60 2011 00004300

Allegheny County
Valerie McDonald Roberts
Department of Real Estate
Pittsburgh, PA 15219

Instrument Number: 2011-4300 **BK-DE VL-14511 PG-358**

Recorded On: February 23, 2011 **As-Deed Agreement**

Parties: WESTINGHOUSE AIR BRAKE TECHNOLOGIES CORP

To PENNSYLVANIA COMWTH BY DEP ENVRMTL PROTECTION **# of Pages: 11**

Comment: ENVIRONMENTAL COVENANT

********** **THIS IS NOT A BILL** **********

Deed Agreement		90.50
Pages > 4	6	
Names > 4	0	
Total:		**90.50**

Realty Transfer Stamp

Affidavit Attached-No
NOT A DEED OF TRANSFER EXEMPT

Value 0.00

Department of Real Estate Stamp

Certified By-> J F
ON 02-23-2011 AT 03:38p
NOT A DEED OF TRANSFER

I hereby certify that the within and foregoing was recorded in the Department of Real Estate in Allegheny County, PA

****DO NOT REMOVE-THIS PAGE IS PART OF THE RECORDED DOCUMENT****

File Information:

Document Number: 2011-4300
Receipt Number: 1772500
Recorded Date/Time: February 23, 2011 03:44:55P
Book-Vol/Pg: BK-DE VL-14511 PG-358
User / Station: B McAdams - Cash Super 07

Record and Return To:

THORP REED & ARMSTRONG
WILL CALL
PITTSBURGH PA 15219

Valerie McDonald Roberts, Manager
Dan Onorato, County Executive

26225 DRE Certified
23-Feb-2011 03:38P\Int By: J F

Environmental Covenant

TEN PAGES
WILL CALL
Thorp Reed & Armstrong

The County Parcel Identification No. of the Property is: 545-P-275.

GRANTOR: Westinghouse Air Brake Technologies Corporation (a/k/a Wabtec Corporation), successor to Westinghouse Air Brake Company, formerly known as Rail Acquisition Corporation
PROPERTY ADDRESS: 1001 Air Brake Avenue, Wilmerding, Pennsylvania 15148

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 Wilmerding, Allegheny County.

The postal street address of the Property is: 1001 Air Brake Avenue.

The latitude and longitude of the center of the Property affected by this Environmental Covenant is: 40.394815, -79.808788.

The Property has been known by the following names: Westinghouse Air Brake Company (WABCO), American Standard, Westinghouse Air Brake Technology Company (Wabtec).

The PA DEP Land Recycling Program ID is 5-2-849-2094.

A complete description of the Property is attached to this Environmental Covenant as Exhibit A. A map of the Property is attached to this Environmental Covenant as Exhibit B.

2. **Property Owner / GRANTOR / GRANTEE**. Westinghouse Air Brake Technologies Corporation (a/k/a Wabtec Corporation), successor to Westinghouse Air Brake Company, formerly known as Rail Acquisition Corporation, is the owner of the Property. The mailing address of the Owner is: 1001 Air Brake Avenue, Wilmerding, Pennsylvania 15148.

3. **Description of Contamination & Remedy**. Historically, the Property was utilized for the manufacture of locomotive air brakes. Various industrial operations were associated with this use and a number of underground storage tanks were historically present at the Property. Based on investigations conducted, heavy metals, volatile organic compounds, semi-volatile organic compounds, and separate phase liquid have been identified at the Property. Areas with impacted soil and groundwater at the Property are identified on Exhibit C and Exhibit D, respectively. Details of investigations and remediation are documented in a Remedial Investigation Report dated February 2005, Risk Assessment dated October 28, 2005, and Cleanup Plan dated October 31, 2007. The Property was remediated to the site-specific standard (SSS). Remediation consisted of excavation and off-site disposal of lead-impacted soil, extraction of petroleum free product, and application of institutional controls.

