



An Agricultural  
Sciences Company

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***Sent Via Email***

January 24, 2023

Tasha Mumbrue  
Assistant Geologist  
Region 8  
New York State Department of Environmental Conservation  
6274 East Avon-Lima Road  
Avon, NY 14414

Re: Submittal of the 2022 Periodic Review Report  
FMC Dublin Road Site, #8-37-001

Dear Ms. Mumbrue:

Enclosed is the Periodic Review Report for the FMC Corporation Dublin Road Site in Orleans County, New York, provided in electronic format.

Please contact me at 215-299-6252 if you have any questions or need additional information.

Sincerely,

Chris Moretti  
Remediation Project Manager  
FMC Corporation

Enclosure: 2022 PRR

cc: Todd Caffoe, NYSDEC Region 8 – Avon  
Young Chang, USEPA – Region 2 NYC  
Justin Demings, NYSDOH – Rochester  
M. Iddings, FMC Philadelphia  
H. Philip/J. Poulsen, Parsons



# 2022 Periodic Review Report

## Dublin Road Site

### Orleans County, New York

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*Prepared for:*



FMC Corporation  
2929 Walnut Street  
Philadelphia, PA 19104

*Prepared by:*



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January 2023  
Parsons PN 459273

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## ACRONYMS

BHC	Benzene Hexachloride
FMC	FMC Corporation
mg/L	milligrams per liter
NYSDEC	New York State Department of Environmental Conservation
RAD	Remedial Action Detection (Limit)
RAO	Remedial Action Objective
SMP	Site Management Plan
USEPA	United States Environmental Protection Agency

## 1.0 INTRODUCTION

### 1.1 Project Description

This report summarizes the activities performed at the FMC Corporation (FMC) Dublin Road Site (Site) for the reporting period of January 1, 2022 through December 31, 2022 (2022 Reporting Year). The report addresses the requirements for the 2022 Annual Periodic Review Report (PRR).

Activities performed during the 2022 Reporting Year included routine operations, inspections, hydraulic monitoring, and groundwater sampling. These activities were performed in accordance with the FMC Dublin Road Site Management Plan (SMP) (Arcadis 2014). The SMP provides a detailed description of all procedures required to manage remaining contamination at the Site after completion of the Remedial Action. This includes the following:

- Implementation and management of all engineering and institutional controls
- Media monitoring
- Performance of periodic inspections, certification of results, and submittal of Periodic Review Reports
- Definition of criteria for termination of treatment system operations.

Each of these areas is addressed in the following sections.

In September 2020, the United States Environmental Protection Agency (USEPA) removed the Dublin Road Landfill Superfund Site from the National Priorities List.

## **2.0 ENGINEERING AND INSTITUTIONAL CONTROLS**

### **2.1 Engineering Controls**

Engineering controls for the Site include the containment cell into which contaminated soils were placed during the remedial construction, the Site perimeter fencing, and the groundwater extraction and treatment system. Descriptions of these controls are included in the SMP.

#### **2.1.1 Containment Cell**

The engineered cover system for the containment cell remained intact as required by the SMP. No intrusive activities were conducted, and no significant damage or areas requiring remediation were identified during the periodic cap inspections.

The vegetated cap was mowed semiannually as required by the SMP. The first mowing was in June 2022, and the second was in September 2022.

#### **2.1.2 Fencing**

Throughout the year, repairs were made to the fencing, included the replacement or repair of broken strands of the barbed wire. In areas where the barbed wire along the top of the fence had become slack or damaged due to fallen trees, the debris was removed, and the repairs were made, including the tightening of the affected wire.

During the summer several trees were blown down across the fence line. In November 2022 trees were cleared from the fence line and necessary repairs will be made.

#### **2.1.3 Groundwater Extraction and Treatment System**

Operation of the groundwater extraction and treatment system was discontinued on May 29, 2012, following approval of the Technical Impracticability Evaluation Report (AMEC 2011) by the New York State Department of Environmental Conservation (NYSDEC). The system was not operated during 2022, and no treated water was discharged to either the on-site wetlands or to Jeddo Creek. The treatment building continues to be maintained in accordance with the SMP in the event that the treatment system must be restarted. However, as noted in the SMP, “after the five-year shut down, FMC may propose dismantlement of the extraction well pumping systems and groundwater treatment plant.”.

By letter dated October 5, 2021 to the NYSDEC, FMC proposed to decommission the groundwater extraction and treatment system, described the decommissioning scope of work, and included a completed NYSDEC 60-Day Advanced Notification of Change of Use form (“Decommissioning Work Plan”). By email dated March 22, 2022 the NYSDEC responded with comments to the work plan. FMC addressed those comments and resubmitted the work plan by email dated April 20, 2022.

As of the date of this PRR, NYSDEC responses to the revised Decommissioning Work Plan have not been received.

## 2.2 Institutional Controls

The institutional controls for the Site are identified in Section 2.3 of the SMP. These controls include the following:

- Implement, maintain, and monitor the engineering control systems
- Prevent future exposure to remaining contamination by controlling disturbances of the subsurface contamination
- Limit the use and development of the Site to uses that will not adversely impact the remedial systems/engineering controls at the site
- An Environmental Easement recorded June 2015 in the Orleans County Clerk's Office.

During the 2022 Reporting Year, these controls have all remained in place. As discussed above, the engineering controls remain intact, the surface of the Site has not been disturbed, and the Site remains a secured area, with no activity taking place.



### **3.0 INSPECTIONS**

A series of inspections of the containment cell, fencing, and overall Site are required in the SMP. These inspections were completed during the 2022 Reporting Year. Inspection documentation and findings are discussed in the following sections.

#### **3.1 Containment Cell**

During 2022, the containment cell inspections were completed in accordance with the SMP. The first semi-annual inspection was completed on May 4, 2022. During that inspection there were no observations requiring further action. No areas of erosion or dead vegetation were identified, and the drainage ditches were clear.

The second semi-annual inspection was completed on December 20, 2022. During that inspection, no issues were identified in need of repair. No areas of erosion or dead vegetation were identified, and the drainage ditches were clear.

Copies of the forms from both semi-annual inspections are included in Appendix A. The next semi-annual inspection of the containment cell cover will be conducted in Second Quarter 2023.

#### **3.2 Fencing**

During 2022, monthly inspections of the perimeter security fence and gates were completed in accordance with the SMP. Copies of the monthly fencing inspection reports are included in Appendix A.

#### **3.3 Sitewide Inspection**

During 2022, an annual Site-wide inspection was completed in accordance with the SMP. The inspection was completed on December 20, 2022, and included a visual inspection of all the wells, fences, engineering controls and Site facilities.

No major items requiring repair were observed during the inspection. It was noted that the weir for the wetland had become rusted and was no longer capable of being adjusted; however, there is no need to make repairs at this time, as water continues to flow freely through the structure and the water levels in the wetland are being maintained.

A copy of the Annual Sitewide Inspection Form is included in Appendix A.

## 4.0 GROUNDWATER HYDRAULIC MONITORING

### 4.1 Groundwater Monitoring Wells

Water levels were measured semi-annually in all of the Site overburden, upper bedrock and lower bedrock monitoring wells per the SMP. Water levels were recorded on May 4, 2022 and November 30, 2022. Well locations are shown on Figure 1 (Site Plan). These levels were recorded as per the SMP.

During both of the monitoring events in 2022, the groundwater flow pattern in the overburden was towards the northeast, consistent with historical results. During both of the monitoring events in 2022, the groundwater flow pattern in the upper bedrock monitoring zone was consistent with historical results.

Appendix B provides a Hydraulic Monitoring Data Summary, including groundwater level measurements taken since April 2013. Appendix C includes Groundwater Potentiometric Contour Maps of the water levels in the overburden and upper bedrock wells for 2022.

