

November 20, 2013

Mr. George Jacob
USEPA Region 2
Emergency & Remedial Response Division
290 Broadway
New York, NY 10007

**Re: Town of Conklin Landfill
Conklin, New York
SCE No. R09357.05**

Dear Mr. Jacob:

Shumaker Consulting Engineering & Land Surveying, D.P.C. (SCE) has been contracted by the Town of Conklin (Town) to assist, monitor, and report on the ongoing Operations and Maintenance (O&M) activities at the Town of Conklin Landfill site. This report has been prepared by SCE on behalf of the Town in response to the United States Environmental Protection Agency (USEPA) comments and suggestions given in the USEPA document "Fourth Five-Year Review Report for Conklin Dumps Superfund Site, Town of Conklin, Broome County, New York" dated January 2013 (5-Year Review Report). The Town's corrective actions and responses to the USEPA comments are described in the following sections.

1.0 INTRODUCTION

The USEPA conducted their fourth 5-Year Review Report for the Conklin Landfill, and promulgated the final report in January 2013. The site is located in the Town of Conklin, Broome County, New York. Originally, two (2) landfill areas existed at the "Conklin Dumps Site." The areas, referred to as the upper and lower landfills, operated during the 1960s and 1970s. The areas were studied extensively in the 1980s and were subsequently nominated to the National Priorities List. A remedial action plan was selected for the site which called for excavating the lower landfill and placing it on top of the upper landfill. The combined landfill was then capped and a leachate collection system was installed.

Since the remedial activities at the landfill were completed in the mid-1990s, post-closure monitoring and maintenance has been conducted under the O&M Plan, which has been in effect since that date. To date, the O&M Plan has received no authorized modifications. This site has annual inspections to check monitoring wells and general site conditions as well as quarterly groundwater sampling to analyze for contaminants.

BINGHAMTON, NY
143 Court Street
Binghamton, NY 13901
607-798-8081 • Fax 798-8186

UTICA, NY
430 Court Street, Suite 101
Utica, NY 13502
315-724-0100 • Fax 724-3715

ALBANY, NY
1510 Central Avenue, Suite 330
Albany, NY 12205
518-452-5730 • Fax 452-9230

MONTROSE, PA
78 Public Avenue
Montrose, PA 18801
570-432-0024 • Fax 432-0024

In addition, no changes to the landfill configuration, excavations, construction projects or other intrusive activities beyond routine operations, maintenance, and monitoring have taken place on the landfill site since the last 5-Year Review Report, completed in 2008.

2.0 USEPA 5-YEAR REVIEW REPORT COMMENTARY

The 5-Year Review process included a document review, data review, site inspection, interviews with the Town officials and their consultant, and a verification of Institutional Controls. The Report included two (2) sets of commentary to be addressed by the Town. These sets of commentary included "Comments on Operation, Maintenance, Monitoring, and Institutional Controls," and "Recommendations and Follow-up Actions." In addition, the Report also included follow-up items from commentary on the USEPA's 2008 5-Year Review report.

2.1 SUPPLEMENTAL RESPONSES TO 2008 COMMENTS

Table 1 herein presents a summary of the 2008 USEPA comments, and includes actions by the Town which have taken place to remedy the identified deficiencies.

2.2 COMMENTS ON OPERATION, MAINTENANCE, MONITORING, AND INSTITUTIONAL CONTROL

The Fourth 5-Year Review Report for the Conklin Landfill offered suggestions for improvement to the O&M of the site. These USEPA comments and suggestions are summarized in Table 2. The USEPA comments and action taken by the Town are explained in more detail below.

2.2.1 Future Development

Comment: If the site is developed in the future, it is possible that drinking water wells could draw residual contamination from the site.

Response: The Town of Conklin implemented an Environmental Easement in January 2013 (Appendix A). This easement included Institutional Controls preventing any future groundwater wells from being installed on the site. The Institutional Controls are also being included as an integral part of the Site Management Plan currently under development. A certification of that the Institutional Controls prohibiting groundwater wells on the landfill site will be included in future fourth quarter O&M reports.

2.2.2 Institutional Controls

Comment: New York State requires annual certifications that institutional controls that are required by RODs are in place, and that remedy-related O&M is being performed.

Response: The Environmental Easement with Institutional Controls was signed by the Town in January 2013 (Appendix A). The Institutional Controls prohibit any activities that could damage the landfill cover including digging, construction, and excavation without prior consent of the USEPA. Additionally, no groundwater wells for drinking water are allowed on any portion of the upper landfill. Future annual inspections and fourth quarter reports will include a verification and certification that no groundwater extraction wells have been installed and that remedy-related O&M are being performed.

2.2.3 Perimeter Fence

Comment: Trees are impinging on the fence in several locations including two (2) small trees that died, fell over and are lying on top of the fence.

Response: In August 2013 Town forces removed the trees lying on the fence.

2.2.4 Monitoring Well MW-12

Comment: Monitoring well MW-12 is enveloped by trees and shrubs, making it difficult to access it along the north side of the landfill security fence due to thick vegetative growth.

Response: In the August 2013, the Town's forces removed the trees and shrubs around MW-12. In addition, they cleared a pathway to allow easier access to the monitoring well from the outside perimeter of the fence.

2.2.5 Well Labeling

Comment: Monitoring well MW-2 and MW-14 were not labeled.

Response: The Town's Consultant labeled the wells in August 2013.

2.2.6 Surface Water

Comment: Although the surface water monitoring of Carlin Creek did not indicate any elevated site contaminants, it is possible that the elevated inorganic contaminants in the groundwater could migrate to the surface water.

Response: The contaminant levels will continue to be monitored and logged to evaluate for trends.

2.2.7 Well Blockage

Comment: Well MW-2 has reported as having a blockage at 19-feet.

Response: This blockage has been inspected with a camera, and it appears that it is due to a collapse within the screened portion of the well. Over time, landfills often settle and shift as portions compress or decompose. It appears that the shift in this landfill has caused the well to collapse at about 21-feet below the top of the standpipe. According to the Operation, Maintenance, and Monitoring Plan from June 27, 1996, MW-2 is only used for groundwater level measuring and not sampling for contaminants. Leachate well LW-14 is directly adjacent to monitoring well and is also used only for groundwater level monitoring. Since both wells serve the same purpose and are adjacent to each other, it is recommended that MW-2 be dropped from the groundwater level monitoring program. Further, due to the cost and complexity of replacing a groundwater well through the landfill cap and the contaminated media, it is not recommended that MW-2 be replaced, rather that it be retained as-is to prevent the need to abandon it and repair the geomembrane landfill cap.

2.2.8 Detection Limits

Comment: The detection limits used by the laboratory should be at least as low as the relevant groundwater standard.

Response: The Town's Consultant and laboratory have modified the analytical methods to select methods which meet the required detection limits. This is an ongoing effort, and the Town, Town's Consultant, and Contract Laboratory are working to ensure that detection limits are within the associated groundwater standard. The lab reported that some of these detection level problems are due to matrix interference from poor sample quality. The Town's Consultant redeveloped the wells on August 21-22, 2013, removing large amount of accumulated silt which should help improve future sample quality.

Comment: Total metals analysis results should always be greater than or equal to dissolved metals analysis results, because dissolved metals is a subset of total metals. Dissolved metals are generally considered more mobile and biologically available.

Response: Starting with the fourth quarter sampling round of 2013, groundwater and surface water samples will be filtered, and analysis will be conducted on unfiltered and filtered metals. In addition, the Town's Consultant redeveloped the wells on August 21-22, 2013, which removed large quantities of accumulated silt from the existing monitoring wells.

Comment: Manganese may not be a perfect surrogate for the trends in the other contaminants.

Response: This has been noted and Manganese will no longer be used in this manner. Filtering of groundwater samples is anticipated to greatly reduce the inorganics detected in groundwater, and trend analysis will be greatly simplified in most circumstances.

2.3 RECOMMENDATIONS AND FOLLOW-UP ACTIONS

A single recommendation and follow-up action was directed by the USEPA in the 5-Year Review Report. Table 3 summarizes the recommendation and follow-up actions completed by the Town.

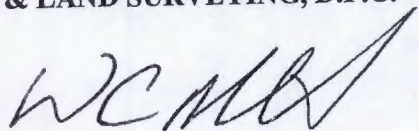
Recommendation: On-Property institutional controls need to be put into place. Complete the implementation of on-property institutional controls that restrict activities that could affect the integrity of the cap, prohibit the residential use of the property, and prohibit the installation of groundwater wells for drinking or irrigation until groundwater standards are achieved.