4. **Activity & Use Limitations**. The Property is subject to the following activity and use limitations, which the Owner and each subsequent owner of the Property shall abide by:

a. The Property shall be used solely for nonresidential purposes, in accordance with Act 2 and Department regulations. Nonresidential use excludes schools, nursing homes or other residential-style facilities or recreational areas. No residential use of the Property shall take place without first addressing soil and groundwater containing contaminants that exceed residential Statewide Health Standards or other applicable standards then in effect.

b. The groundwater at and under the Property shall not be used for potable purposes or agricultural activities, including, but not limited to, irrigation of crops, watering of livestock, and food production, processing or packaging.

c. Any future building constructed within the area of soil and/or groundwater impacted by volatile organic compounds or within 100 feet of soil and/or groundwater impacted by volatile organic compounds that is designed for human occupancy must incorporate either a vapor barrier or a soil gas mitigation system unless adequate testing is done (according to then current Department requirements) to ensure vapor intrusion from soil and/or groundwater will not be an issue. The area to which this activity and use limitation applies is identified on Exhibit E. The coordinates that define the perimeter of this area are shown on Exhibit F.

d. All excavated materials removed from the Property shall be managed, transported, and disposed in compliance with all applicable federal, state and local laws, regulations and ordinances including, without limitation, those pertaining to environmental protection and occupational safety.

5. **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.

6. **Compliance Reporting**. After written request by the Department, the then current owner of the Property shall submit to the Department written documentation stating whether or not the activity and use limitations in this Environmental Covenant are being abided by. In addition, the then current owner of the Property shall submit to the Department written documentation of the following: transfer of the Property, proposed changes in use of the Property, or filing of applications for building permits for the Property for any site work affecting the contamination on the Property subject to this Environmental Covenant.

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

8. **Recordation & Proof & Notification**. Within 30 days after the date of the Department's approval, the Owner shall file this Environmental Covenant with the Recorder of Deeds for Allegheny County, and send a file-stamped copy of this Environmental Covenant to the Department within 90 days of recordation. Within that time period, the Owner also shall send a file-stamped copy to the Borough of Wilmerding and Allegheny County; each person holding a recorded interest in the Property; and each person in possession of the Property.

9. **Termination or Modification**. This environmental covenant may only be terminated or modified in accordance with Section 9 of UECA, 27 Pa. C.S. § 6509 his environmental covenant may only be terminated or modified in accordance with Section 9 of UECA, 27 Pa. C.S. § 6509. The Department must approve, in writing, the termination.

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

Environmental Cleanup Program Manager
Pennsylvania Department of Environmental Protection
Southwest Regional Office
400 Waterfront Drive
Pittsburgh, PA 15222-4745

ACKNOWLEDGMENTS by Owner and Holder, in the following form:

Date: 1/28/11

Wabtec Corporation "Grantor"
By: Scott Wahlstrom
Name: Scott Wahlstrom
Title: VP Human Resources

Date: 2/10/11

APPROVED, by Commonwealth of Pennsylvania,
Department of Environmental Protection
By: David E Eberle
Name: David E Eberle
Title: ECP Manager

COMMONWEALTH OF PENNSYLVANIA)
)
COUNTY OF Allegheny) SS:

On this 28th day of January, 2011, before me, the undersigned officer, personally appeared Scott Wahlstrom [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.

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Jennifer L. Goldstein, Notary Public
Wilmerding Boro, Allegheny County
My Commission Expires Dec. 9, 2014
Member, Pennsylvania Association of Notaries

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

Jennifer L. Goldstein
Notary Public

COMMONWEALTH OF PENNSYLVANIA)
)
COUNTY OF ALLEGHENY) SS:

On this 10th day of February, 2011, before me, the undersigned officer, personally appeared DAVID E. EBERLE, who acknowledged himself/herself to be the ECP MANAGER [Title] of the Commonwealth of Pennsylvania, Department of Environmental Protection, Southwest Regional Office, 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.

