres) on that subdivision plat entitled "Minor Subdivision 11.55 Acre Portion of the Lands of the Central of Georgia Railroad Company, Carmichael Ward, First G. M. District, Savannah, Chatham County, Georgia," dated May 24, 2005 and recorded in Subdivision Map Book 34-S, Page 24, Chatham County records.

Exhibit B
Map of Property

