NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Classification Report

DATE: 10/17/2012

Site Code: 826007 **Site Name:** William Benson Landfill
City: LIVONIA **Town:** Livonia
Region: 8 **County:** Livingston
Current Classification: 02 **Proposed Classification:** 04
Estimated Size (acres): 13.00 **Disposal Area:** Landfill
Significant Threat: Previously **Site Type:**
Priority ranking Score: 100 **Project Manager:** Will Welling

Summary of Approvals

Originator/Supervisor: Susan Edwards **06/12/2012**

RHWRE: Bart Putzig: **06/13/2012**

BEEI of NYSDOH:

CO Bureau Director: Michael Cruden, Director, Remedial Bureau E: **09/13/2012**

Assistant Division Director: Robert W. Schick, P.E.: **09/17/2012**

Basis for Classification Change

Hazardous waste disposal at this site was addressed by implementation of the remedy identified for the site by one or more Records of Decision. All construction of the components of the site-wide remedy was completed no later than 2000. The Final Engineering Report(s) (FER) confirms that the remedy has been constructed consistent with the requirements in the ROD(s). The FER is in edocs. Management of contamination remaining at the site, including any required monitoring, is and has been controlled pursuant to a Site Management Plan (SMP). A copy of the SMP is in edocs. Institutional controls are required to ensure the protectiveness of the site. The required control, in the form of a deed restriction, was filed in 2012. A significant threat to public health and the environment no longer exists at the site. The site is properly remediated and requires site management, therefore it qualifies for Class 4 status on the Registry of Inactive Hazardous Waste disposal sites.

Site Description - Last Review: 06/15/2012

Location: The William Benson Landfill Site (WBLF) is located in the Town of Livonia. The site access driveway is at 7404 Richmond Mills Road, approximately 1200 feet east of the intersection with Plank Road, NYS Route 15A.

Site Features: The site is located in a rural setting in Livingston County. The landfill is approximately 13 acres, located behind the farm at 7440 Richmond Mills Rd. There is a small farm pond located several hundred feet upgradient of the site and a seasonal stream passes within 100 feet of the site.

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Current Zoning/Use(s): The site is currently inactive and properly closed. The landfill property is presently zoned ARC-5 (Agricultural-Residential-Commercial with a 5 acre lot minimum). The surrounding properties are agricultural and residential.

Historic Use(s):
The WBLF is an 13 acre landfill that received hazardous waste during its operational history (approximately 1970 to 1984) and was not properly closed. The landfill operated without a valid Part 360 permit and had a history of recurring solid waste violations and noncompliance with Part 360 regulations going as far back as 1973.

A Community Right-to-Know (RTK) survey that was submitted in 1984 reported that the Lucidol Company (now operating as ATOFINA, North America) took approximately 40 tons of halogenated aliphatics, halogenated aromatics, plasticizers, esters, ethers, alcohols, and inorganic salts (DOO3 waste) to this landfill between 1970 and 1978. It was also reported that the Pennwalt Corporation disposed an unknown quantity of organic peroxide at the landfill, prior to 1981.

Groundwater sampling in December of 1988 revealed levels of acetone, 2-butanone (MEK), toluene, arsenic, lead, and barium above groundwater standards. The Attorney General's (AG's) office successfully negotiated a Remedial Investigation/Feasibility Study (RI/FS) Consent Order with the PRP. A remedial investigation conducted in phases between June 1997 and April 1998 revealed the presence of contaminants of concern (including metals, volatile organic compounds, and semi-volatile organic compounds) in the surface and subsurface soil, leachate, and groundwater.

A Record of Decision, dated 16 March 2000, selected a remedy, which included the construction of a modified 6 New York State Codes, Rules, and Regulations Part 360 cover system and implementation of a long-term monitoring plan. Construction was substantially complete in October 2003. An Operations, Maintenance, and Monitoring Plan (OMMP) was finalized in August 2004. The OMMP was updated in 2007 and is now part of an overall Site Management Plan that provides direction for implementation of the remedy selected by the Record of Decision.

Site Geology and Hydrogeology:
The uppermost soil unit at the site is characterized as a reworked glacial till. This glacial till unit consists of tightly packed sand and silt, interspersed with varying percentages of fine to coarse sub-rounded gravel and occasional cobbles. The reworked glacial till unit ranges from 10 to 16 feet in thickness. The second soil unit is characterized as an unworked till, meaning that it is similar in origin and composition, but has been unaltered by weathering processes and therefore is more tightly packed than the unit above. The glacial till unit is from 7 to 14 feet thick. This third layer is identified as a glaciolacustrine deposit consisting of clay and silt.

Depth to bedrock is not known. Bedrock was not encountered in any of the borings which ranged from 26 to 36 feet bgs. The first soil unit displayed low hydraulic conductivity. Slug tests conducted in the wells screened in the first soil unit confirmed low hydraulic conductivity values ranging from 10-5 to 10-4 centimeter/second (cm/s). The slug tests performed in the wells screened in the second unit produced lower

hydraulic conductivity values, predominantly in the l0-6 cm/s range. The low hydraulic conductivity of the third layer was confirmed by the slug test data. The value for the hydraulic conductivity for this well (10-7 cm/s) was the lowest obtained for the site.

Depth to water ranged from 10 to 14 feet below ground surface (bgs), based on the drilling logs for the site.

Contaminants of Concern (Including Materials Disposed)	**Quantity Disposed**
OU 01	
HALOGENATED ALIPHATICS, HALOGENATED AROMATICS,	0.00
PLASTICIZERS, ESTERS, ETHERS, ALCOHOLS, AND	0.00
INORGANIC SALTS. (D003)	0.00

Analytical Data Available for : Groundwater, Soil

Applicable Standards Exceeded for: Groundwater

Site Environmental Assessment- Last Review: 06/15/2012

As described in the RI Report, soil, groundwater, leachate, surface water, and sediment samples were collected at the Site to characterize the nature and extent of contamination. The categories of contaminants which exceed their SCGs are inorganics (metals), volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), and pesticides.