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Flora E. Wilson, Notary Public
City Of Pittsburgh, Allegheny County
My Commission Expires April 26, 2011
Member, Pennsylvania Association of Notaries

Flora E. Wilson
Notary Public

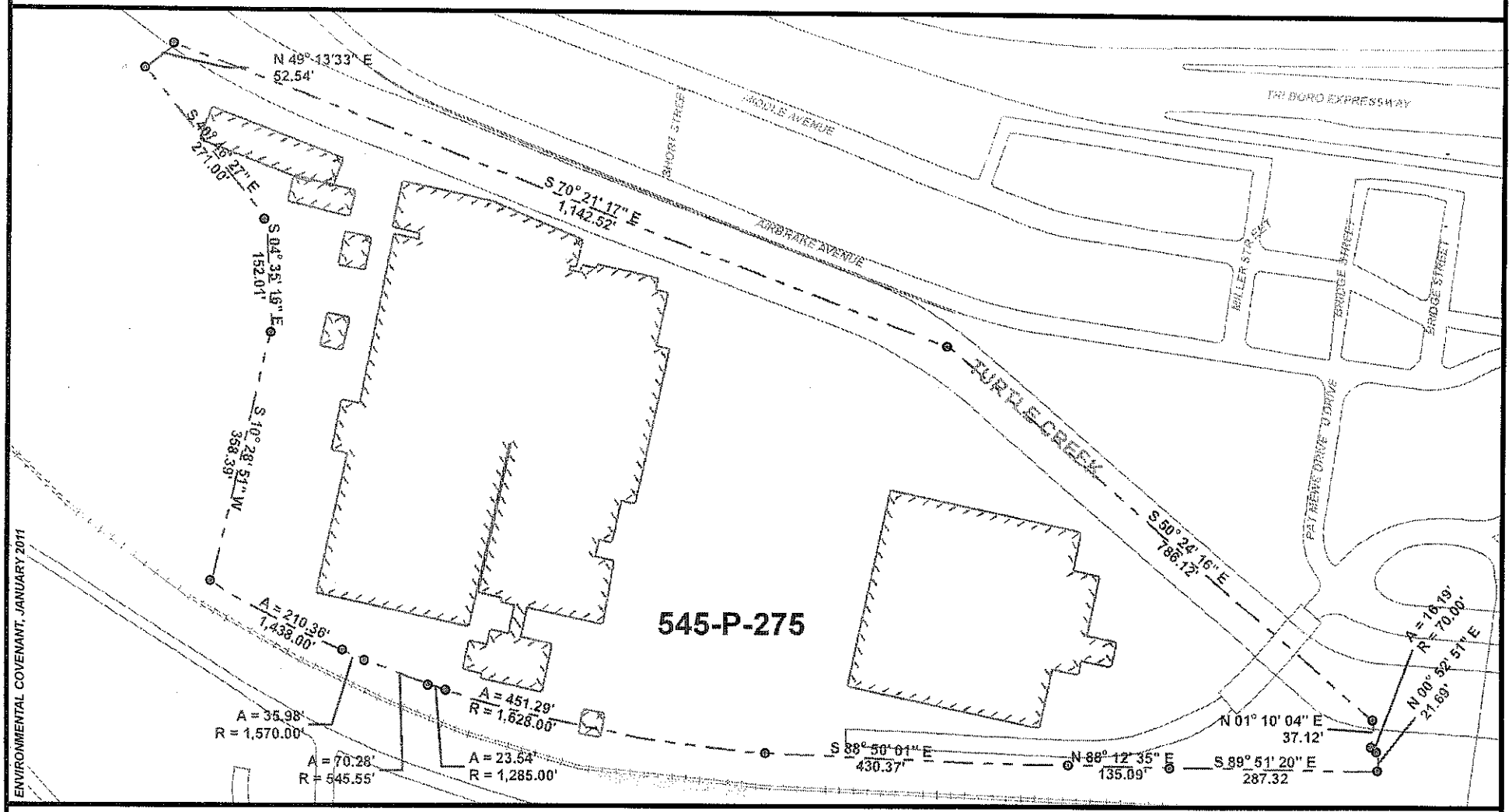
{01102837}

EXHIBIT A

ALL that certain parcel of ground situate in the Borough of Wilmerding, County of Allegheny and Commonwealth of Pennsylvania, being known as Lot No. 2 in the WABTEC Plan of Lots, as recorded in The Department of Real Estate of Allegheny County, Pennsylvania, in Plan Book Volume 231, pages 192 and 193.