### 4.2 Containment Cell Collection Sumps

In accordance with the SMP, water levels in the 12 containment cell collection sumps were measured monthly during the 2022 Reporting Year. When the water level measured in the sump was greater than 0.8 foot, the water was removed and placed into a holding tank within the treatment building. Table 1 summarizes the monthly water levels measurements from the containment cell collection sumps and the volumes of water pumped from them during 2022.

During the year, water was evacuated from the following sumps and is being stored in a tank within the water treatment building:

- Southeast Primary (0 gallons)
- Southeast Secondary (61 gallons)
- East Middle Primary (2.5 gallons)
- East Middle Secondary (5 gallons)
- Northeast Primary (73.5 gallons)
- Northeast Secondary (0.5 gallons)
- Northwest Primary (25 gallons)
- Northwest Secondary (325 gallons)
- West Middle Primary (10 gallons)
- West Middle Secondary (255 gallons)
- Southwest Primary (0 gallons)
- Southwest Secondary (200 gallons)

## 5.0 MEDIA QUALITY MONITORING

Groundwater and surface water monitoring is performed periodically to assess the performance of the remedy and/or surface and groundwater conditions at the Site. The network of monitoring wells has been installed to monitor groundwater conditions both upgradient and downgradient of the Site. The network consists of both containment cell and perimeter wells.

### 5.1 Containment Cell Wells

The containment cell wells are intended to monitor the integrity of the containment cell and the potential impact to groundwater quality beneath the Site. The locations of the seven containment cell wells (MW-27, MW-40, MW-89, MW-90, MW-91, MW-92 and MW-93) are shown on Figure 1. In accordance with the requirements in the SMP, these wells were sampled semi-annually during 2022 (May and November). All of the groundwater samples collected were analyzed for benzene hexachloride (BHC) isomers, arsenic, lead, copper, and zinc.

On May 4, 2022 through May 5, 2022, and on November 30, 2022, samples were collected from the containment cell wells and submitted to EurofinsTestAmerica Laboratories of Amherst, New York (ELAP #10026) for chemical analyses. The results from the first semi-annual event (May 2022) were provided to the NYSDEC by letter dated June 24, 2022 and the electronic data deliverable was submitted to NYSDEC, as discussed in Section 6.0. The results from the second semi-annual event were provided to the NYSDEC by letter dated January 4, 2023. The electronic data deliverable will be submitted to the NYSDEC in the first quarter of 2023.

Analytical results have been compared to the Site Remedial Action Objectives for groundwater (RAOs) and the Remedial Action Detection Limits (RADs). There were no exceedances of either limit during the 2022 monitoring year. A summary of the analytical results is provided on Table 2.

### 5.2 Perimeter Wells

The Site perimeter wells are intended to assess if contaminated groundwater is migrating off-site. The five wells (MW-20, MW-24, MW-42, MW-60, and MW-61) are installed in the upper bedrock zone, and their locations are shown on Figure 1. Samples from these wells were collected semi-annually (May and November), with the exception of MW-24, where a sample could not be collected due to insufficient water volume within the well (consistent with previous years). All of the groundwater samples collected were analyzed for BHC isomers, arsenic, lead, copper, and zinc.

On May 4, 2022 through May 5, 2022, and on November 30, 2022, samples were collected from the containment cell wells and submitted to Eurofins TestAmerica Laboratories of Amherst, New York (ELAP #10026) for chemical analyses. The results

from the first semi-annual event were provided to the NYSDEC by letter dated June 24, 2022, and the electronic data deliverable was submitted to NYSDEC, as discussed in Section 6.0. The results from the second semi-annual event were provided to the NYSDEC by letter dated January 4, 2023. The electronic data deliverable will be submitted to the NYSDEC in the first quarter of 2023.

Analytical results have been compared to the Site RAOs and RADs. There were no exceedances of these limits during the 2022 monitoring year. A summary of the analytical results is provided on Table 3.

### 5.3 Surface Water

Surface water monitoring of the on-Site wetland and the East and West Quarries is performed periodically to assess potential migration of residual contaminated groundwater to surface water. The sampling point locations are shown on Figure 1.

In accordance with the requirements in the SMP, the three surface water locations were sampled annually during 2022 (May 5, 2022). Samples were submitted to Eurofins TestAmerica Laboratories of Amherst, New York (ELAP #10026) for chemical analyses. All of the surface water samples were analyzed for BHC isomers, arsenic, lead, copper and zinc.

The results were provided to the NYSDEC by letter dated June 24, 2022. The electronic data deliverable will be submitted to NYSDEC, as discussed in Section 6.0. Analytical results have been compared to the Site RAOs for surface water and the RADs. There were no exceedances of these limits during the 2022 monitoring year. A summary of the analytical results is provided on Table 4.

## 6.0 ELECTRONIC DATA DELIVERABLE

In accordance with the SMP, all analytical data are to be submitted in an electronic data deliverable consistent with the NYSDEC electronic data submission requirements.

The electronic data deliverable, including the analytical data from the second semi-annual sampling event for 2021 was submitted to the NYSDEC by email dated January 16, 2022.

The electronic data deliverable, including the analytical data from the first semi-annual sampling event and emerging contaminant sampling, was submitted to the NYSDEC by email dated August 24, 2022.

The electronic data deliverable, including the analytical data from the second 2022 sampling event, will be submitted during the first quarter of 2023.

## 7.0 SCHEDULED ACTIVITIES - 2023

The following on-Site work is scheduled to be completed in 2023:

### ***Monthly***

- Visual inspection of the wetland weir, wells, sumps, and treatment plant
- Documented inspection of the Site fence
- Measurement and pump-out of water in the containment cell sumps

### ***Quarterly***

- No work is scheduled to be performed on a quarterly basis

### ***Semi-annually***

- Mowing of the containment cell cover
- Documented inspection of the containment cell cover
- Sampling of the five perimeter wells
- Sampling of the seven containment cell wells
- Hydraulic monitoring of Site groundwater monitoring wells

### ***Annually***

- Documented site-wide inspection
- Surface Water sampling
- Periodic Review Reporting

Pumping of the groundwater extraction system ceased on May 29, 2012, with approval of the NYSDEC and USEPA. As discussed in the SMP, the extraction system and treatment plant were to remain on site for a minimum of five years. Contingent on receipt of NYSDEC/USEPA approval of FMC's October 5, 2021 Decommissioning Work Plan (amended by email dated April 20, 2022), FMC intends to dismantle the extraction well pumping systems and groundwater treatment plant in 2023.

## **8.0 INSTITUTIONAL AND ENGINEERING CONTROLS CERTIFICATION**

The completed Institutional and Engineering Controls Certification Form for the reporting period from January 1 through December 31, 2022, is included as Appendix D