Response: The Town has implemented Environmental Easement with Institutional Controls. The Easement was signed by the Town in January 2013 and a copy is attached herein as Appendix A. In addition, a Site Management Plan is currently being prepared which ensures that the Engineering Controls and Institutional Controls specified in the Environmental Easement are part of the long-term landfill monitoring program.

It is SCE's opinion that the Town has adequately addressed and responded to the USEPA's recent commentary. Please do not hesitate to contact us at any time should you have questions or comments regarding the Town of Conklin Landfill

Very truly yours,

**SHUMAKER CONSULTING ENGINEERING
& LAND SURVEYING, D.P.C.**



W. Curtis Nichols, P.E., LEED-AP
Managing Engineer

FRC/krf

Enclosures

cc: James Finch, Town of Conklin
Tom Delamarter, Town of Conklin
Payson Long, NYSDEC

TABLE 1
CORRECTIVE ACTION PLAN – 2008

**Table 1
Corrective Action Plan- 2008**

2008 Five-Year Review Other Comments on Operation, Maintenance, Monitoring, and Institutional Controls (Unresolved Actions)		
Comment/Suggestion	Status	Proposed Corrective Action (Implementation Date)
The monitoring wells need to be surveyed to establish casing elevations.	A full survey of all landfill wells, sumps, leachate collection, and fences was completed in July 2008.	ISSUE RESOLVED
The monitoring reports contain raw data from the laboratory which are impossible to interpret without considerable data reduction. The Town needs to perform data reduction and analysis.	Data reduction and analysis began with the August 2008 annual report.	ISSUE RESOLVED
For each future sampling event, the water levels should be measured and potentiometric maps should be created. Contouring the water table to establish actual flow directions will require taking water level measurements from old wells that have not been included in the past. Since landfill compaction has the potential to damage the inner casing, the older wells will require an evaluation.	Groundwater potentiometric maps have been developed since the 2009 annual O&M report. The monitoring wells were inspected in July 2008 and were rehabilitated, as necessary, in February 2009.	ISSUE RESOLVED
The detection limits used by the laboratory should be at least as low as the relevant groundwater standard. Alternative analytical methods for several contaminants need to be employed for all subsequent sample analyses.	This is no indication that this suggestion has been carried out yet.	Town will coordinate with laboratory re: detection limits and alternative analytical methods. See Table 5 for same comment. (June 2013)
Monitoring well MW-3, where contaminant levels have been increasing, has only been sampled sporadically in recent years. The monitoring well should be sampled on a quarterly basis.	Monitoring well MW3 was supposed to be sampled quarterly, but it was typically buried by sediment, snow, or submerged under water. The well was reconstructed in February 2009 and is again being sampled quarterly.	ISSUE RESOLVED
The Application for Monitoring Variance lists six items under "Reporting" (comparison of groundwater and surface water results with applicable standards, historical groundwater elevations, historical parameter concentrations, groundwater contours, statistical evaluation of the data, and comparison of upgradient and down gradient sample results). The recommended items should be implemented. This information should be utilized to assess system performance.	This is no indication that this suggestion has been carried out yet.	This change in the Landfill Monitoring Periodicity is part of the Site Management Plan, currently being developed by The Town's Consultant. (May 2013)

2008 Five-Year Review Other Comments on Operation, Maintenance, Monitoring, and Institutional Controls (Unresolved Actions)

<p>Manganese may not be a perfect surrogate for the trends in the other contaminants. Perform time series analysis on the other analytes detected in the downgradient wells.</p>	<p>This is no indication that this suggestion has been carried out yet.</p>	<p>Time Series analysis has been, and will be conducted for analytes other than Manganese in future Annual Reviews. Town's Consultant to Comply on future Annual Audits.</p>
<p>The increasing manganese levels in the shallow downgradient wells suggest that an engineering evaluation should be performed. Broken wells have the potential to transmit water downward, and the casing of at least one of the wells during the site visit was found to be bent over.</p> <p>A physical examination of the cap and the wells installed through it should be performed. Repairs should be made if necessary. This includes obvious breaches in the cap, broken or malfunctioning wells, and the leachate collection system.</p> <p>After minor repairs are made, the landfill should be monitored quarterly for 5 years to see if increasing contamination trends are reversed, or at least stabilized. If not, then a more thorough investigation and remedy may have to be developed.</p>	<p>Repairs were made to the damaged wells in February 2009.</p> <p>This is no indication that the remaining suggestions have been carried out yet.</p>	<p>ISSUE RESOLVED</p> <p>Detailed investigations of the landfill cap are made annually during the annual inspection. Leachate seeps, subsided cap areas, and stressed vegetation are all indicators of cap failure. To date, with the exception of monitoring well damage (from mowing activities), no evidence of cap failure has been observed and this was documented in the Corrective Action Report in 2008.</p>
<p>The Town should ascertain if there are any reuse opportunities for this site. If such opportunities exist, then a reuse plan should be developed. This plan would need to be a collaborative effort between the interested parties. A reuse plan should be developed to address future property ownership, institutional controls, and the final status of the existing structures and foundations on the site.</p>	<p>This is no indication that the suggestion has been carried out yet.</p>	<p>To date feasible reuse opportunities have not been identified due to the geometry and geography of the landfill site. Town will pursue reuse opportunities should they arise, at which time a reuse plan would be developed for any feasible reuse opportunities.</p>

2008 Five-Year Review Other Comments on Operation, Maintenance, Monitoring, and Institutional Controls (Unresolved Actions)

On an annual basis, the site will need to be inspected to verify that no groundwater extraction wells have been installed at the site. The annual operation and maintenance (O&M) report should indicate the results of this inspection and should include a certification that remedy-related O&M is being performed. Once the institutional controls are put into place, the annual O&M report should include a certification that the institutional controls are in place, as well.

The annual reports do not include an assessment of groundwater extraction wells in the area.

Site will be inspected annually to verify that no groundwater extraction wells have been installed on the site and documented in the annual O&M plan. Certification that remedy-related O&M is being performed will be included as well as certification of Institutional Controls.

TABLE 2
CORRECTIVE ACTION PLAN – 2012

**Table 2
Corrective Action Plan- 2012**

CY 2012 Other Comments on Operation, Maintenance, Monitoring, and Institutional Controls		
Comment	Suggestion	Corrective Action (Implementation Date)
If the site is developed in the future, it is possible that drinking water wells could draw residual contamination from the site.	In the event of future development, water use should be evaluated to ensure that drinking water wells do not draw residual contamination from the site.	Town to implement Environmental Easement with institutional controls which prevents groundwater wells from being installed on the site. (January 2013)
New York State requires annual certifications that institutional controls that are required by RODs are in place and that remedy-related operation and maintenance (O&M) is being performed.	On an annual basis, the site will need to be inspected to determine whether any groundwater wells have been installed at the site. The fourth quarter O&M report should include a certification that remedy-related O&M is being performed. Once the institutional controls are put into place, the fourth quarter O&M report should include a certification that the institutional controls are in place, as well.	Site will be inspected annually to verify that no groundwater extraction wells have been installed on the site and documented in the annual O&M report. Certification that remedy-related O&M is being performed will be included as well as certification of Institutional Controls. (First O&M and Institutional Controls Certification will be provided Q4, 2013)
Trees are impinging on the fence in several locations, including two small trees that died, fell over and are lying on top of the fence.	To ensure that the integrity of the fence is not compromised, the trees should be removed	Town forces will remove the trees lying on top of the fence and dispose of them appropriately (Summer 2013)
Monitoring well MW-12 is enveloped by trees and shrubs, making it difficult to access it along the north side of the landfill security fence due to thick vegetative growth.	To ensure unobstructed access to the monitoring well, the trees and shrubs should be removed.	Town forces will remove vegetation and trees and shrubs at MW-12 and along a pathway to MW-12 to allow access. (Summer 2013)
Monitoring wells MW-2 and MW-14 are not labeled.	All wells are properly labeled.	Town's Consultant will stencil permanent Well ID labels to MW-2 and MW-14 (August 2013)
Although the surface water monitoring of Carlin Creek did not indicate any elevated site contaminants, it is possible that the elevated inorganic contaminants in the groundwater could migrate to the surface water.	Surface water monitoring should continue.	Surface Water Monitoring will continue in all quarterly sampling events