BEING designated as Block and Lot No. 545-P-275 in the Deed Registry Office of Allegheny County, Pennsylvania.

EXHIBIT B



LEGEND

PROPERTY BOUNDARY

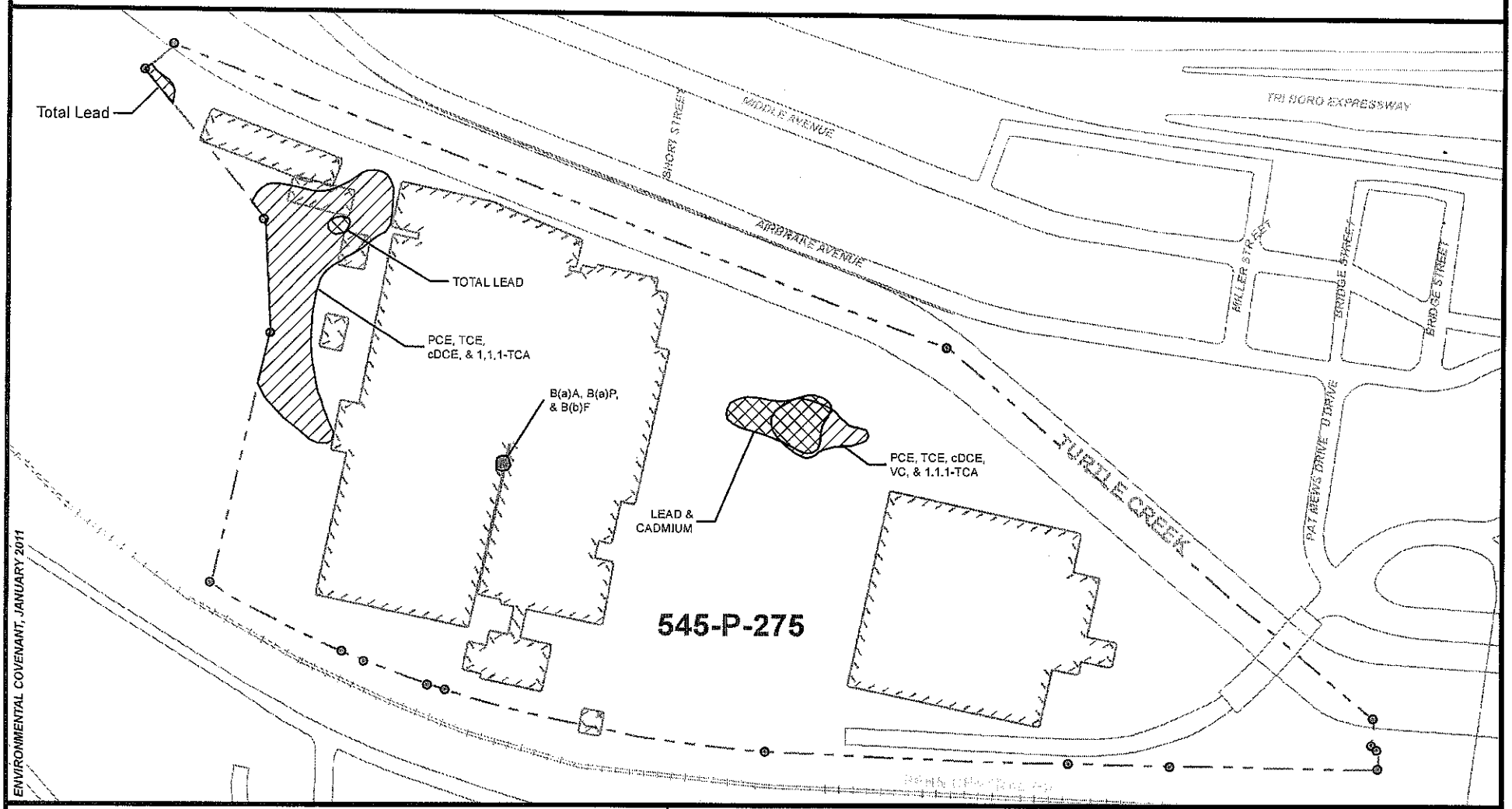
BUILDING FOOTPRINT

0 100 200 400
Feet

N

6

EXHIBIT C



LEGEND

- BUILDING FOOTPRINT
- PROPERTY BOUNDARY

AREAS OF IMPACTED SOIL

- CHLORINATED VOCS