Prior to remediation:

Soils: Surface soil samples were collected from areas of leachate stained surface soil from within the footprint of the landfill. Because there were no leachate stained soils outside the footprint of the landfill, no surface soil samples were taken outside of the landfill footprint. At the six leachate stained surface soil locations, SCGs for inorganic compounds were exceeded for zinc and cadmium.
Sixteen subsurface soil boring samples were collected from locations outside the footprint of the landfill. SCGs for inorganic compounds were in one or more exceeded for zinc, magnesium, cadmium, and selenium.

Surface Water: One surface water sample was taken from the bed of an intermittent stream located approximately 100 feet from and parallel to the northern boundary of the landfill. Aluminum was the only inorganic analyte which exceeded SCGs.
Seven pesticides/herbicides were also detected in the sample above SCGs for Class C surface water quality standards. They were heptachlor, heptachlor epoxide, 4,4'-DDE, endrin, endosulfan I, alpha-chlordane, and methoxychlor. The levels were very low and consistent with what would be expected in an agricultural area and therefore not considered to be contaminants of concern.
Sediment: One sediment sample was taken from the same intermittent stream as the surface water samples. No analytes exceeded SCGs.

Leachate: In the leachate samples the contaminants identified were VOCs and inorganic compounds. At the seven leachate sample locations, SCGs for VOCs were exceeded by benzene, toluene, chlorobenzene, total xylenes, and ethylbenzene. The SCGs for inorganic compounds at several leachate sample locations were exceeded for iron, manganese, sodium, antimony, magnesium, arsenic, and lead.

DATE: 10/17/2012

Site Code: 826007 **Site Name:** William Benson Landfill

Groundwater: Twenty-nine groundwater samples were collected from the 15 monitoring wells which were installed at the site. An additional 21 samples were taken from push probe locations during the preliminary site characterization. The principal contaminants of concern in the groundwater are VOCs and inorganic analytes. SCGs were exceeded for iron, sodium, antimony, magnesium, arsenic, and barium. The VOC SCGs were exceeded for acetone, chloromethane, toluene, MEK, 1,l-dichloroethane, chlorobenzene, ethylbenzene, m,p-xylene, and o-xylene. These contaminants appear to be leachate derived. In all instances, the highest concentrations of contaminants were in locations in close proximity to the landfill. Concentration levels decreased significantly within fairly short distances away from the landfill perimeter.

Soil Gas: During the preliminary site characterization, a soil gas survey was implemented to evaluate the extent of contaminant migration in the groundwater. While most of the soil gas samples were taken within the landfill material, some from along the perimeter were not within the actual footprint of the landfill. The following compounds were detected: ethylbenzene, hydrogen sulfide, xylenes, methane, acetone, toluene, chloromethane, benzene, chloroethane, chlorobenzene, methyl-ethyl-ketone (MEK), methyl isobutyl ketone (MBK), methlylene chloride, vinyl chloride, cis-1.2 dichloroethene and trichloroethane.

Post-Remediation: The shallow aquifer is used as a source of drinking water for approximately 500 people within a mile and a half radius of the site. Groundwater contamination on-site is in excess of New York State drinking water standards for acetone, toluene, methyl ethyl ketone, iron, magnesium and sodium. The nearest occupied residences are located within a half-mile radius of the landfill on the north, south, and west sides. Analysis of water samples collected in 1990, 1991, 1994, and 1996 by NYSDOH and in 1999 by the local health unit from private wells in the area did not detect any site-related contamination. 2011 groundwater monitoring data indicate that the remaining groundwater contamination is not migrating off-site. Although the site is not fenced, on-site human activity is likely minimal due to the rural and remote setting of the surrounding area. The selected remedy of landfill capping, long-term groundwater monitoring and landfill gas monitoring will minimize potential exposures.
A vapor intrusion evaluation was performed and no further action is necessary.

Site Health Assessment - Last Update: 06/15/2012

Most of the area is served by municipal water, however, private wells in the area have been sampled and no site related contaminants were found. The landfill cap minimizes the potential for people to come into contact with soils on-site.

	Start		End	
OU 00				
OGC Docket - Environmental Notice	9/20/11	ACT	5/17/12	TRM
Periodic Review	6/15/09	ACT	2/1/10	ACT
Periodic Review	1/1/11	ACT	1/1/11	ACT
Periodic Review	4/1/12	ACT	6/4/12	ACT
Periodic Review	1/30/13	PLN	3/16/13	PLN
Reclass Pkg.	5/17/12	ACT	10/15/12	PLN
Site Management	8/31/04	ACT	8/31/76	PLN
OU 01				
OGC Docket - Deed Restriction	4/15/12	ACT	4/25/12	ACT
Remedial Action	6/13/03	ACT	12/12/03	ACT
Remedial Design	4/11/02	ACT	5/29/03	ACT

DATE: 10/17/2012

Site Code: 826007 **Site Name:** William Benson Landfill

Remedial Investigation	10/1/95	ACT	3/16/00	ACT
VI Evaluation	12/3/07	ACT	8/29/08	ANF

Remedy Description and Cost

Remedy Description for Operable Unit 01

Based on the results of the Remedial Investigation Feasibility Study (RI/FS) for the William Benson Landfill Site and the criteria identified for evaluation of alternatives, the NYSDEC selected construction of a modified 6 NYCRR Part 360 cover system. The components of the remedy were as follows:

- A 6-inch sand venting layer;
- A 40-millimeter-thick geosynthetic liner or membrane;
- A geosynthetic drainage layer consisting of geonet between two layers of geotextile;
- An 18-inch barrier protection layer;
- A 6-inch topsoil layer; and,
- Long-term monitoring plan.

