

PERIODIC REVIEW REPORT

Prepared for

Town of Conklin Landfill
1271 Conklin Road
Conklin, New York 13748
NYSDEC Site No. 704013

SCE Project No. R09357.11

By



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December 2019

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1.0 EXECUTIVE SUMMARY

This document has been prepared by Shumaker Consulting Engineering & Land Surveying, D.P.C. (SCE) on behalf of the Town of Conklin (Town), in accordance with the guidelines provided by NYSDEC in Section 6.3(b) of DER-10 *Technical Guidance for Site Investigation and Remediation*. This Periodic Review Report (PRR) has been completed with the purpose of addressing all Site Management requirements for the Conklin Upper Landfill.

1.1 SITE BACKGROUND

The site is a capped and closed, 12.1 acre landfill that was investigated and remediated in accordance with a Consent Order signed between the Town of Conklin (Town) and the NYSDEC in June 1987. Key components of the remedial actions include; consolidation of the upper and lower landfills, installation of a leachate collection system, capping of the upper landfill with an impermeable geomembrane and vegetative cover, and installation of perimeter fencing. Following these remedial actions, the site was closed with the contents of the landfill in place.

1.2 OBJECTIVES

The objective of this Periodic Review Report (PRR) is to detail the individual components of the Site Management Plan (SMP) and report on the overall effectiveness of the remedial program for the reporting period of January 2018 to January 2019. The components of the SMP detailed herein are the Engineering and Institutional Control Plan, Site Monitoring Plan, Operation and Maintenance Plan, and Site Inspections.

1.3 CONCLUSIONS

After reviewing the various components of the SMP for the Conklin Upper Landfill, it is found that the overall effectiveness of the remedial program at the site is in compliance with NYSDEC regulations and moving toward the goal of treatment system termination. At this time, no revisions to the SMP or the reporting frequency are proposed, and site management will continue as outlined in the September 2015 SMP.

2.0 SITE OVERVIEW

2.1 SITE LOCATION AND DESCRIPTION

The site is located in the Town of Conklin, Broome County, New York. The site is identified as Parcel ID No. 194.04-1-2 on the Broome County Tax Map. A Site Location Map is included as **Figure 1**. The site is referred to as the Conklin Upper Landfill and is currently maintained as a “closed” landfill. The Upper Landfill (approximately 12.1 acres) is located on the western portion of the Parcel, on the west side of Broome Industrial Parkway. A stream known as Carlin Creek is situated adjacent to the northeastern portion of the Upper Landfill site. A large wetlands and the Delaware and Hudson railroad track border the eastern and downgradient perimeter of the site. **Figure 2A** presents the layout and configuration of the capped Upper Landfill Site.

2.2 SITE HISTORY

Between 1964 and 1975, the Town accepted refuse and waste from its residents and businesses at a designated landfill area.

The site was nominated for inclusion on the National Priorities List in June 1986. In June 1987, the NYSDEC entered into a Consent Order (Index No. 704013) with the Town to develop a remedial plan for the Conklin dump site. Although the human health risks associated with the site were determined to be within the acceptable range, chloroethane, 1,2-dichloropropane, and xylene were detected in the site groundwater and leachate above State and Federal groundwater standards.

2.3 SUMMARY OF REMEDIAL ALTERNATIVES

Following the completion of the Feasibility Study (FS) in 1991, a Record of Decision (ROD) was signed by the USEPA on March 29, 1991 (EPA/ROD/R02-91/136).

The selected remedy was modified by an Explanation of Significant Differences (ESD) in September 1992. The ESD modified the remedy by excavating the Lower Landfill and consolidating it with the Upper Landfill.

2.4 SUMMARY OF REMEDIAL ACTIONS

2.4.1 Engineering Controls (EC)

The Town conducted remediation of the two (2) landfills in three (3) phases to address all ECs as required for conformance with the ROD.

2.4.2 Institutional Controls (IC)

ICs implemented for the site is as follows:

- Deed restrictions to prevent installation of drinking water wells and restrict activities that may compromise the landfill cap.

- Declaration of Covenants, Restrictions, and Environmental Easement was recorded in February 2013.

2.4.3 Operation and Maintenance

The final element of the ROD called for Operation and Maintenance (O&M) Plan for the landfill site. Key components of the O&M Plan are as follows:

- Groundwater monitoring to evaluate effectiveness of remedy.
- Leachate monitoring prior to discharge to BJCJSTP.
- Annual inspection of all landfill ECs.
- Maintenance of landfill cover to prevent degradation.

3.0 EVALUATION OF REMEDY PERFORMANCE, EFFECTIVENESS, AND PROTECTIVENESS

The performance and effectiveness of remedial actions taken at the site is determined by the Site Monitoring Plan as described in the September 2015 SMP. The plan calls for monitoring well sampling as well as routine inspections of the landfill cover and leachate collection system. As detailed in the SMP, groundwater and surface water sampling is conducted every fifth (5th) quarter. Results of the inspections and sampling are reported on an annual basis. The most recent Annual Report is included as **Appendix A**. The key findings of the Monitoring Plan are as follows:

- Landfill indicator contaminants chloroethane, 1,2-dichloropropane, methylene chloride and xylenes have not been detected above the screening guidelines since the 1st quarter of 2003.
- Total metals concentrations of iron, manganese, and sodium regularly exceed the screening guidance values.
- Total metals concentrations of lead and magnesium have historically been in exceedance of guidance values but have dropped below these levels since 2015.
- Beginning with 3rd quarter sampling in 2013, filtered metals data was taken along with total metals samples. The results showed that elevated metals are the result of sampling methodology (three-volume purge and bailer). Select trend charts are included as **Appendix B**.

4.0 INSTITUTIONAL CONTROL/ENGINEERING CONTROL (IC/EC) PLAN COMPLIANCE REPORT

4.1 IC/EC REQUIREMENTS AND COMPLIANCE

Since remaining contaminated material and groundwater exists beneath the site, IC/ECs are required to protect human health and the environment. The Town implemented an Environmental Easement which included the IC/EC Plan in January 2013 (**Appendix C**). The IC/EC Plan describes the procedures for the implementation and management of all IC/ECs at the site.

4.2 ENGINEERING CONTROLS

This section presents the Engineering Control Systems for the facility which includes the landfill cover, perimeter fence and gates, leachate collection and discharge system, gas venting system, environmental monitoring system, and surface water management system. All ECs for the site are designed to be protective of human health and the environment.

4.2.1 Upper Landfill Site

4.2.1.1 Leachate Collection and Storage System

Leachate is captured by a collection trench made out of 940 lf of 6-inch diameter perforated PVC piping; leachate is gravity fed to a concrete pump station. There are also three (3) leachate recovery wells located in the waste mass area near the northeast corner of the landfill. The discharge of each recovery well is conveyed to the pump station where it is then transferred and pumped into a storage tank.

The purpose of the leachate collection trenches and recovery wells is to prevent leachate from migrating off site through surface seeps or shallow groundwater flow. The leachate storage system consists of one (1) 30,000-gallon capacity aboveground horizontal steel storage tank protected by a 33,000-gallon capacity steel secondary containment dike.

Before any leachate can be discharged to the sanitary sewer system for treatment at the Binghamton-Johnson City treatment plant, it must meet effluent limitations per the Industrial Wastewater Discharge Permit issued for the Town of Conklin Landfill by the BJCJSTP.

4.2.1.2 Landfill Cap and Venting System

Exposure to remaining contamination in soil/fill at the site is prevented by a multi-media cap system placed over the landfill area. The multi-media cap was constructed in conformance with 6NYCRR Part 360 standards which includes a flexible geomembrane cap, a geotextile soil drainage layer, and a nominal 2 feet of clean soil and topsoil. Topsoil is retained in place by a stable vegetated surface over the entire landfill site. The landfill cap is intact per the 2019 Annual Inspection.

Surface water and sheet flow from the surface of the cap is removed by a surface drainage system and perimeter drainage ditches, respectively, which intercepts and directs surface water runoff to a stabilized outlet at Carlin Creek. An annual inspection in December 2019 indicated that the surface drainage system is intact and working as designed.

A total of four (4) gas vents have been installed within the landfill cap boundaries as shown on the Site Map in Figure 2A. During installation, a geomembrane boot was placed and sealed around the vent pipe with stainless steel bands and then it was extrusion welded into place on the cap to completely seal the vent penetration. The December 2019 inspection showed that the gas vents are intact and in good working condition, though at least one was found to be leaning over.

4.2.1.3 Monitoring Well Network and Sampling Schedule

The environmental monitoring system consists of a series of groundwater monitoring wells and groundwater level observation wells on and around the perimeter of the landfill site (see Figure 2A). In addition, there is one (1) surface water sample point in Carlin Creek which flows to the north of the capped landfill site. The objectives of the Monitoring Well Network are to evaluate the condition of groundwater at the site and its effectiveness of limiting off-site transport of site related Contaminants of Concern (COC). The 2019 Annual Report (**Appendix A**) and the tabulated historic data shows that the monitoring well network is operating as planned with no off-site migration of COC. Sampling of the Monitoring Well Network has been switched to sampling every 5th quarter as detailed in the September 2015 SMP.

4.2.1.4 Perimeter Fence at Upper Landfill

To minimize the potential for trespassing, vehicular, or foot traffic across the landfill cap, an 8-foot chain link fence with gates has been installed around the entire Upper Landfill area. A total of three (3) 20-foot gates were constructed: two (2) on the east side adjacent to Broome Corporate Parkway and one (1) in the southwest corner of the site where an access road enters the site from Darden Drive to the west of the site. All gates are chained and locked with padlocks to prevent entry by unauthorized personnel. The 2019 annual inspection found that the perimeter fence is intact; however, some removal of woody vegetation is warranted.