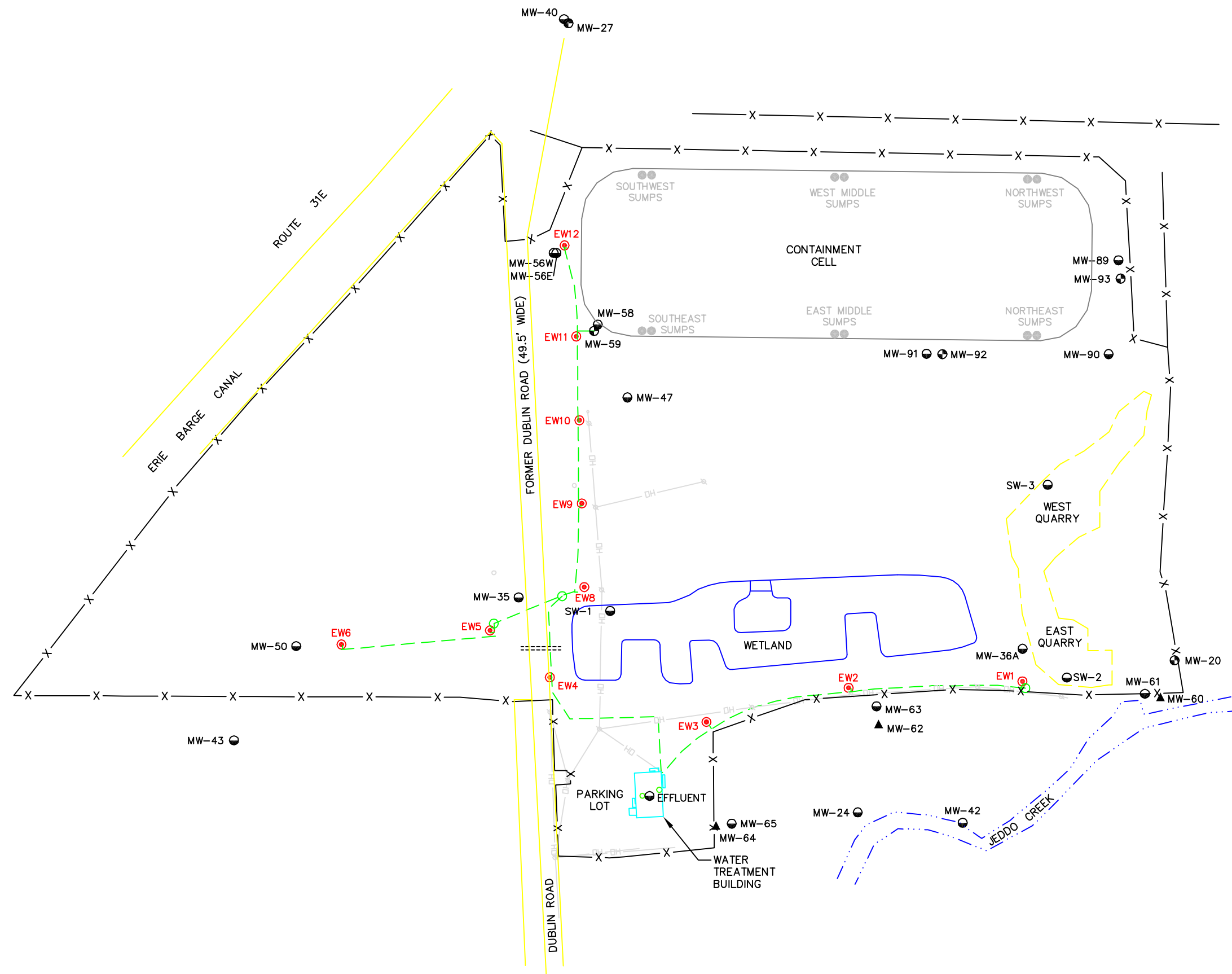
## 9.0 REFERENCES

AMEC, 2011. Technical Impracticability Evaluation of Groundwater Restoration at the FMC Dublin Road Site. October 2011.

Arcadis, 2014. Site Management Plan, FMC Dublin Road Site No, 8-37-001, Orleans County, New York, February 2014.







# LEGEND:

- MW-90 ● UPPER BEDROCK MONITORING WELL LOCATION
- MW-93 ● OVERBURDEN MONITORING WELL LOCATION
- MW-62 ▲ LOWER BEDROCK MONITORING WELL LOCATION
- EW9 ● EXTRACTION WELL LOCATION
- SUMP LOCATION
- LEACHATE COLLECTION SUMP LOCATION
- POWER POLE
- PIPING
- CULVERT
- DH --- OVERHEAD ELECTRICAL LINE

# NOTES:

1. BASE MAP PREPARED FROM ELECTRONIC CAD FILE FROM CLIENT MADE BY "CONESTOGA-ROVERS & ASSOCIATES", DRAWING I.D. 07452-10(027)GN-NF002, DATED APRIL 10, 2003, AT A SCALE OF 1"= 150'.
2. ALL LOCATIONS ARE APPROXIMATE.
3. ONLY MONITORING AND EXTRACTION WELLS FROM FIGURE 3.1 OF THE O&M PLAN ARE SHOWN.
4. SITE IS WITHIN FENCE LINE.

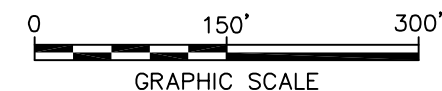


FIGURE 1

FMC DUBLIN ROAD SITE NIAGARA COUNTY, NEW YORK

## SITE PLAN

**PARSONS**

40 LA RMIERE DRIVE, SUITE 350, BUFFALO, NEW YORK 14202 PHONE: 716-541-0730



**TABLE 1**  
**CONTAINMENT CELL COLLECTION SUMPS MONITORING SUMMARY**  
**FMC CORPORATION**  
**DUBLIN ROAD SITE**

**2022 Reporting Year**

Date	Southeast Primary		Southeast Secondary		East Middle Primary		East Middle Secondary		Northeast Primary		Northeast Secondary	
	Depth of Water (ft)	Gallons Pumped	Depth of Water (ft)	Gallons Pumped	Depth of Water (ft)	Gallons Pumped	Depth of Water (ft)	Gallons Pumped	Depth of Water (ft)	Gallons Pumped	Depth of Water (ft)	Gallons Pumped
1/27/2022	1	1	1	1	1	1	1	1	1	1	1	1
2/27/2021	1	1	1	1	1	1	1	1	1	1	1	1
3/23/2021	0.3	0	0.5	0	0.2	0	0.2	0	0.9	40	0.3	0
4/27/2021	0.3	0	0.5	0	0.2	0	0.2	0	0.6	0	0.3	0
5/31/2022	0.3	0	0.5	0	0.3	0.5	0.2	0.5	0.8	2	0.3	0.5
6/27/2021	0	0	0.8	5	0.0	0	0.0	0	0	0	0	0
7/27/2022	0	0	1	6	0	0	0	0	0.9	1.5	0	0
8/30/2022	0	0	0	0	0.0	0	0	0	0.5	0	0	0
9/28/2021	0	0	0.5	0	0.5	0	0	0	0.3	0	0	0
10/18/2022	0	0	0	0	0	0	0	0	0.0	0	0	0
11/24/2021	0	0	0.8	50	0.1	2	0	0	0.7	30	0	0
12/19/2022	0	0	0.3	0	0.1	0	0	0	0.2	0	0	0
TOTAL (2022)	0		61		2.5		0.5		73.5		0.5	
Date	Northwest Primary		Northwest Secondary		West Middle Primary		West Middle Secondary		Southwest Primary		Southwest Secondary	
	Depth of Water (ft)	Gallons Pumped	Depth of Water (ft)	Gallons Pumped	Depth of Water (ft)	Gallons Pumped	Depth of Water (ft)	Gallons Pumped	Depth of Water (ft)	Gallons Pumped	Depth of Water (ft)	Gallons Pumped
1/27/2022	1	1	1	1	1	1	1	1	1	1	1	1
2/27/2021	1	1	1	1	1	1	1	1	1	1	1	1
3/23/2021	0.4	0	1.0	40	0.6	20	1.2	60	0.1	0	2.0	120
4/27/2021	0.4	0	0.7	0	0.6	0	1	50	0.1	0	1.0	80
5/31/2022	0.4	0	2.3	185	0.7	0	1.3	60	0.1	0	0.5	0
6/27/2021	0.0	0	0.5	0	0	0	0.8	30	0	0	0	0
7/27/2022	0.5	0	0.5	0	0.0	0	1.2	45	0	0	0.3	0
8/30/2022	1.0	10	1	90	0	0	0.5	0	0	0	0.3	0
9/28/2021	0.5	0	0.5	0	0	0	0	0	0.3	0	0.5	0
10/18/2022	0.5	0	0.5	0	0	0	0	0	0	0	0	0
11/24/2021	1.0	15	1.1	10	0.6	20	0.4	10	0	0	0	0
12/19/2022	0	0	0.2	0	0.1	0	0.4	0	0	0	0	0
TOTAL (2022)	25		325		40		255		0		200	