CY 2012 Other Comments on Operation, Maintenance, Monitoring, and Institutional Controls

Comment	Suggestion	Corrective Action (Implementation Date)
Monitoring well MW-2 has been reported as having a blockage at 19 feet.	The blockage should be removed.	Town's consultant will retain a Geotechnical consultant to inspect MW-2 to determine cause of blockage/failure. Based on results of inspection, a maintenance action can be designed and undertaken. (September 2013)
The detection limits used by the laboratory should be at least as low as the relevant groundwater standard.	Alternative analytical methods for several contaminants need to be employed for all subsequent sample analyses.	Town and its consultant will coordinate with lab so that alternative analytical methods for several contaminants can be employed (October 2013)
Total metals analysis results should always be greater than or equal to dissolved metals analysis results, because dissolved metals is a subset of total metals. Dissolved metals are generally considered more mobile and biologically available.	Groundwater and surface water samples should be analyzed for both total and filtered metals.	Town's Consultant will redevelop all wells to eliminate as much accumulated silt as possible. Town will coordinate with analytical lab and sampling firm to provide filtered and unfiltered groundwater and surface water for metals analysis. The practicality for collecting filtered and unfiltered samples will be evaluated following the next 5-year monitoring period. (June 2013)

TABLE 3
FOLLOW-UP ACTION

**Table 3
Follow-Up Action**

CY 2012 Recommendation and Follow-Up Action		
Issue	Recommendations/Follow-up Actions	Corrective Action (Implementation Date)
On-property institutional controls need to be put in place.	Complete the implementation of on-property institutional controls that restrict activities that could affect the integrity of the cap, prohibit the installation of groundwater wells for drinking or irrigation until groundwater standards are achieved.	The Town has implemented Environmental Easement with Institutional Controls. In addition, a Site Management Plan is currently being prepared which ensures that the Engineering Controls and Institutional Controls specified in the Environmental Easement are part of the long-term landfill monitoring program. (January 2013)

APPENDIX A
ENVIRONMENTAL EASEMENT

DECLARATION OF COVENANTS, RESTRICTIONS AND ENVIRONMENTAL EASEMENT

This Declaration of Covenants, Restrictions and Environmental Easement is made this 20th day of February, 2013, by and between The Town of Conklin, a municipal corporation, having an address at 1271 Conklin Road, Conklin, New York 13748, ("Grantor"), and the People of the State of New York (the "Grantee"), acting through their Commissioner of the New York State Department of Environmental Conservation with its Central Office, located at 625 Broadway, Albany, New York 12233 ("Grantee").

WITNESSETH:

WHEREAS, Grantor is the owner of a 12.063 acre \pm parcel [a/k/a the "Upper Landfill"] and a 15.625 acre \pm parcel [a/k/a the "Lower Landfill"] of land located in Town of Conklin, County of Broome, State of New York, more particularly described on Exhibit A and Exhibit B attached hereto and made a part hereof together with any buildings and improvements thereon and appurtenances thereto (the parcels of land described on Exhibit A and Exhibit B shall be referred to collectively as the "Property"); and

WHEREAS, the Property is part of the Conklin Dumps Superfund Site ("Site"), which the U.S. Environmental Protection Agency ("EPA"), pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9605, placed on the National Priorities List, as set forth in Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP"), 40 C.F.R. Part 300, by publication in the Federal Register in June 1986; and

WHEREAS, in a Record of Decision dated March 29, 1991, ("ROD"), The Regional Administrator of EPA selected, and the New York State Department of Environmental Conservation ("NYSDEC") concurred with, response actions for the Site ("CERCLA response actions"), which provided in pertinent part, for the following actions:

- (i) Capping of the upper landfill and lower landfill
- (ii) Leachate collection and treatment
- (iii) Groundwater monitoring
- (iv) Fencing and long-term monitoring
- (v) Restricting activities at the Site that could affect the integrity of the cap

WHEREAS, in an Explanation of Significant Difference ("ESD") issued in September 1992, The EPA modified the remedy selected in the ROD, providing in pertinent part, for the following actions: the excavation of the lower landfill, consolidation of the excavated lower landfill contents onto the upper landfill, capping of the upper landfill, construction of a leachate collection system, and treatment of the leachate. The ESD did not modify the requirement in the ROD for the imposition of a property deed restriction, if necessary, to prevent the installation of drinking water wells that do not meet the quality standards at the Site, and restrict activities that could affect the integrity of the cap;

County:

Site No:

Order No:

WHEREAS, a current copy of the NYSDEC and EPA approved SMP must be obtained by any party with an interest in the property, from the New York State Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233 or at dervecb@gw.dec.state.ny.us;

WHEREAS, the excavation of waste from the lower landfill, capping of the consolidated wastes in the upper landfill, installation of a leachate recovery system, and construction of a final cap for the upper landfill have been completed; and

WHEREAS, the parties hereto have agreed that Grantor shall grant to the Grantee a permanent Declaration of Covenants, Restrictions and Environmental Easement pursuant to Article 71, Title 36 of the NYS Environmental Conservation Law, covenant with respect to restrictions on the use of the Property, and provide a right of access to the Property in favor of Grantee and EPA, all of which shall run with the land, for purposes of preventing the installation of drinking water wells that do not meet quality standards, at the Site and to impose on the Property use restrictions that will run with the land for the purpose of restricting activities which could affect the integrity of the cap and protecting human health and the environment; and

WHEREAS, Grantor wishes to cooperate fully with the Grantee in the implementation of all response actions at the Site;

NOW, THEREFORE:

1. **Grant:** Grantor, on behalf of itself, its successors and assigns, in consideration of the mutual promises contained herein and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby give, grant, covenant and declare in favor of the Grantee that the Property shall be subject to this Declaration of Covenants, Restrictions and Environmental Easement, and Grantor does further give, grant and convey to the Grantee the perpetual right to enforce said restrictions, covenants, right of access and Environmental Easement, all of which shall be of the nature and character, and for the purposes hereinafter set forth, with respect to the Site.
2. **Purpose:** It is the purpose of this instrument to convey to the Grantee real property rights, which will run with the land, facilitate the remediation of past environmental contamination and to impose use restrictions and covenants to protect human health and the environment by reducing the risk of exposure to contaminants.
3. **Restrictions on Use:** The following restrictions apply to the use of the Property, run with the land and are binding on the Grantor and its successors in title and assigns:
 - a) Restrictions to the use of the Upper Landfill are provided below:
 - i) Activities that could affect the integrity of the landfill cover, including without limitation, excavation, digging, and construction activities, are prohibited on any portion of the Upper Landfill, unless Grantee and EPA have given their prior written consent to any such intrusive activity.

County:

Site No:

Order No:

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- ii) Groundwater wells for drinking water shall not be installed or used on any portion of the Upper Landfill.
- iii) The Upper Landfill shall not be used for "Residential Use" and "Restricted-Residential Use" as defined by New York State Department of Environmental Conservation (NYSDEC) Regulations – 6 NYCRR Part 375 – 1.8(g)(2)(i) and (ii). Allowable uses include "Commercial Use" and "Industrial Use" as defined in NYSDEC Regulations – 6 NYCRR Part 375 – 1.8(g)(2)(iii) and (iv).
- iv) Grantor, for itself and its successors and assigns, covenants and agrees to keep in good repair and maintain the following engineering controls on the Upper Landfill:
- v) Leachate Collection System;
- vi) Landfill Cover and Gas Venting;
- vii) Fencing bordering the Upper Landfill; and
- viii) Monitoring Well Network.
- ix) Periodic Certification
- b) Restrictions to the use of the Lower Landfill are provided below:
- i) Groundwater wells for drinking water shall not be installed or used on any portion of the Lower Landfill.
- ii) The Lower Landfill shall not be used for "Residential Use" and "Restricted-Residential Use" as defined by New York State Department of Environmental Conservation (NYSDEC) Regulations – 6 NYCRR Part 375 – 1.8(g)(2)(i) and (ii). Allowable uses include "Commercial Use" and "Industrial Use" as defined in NYSDEC Regulations – 6 NYCRR Part 375 – 1.8(g)(2)(iii) and (iv).
- c) Grantor, for itself and its successors and assigns, covenants and agrees that it shall, upon request by Grantee or EPA, certify to Grantee and to EPA that it is in compliance with the current Site Management Plan for the Site (a copy of which is available from Grantee at the address provided in Section 15, below, and electronically at the Grantee's website, currently <http://www.dec.ny.gov/chemical/36045.html>); that the Institutional Controls for the Site are in place and have not been violated since the date of the previous certification; that it is in compliance with its covenant to keep in good repair and maintain the Engineering Controls. (i) unless otherwise approved in writing by NYSDEC and EPA, or their successor agencies, there shall be no future development or use of the Property that could compromise, interfere with or adversely affect the implementation, integrity, or effectiveness of the remedial measures performed at the Site or cause contaminants to migrate; (ii) there shall be no installation of drinking water wells on the Property nor use of the groundwater from the unconfined aquifer underlying the Site as a source of potable or process water unless such groundwater meets or is

County:

Site No:

Order No:

treated to meet quality standards established under federal and state laws and regulations for the intended use.