4.2.2 Criteria for Completion of Remediation/Termination of Remedial Systems

Generally, remedial processes are considered completed when the monitoring indicates that the remedy has achieved the remedial action objectives identified by the decision document. The framework for determining when the remedial processes are complete is provided in Section 6.5 of NYSDEC DER-10 (May 2010). At this time, monitoring at the site indicates that the remedial processes are moving the site closer to achievement of remedial action objectives; therefore, no recommendations for change are being proposed at this time.

4.3 INSTITUTIONAL CONTROLS (IC)

A series of ICs is required by the ROD for the Upper and Lower Landfill sites. Unlike ECs, adherence with ICs is procedural and requires ongoing compliance activities. Adherence to these ICs on the site is required by the Environmental Easement and implemented under the September 2015 SMP. The identified ICs are:

4.3.1 Upper Landfill Site

ICs authorized for the Upper Landfill site are comprised of the following:

- Restrict activities that could affect the integrity of the landfill cover, including without limitation, excavating, digging, and construction activities which are prohibited on any portion of the Upper Landfill, unless the Town, USEPA, NYSDEC, or successor agency have given their prior written consent to any such intrusive activity.
- Prior to any earthwork on the Upper Landfill site which could impact the integrity of the composite cap, an Excavation Work Plan must be developed which is subject to the Town, NYSDEC, or successor agency, and USEPA approval before implementation. More information regarding the Excavation Work Plan and other procedures required for the Upper Landfill are included in the SMP.
- Groundwater wells for drinking water shall not be installed or used on any portion of the Upper Landfill.
- The Upper Landfill shall not be used for “Residential Use” and “Restricted Residential Use” as defined by NYSDEC Regulations 6NYCRR Part 375-1.8(g)(2)(i) and (ii). Allowable uses include “Commercial Use” and “Industrial Use” as defined in NYSDEC Regulation 6NYCRR Part 375-1.8(g)(2)(iii) and (iv).

4.3.2 Lower Landfill Site

ICs established for the Lower Landfill site include the following:

- Groundwater wells for drinking water shall not be installed or used on any portion of the Lower Landfill.
- The Lower Landfill shall not be used for “Residential Use” and “Restricted Residential Use” as defined by NYSDEC Regulations 6NYCRR Part 375-1.8(g)(2)(i) and (ii). Allowable uses include “Commercial Use” and “Industrial Use” as defined in NYSDEC Regulation 6NYCRR Part 375-1.8(g)(2)(iii) and (iv).

4.3.3 Annual Certification

The site owner or remedial party has submitted to NYSDEC or successor agency a written statement that certifies, under penalty of perjury, that: (1) controls employed at the Controlled Property are unchanged from the previous certification or that any changes to the controls were approved by the NYSDEC or successor agency; and, (2) nothing has occurred that impairs the ability of the controls to protect public health and environment or that constitute a violation or failure to comply with the SMP. The Certification of Institutional and Engineering Controls is attached as separate cover in conjunction with this Periodic Review Report.

FIGURE 1

SITE LOCATION MAP

F-1

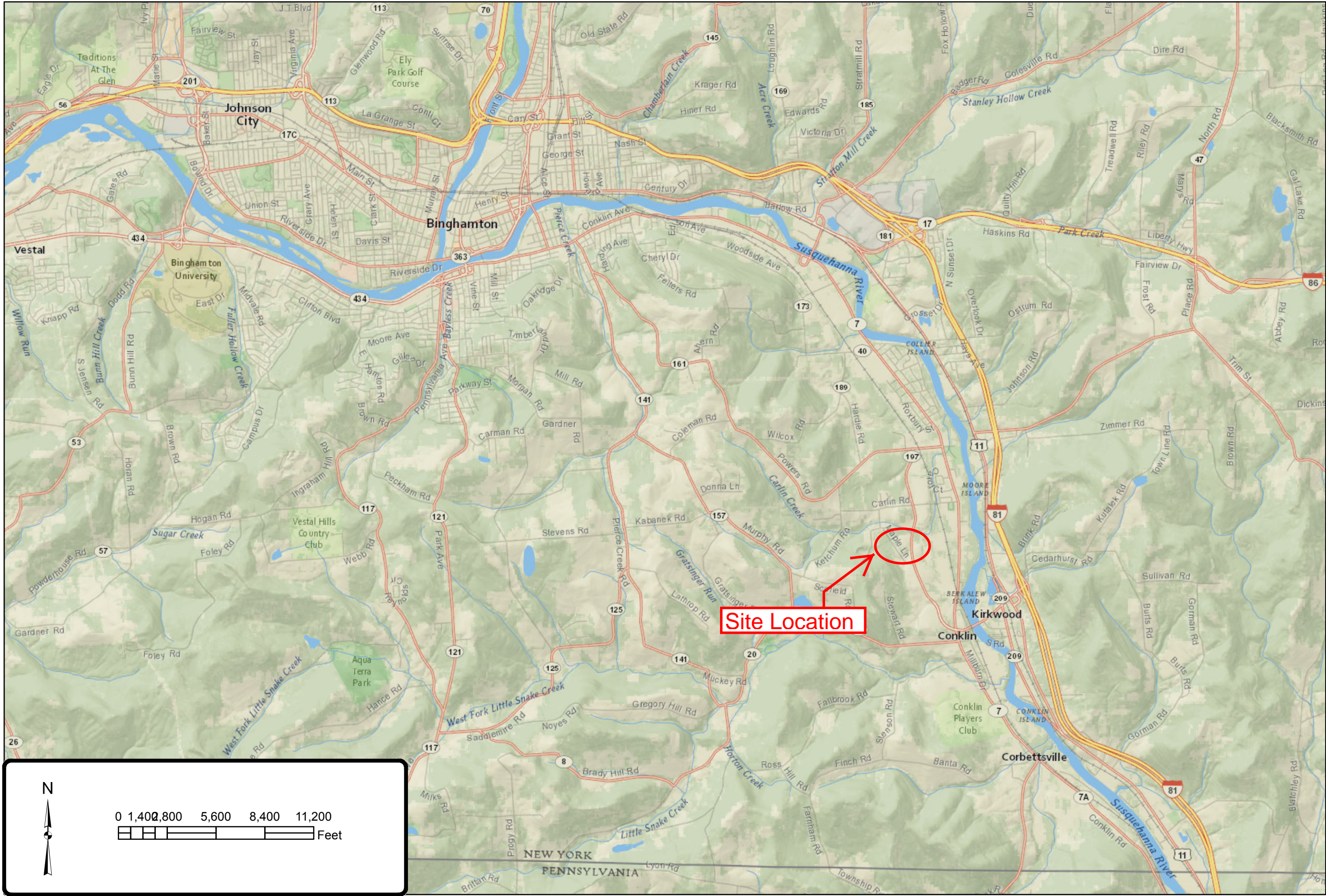


Figure	1			
Drawn by:	FRC	PDR	PDR	
Checked by:				
Proj. MGR:				
Date:	01/03/13			
Proj. No:	9357.04			

SITE LOCATION MAP

CONKLIN LANDFILL

NYSDEC NO. 704013

Town of Conklin,

New York

SHUMAKER

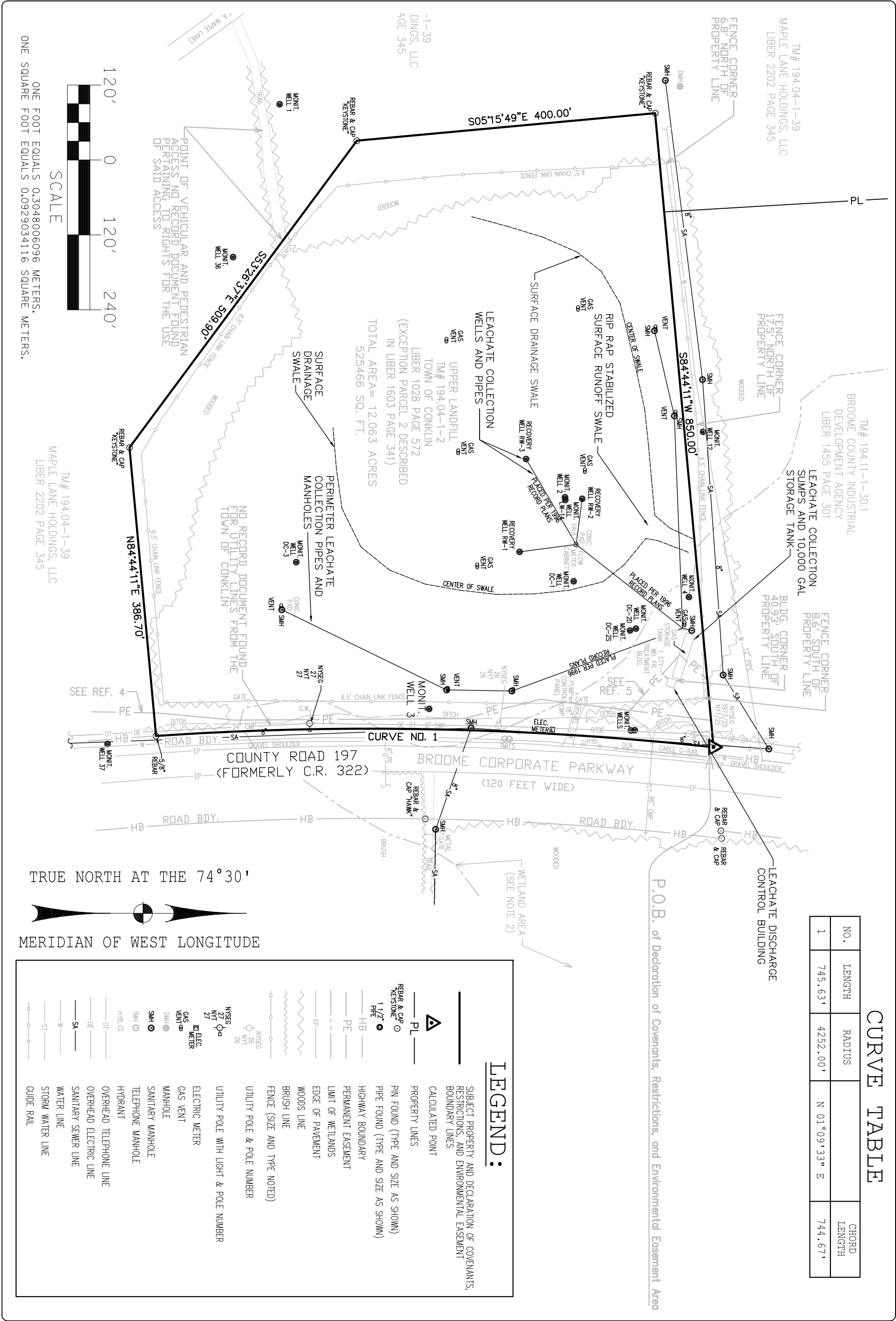
Consulting Engineering & Land Surveying, P.C.