**Notes:**

ft=feet

<sup>1</sup> = >12" of snow; could not access sumps

TABLE 2  
Validated Monitoring Well Data  
FMC - Dublin Road Site  
Second Quarter 2022

					CONTAINMENT CELL MONITORING WELLS						
FMC Corporation Dublin Road Facility				Location ID: Sample ID: SDG Date Sampled:	MW-27 MW-27-05042022 480-197663-1 5/4/2022	MW-40 MW-40-05042022 480-197663-1 5/4/2022	MW-89 MW-89-05042022 480-197663-1 5/4/2022	MW-90 MW-90-05042022 480-197663-1 5/4/2022	MW-91 MW-91-05042022 480-197663-1 5/4/2022	MW-92 MW-92-05042022 480-197663-1 5/4/2022	MW-93 MW-93-05042022 480-197663-1 5/4/2022
CAS NO.	COMPOUND	RAO	RAD	UNITS:							
	<b>PESTICIDES</b>										
319-84-6	ALPHA BHC	ND	0.05	ug/L	0.0077 U	0.0077 U	0.0077 U	0.0077 U	0.0077 U	0.0077 U	0.0077 U
319-85-7	BETA BHC	ND	0.05	ug/L	0.025 U	0.025 U	0.025 U	0.025 U	0.025 U	0.025 U	0.025 U
319-86-8	DELTA BHC	ND	0.05	ug/L	0.01 U	0.01 U	0.01 U	0.01 U	0.01 U	0.01 U	0.01 U
58-89-9	GAMMA BHC (LINDANE)	ND	0.05	ug/L	0.008 U	0.008 U	0.008 U	0.008 U	0.008 U	0.008 U	0.008 U
	<b>METALS</b>										
7440-38-2	ARSENIC	0.025	--	mg/L	0.0056 U	0.0056 U	0.0056 U	0.0056 U	0.0056 U	0.0056 U	0.0056 U
7440-50-8	COPPER	0.2	--	mg/L	<b>0.012</b>	0.0016 U	<b>0.0016</b>	<b>0.0038 J</b>	0.0016 U	0.0016 U	0.0016 U
7439-92-1	LEAD	0.015	--	mg/L	0.003 U	0.003 U	0.003 U	0.003 U	0.003 U	0.003 U	0.003 U
7440-66-6	ZINC	0.3	--	mg/L	<b>0.074</b>	<b>0.019</b>	<b>0.0026 J</b>	0.0015 U	0.0015 U	0.0015 U	0.0015 U

-- Not applicable  
J Indicates an estimated value  
U Not detected  
RAD Remedial Action Detection Limit  
RAO Remedial Action Objective for groundwater  
Bold/Shaded compound detected

TABLE 2  
Validated Monitoring Well Data  
FMC - Dublin Road Site  
Fourth Quarter 2022

					CONTAINMENT CELL MONITORING WELLS						
FMC Corporation Dublin Road Facility				Location ID: Sample ID: SDG Date Sampled:	MW-27 MW-27-11302022 480-204321 11/30/2022	MW-40 MW-40-11302022 480-204321 11/30/2022	MW-89 MW-89-11302022 480-204321 11/30/2022	MW-90 MW-90-11302022 480-204321 11/30/2022	MW-91 MW-91-11302022 480-204321 11/30/2022	MW-92 MW-92-11302022 480-204321 11/30/2022	MW-93 no sample
CAS NO.	COMPOUND	RAO	RAD	UNITS:							
	PESTICIDES										
319-84-6	ALPHA BHC	ND	0.05	ug/L	0.0088 U	0.0080 U	0.0077 U	0.0077 U	0.0077 U	<b>0.012 J</b>	
319-85-7	BETA BHC	ND	0.05	ug/L	0.028 U	0.026 U	0.025 U	0.025 U	0.025 U	0.025 U	
319-86-8	DELTA BHC	ND	0.05	ug/L	<b>0.016 J</b>	0.01 U	<b>0.013 J</b>	<b>0.014 J</b>	<b>0.015 J</b>	0.01 U	
58-89-9	GAMMA BHC (LINDANE)	ND	0.05	ug/L	0.0091 U	0.0083 U	0.008 U	0.008 U	0.008 U	<b>0.011 J</b>	
	METALS										
7440-38-2	ARSENIC	0.025	--	mg/L	0.0056 U	<b>0.0081 J</b>	0.0056 U	0.0056 U	0.0056 U	0.0056 U	
7440-50-8	COPPER	0.2	--	mg/L	<b>0.011</b>	0.0016 U	0.0016 U	<b>0.002 J</b>	0.0016 U	<b>0.0017 J</b>	
7439-92-1	LEAD	0.015	--	mg/L	<b>0.0076 J</b>	0.0030 U	0.003 U	0.003 U	0.003 U	0.003 U	
7440-66-6	ZINC	0.3	--	mg/L	<b>0.046</b>	<b>0.0061 J</b>	0.0015 U	0.0015 U	0.0015 U	0.0015 U	

-- Not applicable  
J Indicates an estimated value  
U Not detected  
RAD Remedial Action Detection Limit  
RAO Remedial Action Objective for groundwater  
Bold/Shaded compound detected

TABLE 3  
Validated Monitoring Well Data  
FMC - Dublin Road Site  
Second Quarter 2022

FMC Corporation Dublin Road Facility					PERIMETER MONITORING WELLS			
					MW-20 MW-20-05052022 480-197663-1 5/5/2022	MW-42 MW-42-05052022 480-197663-1 5/5/2022	MW-60 MW-60-05052022 480-197663-1 5/5/2022	MW-61 MW-61-05052022 480-197663-1 5/5/2022
CAS NO.	COMPOUND	RAO	RAD	UNITS:				
	<b>PESTICIDES</b>							
319-84-6	ALPHA BHC	ND	0.05	ug/L	0.0077 U	0.0077 U	0.0077 U	0.0077 U
319-85-7	BETA BHC	ND	0.05	ug/L	0.025 U	0.025 U	0.025 U	0.025 U
319-86-8	DELTA BHC	ND	0.05	ug/L	0.01 U	0.01 U	0.01 U	0.01 U
58-89-9	GAMMA BHC (LINDANE)	ND	0.05	ug/L	0.008 U	0.008 U	0.008 U	0.008 U
	<b>METALS</b>							
7440-38-2	ARSENIC	0.025	--	mg/L	<b>0.0056 U</b>	0.0056 U	0.0056 U	0.0056 U
7440-50-8	COPPER	0.2	--	mg/L	<b>0.0036 J</b>	0.0016 U	<b>0.0023 J</b>	0.0016 U
7439-92-1	LEAD	0.015	--	mg/L	0.003 U	0.003 U	<b>0.004 J</b>	0.003 U
7440-66-6	ZINC	0.3	--	mg/L	<b>0.0023 J</b>	<b>0.004 J</b>	<b>0.012</b>	0.0015 U

-- Not applicable  
J Indicates an estimated value  
U Not detected  
RAD Remedial Action Detection Limit  
RAO Remedial Action Objective for groundwater  
Bold/Shaded compound detected

TABLE 3  
Validated Monitoring Well Data  
FMC - Dublin Road Site  
Fourth Quarter 2022