4. Modification or termination of restrictions and covenants: The restrictions specified in the preceding paragraph of this instrument may only be modified or terminated, in whole or in part, in writing, by the Grantee, provided, however, that any modification or termination of said restrictions shall not adversely affect the remedy selected by EPA and NYSDEC for the Site. If requested by the Grantor, such writing will be executed by Grantee in recordable form. Any request by Grantor for a modification or termination of this instrument shall be made in writing by Grantor to NYSDEC and to EPA in accordance with paragraph 15 of this instrument.
5. Right of access: Grantors hereby convey to Grantee and to EPA a right of access to the Property at all reasonable times for the following purposes shall run with the land and be binding on Grantor, their successors and /or assigns, and on any tenants or any other parties having an interest and/or rights to the Property:
 - a) Modifying the Implemented response actions in the ROD and ESD, including but not limited to, O & M to be provided by the State of New York;
 - b) Verifying any data or information relating to the Site;
 - c) Verifying that no action is being taken on the Property in violation of the terms of this instrument or of any federal or state environmental laws or regulations;
 - d) Conducting investigations under CERCLA relating to contamination on or near the Site, including, without limitation, sampling of air, water, sediments, soils; and
 - e) Implementing additional or new response actions under CERCLA.
6. Reserved rights of Grantor: Grantor hereby reserves unto itself, its successors and assigns, all rights and privileges in and to the use of the Property which are not incompatible with the restrictions, rights, covenants and easements granted herein.
7. Federal authority: Nothing in this document shall limit or otherwise affect EPA's rights of entry and access or EPA's authority to take response actions under CERCLA, the NCP, or other federal law.
8. State authority: Nothing herein shall constitute a waiver of any rights the State may have pursuant to the Environmental Conservation Law, regulations and/or relevant provisions of statutory or common law.
9. No public access and use: No right of access or use by the general public to any portion of the Property is conveyed by this instrument.
10. Public notice: Grantor, on behalf of itself, its successors and assigns, agrees to include in each instrument conveying any interest in any portion of the Property, including but not limited to deeds, leases and mortgages, a notice which is in substantially the following form:

County:

Site No:

Order No:

NOTICE: THE INTEREST CONVEYED HEREBY IS SUBJECT TO A DECLARATION OF COVENANTS, RESTRICTIONS AND ENVIRONMENTAL EASEMENT, DATED _____, 20__, RECORDED IN THE _____ COUNTY CLERK'S OFFICE ON _____, 20__, IN BOOK _____, PAGE _____, IN FAVOR OF, AND ENFORCEABLE BY, THE PEOPLE OF THE STATE OF NEW YORK AND BY THE UNITED STATES OF AMERICA AS THIRD-PARTY BENEFICIARY.

Within thirty (30) days of the date any such instrument of conveyance is executed, Grantor agrees to provide Grantee and EPA with a certified true copy of said instrument and, if it has been recorded in the public land records, its recording reference.

11. **Enforcement:** The Grantee shall be entitled to enforce the terms of this instrument by resort to specific performance. All remedies available hereunder shall be in addition to any and all other remedies at law or in equity, including CERCLA. Any forbearance, delay or omission to exercise Grantee's rights under this instrument in the event of a breach of any term of this instrument shall not be deemed to be a waiver by the Grantee of such term or of any of the rights of the Grantee under this instrument.
12. **Damages:** Grantee shall also be entitled to recover damages for breach of any covenant or violation of the terms of this instrument including any impairment to the remedial action that increases the cost of the selected response action for the Site as a result of such breach or violation.
13. **Waiver of certain defenses:** Grantor hereby waives any defense of laches, estoppel, or prescription.
14. **Covenants:** Grantor hereby covenants that the Grantor is lawfully seized in fee simple of the Property, that the Grantor has a good and lawful right and power to sell and convey it or any interest therein and that the Property is free and clear of encumbrances.
15. **Notices:** Any notice, demand, request, consent, approval, or communication under this instrument that either party desires or is required to give to the other shall be in writing and shall either be served personally or sent by first class mail, postage prepaid, addressed as follows:

To Grantor:

The Town of Conklin
Town Hall
1271 Conklin Road
Conklin, New York 13748

To Grantee:

Office of General Counsel
NYS Department of Environmental Conservation
625 Broadway
Albany, New York 12233-5500

NYS Department of Environmental Conservation
Division of Environmental Remediation Site Control
625 Broadway
Albany, New York 12233

County:

Site No:

Order No:

A copy of each such communication shall also be sent to EPA in the same manner as to Grantor or Grantee, and addressed to the following two addressees:

U.S. Environmental Protection Agency
Emergency & Remedial Response Division, Western New York Remediation Branch
Attention: Conklin Dumps Superfund Site Remedial Project Manager
290 Broadway, 20th Floor
New York, New York 10007-1866

U.S. Environmental Protection Agency
Office of Regional Counsel
Attention: Conklin Dumps Superfund Site Attorney
290 Broadway, 17th Floor,
New York, New York 10007-1866

16. General provisions:

a) Controlling law: The interpretation and performance of this instrument shall, with respect to the Environmental Easement, be governed by the laws of the State of New York, and with respect to other matters, shall be governed by the laws of the United States or, if there are no applicable federal laws, by the law of the State of New York.

b) Liberal construction: Any general rule of construction to the contrary notwithstanding, this instrument shall be liberally construed in favor of the grant to effect the purpose of this instrument and the policy and purpose of CERCLA. If any provision of this instrument is found to be ambiguous, an interpretation consistent with the purpose of this instrument that would render the provision valid shall be favored over any interpretation that would render it invalid.

c) Severability: If any provision of this instrument, or the application of it to any person or circumstance, is found to be invalid, the remainder of the provisions of this instrument, or the application of such provisions to persons or circumstances other than those to which it is found to be invalid, as the case may be, shall not be affected thereby.

d) No forfeiture: Nothing contained herein will result in a forfeiture or reversion of Grantors' title in any respect.

e) Joint obligation: If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

f) Successors: The covenants, easements, terms, conditions, and restrictions of this instrument shall be binding upon, and inure to the benefit of, the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property. The term "Grantor", wherever used herein, and any pronouns used in place thereof, shall include the persons and/or entities named at the beginning of this document, identified as "Grantor" and their personal representatives, heirs, successors, and assigns. The term "Grantee", wherever used herein, and any pronouns used in

County:

Site No:

Order No:

place thereof, shall mean the People of the State of New York acting through their Commissioner of NYSDEC or through any successor department or agency of the State of New York.

g) Captions: The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

h) Counterparts: The parties may execute this instrument in two or more counterparts, which shall, in the aggregate, be signed by both parties; each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded counterpart shall be controlling.

i) Third-Party Beneficiary: Grantor and Grantee hereby agree that the United States, through EPA, shall be, on behalf of the public, a third-party beneficiary of the benefits, rights and obligations conveyed to Grantee in this instrument; provided that nothing in this instrument shall be construed to create any obligations on the part of EPA.

TO HAVE AND TO HOLD unto the Grantee and its assigns forever.

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

Executed this 22nd day of January, 2013.

GRANTOR: TOWN OF CONKLIN

By: [Signature]

James E. Finch

Title: Supervisor

Grantor's Acknowledgment

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

On the 22nd day of January, in the year 2013, before me, the above-signed, personally appeared JAMES E. FINCH, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as Town Supervisor of the Town of Conklin and that by his signature on the instrument, the Grantor, upon behalf of which the individual acted, executed the instrument.