430 COURT STREET, UTICA, NY 13502

PHONE (315)724-0100 / FAX (315)724-3715

FIGURE 2A

UPPER LANDFILL LAYOUT



CURVE TABLE			
NO.	LENGTH	RADIUS	CHORD LENGTH
1	745.63'	4252.00'	744.67'

LEGEND:

SUBJECT PROPERTY AND DECLARATION OF COVENANTS, RESTRICTIONS, AND ENVIRONMENTAL EASEMENT BOUNDARY LINES

CALCULATED POINT

PROPERTY LINES

PIN 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

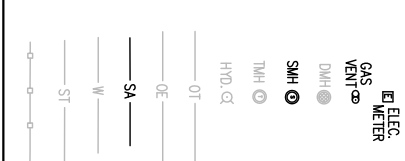
OVERHEAD ELECTRIC LINE

SANITARY SEWER LINE

WATER LINE

STORM WATER LINE

GUIDE RAIL



REBAR & CAP
KEYSTONE
1 1/2"
PIPE
HB
PE
EP
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

APPENDIX A

REVIEW OF LANDFILL OPERATIONS – CALENDAR YEAR 2019

December 13, 2019

Mr. Payson Long
New York State Department of Environmental Conservation
Division of Environmental Remediation
525 Broadway
Albany, NY 12233

**Re: Review of Landfill Operations – Calendar Year 2019
Town of Conklin Landfill
Conklin, New York
SCE No. R09357.11**

Dear Mr. Long:

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 Operation and Maintenance activities at the Town of Conklin Landfill site.

The current Site Management Plan (SMP) for the Landfill, dated September, 2015, was prepared by SCE. Site-wide inspections will be performed on a regular schedule, and at a minimum of once a year. Site-wide inspections will also be performed after all severe weather conditions that may affect Engineering Controls or monitoring devices. The Annual inspections and corresponding report will present sufficient information to assess the following:

- Compliance with all institutional controls (ICs), including Site usage.
- An evaluation of the condition and continued effectiveness of engineering controls (ECs).
- General Site conditions at the time of the inspection.
- The Site management activities being conducted including, where appropriate, confirmation sampling and a health and safety inspection.
- Compliance with permits and schedules included in the Operation and Maintenance Plan.
- Confirm that Site records are up to date.

This Annual Report has been prepared by SCE on behalf of the Town in support of the annual report commitment promulgated by the SMP. The data collected as part of this study is presented herein. Further, the information included herein is very similar to the information provided in the Periodic Review Report (PRR) which is currently submitted on a triennial basis.

1.0 SITE HISTORY

Two (2) landfill areas originally 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 (NPL). A remedial action plan was selected for the site. The plan ultimately 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 most recent SMP, which has been in effect since December 2012. To date, the SMP has received no authorized modifications.

2.0 ANNUAL INSPECTION OF LANDFILL

SCE scientists performed a visual inspection of the site on December 11, 2019. The inspectors coordinated with Mr. Thomas Delamarter, the Department of Public Works Superintendent for the Town of Conklin.

The following items were inspected:

- Perimeter fence and access roads
- Leachate collection system (trench manholes, pump station, storage tank, treatment building)
- Landfill cover for areas of instability, subsidence, erosion, discoloration, etc.
- Surface water drainage features for washouts, excessive sediment or debris in ditches, dislodged rip-rap, erosion, etc.
- Gas venting system to determine if the vents have been damaged or disturbed
- Monitoring and leachate recovery wells

Overall, the site appears to be in good condition. Mr. Delamarter reports that Town forces visually inspect the landfill monthly and make repairs as needed. However, the Town does not retain a formal record of inspections and repair work performed. Town forces mow the landfill area approximately twice a year; this mowing schedule is adequate for maintaining a short shallow-rooted vegetative cover. The 2018 Annual Inspection yielded the recommendation to clear small shrubs and trees that had taken root in the surface drainage swale where mowing is difficult; these trees and shrubs had been removed at the date of the 2019 inspection. Access roads have been maintained and they are traversable. The site entrance is maintained and accessible. The security fence is in generally good condition, though trees and shrubs should be cleared from the perimeter to avoid compromising the integrity of the fence. Surface drainage features appeared to be stable and in good condition. The landfill cover appeared to be in good condition. Two wet areas were noted along the western portion of the landfill cover.

Monitoring wells appeared to be in generally good repair, with the exception of MW-37. MW-37 appears along the roadway, where it had been struck by a car and bent. The water depth of MW-37 could not be measured. All well casings showed evidence of some rust, but repainting is not necessary at this time. Vegetation should be cleared around wells MW-12, MW-3, MW-38S, and MW-38D. One well standpipe, LW-14, is in need of trimming and re-survey. The well cap no longer closes on the casing, due to upheaval of the PVC standpipe inside. The upheaval of the

PVC standpipe was previously noted in the 2018 Annual Report. A blockage was also noted in MW-2.

The operation of the leachate collection system was observed and tested during this field visit. With the exception of Recovery Well No. 3, the pumps, level monitors, and controls appeared to be functioning normally. The well level reading for Recovery Well No. 3 indicated -0.04' which is below the normal range of level indications (typically between 4.0' – 8.0'). When tested in 'hand', the water level did not change. Mr. Delamarter was advised that a maintenance check on the Recovery Well No. 3 level indicator is warranted.

The leachate handling system was also inspected as part of this assessment. The exterior of the building that houses the leachate handling system was noted to be in deteriorating condition, with evidence that the exterior plywood is becoming detached from the underlying framing; the condition of the exterior was previously noted in the 2018 Annual Inspection. No major structural or plumbing deficiencies were noted on the interior components. The secondary containment for the leachate tank has accumulated some stormwater due to the northern side of the rain skirt being missing. The missing rain skirt was previously noted during the 2018 Annual Inspection. This section of the rain skirt should be replaced and the secondary containment fully drained. It was also noted that the leachate tank may have been full to the point of overflowing. This information was relayed to Mr. Delamarter.

Interior components within the leachate handling building were inspected, and no deficiencies were noted. The tank level monitor is fully operational, and the sump pump was inspected and its operation verified.

The site inspection report for the December 11, 2019 site inspection is included as **Appendix A** herein.

3.0 INSTITUTIONAL CONTROL/ENGINEERING CONTROL (IC/EC) PLAN COMPLIANCE REPORT

3.1 IC/EC Requirements and Compliance

Since remaining contaminated material and groundwater exists beneath the site, IC/ECs are required to protect human health and the environment. The Town implemented an Environmental Easement which included the IC/EC Plan in January 2013. The IC/EC Plan describes the procedures for the implementation and management of all IC/ECs at the site.

3.2 Engineering Controls

This section presents the Engineering Control Systems for the facility which includes the landfill cover, perimeter fence and gates, leachate collection and discharge system, gas venting system, environmental monitoring system, and surface water management system. All ECs for the site are designed to be protective of human health and the environment.

3.3. Upper Landfill Site

3.3.1 Leachate Collection and Storage System

Leachate is captured by a collection trench made out of 940 lf of 6-inch diameter perforated PVC piping; leachate is gravity fed to a concrete pump station. There are also three (3) leachate recovery wells located in the waste mass area near the northeast corner of the landfill. The discharge of each recovery well is conveyed to the pump station where it is then transferred and pumped into a storage tank.

The purpose of the leachate collection trenches and recovery wells is to prevent leachate from migrating off site through surface seeps or shallow groundwater flow. The leachate storage system consists of one (1) 30,000-gallon capacity aboveground horizontal steel storage tank protected by a 33,000-gallon capacity steel secondary containment dike.

Before any leachate can be discharged to the sanitary sewer system for treatment at the Binghamton-Johnson City treatment plant, it must meet effluent limitations per the Industrial Wastewater Discharge Permit issued for the Town of Conklin Landfill by the BJCJSTP.

3.3.2 Landfill Cap and Venting System

Exposure to remaining contamination in soil/fill at the site is prevented by a multi-media cap system placed over the landfill area. The multi-media cap was constructed in conformance with 6NYCRR Part 360 standards which includes a flexible geomembrane cap, a geotextile soil drainage layer, and a nominal 2 feet of clean soil and topsoil. Topsoil is retained in place by a stable vegetated surface over the entire landfill site. The landfill cap is intact per the 2019 Annual Inspection; the previously noted areas of woody vegetation have been removed.

