

**...from the desk of
Jack O'Dell**

9/20/05

MATT:

Re Volney LF: 2005 Recertification of ICs

Find attached a letter from Oswego County regarding the annual Recertification of Institutional Controls for the Volney LF site.

Note that, the letter includes a revised parcel map, at the end, that will be included in an upcoming revised easement (re comment #7 in the letter; concerning easement #007783, which involves the former Durfey parcel - not "Durfee," as in the letter). The original maps included with each of the three easements (i.e., #007784 and 007785) are not accurate with regard to the shape of the former Durfey parcel and do not identify the Niagara Mohawk parcel. However, since the latter easements, above, are not directly affected by those inaccuracies, it's unclear whether the County will spend the time/\$ to substitute the corrected/revised map in these easements - although I've urged them to do it for both accuracy and consistency's sake and to reduce any future confusion. We'll see.

Note also that, I'm sending a copy of the letter to Carl Cuipylo in Syracuse, to keep him informed, since he performed the 5-year inspection, where the ICs were discussed.

Jack O'Dell
212-637-4256

M. Denton



COUNTY OF OSWEGO
OFFICE OF THE COUNTY ATTORNEY

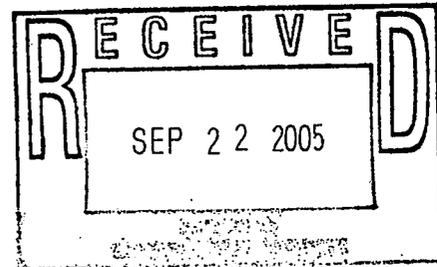
315-349-8296
FAX 315-349-8298

LEGISLATIVE OFFICE BUILDING

46 EAST BRIDGE STREET

OSWEGO, NEW YORK 13126-2137

RICHARD C. MITCHELL
COUNTY ATTORNEY



September 8, 2005

Mr. Jack O'Dell
Remedial Project Manager
Western New York Superfund Section 1
Emergency and Remedial Response Division
United States Environmental Protection Agency, Region 2
290 Broadway
New York, New York 10007-1866

Re: Volney Landfill Superfund Site - Recertification of Institutional Controls

Dear Mr. O'Dell:

Pursuant to the provisions of the Consent Decree, enclosed herewith please find a duly executed and acknowledged Recertification of Institutional Controls regarding the Volney (a/k/a Silk Road) Landfill Superfund Site.

Should you require anything further in this regard, please advise.

Very truly yours,

Richard C. Mitchell
County Attorney

RCM/kat
(enclosure as stated)

cc: Donald F. Morey, Superintendent of Public Works
Evan Walsh, Oswego County Health Department
Andrew Barber, P.E., Project Manager

**RECERTIFICATION OF INSTITUTIONAL CONTROLS
REGARDING THE VOLNEY LANDFILL SUPERFUND SITE
COUNTY OF OSWEGO, NEW YORK**

STATE OF NEW YORK)
COUNTY OF OSWEGO) SS.:

Russ W. Johnson, being first duly sworn, deposes and says as follows:

1. I am the Chairman of the Legislature in and for the County of Oswego, New York.
2. I am executing this Recertification pursuant to the requirements of the Consent Decree and upon the advice of the County Attorney.
3. I am aware of three (3) Environmental Protection Easements and Declarations of Restrictive Covenants regarding the Volney (a/k/a Silk Road) Landfill Superfund Site heretofore filed in the Office of the Oswego County Clerk under document numbers R-2003-007783, R-2003-007784 and R-007785 on June 12, 2003.
4. Said easements and restrictive covenants run from the County of Oswego as Grantor to and for the benefit of NYSDEC, as Grantee, and to USEPA as a third-party beneficiary on behalf of the public.
5. To my knowledge, the Environmental Protection Easements and Declarations of Restrictive Covenants are still in full force and effect and the County of Oswego hereby recertifies same, and the parcels covered thereby, to USEPA and NYSDEC as if more fully set forth herein.
6. The County of Oswego has approached Niagara Mohawk Power Corporation now known as National Grid with the intent of acquiring a restrictive covenant prohibiting the digging/drilling of any future wells on the parcel and requiring the closure of the one currently-existing well upon the establishment of municipal water service to the parcel; negotiations are continuing in this regard.
7. The easement pertaining to the former Durfee property now owned by the County of Oswego will be modified to indicate the correct acreage; however, the easement will remain in full force and effect throughout.
8. I am unaware of any actions by any agency of the United States of America, the State of New York and/or the County of Oswego, or by any Court or Judge, which would limit,

COUNTY OF OSWEGO



impair or affect the validity or scope of said Easements or Declarations or as concerns the property covered thereby.

- 9. I am making this Recertification in my official capacity on behalf of the County of Oswego and as required by the applicable provisions of the Consent Decree.