[Signature]
Notary Public - State of New York

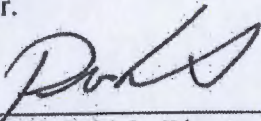
SHERRIE L. JACOBS
NOTARY PUBLIC, STATE OF NEW YORK
NO 01JA5084551
QUALIFIED IN BROOME COUNTY
MY COMMISSION EXPIRES 12/9/20 14

County:

Site No:

Order No:

THIS ENVIRONMENTAL EASEMENT AND DECLARATION OF RESTRICTIVE COVENANTS 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.

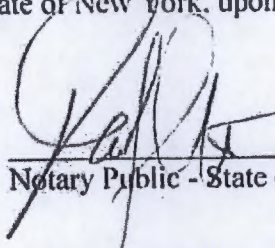
By: 
Robert W. Schick, Director
Division of Environmental Remediation

Date: FEB 20 2013

Grantee's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF)

On the 20th day of February, in the year 2013, before me, the above-signed, personally appeared Robert W. Schick, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his signature on the instrument, the People of the State of New York, upon behalf of which the individual acted, executed the instrument.


Notary Public - State of New York

David J. Chiasano
Notary Public, State of New York
No. 01CH5032146
Qualified in Schenectady County
Commission Expires August 22, 2014

EXHIBIT A
To
Declaration of Covenants, Restrictions and Environmental Easement

**Survey and Description of
Conklin Dumps Superfund Site
[UPPER LANDFILL]
(12.063 ± Acres)**

Declaration of Covenants, Restrictions, and Environmental Easement - Upper Landfill Area

Description:

Being all that tract or parcel of Land, situate in the Town of Conklin, County of Broome, and the State of New York, and described as follows:

Beginning at a point on the westerly boundary of Broome Corporate Parkway, County Route 197, at its intersection with the division line between the property of the Town of Conklin on the south and the property of the Broome County Industrial Development Agency on the north;

Thence South 84°44'11" West along said division line between the property of the Town of Conklin on the south and the properties of Broome County Industrial Development Agency and Maple Lane Holdings, LLC on the north a distance of 850.00 feet to a rebar with cap found;

Thence southerly and easterly along the division line between the property of the Town of Conklin on the east and north and the property of Maple Lane Holdings, LLC on the west and south;

1) South 05°15'49" East a distance of 400.00 feet to a rebar with cap found;

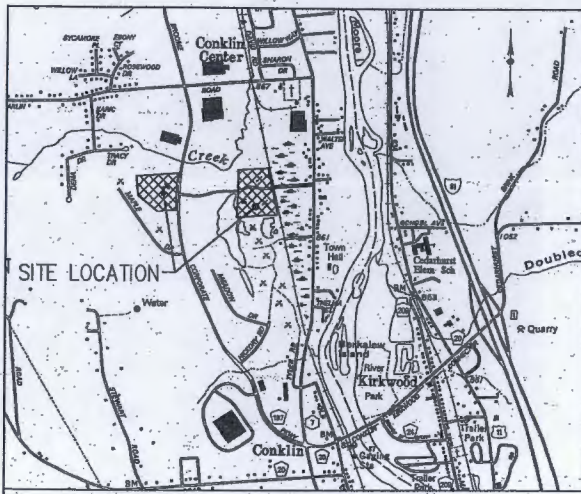
2) South 53°26'37" East a distance of 509.90 feet to a rebar with cap found;

3) North 84°44'11" East a distance of 386.70 feet to a 5/8" rebar found on the said westerly boundary of Broome Corporate Parkway;

Thence northerly along said road boundary on a curve to the right a distance of 745.63 feet having a radius of 4252.00 feet and subtended by a chord having a length of 744.67 feet with a bearing of North 01°09'33" East to the POINT OF BEGINNING.

The above described parcel contains 12.063± acres or 525465± square feet.

Being a portion of the land conveyed by George R. Webb and Ada M. Webb to the Town of Conklin by deed dated November 14, 1960 and recorded November 14, 1960 in the Broome County Clerk's Office in Book 1028 Page 572 of Deeds.



SITE LOCATION MAP

TRUE NORTH AT THE 74°30'
MERIDIAN OF WEST LONGITUDE

Engineering Controls/Institutional Controls on the Upper Landfill:

a. Engineering Controls:

- Leachate Collection System;
- Landfill Cover and Gas Venting;
- Fencing Bordering the Upper Landfill; and
- Monitoring Well Network.

b. Institutional Controls:

- Activities that could affect the integrity of the landfill cover, including without limitation, excavation, digging, and construction activities, are prohibited on any portion of the Upper Landfill, unless Grantee and EPA have given their prior written consent to any such intrusive activity;
- Groundwater wells for drinking water shall not be installed or used on any portion of the Upper Landfill; and
- The Upper Landfill shall not be used for "Residential Use" and "Restricted-Residential Use" as defined by New York State Department of Environmental Conservation (NYSDEC) Regulations - 6 NYCRR Part 375 - 1.8 (g) (2) (i) and (ii). Allowable Uses include "Commercial Use" and "Industrial Use" as defined in NYSDEC Regulations - 6 NYCRR Part 375 - 1.8 (g) (2) (iii) and (iv).

Declaration of Covenants, Restrictions, and Environmental Easement - Upper Landfill Area Description:

Being all that tract or parcel of Land, situate in the Town of Conklin, County of Broome, and the State of New York, and described as follows:

Beginning at a point on the westerly boundary of Broome Corporate Parkway, County Route 197, at its intersection with the division line between the property of the Town of Conklin on the south and the property of the Broome County Industrial Development Agency on the north;

thence South 84°44'11" West along said division line between the property of the Town of Conklin on the south and the properties of Broome County Industrial Development Agency and Maple Lane Holdings, LLC on the north a distance of 850.00 feet to a rebar with cap found;

Thence southerly and easterly along the division line between the property of the Town of Conklin on the east and north and the property of Maple Lane Holdings, LLC on the west and south;

- 1) South 05°15'49" East a distance of 400.00 feet to a rebar with cap found;
- 2) South 53°26'37" East a distance of 509.90 feet to a rebar with cap found;
- 3) North 84°44'11" East a distance of 386.70 feet to a 5/8" rebar found on the said westerly boundary of Broome Corporate Parkway;

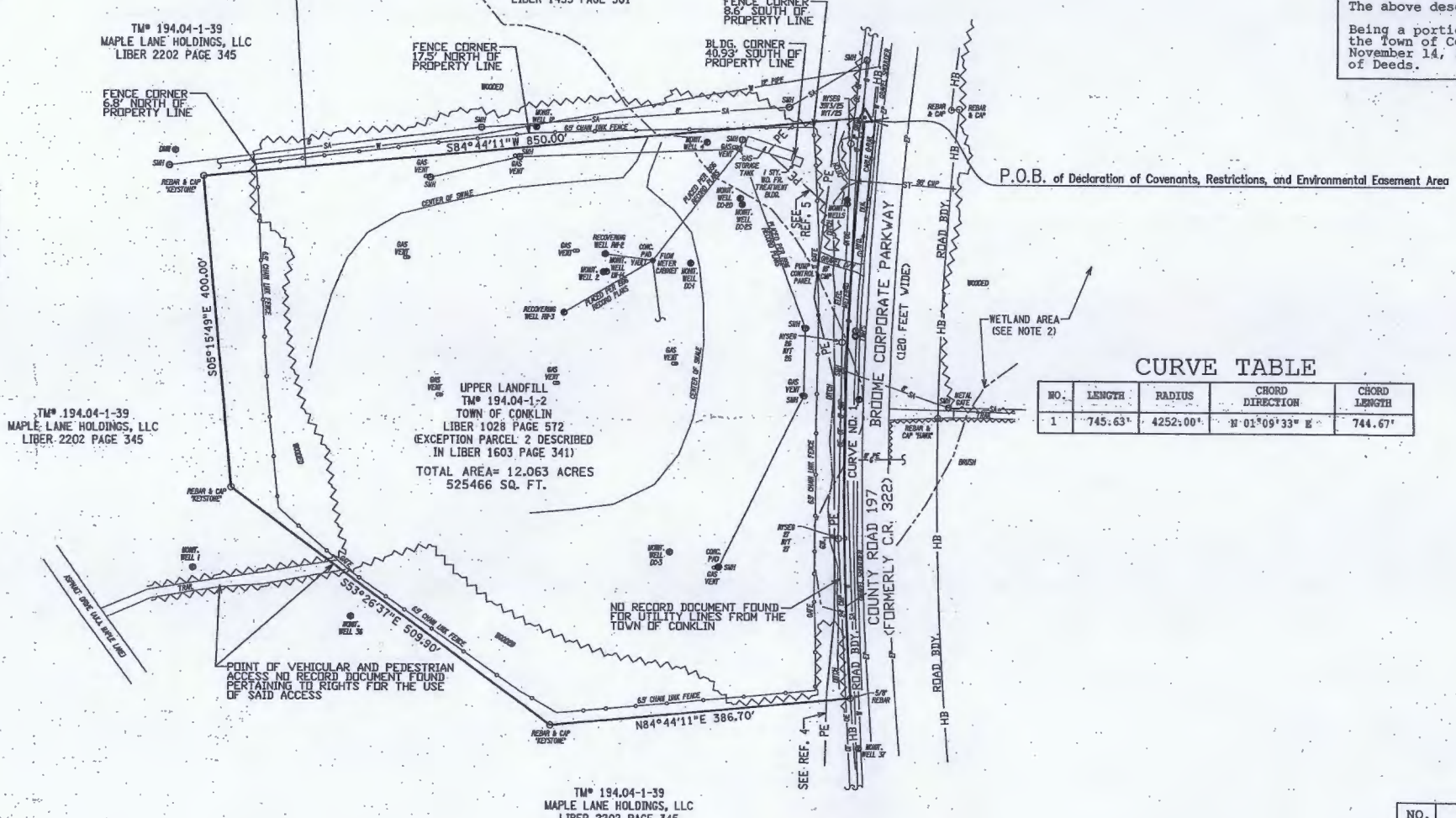
Thence northerly along said road boundary on a curve to the right a distance of 745.63 feet having a radius of 4252.00 feet and subtended by a chord having a length of 744.67 feet with a bearing of North 01°09'33" East to the POINT OF BEGINNING.