Total Cost $2,300,000

OU 00 **Site Management Plan Approval: 08/31/2004** **Status: ACT**

DATE: 10/17/2012

Site Code: 826007 **Site Name:** William Benson Landfill

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
10/17/2012

SITE DESCRIPTION

SITE NO. 826007

SITE NAME William Benson Landfill

SITE ADDRESS: 7404 Richmond Mills Road ZIP CODE: 14487

CITY/TOWN: Livonia

COUNTY: Livingston

ALLOWABLE USE: Closed Landfill

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	}	G
Monitoring Plan Operation and Maintenance (O&M) Plan	}	G
Periodic Review Frequency: once a year	}	G

Periodic Review Report Submittal Date: 01/30/2013

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Classification Report

DATE: 10/17/2012

Site Code: 826007 **Site Name:** William Benson Landfill

Description of Institutional Control

Benson William J.
P.O. Box 93
7404 RICHMOND MILLS ROAD
Deed Restriction
Block: 000
Lot: 018
Sublot: 0021
Section: 076
Subsection: 000
S_B_L Image: 76-1-18.21
Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Monitoring Plan
O&M Plan
Site Management Plan

Description of Engineering Control

Benson William J.
P.O. Box 93
7404 RICHMOND MILLS ROAD
Deed Restriction - Institutional Control Instrument
Block: 000
Lot: 018
Sublot: 0021
Section: 076
Subsection: 000
S_B_L Image: 76-1-18.21
Cover System

Site No. 826007
Site Name: William Benson Landfill

New York State Department of Environmental Conservation

PUBLIC NOTICE | **State Superfund Program**

Receive Site Information by Email. See next page to Learn How.

Site Name: William Benson Landfill October 17, 2012
Site No. 826007 **Tax Map No.** 76-1-18.21
Site Location: 7402 Richmond Mills Road, Livonia, Livingston County, NY 14487

Inactive Hazardous Waste Disposal Site Re-Classification Notice

The Inactive Hazardous Waste Disposal Site Program (the State Superfund Program) is the State's program for identifying, investigating, and cleaning up sites where the disposal of hazardous waste may present a threat to public health and/or the environment. The New York State Department of Environmental Conservation (Department) maintains a list of these sites in the Registry of Inactive Hazardous Waste Disposal Sites (the "Registry"). The site identified above, and located on a map on the reverse side of this page, was recently reclassified on the Registry as a Class 4 site as it no longer presents a significant threat to public health and/or the environment for the following reason(s):

Hazardous waste disposal at this site was addressed by implementation of the remedy identified for the site by one or more Records of Decision. Construction activities as outlined in the site's record of decision were completed by 2003. Management of the site's remaining contamination, including monitoring, is addressed under the site management plan. The required institutional control, a deed restriction, was filed in 2012. A significant threat to public health and the environment no longer exists at the site. The site is properly remediated and requires site management, therefore it qualifies for Class 4 status on the Registry of Inactive Hazardous Waste disposal sites.

If you own property adjacent to this site and are renting or leasing your property to someone else, please share this information with them. If you no longer wish to be on the contact list for this site or otherwise need to correct our records, please contact the Department's Project Manager listed below.

FOR MORE SITE INFORMATION

Additional information about this site can be found using the Department's "Environmental Site Remediation Database Search" engine which is located on the internet at:
www.dec.ny.gov/cfmx/extapps/derexternal/index.cfm?pageid=3

Comments and questions are always welcome and should be directed as follows:

Project Related Questions
William B. Welling, Project Manager
NYS Department of Env. Conservation
Remedial Bureau E, 12th Floor
625 Broadway
Albany, NY 12233-7017
wbwellin@gw.dec.state.ny.us
518-402-9813

The Department is sending you this notice in accordance with Environmental Conservation Law Article 27, Title 13 and its companion regulation (6 NYCRR 375-2.7(b)(6)(ii)) which requires the Department to notify all parties on the contact list for this site of this recent action.

Approximate Site Location
William Benson Landfill
SITE ID: 826007
7402 Richmond Mills Road
Livonia, NY 14487

Receive Site Updates by Email
Have site information such as this public notice sent right to your email inbox. NYSDEC invites you to sign up with one or more contaminated sites county email listservs available at the following web page: www.dec.ny.gov/chemical/61092.html . It's *quick*, it's *free*, and it will help keep you *better informed*.

As a listserv member, you will periodically receive site-related information/announcements for all contaminated sites in the county(ies) you select.

You may continue also to receive paper copies of site information for a time after you sign up with a county listserv, until the transition to electronic distribution is complete.

Note: Please disregard if you received this notice by way of a county email listserv.

Electronic copies:

R. Schick, Director, Division of Environmental Remediation
A. English, Director, Bureau of Technical Support
K. Lewandowski, Chief, Site Control Section
M. Cruden, Director, Remedial Bureau E
B. Putzig, RHWRE, Region 8
S. Sheeley, Regional Permit Administrator, Region 8
L. Vera, Regional CPS, Region 8
K. Anders, NYSDOH
L. Ennist, DER, Bureau of Program Management
W. Welling, Project Manager
B. Anderson, Site Control Section

William J. Benson
or Current Resident
P.O. Box 93
Livonia Center, NY 14488

Brian Benson
or Current Resident
3827 Clay St
Livonia, NY 14487

John Gebo
or Current Resident
PO Box 81
Hemlock, NY 14466

Jennifer A. Lippa
or Current Resident
3477 Plank Rd
Livonia, NY 14487

Alan C. and Judith A. Emmons
or Current Resident
7561 Richmond Mills Rd
Livonia, NY 14487

Colleen West
Livonia Town Clerk
P.O. Box 43
35 Commercial St
Livonia, NY 14487

The Honorable Ian M. Coyle
County Adminstrator
Livingston County Gov't Center
6 Court St - Room 302
Geneseo, NY 14454

Joan H Ellison
Livingston County Department of Health
2 Murray Hill Drive
Mt. Morris, NY 14510

William J. Benson, Jr.
or Current Resident
3134 Geneseo Rd. (Rte. 408)
Mt. Morris, NY 14510

Jean M. Benson
or Current Resident
P.O. Box 93
Livonia Center, NY 14488

Amanda H. and Donald E. Linborg
or Current Resident
3455 Plank Rd
Livonia, NY 14487

Donald and Lisa Morgan
or Current Resident
3465 Plank Rd
Livonia, NY 14487

Charles Rolfe
or Current Resident
4022 Main St
Livonia, NY 14487

Steven K. and Gloria M. Struble
or Current Resident
P.O. Box 66
Livonia Center, NY 14488

Rick Bennett
Chair, Livonia Town Planning Board
P.O. Box 43
35 Commercial St
Livonia, NY 14487