Surface water and sheet flow from the surface of the cap is removed by a surface drainage system and perimeter drainage ditches, respectively, which intercepts and directs surface water runoff to a stabilized outlet at Carlin Creek. An annual inspection in December 2019 indicated that the surface drainage system is intact and working as designed.

A total of four (4) gas vents have been installed within the landfill cap boundaries as shown on the Site Map in Figure 2. During installation, a geomembrane boot was placed and sealed around the vent pipe with stainless steel bands and then it was extrusion welded into place on the cap to completely seal the vent penetration. During the 2019 inspection, the 4 vents within the cap were found to be in place. At least one vent along the northern cap perimeter was noted to be leaning or tipped over. These vents should be righted during the next maintenance effort.

3.3.3 Monitoring Well Network and Sampling Schedule

The environmental monitoring system consists of a series of groundwater monitoring wells and groundwater level observation wells on and around the perimeter of the landfill site (see Figure 2). In addition, there is one (1) surface water sample point in Carlin Creek which flows to the north of the capped landfill site. The objectives of the Monitoring Well Network are to evaluate the condition of groundwater at the site and its effectiveness of limiting off-site transport of site related Contaminants of Concern (COC). Tabulated historic data shows that the monitoring well network is operating as planned

with no off-site migration of COC. Sampling of the Monitoring Well Network has been switched to sampling every 5th quarter as detailed in the September 2015 SMP.

3.3.4 Perimeter Fence at Upper Landfill

To minimize the potential for trespassing, vehicular, or foot traffic across the landfill cap, an 8-foot chain link fence with gates has been installed around the entire Upper Landfill area. A total of three (3) 20-foot gates were constructed: two (2) on the east side adjacent to Broome Corporate Parkway and one (1) in the southwest corner of the site where an access road enters the site from Darden Drive to the west of the site. All gates are chained and locked with padlocks to prevent entry by unauthorized personnel. The 2019 annual inspection found that the perimeter fence is intact; however, ongoing removal of woody vegetation remains critical to the longevity of the fence in this largely undeveloped area.

3.4 Criteria for Completion of Remediation/Termination of Remedial Systems

Generally, remedial processes are considered completed when the effectiveness of monitoring indicates that the remedy has achieved the remedial action objectives identified by the decision document. The framework for determining when the remedial processes are complete is provided in Section 6.5 of NYSDEC DER-10 (May 2010). At this time, monitoring at the site indicates that the remedial processes are moving the site closer to achievement of remedial action objectives; therefore, no recommendations for change are being proposed at this time.

3.5 Institutional Controls (IC)

A series of ICs is required by the ROD for the Upper and Lower Landfill sites. Unlike ECs, adherence with ICs is procedural and requires ongoing compliance activities. Adherence to these ICs on the site is required by the Environmental Easement and implemented under the September 2015 SMP. The identified ICs are:

3.5.1 Upper Landfill Site

ICs authorized for the Upper Landfill site are comprised of the following:

- Restrict activities that could affect the integrity of the landfill cover, including without limitation, excavating, digging, and construction activities which are prohibited on any portion of the Upper Landfill, unless the Town, USEPA, NYSDEC, or successor agency have given their prior written consent to any such intrusive activity.
- Prior to any earthwork on the Upper Landfill site which could impact the integrity of the composite cap, an Excavation Work Plan must be developed which is subject to the Town, NYSDEC, or successor agency, and USEPA approval before implementation. More information regarding the Excavation Work Plan and other procedures required for the Upper Landfill are included in the SMP.
- Groundwater wells for drinking water shall not be installed or used on any portion of the Upper Landfill.
- The Upper Landfill shall not be used for “Residential Use” and “Restricted Residential Use” as defined by NYSDEC Regulations 6NYCRR Part 375-1.8(g)(2)(i) and (ii). Allowable uses

include “Commercial Use” and “Industrial Use” as defined in NYSDEC Regulation 6NYCRR Part 375–1.8(g)(2)(iii) and (iv).

3.5.2 Lower Landfill Site

ICs established for the Lower Landfill site include the following:

- Groundwater wells for drinking water shall not be installed or used on any portion of the Lower Landfill.
- The Lower Landfill shall not be used for “Residential Use” and “Restricted Residential Use” as defined by NYSDEC Regulations 6NYCRR Part 375-1.8(g)(2)(i) and (ii). Allowable uses include “Commercial Use” and “Industrial Use” as defined in NYSDEC Regulation 6NYCRR Part 375–1.8(g)(2)(iii) and (iv).

4.0 ANNUAL STATEMENT OF INSTITUTIONAL CONTROLS

During the 2019 site inspection, all institutional controls at the Upper and Lower landfill sites appear to be in place. Specifically, the following was observed:

- a. The landfill cap on the Upper landfill appears to remain in place and undisturbed.
- b. No groundwater wells for drinking water have been installed on the Upper or Lower landfill sites.
- c. The Upper and Lower landfill sites are not zoned to allow Residential use or Restricted-Residential use.

5.0 RECOMMENDATIONS

Based on the observations of the past year of landfill operations, SCE recommends the following:

- a. The level sensor in Recovery Well No. 3 should undergo a maintenance check to confirm proper operation.
- b. The exterior plywood on the leachate discharge building should have maintenance performed, and repaired as required to maintain it weather-tight.
- c. As an ongoing recommendation, the Town should perform a limited amount of tree and brush removal outside of the perimeter fence, in order to ensure the long-term performance of the security fence.
- d. The rain skirt around the leachate collection tank should be re-installed to minimize rainwater accumulation within the secondary containment dike.
- e. The standpipe of LW-14 should be trimmed and re-surveyed to allow securing of the well cap to the well casing.

Mr. Payson Long
December 13, 2019
Page 7

Very truly yours,

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

A handwritten signature in cursive script that reads "Mallory Smith".

Mallory Smith
Environmental Scientist III

Enclosures

cc: Tom Delamarter, Town of Conklin

Mr. Payson Long
December 13, 2019
Page 8

APPENDIX A

SITE INSPECTION RECORD FORM

This summary inspection checklist is to be completed during each site inspection at least once per month. Note all items which require repair or maintenance. Use the last page to annotate any additional comments, unusual events or information observed during this inspection.

Name of inspector(s): M. Smith, S. Martin

Date of Inspection: 12/11/19

Arrival Time: 8:30 am Departure Time: 11:00 am

Weather Conditions: Cloudy, flurries, below freezing Temperature Mid-20s

Reason for Visit: Annual Inspection

General Inspection (Monthly)

	OK:	Comments:
Site Entrance	<u>X</u>	<u>Minimal rust on locks and chains</u>
Access Roads	<u>X</u>	<u></u>
Overall Appearance (litter/trash)	<u>X</u>	<u>Some misc. trash along roadside</u>
Treatment Building Exterior	<u></u>	<u>Paint chipping, siding missing</u>
Building Interior	<u></u>	<u>Mold, rat droppings, etc.</u>
Heater	<u>X</u>	<u></u>
Heat Tracing	<u>X</u>	<u></u>
Exhaust Ventilation	<u></u>	<u>Removed</u>
Lighting	<u>X</u>	<u>All lights fully operational</u>
Building Sump	<u>X</u>	<u></u>
Bar Grating	<u>X</u>	<u>Appears in good condition, no rust</u>
Perimeter Fence and Gates	<u>X</u>	<u></u>

Leachate Storage System Inspection (Monthly)

	OK:	Comments:
Storage Tank and Pipe Venting	<u>X</u>	_____
Secondary Containment Dike	_____	<u>Minimal rust on exterior</u>
Rain Skirt	_____	<u>Missing on north side</u>
Level Control System	<u>X</u>	_____
Treatment Building Sump Pump	<u>X</u>	_____
Transfer Pump	_____	<u>N/A</u>
Exterior/Interior Paint	_____	<u>Rust/worn</u>

Leachate Collection System Inspection (Monthly)

	OK:	Comments:
Pump Station (Structure)	<u>X</u>	_____
Leachate Collection Trench Manholes	<u>X</u>	_____
Leachate Collection Trench Piping	<u>X</u>	_____
Pump Station Pump	_____	<u>N/A</u>
Recovery Wells		
Well Pumps	<u>X</u>	<u>Rusted</u>
Well Casing	<u>X</u>	<u>Rusted</u>
Monitoring Wells (casings)	<u>X</u>	<u>Need new locks; MW-37 knocked over by car; LW-14 does not close</u>
Recovery Well Metering Pit		
Flow Meters	<u>N/A</u>	_____
Meter Control Panel	<u>N/A</u>	<u>Not in use</u>
Meter Pit (Structure)	<u>N/A</u>	_____
Pump Control Panel	_____	<u>RW-3 reading below 0</u>

Inspection Data Measurements

Leachate Depth: -

Leachate Volume: 25,553.0 gallons (full)

Leachate Collection System Operational Check (Monthly)

Open the control panel near the entrance gate and check to see if any low level lights are on. For each Pump Record the well/sump level (feet). Then switch the pump control from auto to hand. Observe the level decreasing. If it does not decrease then the pump or control panel may not be functioning properly. Turn switch back to auto and record the new level (or the same level if no change occurred). Additionally Record the Pump Run time (hour).