					PERIMETER MONITORING WELLS			
FMC Corporation Dublin Road Facility				Location ID: Sample ID: SDG Date Sampled:	MW-20 MW-20-11302022 480-204321 11/30/2022	MW-42 MW-42-11302022 480-204321 11/30/2022	MW-60 MW-60-11302022 480-204321 11/30/2022	MW-61 MW-61-11302022 480-204321 11/30/2022
CAS NO.	COMPOUND	RAO	RAD	UNITS:				
	<b>PESTICIDES</b>							
319-84-6	ALPHA BHC	ND	0.05	ug/L	<b>0.012 J</b>	0.0080 U	0.008 U	<b>0.011 J</b>
319-85-7	BETA BHC	ND	0.05	ug/L	0.026 U	0.026 U	0.026 U	0.026 U
319-86-8	DELTA BHC	ND	0.05	ug/L	<b>0.015 J</b>	0.052 U	<b>0.016 J</b>	0.052 U
58-89-9	GAMMA BHC (LINDANE)	ND	0.05	ug/L	<b>0.013 J</b>	0.0083 U	0.0083 U	0.0083 U
	<b>METALS</b>							
7440-38-2	ARSENIC	0.025	--	mg/L	<b>0.0098 J</b>	0.0056 U	0.0056 U	0.0056 U
7440-50-8	COPPER	0.2	--	mg/L	0.0016 U	0.0016 U	0.0016 U	0.0016 U
7439-92-1	LEAD	0.015	--	mg/L	0.003 U	0.003 U	0.003 U	0.003 U
7440-66-6	ZINC	0.3	--	mg/L	<b>0.002 J</b>	<b>0.0022 J</b>	0.0015 U	0.0015 U

-- Not applicable  
J Indicates an estimated value  
U Not detected  
RAD Remedial Action Detection Limit  
RAO Remedial Action Objective for groundwater  
Bold/Shaded compound detected



**TABLE 4**  
**Validated Monitoring Well Data**  
**FMC - Dublin Road Site**  
**Second Quarter 2022**

					SURFACE WATER		
FMC Corporation Dublin Road Facility				Location ID: Sample ID: SDG Date Sampled:	SW-1 SW1-05052022 480-197663-1 5/5/2022	SW-2 SW2-05052022 480-197663-1 5/5/2022	SW-3 SW3-05052022 480-197663-1 5/5/2022
CAS NO.	COMPOUND	RAO	RAD	UNITS:			
	<b>PESTICIDES</b>						
319-84-6	ALPHA BHC	ND	0.05	ug/L	0.0077 U	0.0077 U	0.0077 U
319-85-7	BETA BHC	ND	0.05	ug/L	0.025 U	0.025 U	0.025 U
319-86-8	DELTA BHC	ND	0.05	ug/L	0.01 U	0.01 U	0.01 U
58-89-9	GAMMA BHC (LINDANE)	ND	0.05	ug/L	0.008 U	0.008 U	0.008 U
	<b>METALS</b>						
7440-38-2	ARSENIC	0.025	--	mg/L	0.0056 U	0.0056 U	0.0056 U
7440-50-8	COPPER	0.2	--	mg/L	0.0016 U	0.0016 U	0.0016 U
7439-92-1	LEAD	0.015	--	mg/L	0.003 U	0.003 U	0.003 U
7440-66-6	ZINC	0.3	--	mg/L	0.0015 U	0.0015 U	0.0015 U

-- Not applicable  
J Indicates an estimated value  
U Not detected  
RAD Remedial Action Detection Limit  
RAO Remedial Action Objective for groundwater  
Bold/Shaded compound detected

**APPENDIX A**  
**INSPECTION REPORTS**  
**DUBLIN ROAD SITE, ORLEANS COUNTY, NY**

FMC CORPORATION  
ORLEANS COUNTY, NEW YORK  
FMC DUBLIN ROAD SITE

CONTAINMENT CELL COVER INSPECTION

FREQUENCY: Semiannual

DATE: 5/4/2022

INSPECTOR(S): Zach Cornish

TIME: 0900

Inspection Comments

Inspect For

Action Required?

Vegetative Cover

- (i) Erosion
- (ii) Bare areas
- (iii) Puddles/settlement
- (iv) Dead/dying grass
- (v) Weeds/brushes
- (vi) Animal holes/burrows
- (vii) Sediment in ditches
- (viii) Other \_\_\_\_\_

yes ☐ no ☐

yes ☐ no ☐

yes ☐ no ☐

yes ☐ no ☐

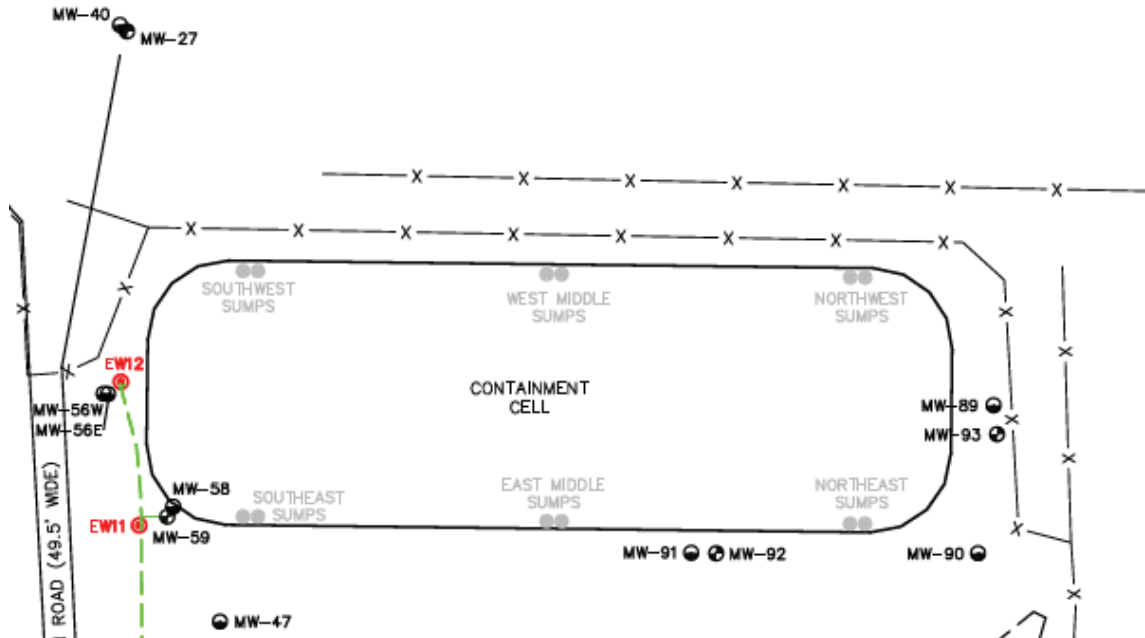
yes ☐ no ☐

yes ☐ no ☐

yes ☐ no ☐

yes ☐ no ☐

Indicate location of all required action on the following diagram of the containment cell.



FMC CORPORATION  
ORLEANS COUNTY, NEW YORK  
FMC DUBLIN ROAD SITE

CONTAINMENT CELL COVER INSPECTION

FREQUENCY: Semiannual

DATE: 12/20/2022

INSPECTOR(S): Jeff Poulsen

TIME: 1130

Inspection Comments

Inspect For

Action Required?