The above described parcel contains 12.063± acres or 525465± square feet.

Being a portion of the land conveyed by George R. Webb and Ada M. Webb to the Town of Conklin by deed dated November 14, 1960 and recorded November 14, 1960 in the Broome County Clerks Office in Book 1028 Page 572 of Deeds.

DECLARATION OF COVENANTS, RESTRICTIONS & ENVIRONMENTAL EASEMENT AREA ACCESS

THE DEC, EPA OR THEIR AGENT MAY ACCESS THE ENVIRONMENTAL EASEMENT AREA AS SHOWN HEREON THROUGH ANY EXISTING STREET ACCESS OR BUILDING INGRESS/EGRESS ACCESS POINT



CURVE TABLE

NO.	LENGTH	RADIUS	CHORD DIRECTION	CHORD LENGTH
1	745.63'	4252.00'	N 01°09'33" E	744.67'

- NOTES:**
- 1) HORIZONTAL DATUM IS REFERENCED TO NEW YORK STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83.
 - 2) EXISTING WETLAND MAPPING DEPICTED HEREIN WERE OBTAIN THROUGH THE U.S. FISH AND WILDLIFE SERVICE'S NATIONAL WETLANDS INVENTORY AND THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AGENCIES FRESH WATER WETLANDS OBTAINED THROUGH THE CORNELL UNIVERSITY GEOSPATIAL INFORMATION REPOSITORY.
 - 3) THE LOCATION OF THE UNDERGROUND UTILITY LINES SHOWN IS PURSUANT TO INFORMATION SUPPLIED BY OTHERS. THERE IS NO GUARANTEE THAT ALL EXISTING UTILITIES, WHETHER FUNCTIONAL OR ABANDONED WITHIN THE PROJECT AREA ARE SHOWN ON THIS DRAWING. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES BEFORE STARTING WORK AND SHALL BE RESPONSIBLE FOR ALL DAMAGE RESULTING FROM THIS WORK. BEFORE COMMENCING WORK CONTACT "DIG SAFELY NEW YORK" AT 1-800-962-7962 AND PROVIDE 72 HOURS NOTICE.

- REFERENCES:**
- 1) Land conveyed by George R. Webb & Ada M Webb to the Town of Conklin by deed dated November 14, 1960 and recorded November 14, 1960 in the Broome County Clerks Office in Book 1028 Page 572 of Deeds.
 - 2) Exception parcels 2 and 3 listed in a deed conveyed by the Town of Conklin to the County of Broome by deed dated September 23, 1986 and recorded March 25, 1987 in the Broome County Clerks Office in Book 1603 Page 341 of Deeds.
 - 3) "Boundary Survey for the Maines Family Limited Partnership" By: Keystone Associates Architects, Engineers and Surveyors, LLC Dated: July 14, 2007 (unrecorded map)
 - 4) Permanent easement (Parcel 2E) for the purpose of constructing and maintaining a drainage ditch and the right to discharge water thereon and therefrom conveyed by the Town of Conklin to the County of Broome by deed dated May 13, 1986 and recorded May 21, 1986 in the Broome County Clerks Office in Book 1531 Page 113 of Deeds.
 - 5) Permanent easement (Parcel 5E) for the purpose of constructing and maintaining a slope and drainage ditch conveyed by the Town of Conklin to the County of Broome by deed dated May 13, 1986 and recorded May 21, 1986 in the Broome County Clerks Office in Book 1531 Page 113 of Deeds.

REVISION TABLE

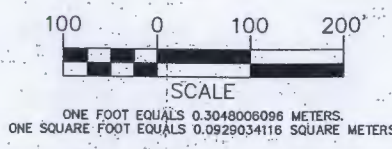
NO.	REMARKS	DATE
1	Revised Per United States EPA & NYSDEC Comments Dated 1/14/13	1/15/13

ALTA/ACSM LAND TITLE SURVEY
SURVEY OF COVENANTS, RESTRICTIONS, AND ENVIRONMENTAL EASEMENT AREA
 ON LANDS OWNED BY THE TOWN OF CONKLIN
 TAX MAP NO. 194.04-1-2 & 194.04-1-18
 TOWN OF CONKLIN, BROOME COUNTY, NY

SURVEY COMPLETED: 11/30/11
 MAP COMPLETED: 12/27/11
 DRAWN BY: MST
 DRAWING NO. 935703_A.DWG
 SHEET NO. 1 OF 2



- LEGEND:**
- SUBJECT PROPERTY AND DECLARATION OF COVENANTS, RESTRICTIONS, AND ENVIRONMENTAL EASEMENT BOUNDARY LINES
 - CALCULATED POINT
 - PROPERTY LINES
 - PN FOUND (TYPE AND SIZE AS SHOWN)
 - PIPE FOUND (TYPE AND SIZE AS SHOWN)
 - HIGHWAY BOUNDARY
 - PERMANENT EASEMENT
 - LIMIT OF WETLANDS
 - EDGE OF PAVEMENT
 - WOODS LINE
 - BRUSH LINE
 - FENCE (SIZE AND TYPE NOTED)
 - UTILITY POLE & POLE NUMBER
 - UTILITY POLE WITH LIGHT & POLE NUMBER
 - ELECTRIC METER
 - GAS VENT
 - MANHOLE
 - SANITARY MANHOLE
 - TELEPHONE MANHOLE
 - HYDRANT
 - OVERHEAD TELEPHONE LINE
 - OVERHEAD ELECTRIC LINE
 - SANITARY SEWER LINE
 - WATER LINE
 - STORM WATER LINE
 - GUIDE RAIL



INSTITUTIONAL / ENGINEERING CONTROLS NOTES:

- 1) 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.
- 2) THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY ALBANY, NY 12233 OR BY SENDING AN EMAIL REQUEST TO DERWEB@GW.DEC.STATE.NY.US.

"UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW."

ONLY BOUNDARY SURVEY MAPS BEARING THE SURVEYOR'S SEAL AND SIGNED IN BLUE INK ARE GENUINE, TRUE AND CORRECT COPIES OF THE SURVEYOR'S ORIGINAL WORK AND OPINION.

THIS SURVEY HAS BEEN REVISED WITH THE BENEFIT OF TITLE REPORT COMMITMENT NO. 1217-25092, DATED AUGUST 16, 2012 PREPARED BY CHICAGO TITLE INSURANCE COMPANY.

TO 1) TOWN OF CONKLIN
 2) THE PEOPLE OF THE STATE OF NEW YORK ACTING THROUGH THEIR COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 3) UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 4) CHICAGO TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEM 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON NOVEMBER 30, 2011.