	OK	Initial Level	Final Level	Run Time
Recovery Well No. 1	<u>X</u>	<u>5.77</u>	<u>4.33</u>	<u>254.38</u>
Recovery Well No. 2	<u>X</u>	<u>8.30</u>	<u>7.40</u>	<u>130.19</u>
Recovery Well No. 3	<u> </u>	<u>-0.04</u>	<u>-0.04</u>	<u>24.97</u>
Pump Station	<u>X</u>	<u>7.06</u>	<u>7.04</u>	<u>12,047.05</u>

Landfill Cover Inspection (Monthly)

	OK:	Comments:
Final Cover	<u> </u>	<u>Some wet spots on west side of cap</u>
Landfill Slope	<u>X</u>	<u> </u>
Gas Vents	<u>X</u>	<u> </u>
Vegetative Cover	<u>X</u>	<u>Woody veg. recently mowed in drainage swales</u>
Drainage Down Chute	<u>X</u>	<u> </u>
Perimeter Drainage	<u>X</u>	<u> </u>

Well Level Measurements (Quarterly)

	Top of Casing Elev. (ft)	- Depth to Water (ft)	=	Water Level Elev. (ft)
MW-1	946.69	- 26.19	=	920.5
MW-2	925.73	-	=	Obstructed at ~19feet
MW-3	892.40	- 4.02	=	888.38
MW-4	897.18	- 9.70	=	887.48
MW-12	901.08	- 11.68	=	889.40
MW-37	908.71	-	=	Inaccessible- hit by car
MW-38S	890.13	- 5.25	=	884.88
MW-38D	888.34	- 6.10	=	882.24
LW-14	926.24	- 32.17	=	894.07

Notes/Explanations:

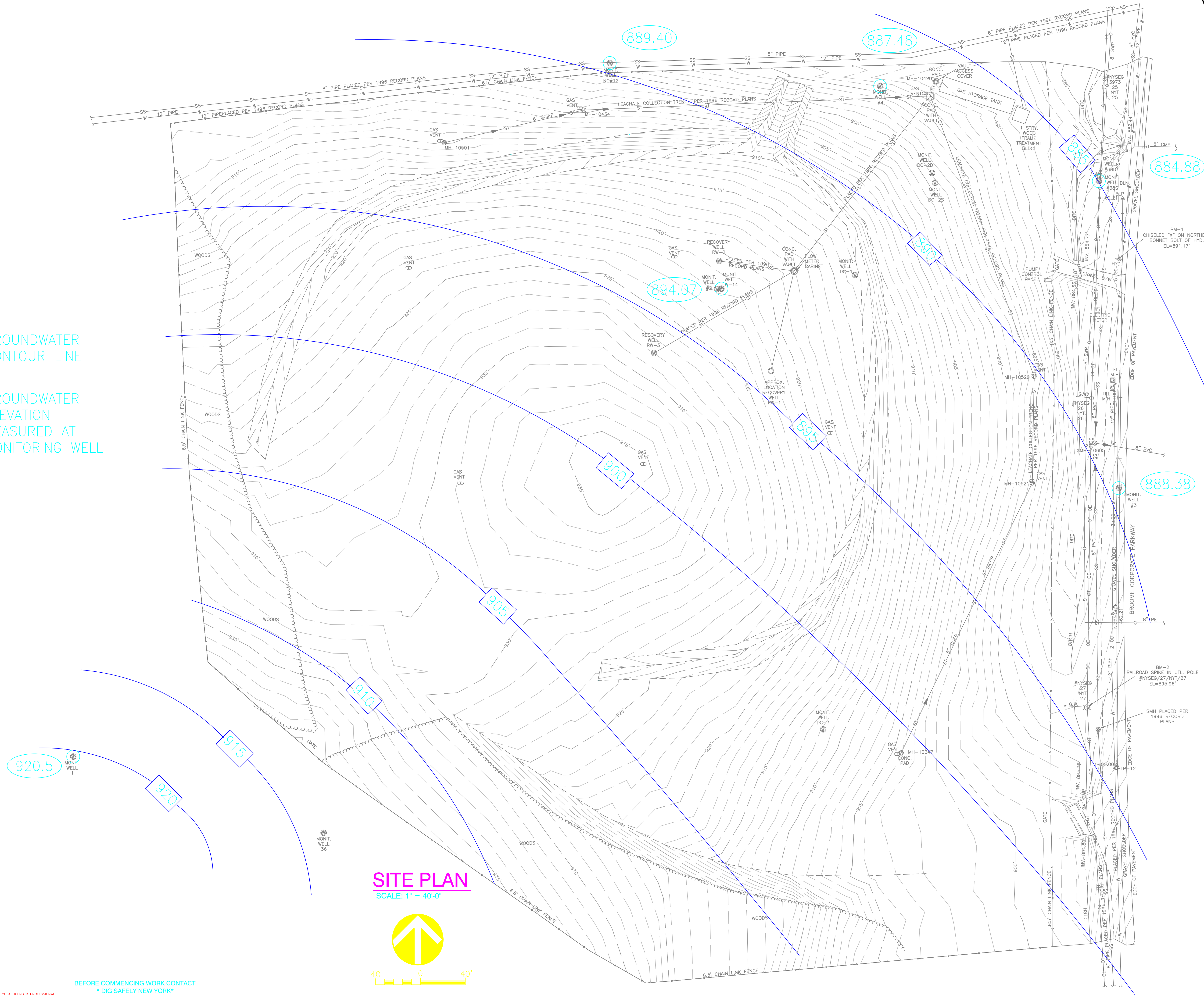
(Please indicate additional information on those items which require attention indicated above)

Continue maintenance of woody vegetation surrounding perimeter fence. 2 wet areas on cap.
Missing keys to MW with ASUS locks- replace locks. Cap on LW-14 does not close fully.
Leachate volume above 25,000 gallons- full.

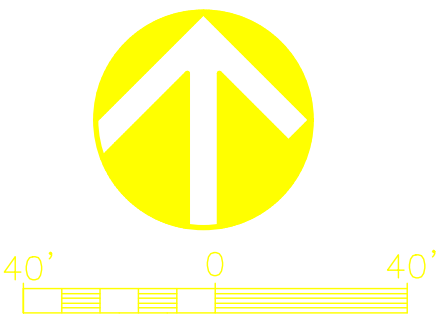
LEGEND:

900 GROUNDWATER CONTOUR LINE

885.12 GROUNDWATER ELEVATION MEASURED AT MONITORING WELL



SITE PLAN
SCALE: 1" = 40'-0"



IT IS A VIOLATION OF THE LAW FOR ANY PERSON UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ARCHITECT/ENGINEER TO ALTER THIS DRAWING IN ANY WAY. ALTERATIONS MUST HAVE THE SEAL AFFIXED ALONG WITH A DESCRIPTION OF THE ALTERATION, THE SIGNATURE AND DATE.

BEFORE COMMENCING WORK CONTACT
* DIG SAFELY NEW YORK *
1-800-962-7962
PROVIDE 72 HOURS NOTICE

SHUMAKER
Consulting Engineering & Land Surveying, P.C.
143 Court Street, Binghamton, New York 13901
Telephone (607) 798-8081 / Fax (607) 798-8186

CONKLIN LANDFILL
FOLLOW-UP REPORT

1271 CONKLIN ROAD CONKLIN, NEW YORK

REVISIONS

No.	Date	By	Description
1			
2			
3			
4			

DRAWING TITLE

DEC 2019
GROUNDWATER
POTENTIOMETRIC
MAP

DRAWING NO.