- HEAVY METALS
- PAHS

N

0 100 200 400

Feet

NOTES:

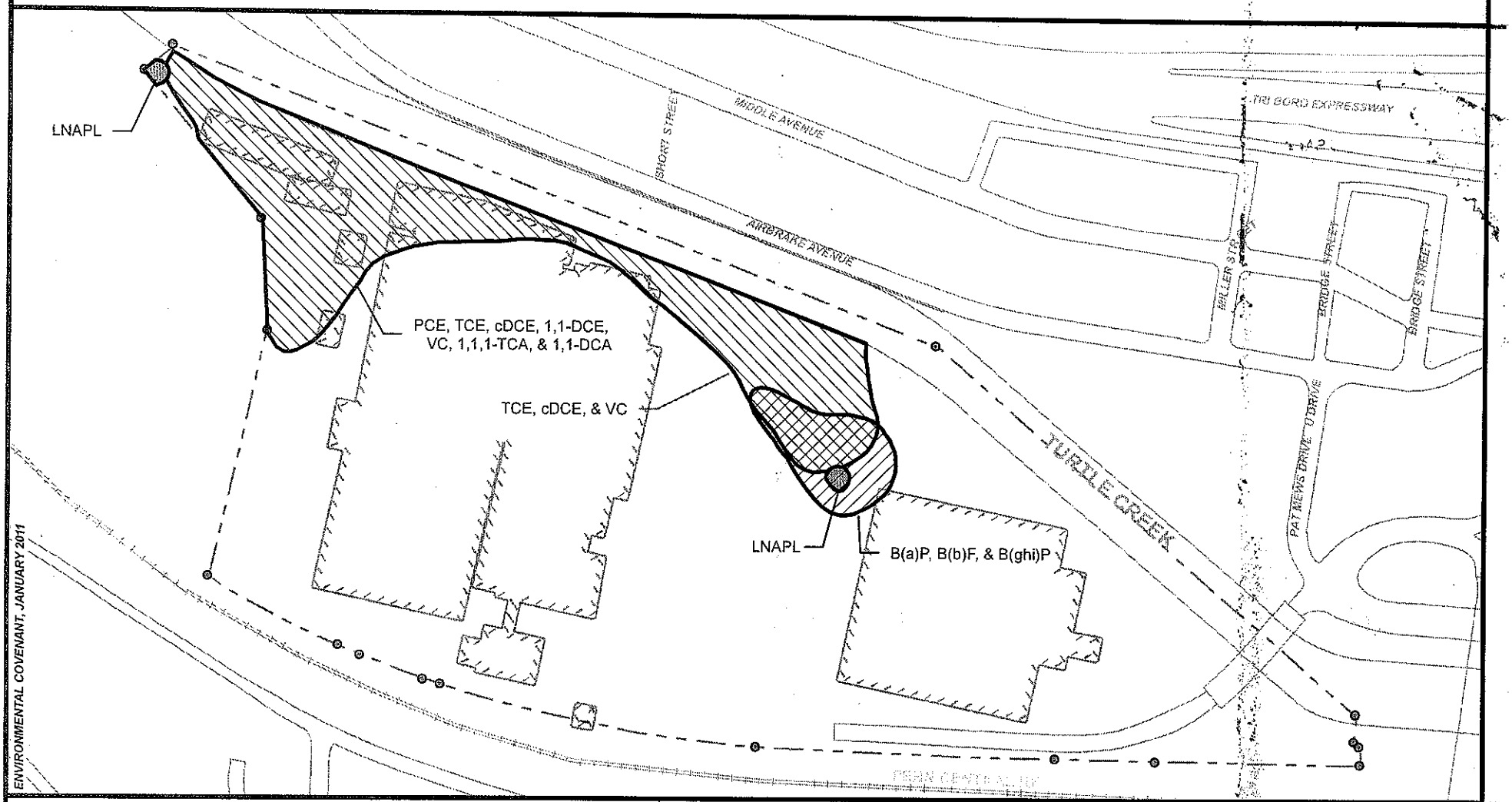
1) "IMPACTED SOIL" REFERS TO SOIL WHERE SAMPLE ANALYSES DETECTED CONCENTRATIONS OF ONE OR MORE CONSTITUENTS ABOVE THE PENNSYLVANIA LAND RECYCLING AND ENVIRONMENTAL REMEDIATION STANDARDS ACT (ACT 2) NON-RESIDENTIAL MEDIUM SPECIFIC CONCENTRATIONS (MCSs).