Vegetative Cover

- (i) Erosion
- (ii) Bare areas
- (iii) Puddles/settlement
- (iv) Dead/dying grass
- (v) Weeds/brushes
- (vi) Animal holes/burrows
- (vii) Sediment in ditches
- (viii) Other \_\_\_\_\_

yes ☐ no ☐

yes ☐ no ☐

yes ☐ no ☐

yes ☐ no ☐

yes ☐ no ☐

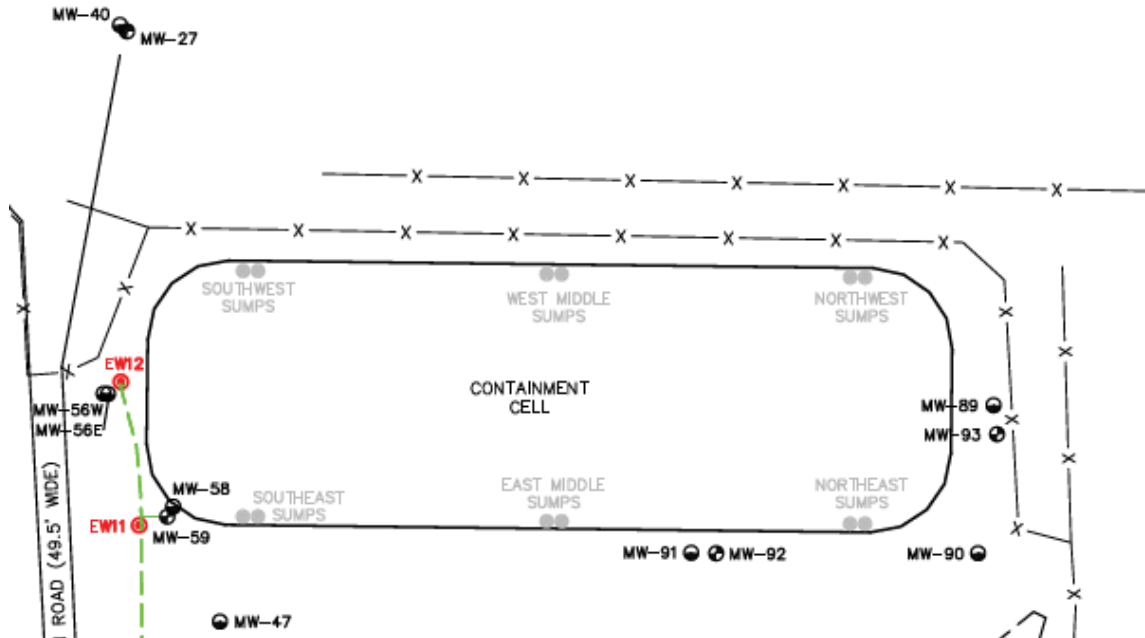
yes ☐ no ☐

yes ☐ no ☐

yes ☐ no ☐

there were no damaged areas of repairs identified

Indicate location of all required action on the following diagram of the containment cell.



FMC CORPORATION  
ORLEANS COUNTY, NEW YORK  
FMC DUBLIN ROAD SITE  
SITE-WIDE INSPECTION FORM

FREQUENCY: Annual

INSPECTOR(S): Jeff Poulsen

O&M Activities	Date	Time	Comments
Visual Inspection of Security Fence	12/20/2022	1130	(Compliance with ICs, condition and effectiveness of ECs, general condition, compliance with permits, records up to date)  Fence is in good condition with one branch lying across in the south east corner. Other debris was cleared and fence repaired in November 2022
Inspection of Wetland Weir	12/20/2022	1130	(Compliance with ICs, condition and effectiveness of ECs, general condition, compliance with permits, records up to date)  Weir is damaged with the level plate jammed but is functioning to maintain the surface water levels
Inspection of Extraction Wells			(Compliance with ICs, condition and effectiveness of ECs, general condition, compliance with permits, records up to date)  The treatment system is shut down currently and the extraction wells have not run in years. Several have broken and tipped over. There are several places where the force mains have slipped on their supports and are lying on the ground.
Inspection of Monitoring Wells	5/4/2022	1200	(Compliance with ICs, condition and effectiveness of ECs, general condition, compliance with permits, records up to date)  Wells are in good condition/painted and properly labelled
Inspection of Containment Cell Sumps	12/20/2022	1130	(Compliance with ICs, condition and effectiveness of ECs, general condition, compliance with permits, records up to date)  Sumps were recently pumped and are secured with good caps and labels. Any vegetation that was impeding on the containment cell sumps has been removed.
Inspection of Treatment System/Building	12/20/2022	1130	(Compliance with ICs, condition and effectiveness of ECs, general condition, compliance with permits, records up to date)  Treatment building is secure and heated, water storage at approximately 2000 gallons
Recommendations	(Recommended changes to engineering controls)		

FMC CORPORATION  
ORLEANS COUNTY, NEW YORK  
FMC DUBLIN ROAD SITE  
FENCING INSPECTION

FREQUENCY:

DATE: 1/27/2022

INSPECTOR(S): Justin Adams

TIME: 11:30

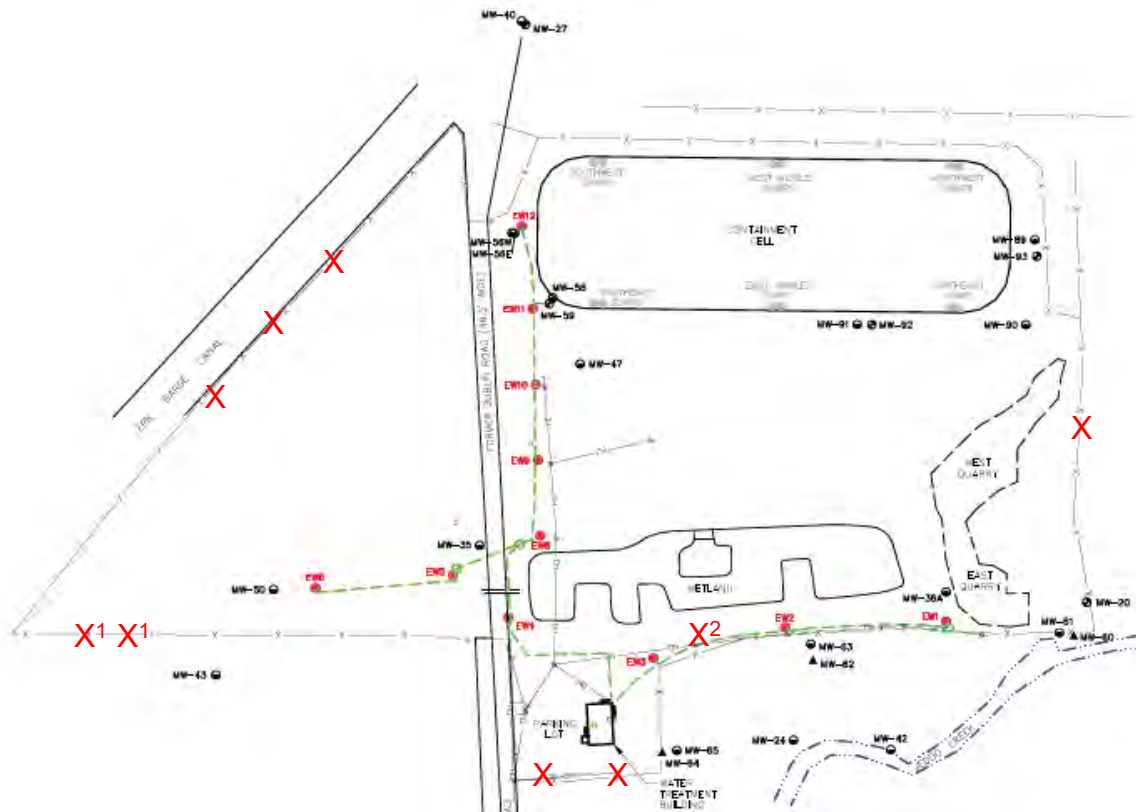
Inspect for damage to access gate, fence posts, chain link, excessive vegetation growing on fence, barbed wire posts & strands

**Description of deficiencies:**

Action Required?