Angela Ellis
County Planning Director
6 Court Street -- Room 305
Geneseo, NY 14454

The Livingston County News
122 Main St.
Geneseo, NY 14454

Andrew Dotson
or Current Resident
7361 Richmond Mills Rd
Livonia, NY 14487

Headin' South Farms Inc.
or Current Resident
1845 Doran Rd
Lima, NY 14485

Katherine W. Gfeller
or Current Resident
7381 Richmond Mills Rd
Livonia, NY 14487

Jeffery R. Swan
or Current Resident
P.O. Box 85
Livonia Center, NY 14488

The Honerable Eric Gott
Supervisor, Town of Livonia
P.O. Box 43
35 Commercial St
Livonia, NY 14487

James A Culbertson
Livingston County Clerk
6 Court St - Room 201
Geneseo, NY 14454

Catherine VanHorne
Livingston County Water and Sewer
1997 D'Angelo Drive
Lakeville, NY 14480

Genesee Country Express
113 Main St
Dansville, NY 14437

New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Technical Support, 11th Floor
625 Broadway, Albany, NY 12233-7020
Phone: (518) 402-9553 • Fax: (518) 402-9547
Website: www.dec.ny.gov

Joe Martens
Commissioner

September 27, 2012

Mr. William J. Benson
PO Box 93
Livonia Center, NY 14488

Dear Mr. Benson:

As mandated by Section 27-1305 of the Environmental Conservation Law (ECL), the New York State Department of Environmental Conservation (Department) must maintain a Registry of all inactive disposal sites suspected or known to contain hazardous waste. The ECL also mandates that this Department notify the owner of all or any part of each site or area included in the Registry of Inactive Hazardous Waste Disposal Sites as to changes in site classification.

Our records indicate that you are the owner or part owner of the site listed below. Therefore, this letter constitutes notification of change in the classification of such site in the Registry of Inactive Hazardous Waste Disposal Sites in New York State.

DEC Site No.: 826007
Site Name: William Benson Landfill
Site Address: 7440 Richmond Mills Road, Livonia, Livingston County, NY 14487
Classification change: Class 2 to Class 4

The reason for the change is as follows:

Hazardous waste disposal at this site was addressed by implementation of the remedy identified for the site by one or more Records of Decision. All construction of the components of the site-wide remedy was completed no later than 2000. Management of contamination remaining at the site, including any required monitoring, is and has been controlled pursuant to a Site Management Plan. Institutional controls are required to ensure the protectiveness of the site. The required control, in the form of a deed restriction, was filed in 2012. A significant threat to public health and the environment no longer exists at the site. The site is properly remediated and requires site management, therefore it qualifies for Class 4 status on the Registry of Inactive Hazardous Waste disposal sites.

Enclosed is a copy of the Department's Inactive Hazardous Waste Disposal Site Report form as it appears in the Registry. An explanation of the site classifications is available at http://www.dec.ny.gov/chemical/8663.html. The Law allows the owner and/or operator of a site listed in the Registry to petition the Commissioner of the New York State Department of Environmental Conservation for deletion of such site, modification of site classification, or modification of any information regarding such site, by submitting a written statement setting forth the grounds of the petition.

Such petition may be addressed to:

Honorable Joseph J. Martens
Commissioner
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-1010

For additional information, please contact Will Welling, the project manager at 518-402-9813.

Sincerely,

Kelly A. Lewandowski, P.E.
Chief
Site Control Section

Enclosure

ec: R. Schick
D. Weigel
A. English
K. Lewandowski

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Inactive Hazardous Waste Disposal Report

Site Code	826007				
Site Name	William Benson Landfill	**Address**	7440 Richmond Mills Road		
Classification	04	**City**	LIVONIA	**Zip**	14487
Region	8	**County**	Livingston	**Town**	Livonia
Latitude	42 degrees, 49 minutes, 45.75 seconds			**Estimated Size**	13.0000
Longitude	-77 degrees, 36 minutes, 6.23 seconds				
Site Type		**Disposal Area**	Landfill		

Site Description

Location: The William Benson Landfill Site (WBLF) is located in the Town of Livonia. The site access driveway is at 7404 Richmond Mills Road, approximately 1200 feet east of the intersection with Plank Road, NYS Route 15A.

Site Features: The site is located in a rural setting in Livingston County. The landfill is approximately 13 acres, located behind the farm at 7440 Richmond Mills Rd. There is a small farm pond located several hundred feet upgradient of the site and a seasonal stream passes within 100 feet of the site.

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Depth to bedrock is not known. Bedrock was not encountered in any of the borings which ranged from 26 to 36 feet bgs. The first soil unit displayed low hydraulic conductivity. Slug tests conducted in the wells screened in the first soil unit confirmed low hydraulic conductivity values ranging from 10-5 to 10-4 centimeter/second (cm/s). The slug tests performed in the wells screened in the second unit produced lower hydraulic conductivity values, predominantly in the l0-6 cm/s range. The low hydraulic conductivity of the third layer was confirmed by the slug test data. The value for the hydraulic conductivity for this well (10-7 cm/s) was the lowest obtained for the site.

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Applicable Standards Exceeded for: Groundwater

Site Environmental Assessment

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Soils: Surface soil samples were collected from areas of leachate stained surface soil from within the footprint of the landfill. Because there were no leachate stained soils outside the footprint of the landfill, no surface soil samples were taken outside of the landfill footprint. At the six leachate stained surface soil locations, SCGs for inorganic compounds were exceeded for zinc and cadmium. Sixteen subsurface soil boring samples were collected from locations outside the footprint of the landfill. SCGs for inorganic compounds were in one or more exceeded for zinc, magnesium, cadmium, and selenium.

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Sediment: One sediment sample was taken from the same intermittent stream as the surface water samples. No analytes exceeded SCGs.

Leachate: In the leachate samples the contaminants identified were VOCs and inorganic compounds. At the seven leachate sample locations, SCGs for VOCs were exceeded by benzene, toluene, chlorobenzene, total xylenes, and ethylbenzene. The SCGs for inorganic compounds at several leachate sample locations were exceeded for iron, manganese, sodium, antimony, magnesium, arsenic, and lead.