2) "CHLORINATED VOCs" REFERS VOLATILE ORGANIC COMPOUNDS, INCLUDING TETRACHLOROETHENE (PCE),TRICHLOROETHENE (TCE), cis-1,2-DICHLORETHENE (cDCE), VINYL CHLORIDE (VC), AND/OR 1,1,1-TRICHLOROETHANE (1,1,1-TCA).

3) "PAHs" REFERS TO BENZO(a)ANTHRACENE (B[a]a), BENZO(a)PYRENE (B[a]P), AND/OR BENZO(b)FLUORANTHENE (B[b]F).

4) "HEAVY METALS" REFERS TO TOTAL LEAD AND/OR TOTAL CADMIUM.

EXHIBIT D



LEGEND

- BUILDING FOOTPRINT
- PROPERTY BOUNDARY

AREAS OF IMPACTED GROUNDWATER

- Chlorinated VOCs
- PAHs
- LNAPL

N

0 100 200 400

Feet

NOTES:

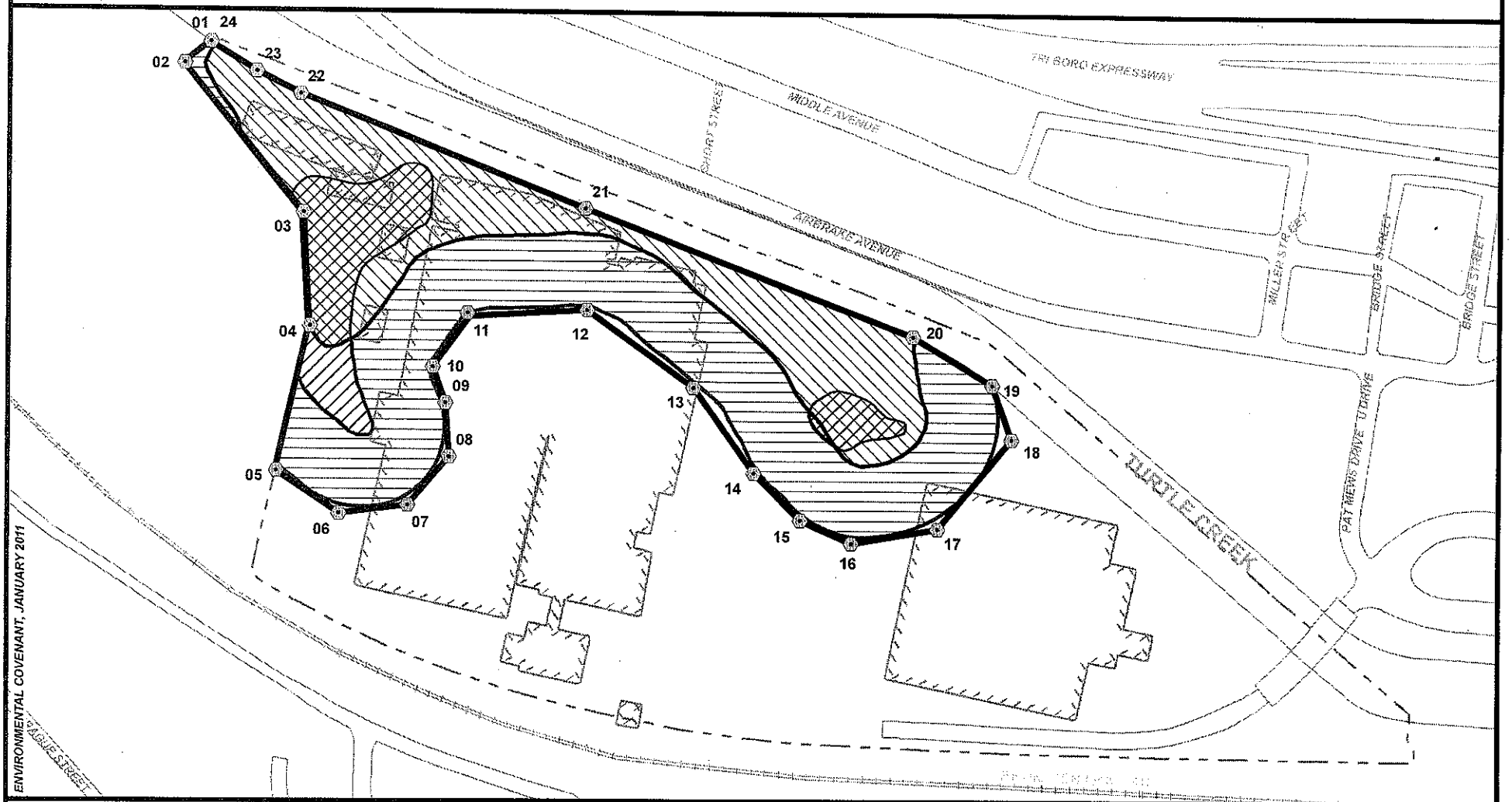
1) "IMPACTED GROUNDWATER" REFERS TO GROUNDWATER WHERE SAMPLE ANALYSES DETECTED CONCENTRATIONS OF ONE OR MORE CONSTITUENTS ABOVE THE PENNSYLVANIA LAND RECYCLING AND ENVIRONMENTAL REMEDIATION STANDARDS ACT (ACT 2) NON-RESIDENTIAL MEDIUM SPECIFIC CONCENTRATIONS (MCSs).

2) "CHLORINATED VOCs" REFERS VOLATILE ORGANIC COMPOUNDS, INCLUDING TETRACHLOROETHENE (PCE), TRICHLOROETHENE (TCE), cis-1,2-DICHLORETHENE (cDCE), 1,1-DICHLOROETHENE (1,1-DCE), VINYL CHLORIDE (VC), 1,1-DICHLORETHANE (1,1-DCA), AND/OR 1,1,1-TRICHLOROETHANE.

3) "PAHs" REFERS TO BENZO(a)PYRENE (B[a]P), BENZO(b)FLUORANTHENE (B[b]F), AND BENZO(ghi)PERYLENE (B(ghi)P.

4) "LNAPL" REFERS TO TOTAL LIGHT NON-AQUEOUS PHASE LIQUID.