Loose barbed wire on fence	yes	no
Vegetation growing around and through the fence	yes	no
Tree lying on fence	yes	no
Fallen trees, damaged fence <sup>1</sup>	yes	no
Tree lying on fence <sup>2</sup>	yes	no
	yes	no
	yes	no

Indicate location of all required action on the following diagram of the containment cell.



FMC CORPORATION  
ORLEANS COUNTY, NEW YORK  
FMC DUBLIN ROAD SITE  
FENCING INSPECTION

FREQUENCY:

DATE: 2/25/2022

INSPECTOR(S): Justin Adams

TIME: 16:30

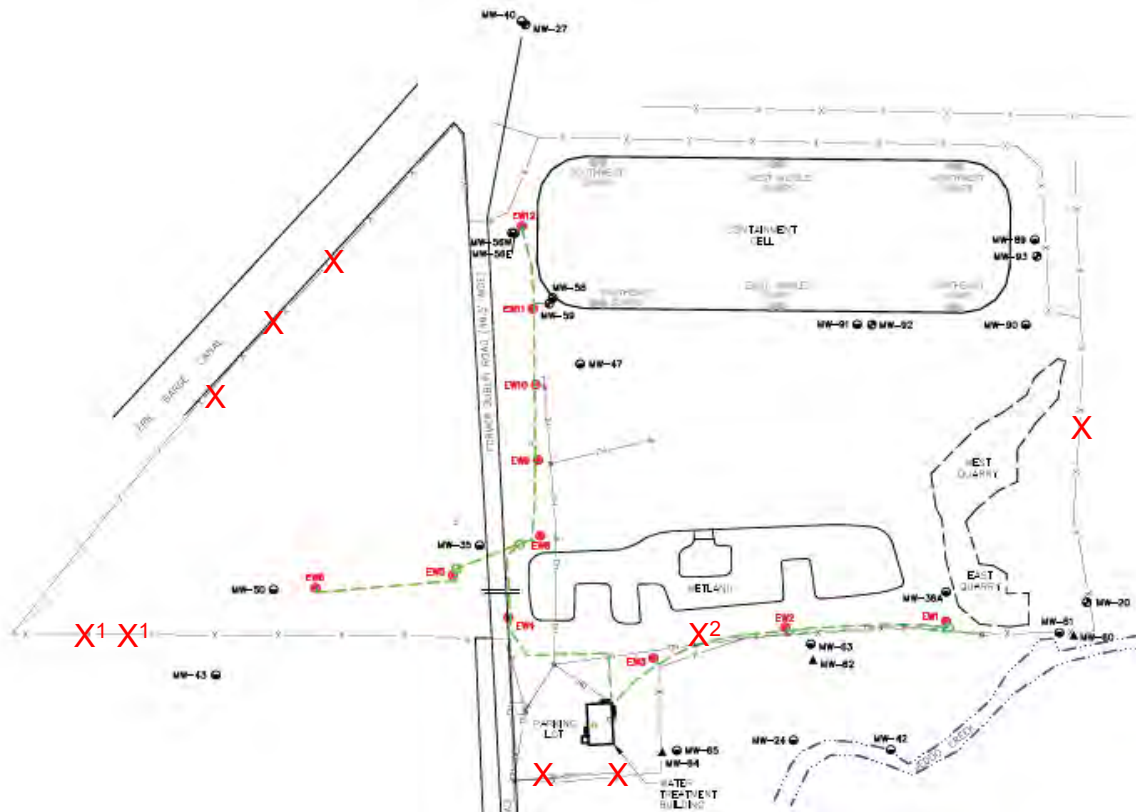
Inspect for damage to access gate, fence posts, chain link, excessive vegetation growing on fence, barbed wire posts & strands

**Description of deficiencies:**

Action Required?

Loose barbed wire on fence	yes	no
Vegetation growing around and through the fence	yes	no
Tree lying on fence	yes	no
Fallen trees, damaged fence <sup>1</sup>	yes	no
Tree lying on fence <sup>2</sup>	yes	no
	yes	no
	yes	no

Indicate location of all required action on the following diagram of the containment cell.



FMC CORPORATION  
ORLEANS COUNTY, NEW YORK  
FMC DUBLIN ROAD SITE  
FENCING INSPECTION

FREQUENCY:

DATE: 3/23/2022

INSPECTOR(S): Justin Adams

TIME: 11:30

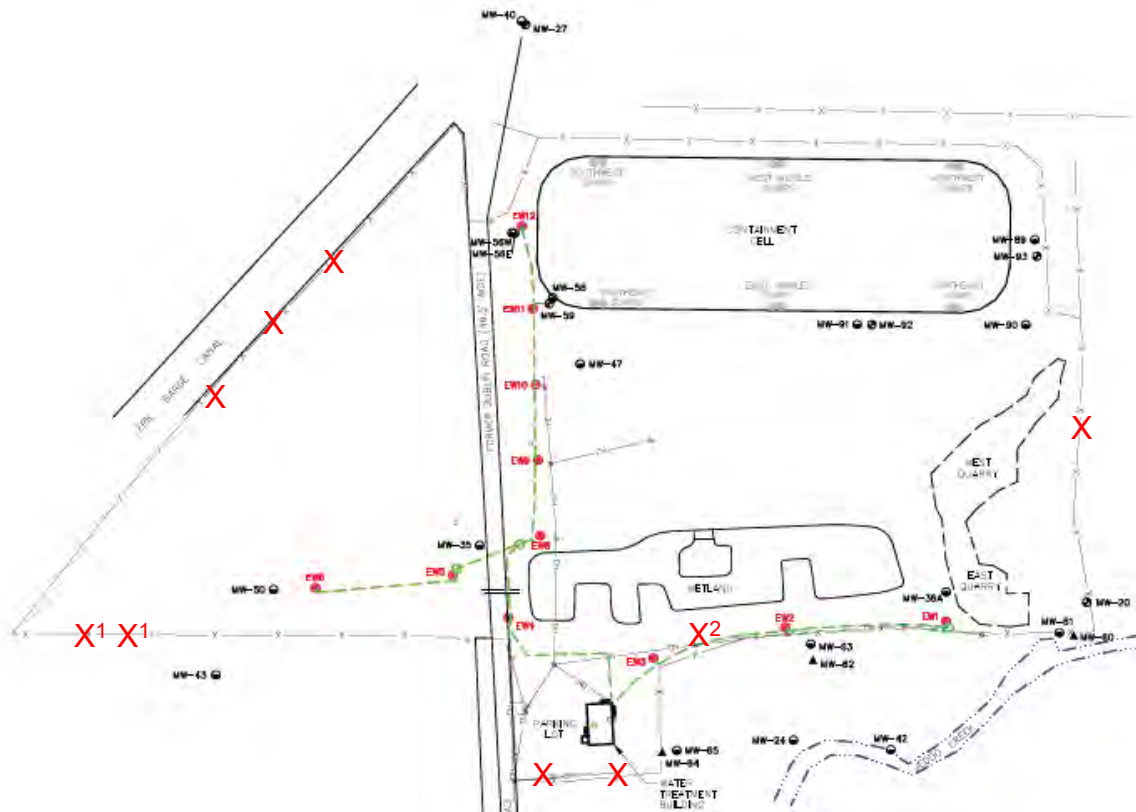
Inspect for damage to access gate, fence posts, chain link, excessive vegetation growing on fence, barbed wire posts & strands

Description of deficiencies:

Action Required?

Loose barbed wire on fence	yes	no
Vegetation growing around and through the fence	yes	no
Tree lying on fence	yes	no
Fallen trees, damaged fence <sup>1</sup>	yes	no
Tree lying on fence <sup>2</sup>	yes	no
	yes	no
	yes	no

Indicate location of all required action on the following diagram of the containment cell.