I HEREBY CERTIFY THAT THIS IS A MAP MADE FROM A SURVEY, PREPARED UNDER MY DIRECTION.

PAUL A. WATERS, LAND SURVEYOR - January 23, 2013
 P.L.S. LICENSE NO. 049956
 SHUMAKER CONSULTING ENGINEERING & LAND SURVEYING, P.C.
 143 COURT STREET, BINGHAMTON, NEW YORK 13901
 (607) 798-8081



County:

Site No:

Order No:

EXHIBIT B
To
Declaration of Covenants, Restrictions and Environmental Easement
Survey of Conklin Dumps Superfund Site
[LOWER LANDFILL]
(15.6248 ± Acres)

**Declaration of Covenants, Restrictions, and Environmental Easement - Lower Landfill Area
Description:**

Being all that tract or parcel of Land, situate in the Town of Conklin, County of Broome, and the State of New York, and described as follows:

Beginning at a point in the southeasterly corner of the premises herein described being on the division line between the property of the Town of Conklin on the north, the property of Broome County Industrial Development Agency on the south and the property of Delaware & Hudson Railroad on the east;

thence westerly, northerly and easterly along said division line between the property of the Town of Conklin and the property of the Broome County Industrial Development Agency the following three (3) courses and distances:

- 1) South 84°37'08" West a distance of 830.00 feet to a point;
- 2) North 00°32'40" East a distance of 957.66 feet to a point;
- 3) North 84°44'11" East a distance of 600.00 feet to a point on the division line between the property of the Town of Conklin on the West and the Property of the Delaware & Hudson Railroad on the east;

thence South 13°13'47" East a distance of 960.31 feet along said division line to the POINT OF BEGINNING.

The above described parcel contains 15.6248 acres or 680618 square feet of land

Being a portion of the land conveyed by George R. Webb and Ada M. Webb to the Town of Conklin by deed dated November 14, 1960 and recorded November 14, 1960 in the Broome County Clerk's Office in Book 1028 Page 572 of Deeds.

SCHEDULE "A" RIGHT OF WAY AND ACCESS DESCRIPTION:

Beginning at a point on the westerly highway boundary of Conklin Road, NYS Route 7 at its intersection with the division line between the property of James Slavitsky and Karie Slavitsky on the north and the property of the Town of Conklin on the south;

thence South 84°51'56" West a distance of 766.66 feet along said division line to a point on the division line between the property of James Slavitsky and Karie Slavitsky on the east and the property of Delaware & Hudson Railroad on the west;

thence North 13°13'47" West a distance of 50.50 feet along said division line to a point;

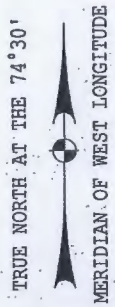
thence North 84°51'56" East a distance of 777.04 feet through the property of James Slavitsky and Karie Slavitsky to a point on the said westerly highway boundary of Conklin Road, NYS Route 7;

Declaration of Covenants, Restrictions, and Environmental Easement - Lower Landfill Area Description:
 Being all that tract or parcel of land, situate in the Town of Conklin, County of Broome, and the State of New York, and described as follows:
 Beginning at a point in the southeasterly corner of the premises herein described being on the division line between the property of the Town of Conklin on the north, the property of Broome County Industrial Development Agency on the south and the property of Delaware & Hudson Railroad on the east;
 thence westerly, northerly and easterly along said division line between the property of the Town of Conklin and the property of the Broome County Industrial Development Agency the following three (3) courses and distances:
 1) South 84°37'08" West a distance of 830.00 feet to a point;
 2) North 00°32'40" East a distance of 957.66 feet to a point;
 3) North 84°44'11" East a distance of 600.00 feet to a point on the division line between the property of the Town of Conklin on the West and the Property of the Delaware & Hudson Railroad on the east;
 thence South 13°13'47" East a distance of 960.31 feet along said division line to the POINT OF BEGINNING.
 The above described parcel contains 15.6248 acres or 680618 square feet of land
 Being a portion of the land conveyed by George R. Webb and Ada M. Webb to the Town of Conklin by deed dated November 14, 1960 and recorded November 14, 1960 in the Broome County Clerks Office in Book 1028 Page 572 of Deeds.

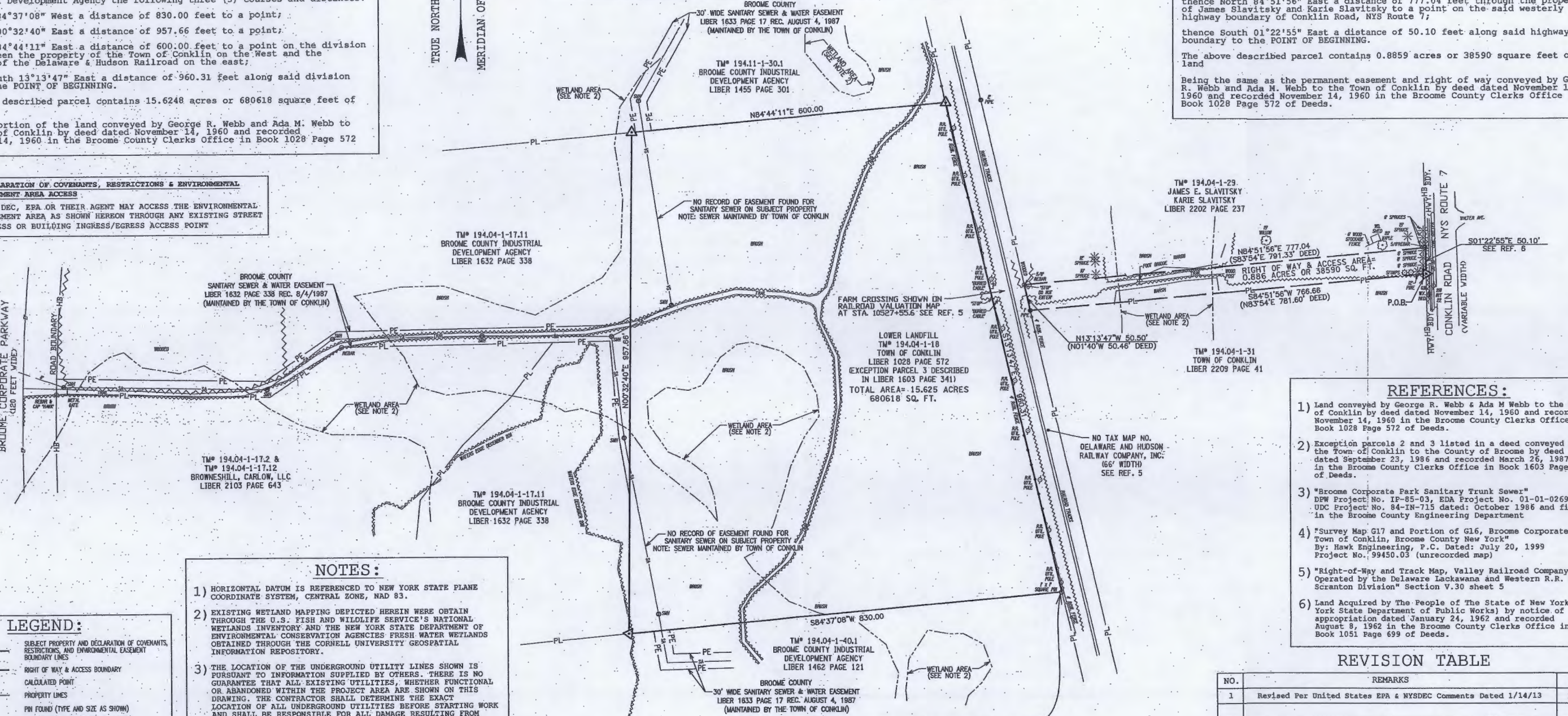
Engineering Controls/Institutional Controls on the Lower Landfill:
 a. Engineering Controls:
 • None.
 b. Institutional Controls:
 • Groundwater wells for drinking water shall not be installed or used on any portion of the Lower Landfill; and
 • The Lower Landfill shall not be used for "Residential Use" and "Restricted-Residential Use" as defined by New York State Department of Environmental Conservation (NYSDEC) Regulations - 6 NYCRR Part 375 - 1.8 (g) (2) (i) and (ii). Allowable Uses include "Commercial Use" and "Industrial Use" as defined in NYSDEC Regulations - 6 NYCRR Part 375 - 1.8 (g) (2) (iii) and (iv).