EXHIBIT E



LEGEND

- PROPERTY BOUNDARY
- BUILDING FOOTPRINT
- AREA OF VOC-IMPACTED SOIL
- AREA OF VOC-IMPACTED GROUNDWATER
- 100-FOOT VAPOR MITIGATION BUFFER
- ACTIVITY AND USE LIMITATION "c" AREA
- AREA PERIMETER COORDINATE HUB

N

0 100 200 400

Feet

NOTES:

1) "IMPACTED" REFERS TO SOIL AND GROUNDWATER WHERE SAMPLE ANALYSES DETECTED CONCENTRATIONS OF ONE OR MORE CONSTITUENTS ABOVE THE PENNSYLVANIA LAND RECYCLING AND ENVIRONMENTAL REMEDIATION STANDARDS ACT (ACT 2) NON-RESIDENTIAL MEDIUM SPECIFIC CONCENTRATIONS (MCSs).

2) "VOC-IMPACTED SOIL" REFERS SOIL IMPACTED BY VOLATILE ORGANIC COMPOUNDS, INCLUDING TETRACHLOROETHENE (PCE),TRICHLOROETHENE (TCE), cis-1,2-DICHLORETHENE (cDCE), VINYL CHLORIDE (VC), AND/OR 1,1,1-TRICHLOROETHANE (1,1,1-TCA).

3) "VOC-IMPACTED GROUNDWATER" REFERS GROUNDWATER IMPACTED BY TETRACHLOROETHENE (PCE),TRICHLOROETHENE (TCE), cis-1,2-DICHLORETHENE (cDCE), 1,1-DICHLOROETHENE (1,1-DCE), VINYL CHLORIDE (VC), AND/OR 1,1,1-TRICHLOROETHANE, 1,1-DICHLORETHANE (1,1,1-DCA).

EXHIBIT F

Coordinates defining the perimeter of area wherein any future building designed for human occupancy must incorporate either a vapor barrier or a soil gas mitigation system unless adequate testing is done (according to then current Department requirements) to ensure vapor intrusion from soil and/or groundwater will not be an issue.

	GEOGRAPHIC COORDINATES[1]		STATE PLANE COORDINATES[2]	
HUB ID	LONGITUDE	LATITUDE	EASTING	NORTHING
01	-79.81166	40.39649	1394328.96	393995.80
02	-79.81179	40.39640	1394293.15	393966.10
03	-79.81117	40.39585	1394459.62	393759.99
04	-79.81112	40.39542	1394469.82	393603.71
05	-79.81127	40.39486	1394423.70	393400.74
06	-79.81095	40.39470	1394511.78	393340.50
07	-79.81060	40.39474	1394607.83	393352.73
08	-79.81040	40.39493	1394665.46	393420.84
09	-79.81043	40.39514	1394659.85	393495.93
10	-79.81050	40.39528	1394642.25	393546.48
11	-79.81033	40.39549	1394689.74	393622.32
12	-79.80973	40.39551	1394857.09	393626.78
13	-79.80919	40.39522	1395006.83	393519.36
14	-79.80887	40.39490	1395091.47	393400.00
15	-79.80863	40.39472	1395156.57	393333.81
16	-79.80837	40.39464	1395228.19	393302.34
17	-79.80794	40.39471	1395348.32	393323.04
18	-79.80759	40.39506	1395451.36	393448.78
19	-79.80769	40.39527	1395424.26	393524.62
20	-79.80809	40.39544	1395312.67	393592.06
21	-79.81143	40.39638	1394393.22	393955.65
22	-79.80976	40.39590	1394853.64	393767.75
23	-79.81120	40.39630	1394454.28	393924.53
24	-79.81166	40.39649	1394328.96	393995.80

FOOTNOTES:
[1] Geographic Coordinate System, North American Datum of 1983, Decimal Degrees.
[2] North American Datum of 1983, Pennsylvania South (FIPS 3702) Feet, Lambert Conformal Conic Projection.