Groundwater: Twenty-nine groundwater samples were collected from the 15 monitoring wells which were installed at the site. An additional 21 samples were taken from push probe locations during the preliminary site characterization. The principal contaminants of concern in the groundwater are VOCs and inorganic analytes. SCGs were exceeded for iron, sodium, antimony, magnesium, arsenic, and barium. The VOC SCGs were exceeded for acetone, chloromethane, toluene, MEK, 1,l-dichloroethane, chlorobenzene, ethylbenzene, m,p-xylene, and o-xylene. These contaminants appear to be leachate derived. In all instances, the highest concentrations of contaminants were in locations in close proximity to the landfill. Concentration levels decreased significantly within fairly short distances away from the landfill perimeter.

Soil Gas: During the preliminary site characterization, a soil gas survey was implemented to evaluate the extent of contaminant migration in the groundwater. While most of the soil gas samples were taken within the landfill material, some from along the perimeter were not within the actual footprint of the landfill. The following compounds were detected: ethylbenzene, hydrogen sulfide, xylenes, methane, acetone, toluene, chloromethane, benzene, chloroethane, chlorobenzene, methyl-ethyl-ketone (MEK), methyl isobutyl ketone (MBK), methlylene chloride, vinyl chloride, cis-1.2 dichloroethene and trichloroethane.

Post-Remediation: The shallow aquifer is used as a source of drinking water for approximately 500 people within a mile and a half radius of the site. Groundwater contamination on-site is in excess of New York State drinking water standards for acetone, toluene, methyl ethyl ketone, iron, magnesium and sodium. The nearest occupied residences are located within a half-mile radius of the landfill on the north, south, and west sides. Analysis of water samples collected in 1990, 1991, 1994, and 1996 by NYSDOH and in 1999 by the local health unit from private wells in the area did not detect any site-related contamination. 2011 groundwater monitoring data indicate that the remaining groundwater contamination is not migrating off-site. Although the site is not fenced, on-site human activity is likely minimal due to the rural and remote setting of the surrounding area. The selected remedy of landfill capping, long-term groundwater monitoring and landfill gas monitoring will minimize potential exposures.
A vapor intrusion evaluation was performed and no further action is necessary.

Site Health Assessment

Most of the area is served by municipal water, however, private wells in the area have been sampled and no site related contaminants were found. The landfill cap minimizes the potential for people to come into contact with soils on-site.

Owners

Current Owner(s)

WILLIAM BENSON

P.O. Box 93

Livonia NY 14488

Disposal Owner(s)

WILLIAM BENSON

P.O. Box 93

Livonia NY 14488

Operators

Current Operator(s)

William Benson

PO Box 93

Livonia NY 14488

bec: w/Enc.
K. Anders, NYSDOH
M. Cruden, Director, Remedial Bureau E
L. Bracci, Regional Attorney, Region 8
S. Sheeley, Regional Permit Administrator, Region 8
B. Putzig, RHWRE, Region 8
W. Welling, Project Manager
B. Anderson, Site Control Section

James Culbertson, County Clerk
Livingston County Government Center
6 Court Street, Room 201
Geneseo, New York 14454
(585) 243-7010 ~ Fax (585) 243-7928

Received From:

FRONTIER ABSTRACT & RESEARCH
30 WEST BROAD ST
SUITE 100
ROCHESTER, NY 14614

Return To:

Receipt #:	00437884
Transaction #:	932492
Paid By:	FRONTIER ABSTRACT & RESEARCH
Payment Comment:	

Fees for: DECLARATION OF COVENANTS & RESTRICTIONS	$70.00
Book: 1265 Page: 0907 **Recorded: 04/25/2012 10:55:59 AM**	**Grantor: BENSON WILLIAM J** **Grantee: NYS DEPT OF ENVIRONMENTAL CONSERVATION**

Total Charges for Transaction:	$70.00

Payments Received:	
Check (02309)	$70.00
Refund	$0.00

The information described on this document has been received in this office on 04/25/2012 10:55:59 AM and the said fees collected.

Livingston County Clerk

ams 04/25/2012 10:56:00 AM

James Culbertson, County Clerk
Livingston County Government Center
6 Court Street, Room 201
Geneseo, New York 14454
(585) 243-7010 ~ Fax (585) 243-7928

Livingston County Clerk Recording Page

Received From:

FRONTIER ABSTRACT & RESEARCH
30 WEST BROAD ST
SUITE 100
ROCHESTER, NY 14614

Return To:

FRONTIER ABSTRACT & RESEARCH
30 WEST BROAD ST
SUITE 100
ROCHESTER, NY 14614
Envelope

Document Type: **DECLARATION OF COVENANTS & RESTRICTIONS**

Receipt Number: 00437884

Grantor
BENSON WILLIAM J

Grantee
NYS DEPT OF ENVIRONMENTAL CONSERVATION

Recorded Information:	
Recording Fee	$45.00
Pages Fee	$25.00
Mortage Tax Affidavit	$0.00
Total Fees:	$70.00

Property Located in Town of **Livonia**
Village of

State of New York
County of Livingston

Recorded on the 25th date of April, 2012 at 10:55:59 AM in Liber 1265 of Deeds at beginning page 0907, ending at page 0912 and examined.

James Culbertson

Livingston County Clerk

This sheet constitutes the Clerk's endorsement required by section 319 of the Real Property Law of the State of New York

ams 04/25/2012 10:56:00 AM

Do Not Detach

COPY

DECLARATION of COVENANTS and RESTRICTIONS

THIS COVENANT is made the 11 day of April 2012, by William J. Benson, a natural person with fee simple ownership, residing at 7440 Richmond Mills Road, Livonia, New York 14487, and having an office for the transaction of business at the same address.

WHEREAS, the William J. Benson Landfill is the subject of a remedial program performed by the New York State Department of Environmental Conservation (the "Department"), namely that parcel of real property located on 7402 Richmond Mills Road, Livonia, New York 14487, in the Town of Livonia, County of Livingston, State of New York, which is part of lands conveyed by Jean M. Benson to William J. Benson by Deed dated December 1, 2011, and recorded in the Livingston County Clerk's Office on December 2, 2011, in Liber 1264 of Deeds at Page 437, and being more particularly described in Appendix "A," attached to this declaration and made a part hereof, and hereinafter referred to as "the Property"; and

WHEREAS, the Department approved a remedy to eliminate or mitigate all significant threats to the environment presented by the contamination disposed at the Property and such remedy requires that the Property be subject to restrictive covenants.