FIGURE #1

Drawn By: SMH
Checked By: MSS
Project Mgr: MSS
Date: 12/13/19
Project No: 08357

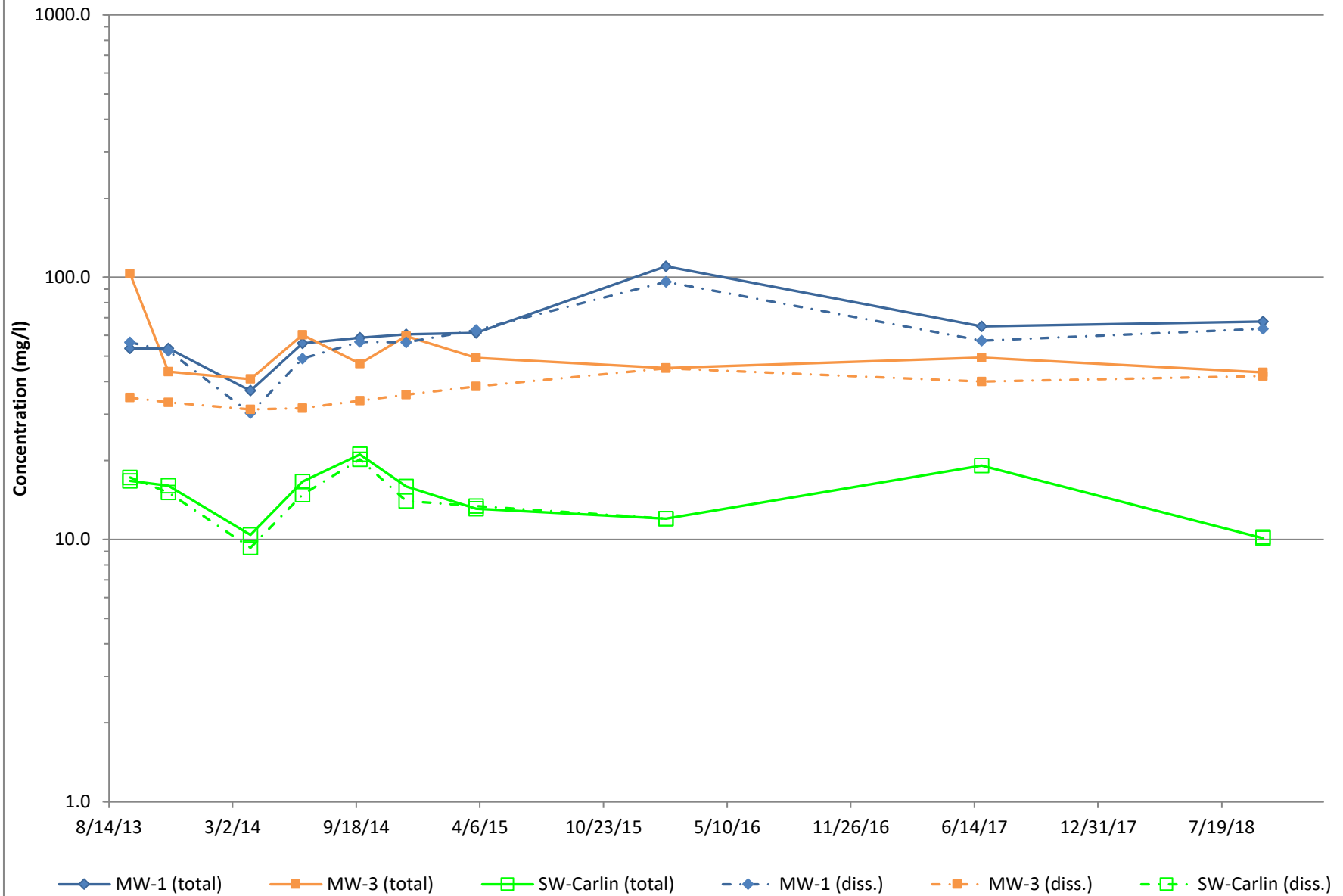
ISSUE DATE

12/13/19

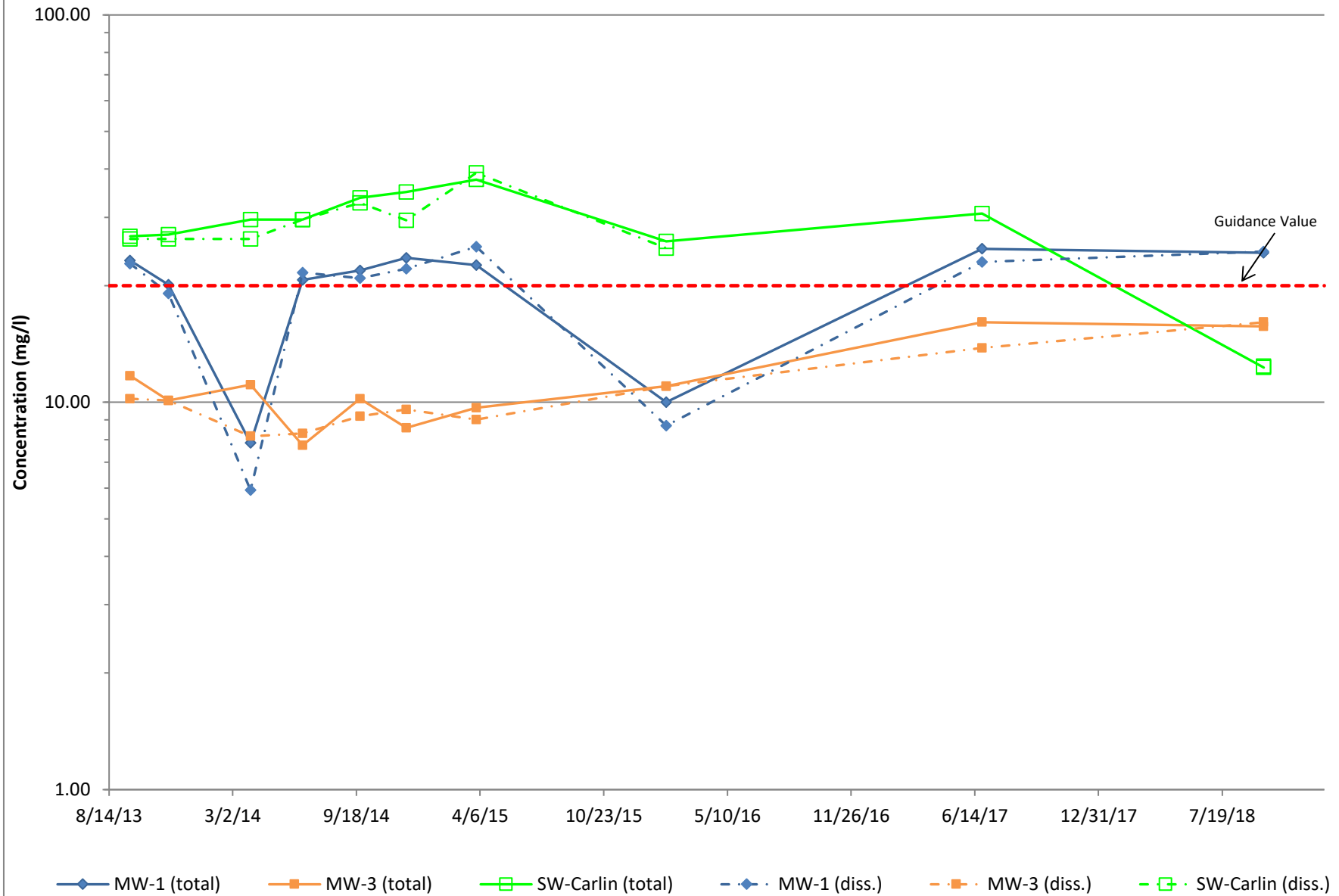
APPENDIX B

SELECT TREND CHARTS –FILTERED VS NON-FILTERED

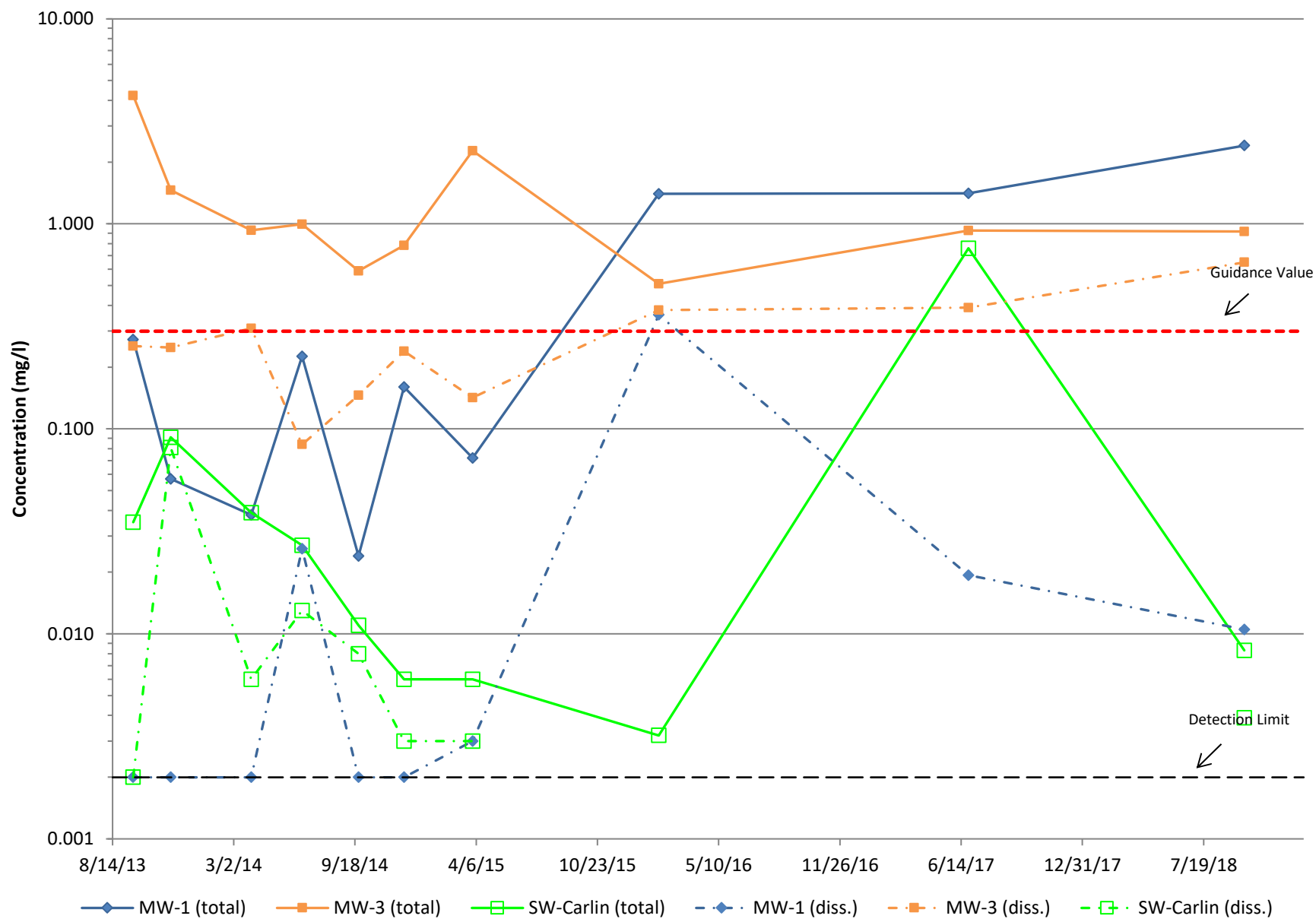
Total and Dissolved Calcium Trends



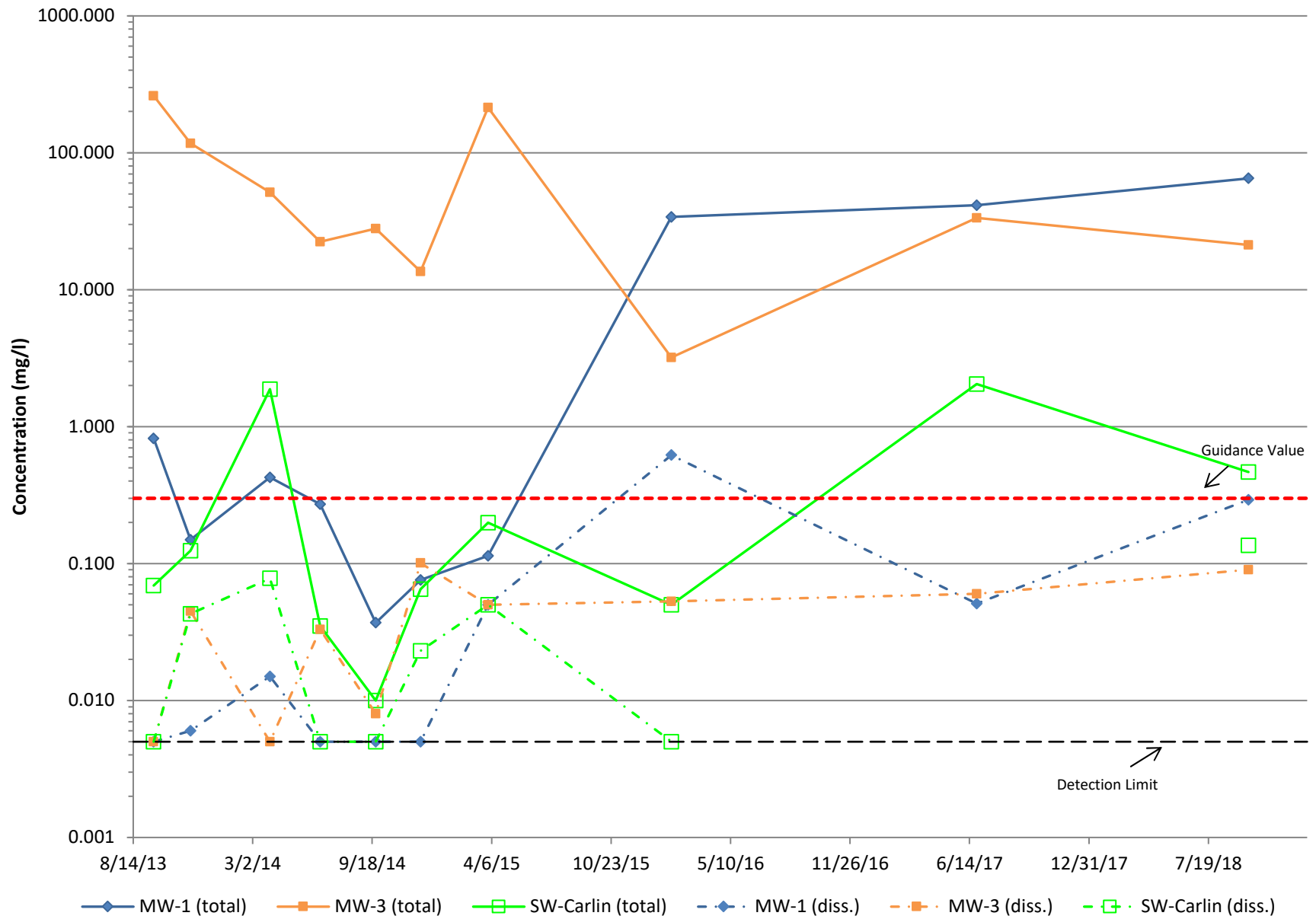
Total and Dissolved Sodium Trends



Total and Dissolved Manganese Trends



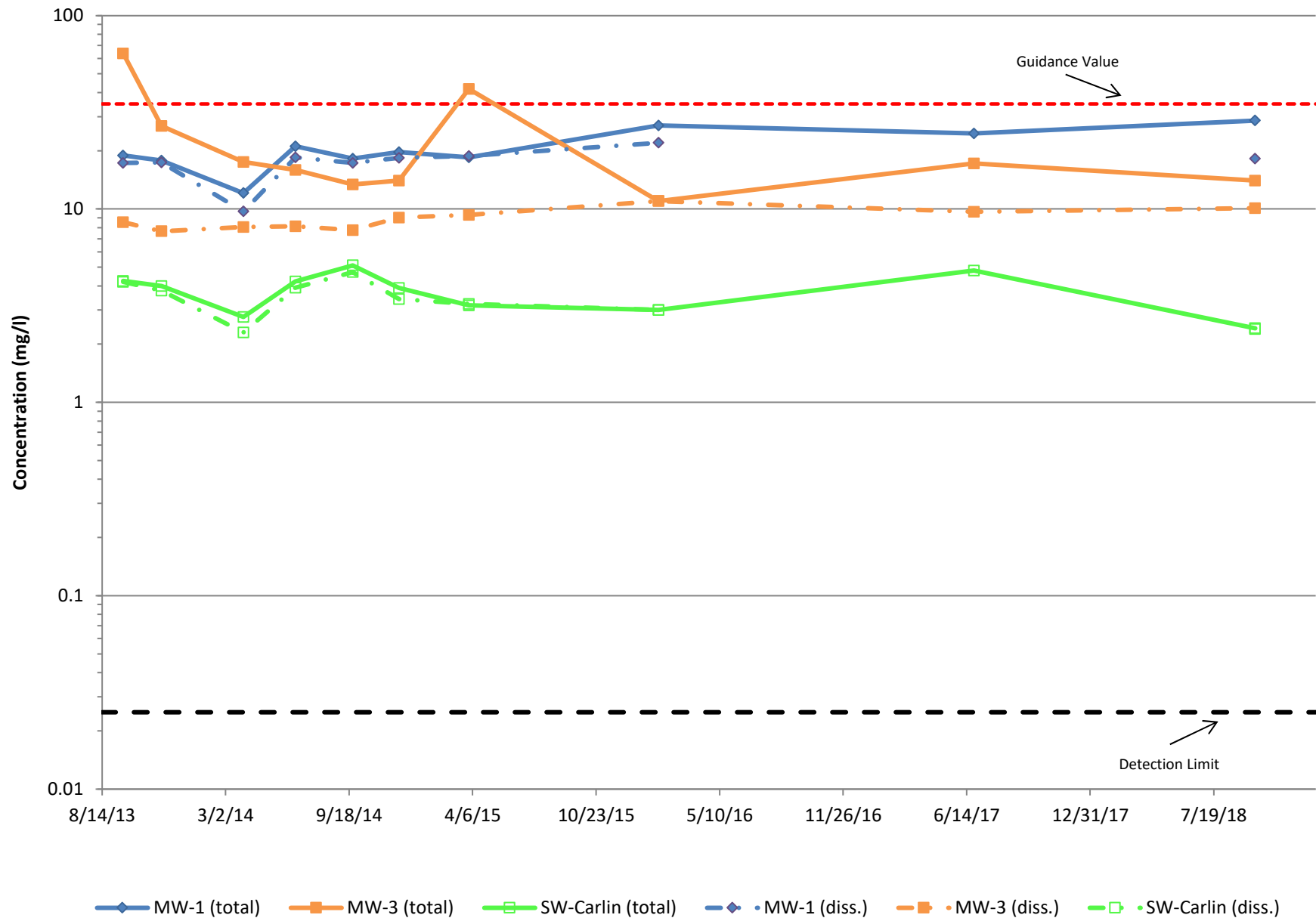
Total and Dissolved Iron Trends



Total and Dissolved Lead Trends



Total and Dissolved Magnesium Trends



APPENDIX C

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;

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 derweb@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.

-