SCHEDULE "A" RIGHT OF WAY AND ACCESS DESCRIPTION:
 Beginning at a point on the westerly highway boundary of Conklin Road, NYS Route 7 at its intersection with the division line between the property of James Slavitsky and Karie Slavitsky on the north and the property of the Town of Conklin on the south;
 thence South 84°51'56" West a distance of 766.66 feet along said division line to a point on the division line between the property of James Slavitsky and Karie Slavitsky on the east and the property of Delaware & Hudson Railroad on the west;
 thence North 13°13'47" West a distance of 50.50 feet along said division line to a point;
 thence North 84°51'56" East a distance of 777.04 feet through the property of James Slavitsky and Karie Slavitsky to a point on the said westerly highway boundary of Conklin Road, NYS Route 7;
 thence South 01°22'55" East a distance of 50.10 feet along said highway boundary to the POINT OF BEGINNING.
 The above described parcel contains 0.8859 acres or 38590 square feet of land
 Being the same as the permanent easement and right of way conveyed by George R. Webb and Ada M. Webb to the Town of Conklin by deed dated November 14, 1960 and recorded November 14, 1960 in the Broome County Clerks Office in Book 1028 Page 572 of Deeds.

DECLARATION OF COVENANTS, RESTRICTIONS & ENVIRONMENTAL EASEMENT AREA ACCESS
 THE DEC, EPA OR THEIR AGENT MAY ACCESS THE ENVIRONMENTAL EASEMENT AREA AS SHOWN HEREON THROUGH ANY EXISTING STREET ACCESS OR BUILDING INGRESS/EGRESS ACCESS POINT



COUNTY ROUTE 197
 FORMERLY CR. 322
 BROOME CORPORATE PARKWAY
 (120 FEET WIDE)



LEGEND:

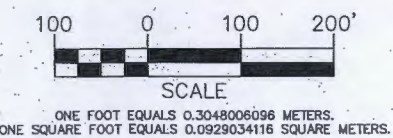
[Symbol]	SUBJECT PROPERTY AND DECLARATION OF COVENANTS, RESTRICTIONS, AND ENVIRONMENTAL EASEMENT BOUNDARY LINES
[Symbol]	RIGHT OF WAY & ACCESS BOUNDARY
[Symbol]	CALCULATED POINT
[Symbol]	PROPERTY LINES
[Symbol]	PIV FOUND (TYPE AND SIZE AS SHOWN)
[Symbol]	PIPE FOUND (TYPE AND SIZE AS SHOWN)
[Symbol]	HIGHWAY BOUNDARY
[Symbol]	PERMANENT EASEMENT
[Symbol]	LIMIT OF WETLANDS
[Symbol]	EDGE OF PAVEMENT
[Symbol]	WOODS LINE
[Symbol]	BRUSH LINE
[Symbol]	FENCE (SIZE AND TYPE NOTED)
[Symbol]	UTILITY POLE & POLE NUMBER
[Symbol]	UTILITY POLE WITH LIGHT & POLE NUMBER
[Symbol]	ELECTRIC METER
[Symbol]	GAS VENT
[Symbol]	SIGN
[Symbol]	MANHOLE
[Symbol]	SANITARY MANHOLE
[Symbol]	TELEPHONE MANHOLE
[Symbol]	HYDRANT
[Symbol]	OVERHEAD TELEPHONE LINE
[Symbol]	OVERHEAD ELECTRIC LINE
[Symbol]	SANITARY SEWER LINE
[Symbol]	WATER LINE
[Symbol]	STORM WATER LINE

NOTES:

- HORIZONTAL DATUM IS REFERENCED TO NEW YORK STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83.
- EXISTING WETLAND MAPPING DEPICTED HEREIN WERE OBTAIN THROUGH THE U.S. FISH AND WILDLIFE SERVICE'S NATIONAL WETLANDS INVENTORY AND THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AGENCIES FRESH WATER WETLANDS OBTAINED THROUGH THE CORNELL UNIVERSITY GEOSPATIAL INFORMATION REPOSITORY.
- THE LOCATION OF THE UNDERGROUND UTILITY LINES SHOWN IS PURSUANT TO INFORMATION SUPPLIED BY OTHERS. THERE IS NO GUARANTEE THAT ALL EXISTING UTILITIES, WHETHER FUNCTIONAL OR ABANDONED WITHIN THE PROJECT AREA ARE SHOWN ON THIS DRAWING. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES BEFORE STARTING WORK AND SHALL BE RESPONSIBLE FOR ALL DAMAGE RESULTING FROM THIS WORK. BEFORE COMMENCING WORK CONTACT "DIG SAFELY NEW YORK" AT 1-800-962-7962 AND PROVIDE 72 HOURS NOTICE.

INSTITUTIONAL / ENGINEERING CONTROLS NOTES:

- 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.
- THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY ALBANY, NY 12233 OR BY SENDING AN EMAIL REQUEST TO DERWEB@DEC.STATE.NY.US.



"UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW."
 ONLY BOUNDARY SURVEY MAPS BEARING THE SURVEYOR'S SEAL AND SIGNED IN BLUE INK ARE GENUINE, TRUE AND CORRECT COPIES OF THE SURVEYOR'S ORIGINAL WORK AND OPINION.

THIS SURVEY HAS BEEN REVISED WITH THE BENEFIT OF TITLE REPORT COMMITMENT NO. 121T-25092, DATED AUGUST 16, 2012 PREPARED BY CHICAGO TITLE INSURANCE COMPANY.
 TO 1) TOWN OF CONKLIN
 2) THE PEOPLE OF THE STATE OF NEW YORK ACTING THROUGH THEIR COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 3) UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 4) CHICAGO TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEM 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON NOVEMBER 30, 2011.

I HEREBY CERTIFY THAT THIS IS A MAP MADE FROM A SURVEY, PREPARED UNDER MY DIRECTION.

Paul A. Waters
 PAUL A. WATERS, LAND SURVEYOR - January 23, 2013
 P.L.S. LICENSE NO. 049966
 SHUMAKER CONSULTING ENGINEERING & LAND SURVEYING, P.C.
 143 COURT STREET, BINGHAMTON, NEW YORK 13901
 (607) 798-8081



- REFERENCES:**
- Land conveyed by George R. Webb & Ada M Webb to the Town of Conklin by deed dated November 14, 1960 and recorded November 14, 1960 in the Broome County Clerks Office in Book 1028 Page 572 of Deeds.
 - Exception parcels 2 and 3 listed in a deed conveyed by the Town of Conklin to the County of Broome by deed dated September 23, 1986 and recorded March 26, 1987 in the Broome County Clerks Office in Book 1603 Page 341 of Deeds.
 - "Broome Corporate Park Sanitary Trunk Sewer" DFW Project No. IP-85-03, EDA Project No. 01-01-02692, UDC Project No. 84-IN-715 dated: October 1986 and filed in the Broome County Engineering Department
 - "Survey Map G17 and Portion of G16, Broome Corporate Park, Town of Conklin, Broome County New York" By: Hawk Engineering, P.C. Dated: July 20, 1999 Project No. 99450.03 (unrecorded map)
 - "Right-of-Way and Track Map, Valley Railroad Company, Operated by the Delaware Lackawanna and Western R.R. Co., Scranton Division" Section V.30 sheet 5
 - Land Acquired by The People of The State of New York (New York State Department of Public Works) by notice of appropriation dated January 24, 1962 and recorded August 8, 1962 in the Broome County Clerks Office in Book 1051 Page 699 of Deeds.

REVISION TABLE

NO.	REMARKS	DATE
1	Revised Per United States EPA & NYSDEC Comments Dated 1/14/13	1/15/13

ALTA/ACSM LAND TITLE SURVEY
 SURVEY OF COVENANTS, RESTRICTIONS, AND ENVIRONMENTAL EASEMENT AREA
 ON LANDS OWNED BY THE TOWN OF CONKLIN
 TAX MAP NO. 194.04-1-2 & 194.04-1-18
 TOWN OF CONKLIN, BROOME COUNTY, NY

SURVEY COMPLETED: 11/30/11
 MAP COMPLETED: 12/27/11
 DRAWN BY: MST
 DRAWING NO. 935703_B.DWG
 SHEET NO. 2 OF 2

SHUMAKER
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 PHONE 607-798-8081