Dated: September 7, 2005
Oswego, New York

COUNTY OF OSWEGO
By: *Russ W. Johnson*
Russ W. Johnson, Chairman
Oswego County Legislature

Acknowledgment

COUNTY OF OSWEGO

STATE OF NEW YORK)
COUNTY OF OSWEGO) ss.:

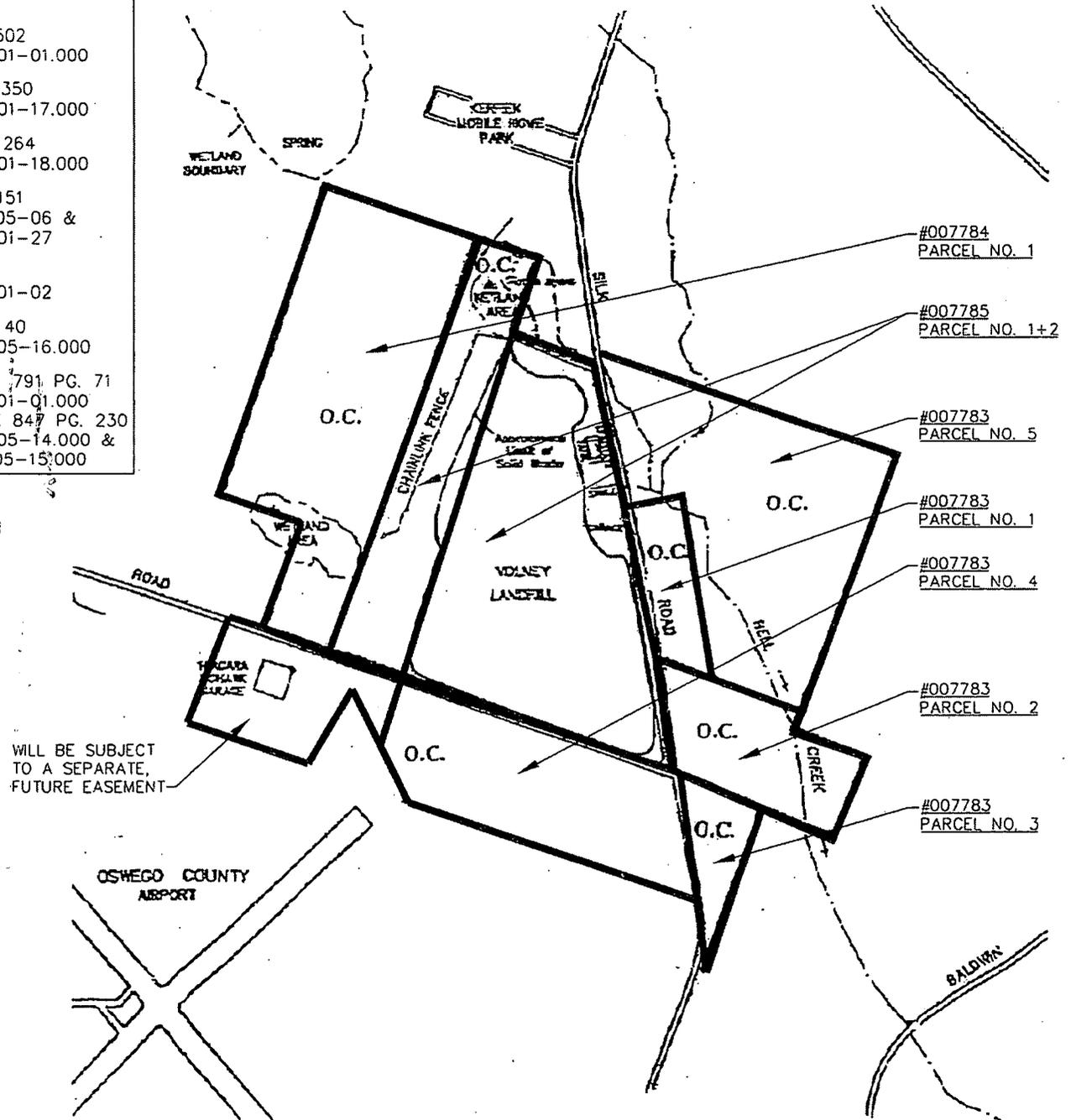
On September 7, 2005 before me, the undersigned, personally appeared **HON. RUSS W. JOHNSON AS CHAIRMAN OF THE OSWEGO COUNTY LEGISLATURE**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed same in his official capacity and that by his signature on this instrument, the individual, or the person on behalf of which the individual acted, executed this instrument.

Teresa A. Somers
Notary Public, State of New York

TERESA A. SOMERS
Notary Public, State of New York
No. 01SO6120507
Qualified in Oswego County
Commission Expires Dec. 20, 2008

EASEMENT	PARCEL	DEED AREA*	DEED REF.
007783	1	6.9	DEED BOOK 791 PG. 502 TAX PARCEL 220.00-01-01.000
007783	2	14.7	DEED BOOK 1181 PG. 350 TAX PARCEL 220.00-01-17.000
007783	3	5.0	DEED BOOK 1139 PG. 264 TAX PARCEL 220.00-01-18.000
007783	4	27±	DEED BOOK 760 PG. 151 TAX PARCEL 219.00-05-06 & TAX PARCEL 220.00-01-27
007783	5	49.0	DEED R-2001-015987 TAX PARCEL 220.00-01-02
007784	1	65.0	DEED BOOK 1066 PG. 40 TAX PARCEL 203.00-05-16.000
007785	1+2	92.0	{ 67 ACRES DEED BOOK 791 PG. 71 TAX PARCEL 220.00-01-01.000 25 ACRES DEED BOOK 847 PG. 230 TAX PARCEL 203.00-05-14.000 & TAX PARCEL 203.00 05-15.000

*AREA IN ACRES



File on eDOCs _____ Yes _____ No
Site Name Womney
Site No. 738003
County Osuego
Town Walney
Foitable Yes _____ No
File Name 2005-09-08-IC-Recert.
Scanned & eDOC _____