NOW, THEREFORE, William J. Benson, for himself and its successors and/or assigns, covenants that:

First, the Property subject to this Declaration of Covenants and Restrictions is as shown on a map attached to this declaration as Appendix "B" and made a part hereof.

Second, unless prior written approval by the Department or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as "the Relevant Agency," is first obtained, where contamination remains at the Property subject to the provisions of the Site Management Plan ("SMP"), there shall be no construction, use or occupancy of the Property that results in the disturbance or excavation of the Property which threatens the integrity of the engineering controls or which results in unacceptable human exposure to contaminated soils.

Third, the owner of the Property shall not prevent access by the Department or its agents to the property nor disturb, remove, or otherwise interfere with the installation, use, operation, and maintenance of engineering controls required for the Remedy, which are described in the SMP, unless in each instance the owner first obtains a written waiver of such prohibition from the Department or Relevant Agency.

Fourth, the owner of the Property shall prohibit the Property from ever being used for purposes other than for its current land use as a capped and closed landfill without the express written waiver of such prohibition by the Department or Relevant Agency.

Fifth, the owner of the Property shall prohibit the use of the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Department or Relevant Agency.

Sixth, the owner of the Property, upon request, shall provide a periodic certification, to the Department or Relevant Agency, which will certify that: the institutional controls put in place are unchanged from the previous certification, that the owner has complied with the provisions of this restrictive covenant, including compliance with the SMP, that there has been no change in use of the property, unless the Department has been properly notified, and that the engineering controls have not been impaired.

Seventh, the owner of the Property shall continue in full force and effect any institutional controls required for the Remedy and maintain such controls, unless the owner first obtains permission to discontinue such controls from the Department or Relevant Agency, in compliance with the approved SMP, which is incorporated and made enforceable hereto, subject to modifications as approved by the Department or Relevant Agency.

Eighth, this Declaration is and shall be deemed a covenant that shall run with the land and shall be binding upon all future owners of the Property, and shall provide that the owner and its successors and assigns consent to enforcement by the Department or Relevant Agency of the prohibitions and restrictions that the Department or Relevant Agency requires to be recorded, and the owner and its successors and assigns hereby covenant not to contest the authority of the Department or Relevant Agency to seek enforcement.

Ninth, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Department or Relevant Agency has consented to the termination of such covenants and restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions.

IN WITNESS WHEREOF, the undersigned has executed this instrument the day written below.

By: William J Benson

Print Name: WILLIAM J BENSON

Title: _____ Date: 4/18/12

STATE OF NEW YORK)

) s.s.:

COUNTY OF LIVINGSTON)

On the 19 day of April, in the year 2012, before me, the undersigned, personally appeared William J. Benson, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public State of New York

RACHEL SCURA LICKLITER
NOTARY PUBLIC, State of New York
Livingston County
Commission Expires 7-6-15
Registration No. 01SC6027345

APPENDIX A

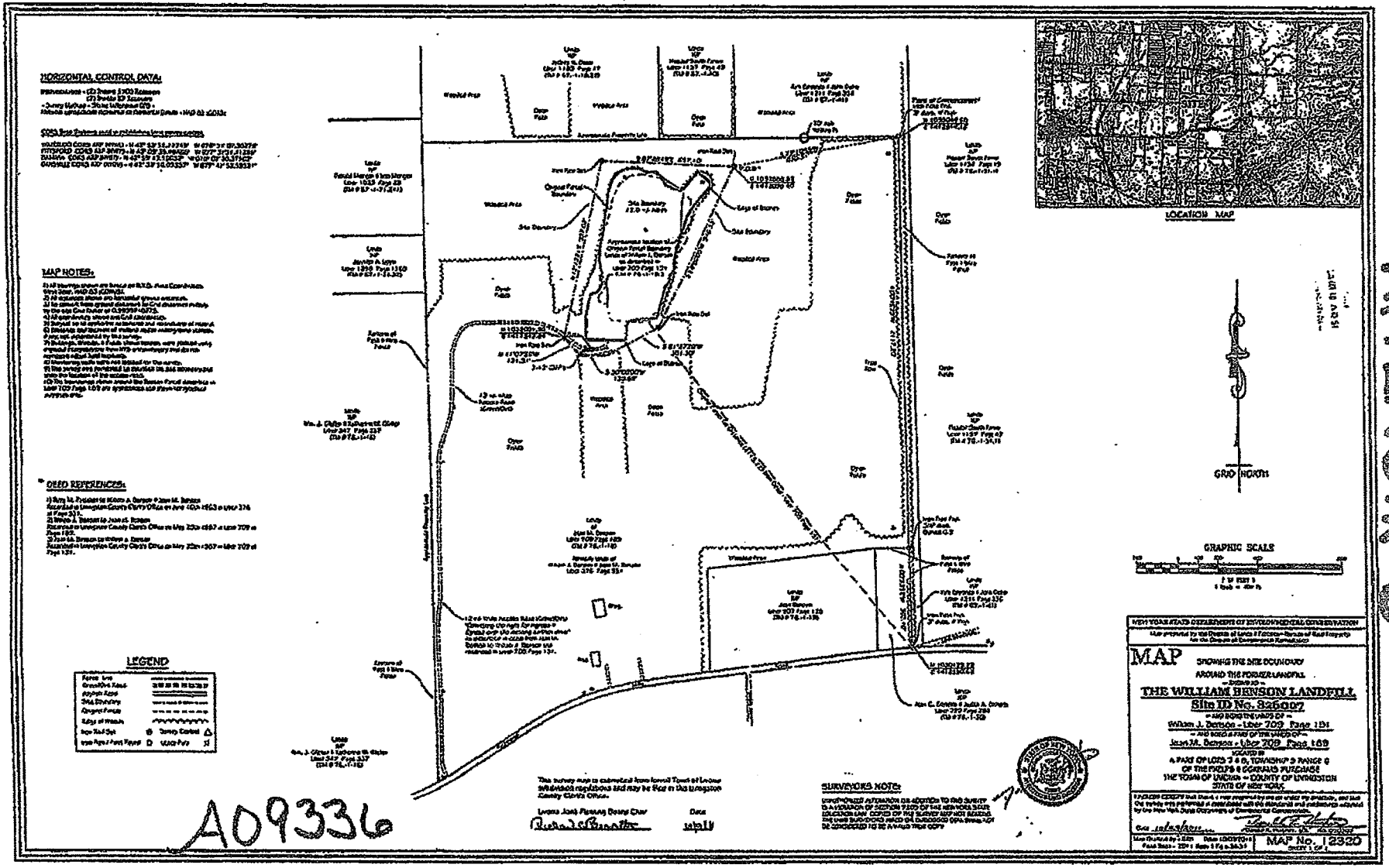
ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Livonia, County of Livingston and State of New York bounded and described as follows:

BEGINNING at an iron post found, said post being 3" in diameter and 4' in height, said point also being at the northeast corner of lands now or formerly owned by Jean M. Benson by Deed recorded in the Livingston County Clerk's Office in Liber 109 of Deeds at Page 189 (tax map number 76.-1-18.1); thence, S 79° 10' 59" W, a distance of 830.51 feet to an iron rod set and to the true point and place of beginning; thence,

1. S 24° 26' 05" W, a distance of 916.33 feet to an iron rod set; thence,
2. S 61° 27' 20" W, a distance of 301.50 feet to a point; thence,
3. S 90° 00' 00" W, a distance of 130.89 feet to a point; thence,
4. N 41° 07' 26" W, a distance of 121.31 feet to an iron rod set; thence,
5. N 12° 12' 21" E, a distance of 937.02 feet to an iron rod set; thence,
6. S 87° 28' 49" E, a distance of 657.10 feet to the point and place of beginning.

INTENDING TO DESCRIBE a parcel of land that surrounds former tax map number 76.-1-18.2 as shown on a map prepared by Donald R. Hughes, L.S. NO. 050207 dated October 3, 2011, and listed as Map No. 12320 and entitled "Map Showing The Site Boundary Around The Former Landfill Known As The William Benson Landfill Site IS No. 826007 And Being The Lands Of William J. Benson, Liber 709, Page 191 And Being A Part Of The Lands Of Jean M. Benson, Liber 709, Page 189, Located In A Part Of Lots 7&8, Township 9 Range 6 Of The Phelps And Gorham Purchase, The Town of Livonia, County Of Livingston, State Of New York." Said map was filed in the Livingston County Clerk's Office on October 18, 2011 as Map Number A09336.

Tax Account Number 76.-1-18.21


HORIZONTAL CONTROL DATA:
MAP NOTES:
DEED REFERENCES:
LEGEND
LOCATION MAP
GRID NORTH
GRAPHIC SCALE
MAP
SHOWING THE SITE BOUNDARY
AROUND THE FORMER LANDFILL
THE WILLIAM BENSON LANDFILL
Site ID No. 926007
William J. Benson - Liber 709 Page 191
Jean M. Benson - Liber 709 Page 189
SURVEYOR'S NOTE:
MAP No. 12320
A09336
APPENDIX B

HORIZONTAL CONTROL DATA:

Instrumentation - (2) Trimble 5700 Receivers
(2) Trimble R7 Receivers
- Survey Method - Static Differential GPS -
Network connections measured on Horizontal Datum - NAD 83 (CORS)

CORS Base Stations used in establishing local survey control.

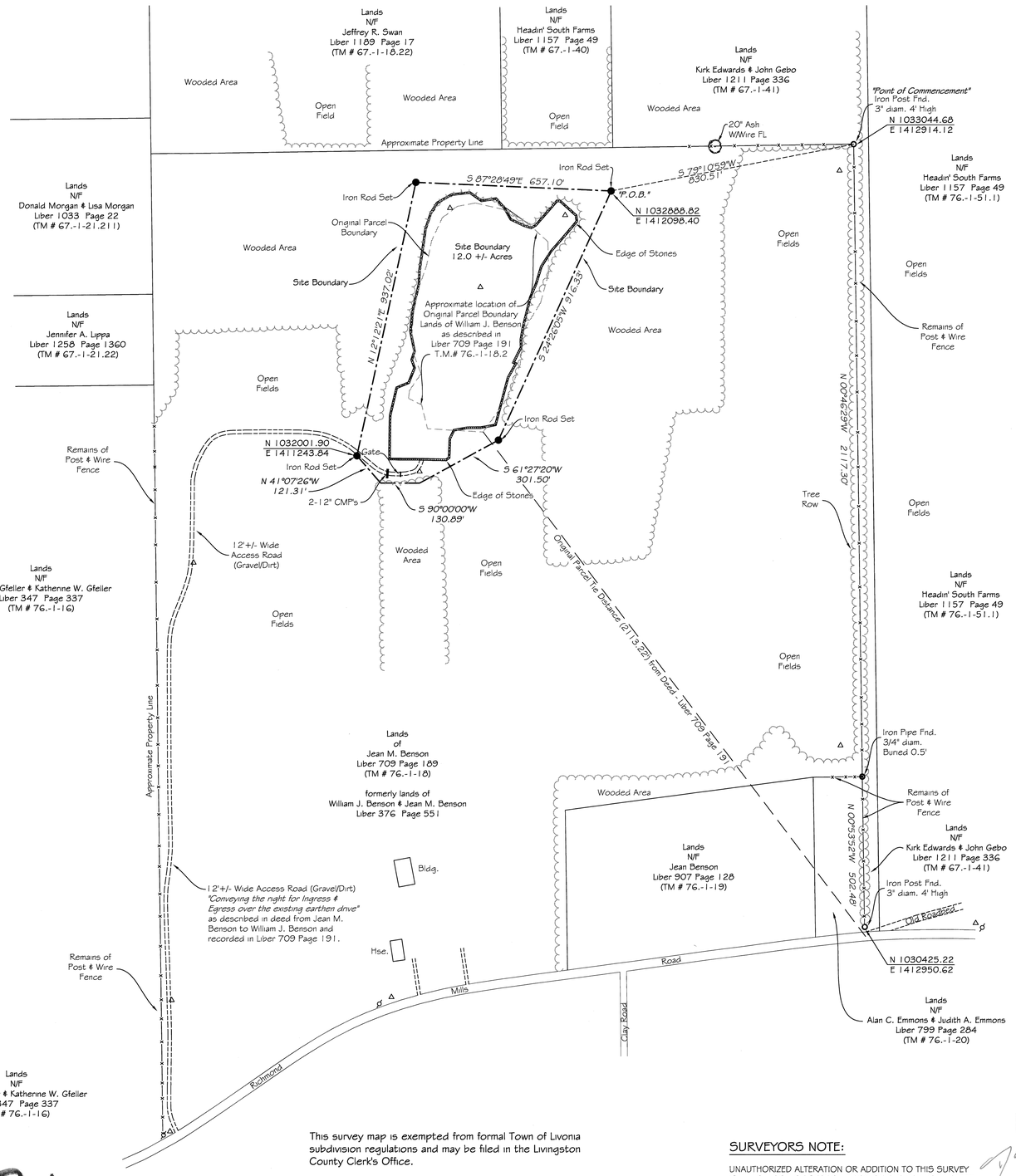
WATERLOO CORS ARP (NYWL) - N 42° 53' 55.22745" W 076° 51' 07.30279"
PITTSFORD CORS ARP (NYFF) - N 43° 05' 35.48488" W 077° 31' 31.11285"
BATAVIA CORS ARP (NYBT) - N 42° 59' 17.96032" W 078° 07' 20.37562"
DANSVILLE CORS ARP (NYDV) - N 42° 32' 56.09357" W 077° 41' 52.59591"