- 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

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:

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

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: 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.

Sherrie L. Jacobs
Notary Public - State of New York

SHERRIE L. JACOBS
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01JA6084551
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: 

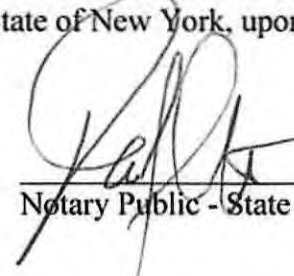
Robert W. Schick, Director
Division of Environmental Remediation

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. Chiusano
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;

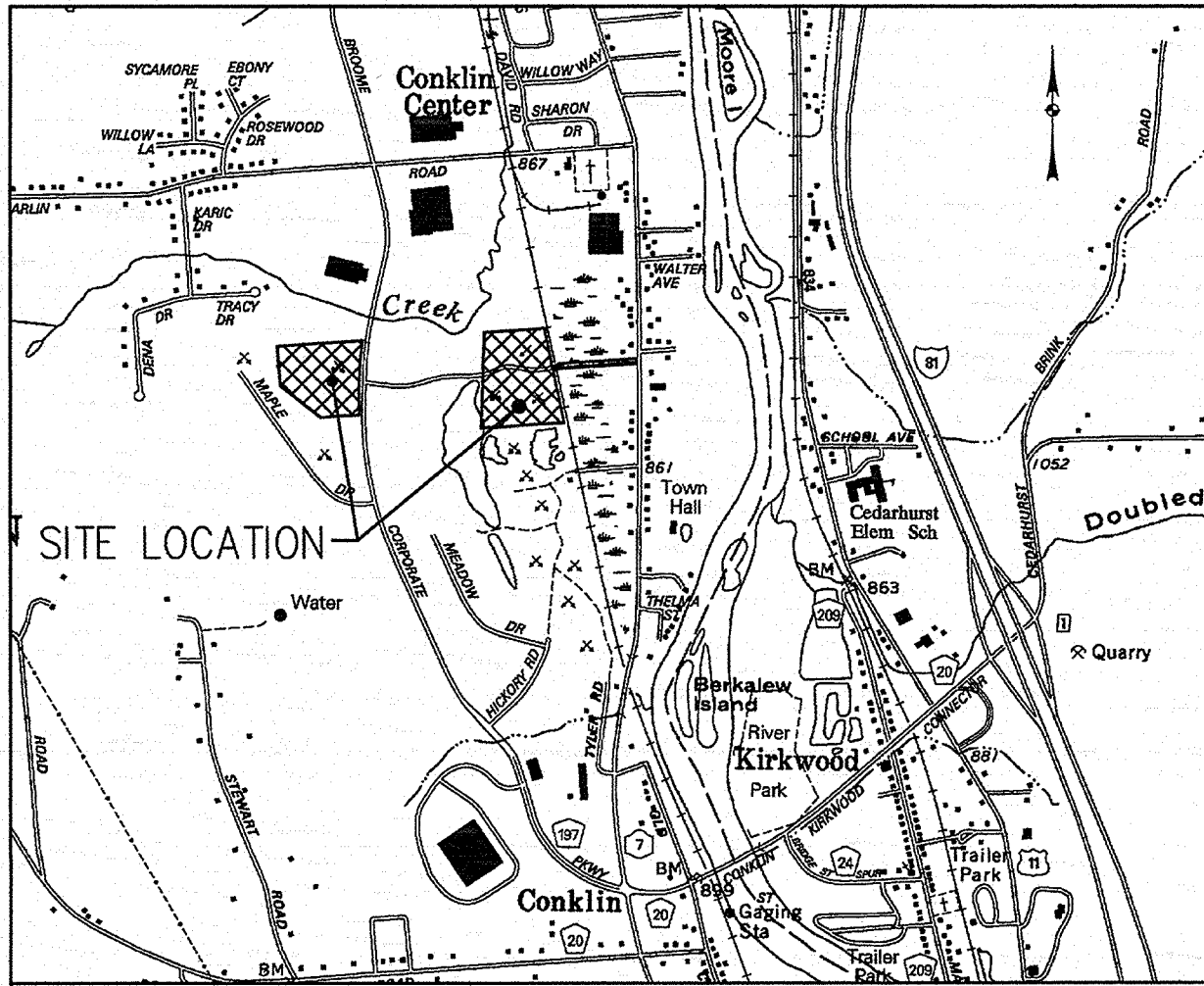
2) South 53°26'37" East a distance of 509.90 feet to a rebar with cap found;