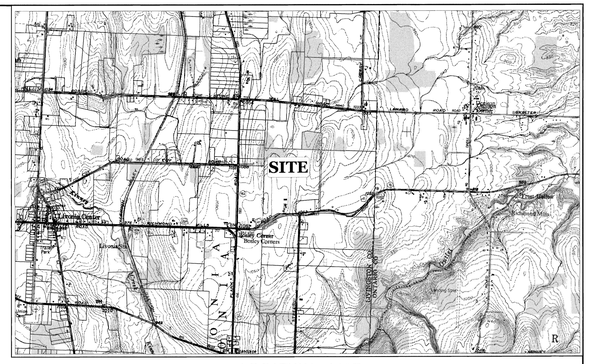
MAP NOTES:

1) All bearings shown are based on N.Y.S. Plane Coordinates, West Zone, NAD 83 (CONUS).
2) All distances shown are horizontal ground distances.
3) To convert from ground distances to Grid distances multiply by the site Grid factor of 0.999971077S.
4) All coordinates shown are Grid coordinates.
5) Subject to all applicable easements and restrictions of record.
6) Existence and location of wetland and/or underground utilities, if any, not determined by this survey.
7) Buildings, Woods, & Fields shown hereon, were plotted using digitized interpolations from NYS ortho-imagery and do not represent actual field locations.
8) Monitoring wells were not located for this survey.
9) This survey was performed to establish the site boundary and show the location of the access road.
10) The boundaries shown around the Benson Parcel described in Liber 709 Page 189 are approximate and shown for graphical purposes only.

DEED REFERENCES:

1) Ruby M. Pattison to William J. Benson & Jean M. Benson
Recorded in Livingston County Clerk's Office on June 10th 1963 in Liber 376 at Page 551.
2) William J. Benson to Jean M. Benson
Recorded in Livingston County Clerk's Office on May 29th 1987 in Liber 709 at Page 189.
3) Jean M. Benson to William J. Benson
Recorded in Livingston County Clerk's Office on May 29th 1987 in Liber 709 at Page 191.





LOCATION MAP

GRID NORTH

GRAPHIC SCALE

200 0 100 200 400 800
(IN FEET)
1 inch = 200 ft.

LEGEND

Fence Line	—x—x—
Gravel/Dirt Road	==========
Asphalt Road	==========
Site Boundary	—·—·—·—
Original Parcel	– – – – – –
Edge of Woods	~~~~~~~~~~
Iron Rod Set	● Survey Control △
Iron Pipe / Post Found	○ Utility Pole ø

This survey map is exempted from formal Town of Livonia subdivision regulations and may be filed in the Livingston County Clerk's Office.

Livonia Joint Planning Board Chair — Date 10/9/11

SURVEYORS NOTE:

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THE SURVEY MAP NOT BEARING THE LAND SURVEYORS INKED OR EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY.

STATE OF NEW YORK · DONALD ROBERT HUGHES · 050207 · REGISTERED LAND SURVEYOR

RECEIVED
2011 OCT 18 A 10:51
LIVINGSTON COUNTY CLERK

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Map prepared by the Division of Lands & Forests~Bureau of Real Property for the Division of Environmental Remediation

MAP

SHOWING THE SITE BOUNDARY
AROUND THE FORMER LANDFILL
~ KNOWN AS ~

THE WILLIAM BENSON LANDFILL
Site ID No. 826007

~ AND BEING THE LANDS OF ~
William J. Benson - Liber 709 Page 191
~ AND BEING A PART OF THE LANDS OF ~
Jean M. Benson - Liber 709 Page 189
LOCATED IN
A PART OF LOTS 7 & 8, TOWNSHIP 9 RANGE 6
OF THE PHELPS & GORHAMS PURCHASE
THE TOWN OF LIVONIA ~ COUNTY OF LIVINGSTON
STATE OF NEW YORK

I HEREBY CERTIFY that this is a map prepared by me or under my direction, and that the survey was performed in accordance with the standards and procedures adopted by the New York State Department of Environmental Conservation.

Date 10/03/2011 — Donald R. Hughes, L.S. No. 050207

Map Drafted by : DRH Date: 10/03/2011
Field Book - 2011 Book 1 Pg s.34-51

MAP No. 12320
SHEET 1 OF 1

A09336