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

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

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

TM# 194.04-1-39
MAPLE LANE HOLDINGS, LLC
LIBER 2202 PAGE 345

FENCE CORNER
6.8' NORTH OF
PROPERTY LINE

TM# 194.04-1-39
MAPLE LANE HOLDINGS, LLC
LIBER 2202 PAGE 345

TM# 194.11-1-30.1
BROOME COUNTY INDUSTRIAL
DEVELOPMENT AGENCY
LIBER 1455 PAGE 301

FENCE CORNER
17.5' NORTH OF
PROPERTY LINE

BLDG CORNER
40.93' SOUTH OF
PROPERTY LINE

FENCE CORNER
8.6' SOUTH OF
PROPERTY LINE

UPPER LANDFILL
TM# 194.04-1-2
TOWN OF CONKLIN
LIBER 1028 PAGE 572
(EXCEPTION PARCEL 2 DESCRIBED
IN LIBER 1603 PAGE 341)
TOTAL AREA= 12.063 ACRES
525466 SQ. FT.

POINT OF VEHICULAR AND PEDESTRIAN
ACCESS NO RECORD DOCUMENT FOUND
PERTAINING TO RIGHTS FOR THE USE
OF SAID ACCESS

TM# 194.04-1-39
MAPLE LANE HOLDINGS, LLC
LIBER 2202 PAGE 345

Engineering Controls/Institutional Controls on the Upper Landfill:

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

- South 05°15'49" East a distance of 400.00 feet to a rebar with cap found;
- South 53°26'37" East a distance of 509.90 feet to a rebar with cap found;
- 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.

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.

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.
- "Boundary Survey for the Maines Family Limited Partnership" By: Keystone Associates Architects, Engineers and Surveyors, LLC Dated: July 14, 2007 (unrecorded map)
- 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.
- 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

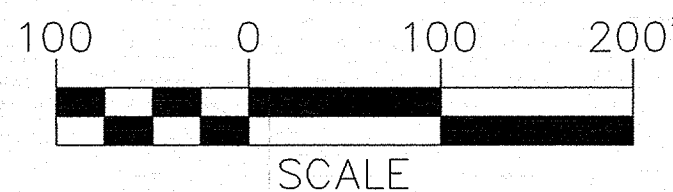
ON LANDS OWNED BY THE TOWN OF CONKLIN
TAX MAP NO. 194.04-1-2 & 194.04-1-18
TOWN OF CONKLIN, BROOME COUNTY, NY

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

SHUMAKER
CONSULTING ENGINEERING & LAND SURVEYING P.C.
143 COURT STREET, BINGHAMTON, NY 13901
PHONE 607-798-8081

LEGEND:

- SUBJECT PROPERTY AND DECLARATION OF COVENANTS, RESTRICTIONS, AND ENVIRONMENTAL EASEMENT BOUNDARY LINES
- △ CALCULATED POINT
- PL PROPERTY LINES
- REBAR & CAP KEYSTONE PIN FOUND (TYPE AND SIZE AS SHOWN)
- PIPE FOUND (TYPE AND SIZE AS SHOWN)
- HB HIGHWAY BOUNDARY
- PE PERMANENT EASEMENT
- LIMIT OF WETLANDS
- EP 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



SCALE

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@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.

- 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. MATTERS, 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



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.

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

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;

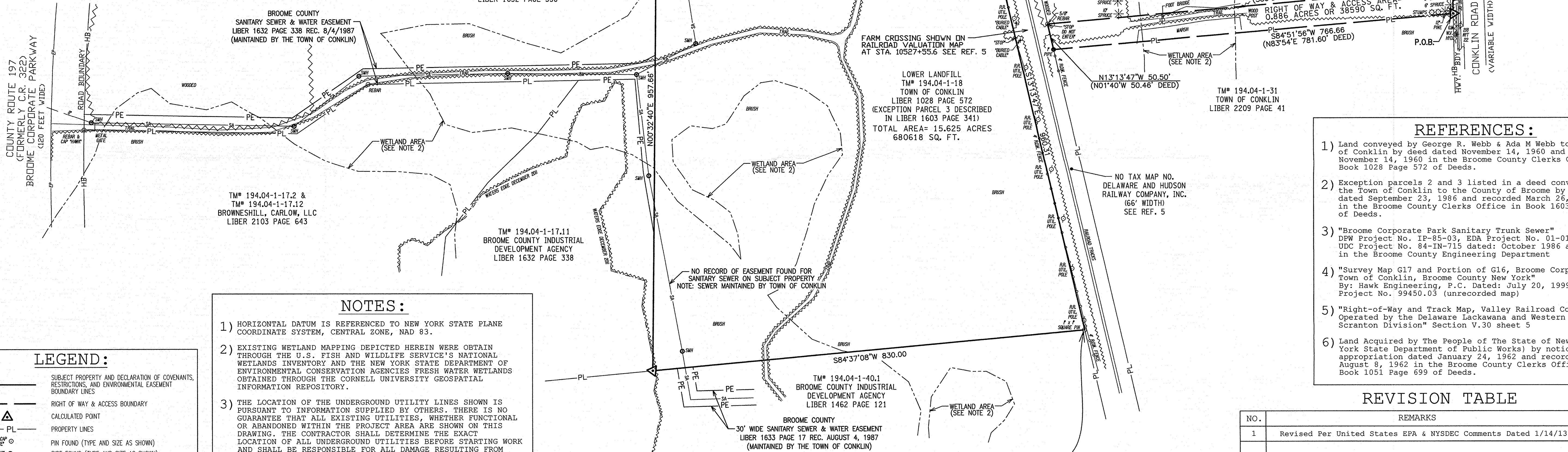
thence North 13°13'47" West a distance of 50.50 feet along said division line to a point;

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.



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.

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.

P.O.B. of Declaration of Covenants, Restrictions, and Environmental Easement Area

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.

- 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:

- 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 26, 1987 in the Broome County Clerks Office in Book 1603 Page 341 of Deeds.
- 3) "Broome Corporate Park Sanitary Trunk Sewer" DPW 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
- 4) "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)
- 5) "Right-of-Way and Track Map, Valley Railroad Company, Operated by the Delaware Lackawana and Western R.R. Co., Scranton Division" Section V.30 sheet 5
- 6) 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

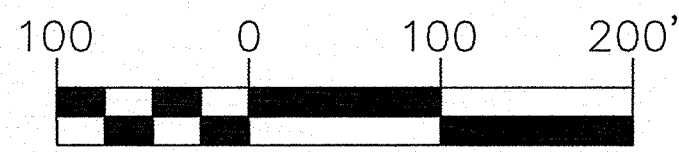
ON LANDS OWNED BY THE TOWN OF CONKLIN
TAX MAP NO. 194.04-1-2 & 194.04-1-18
TOWN OF CONKLIN, BROOME COUNTY, NY

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

SHUMAKER
CONSULTING ENGINEERING & LAND SURVEYING P.C.
143 COURT STREET, BINGHAMTON, NY 13901
PHONE 607-798-8081

LEGEND:

- SUBJECT PROPERTY AND DECLARATION OF COVENANTS, RESTRICTIONS, AND ENVIRONMENTAL EASEMENT BOUNDARY LINES
- RIGHT OF WAY & ACCESS BOUNDARY
- CALCULATED POINT
- PROPERTY LINES
- PIN 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
- STOP SIGN
- MANHOLE
- SANITARY MANHOLE
- TELEPHONE MANHOLE
- HYDRANT
- OVERHEAD TELEPHONE LINE
- OVERHEAD ELECTRIC LINE
- SANITARY SEWER LINE
- WATER LINE
- STORM WATER LINE



ONE FOOT EQUALS 0.3048006096 METERS.
ONE SQUARE FOOT EQUALS 0.0929034116 SQUARE METERS.

"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.