FMC CORPORATION  
ORLEANS COUNTY, NEW YORK  
FMC DUBLIN ROAD SITE  
FENCING INSPECTION

FREQUENCY: Monthly

DATE: 4/15/2022

INSPECTOR(S): Jeffrey Poulsen

TIME: 16:30

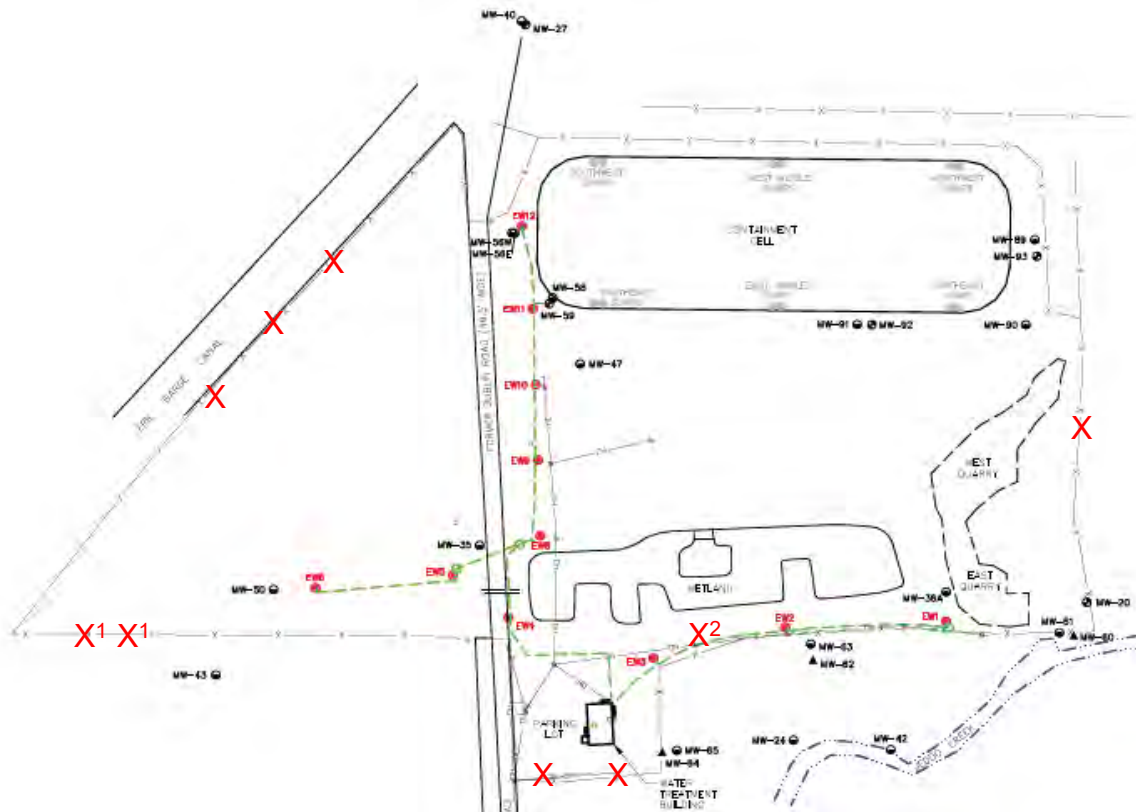
Inspect for damage to access gate, fence posts, chain link, excessive vegetation growing on fence, barbed wire posts & strands

**Description of deficiencies:**

**Action Required?**

Loose barbed wire on fence	yes	no
Vegetation growing around and through the fence	yes	no
Tree lying on fence	yes	no
Fallen trees, damaged fence <sup>1</sup>	yes	no
Tree lying on fence <sup>2</sup>	yes	no
	yes	no
The site remains secure - will contact Wolcott about fence repair work	yes	no

Indicate location of all required action on the following diagram of the containment cell.



FMC CORPORATION  
ORLEANS COUNTY, NEW YORK  
FMC DUBLIN ROAD SITE

FENCING INSPECTION

FREQUENCY: Monthly

DATE: 5/31/2022

INSPECTOR(S): Jeffrey Poulsen

TIME: 13:30

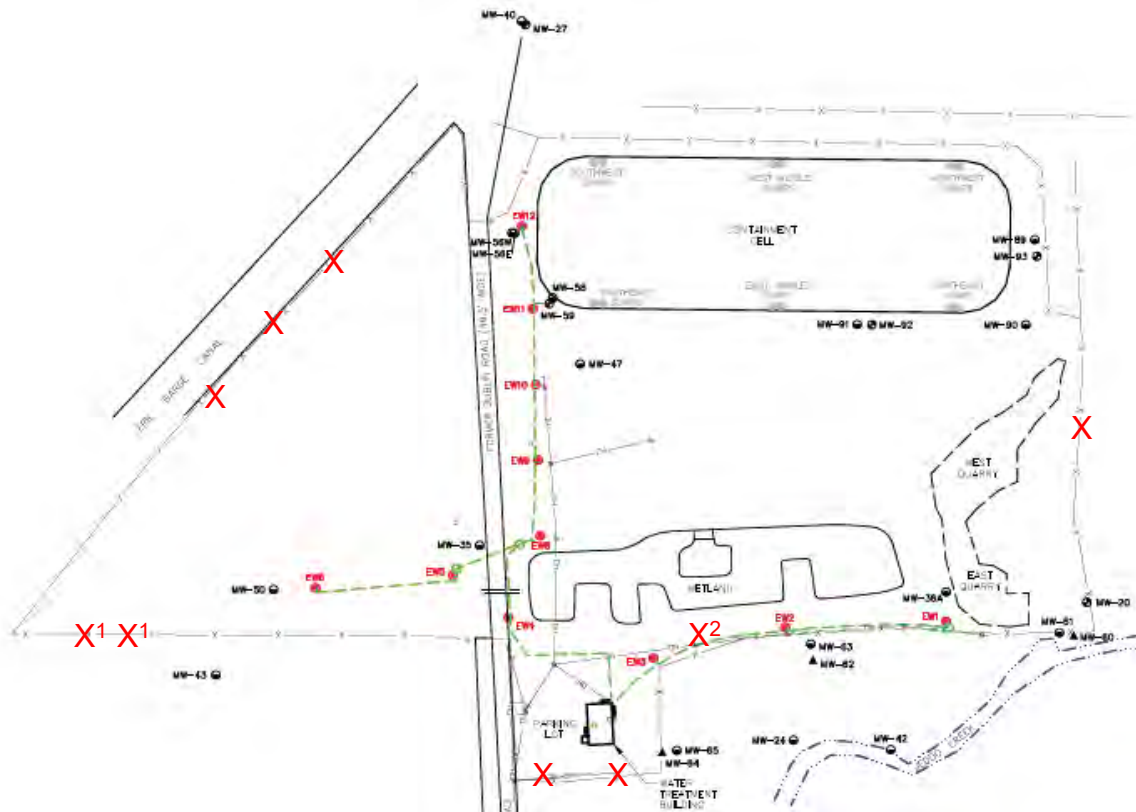
Inspect for damage to access gate, fence posts, chain link, excessive vegetation growing on fence, barbed wire posts & strands

Description of deficiencies:

Action Required?

Loose barbed wire on fence	yes	no
Vegetation growing around and through the fence	yes	no
Tree lying on fence	yes	no
Fallen trees, damaged fence <sup>1</sup>	yes	no
Tree lying on fence <sup>2</sup>	yes	no
	yes	no
The site remains secure - will contact Wolcott about fence repair work	yes	no

Indicate location of all required action on the following diagram of the containment cell.



FMC CORPORATION  
ORLEANS COUNTY, NEW YORK  
FMC DUBLIN ROAD SITE  
FENCING INSPECTION

FREQUENCY: Monthly

DATE: 6/27/2022

INSPECTOR(S): Jeffrey Poulsen

TIME: 1545

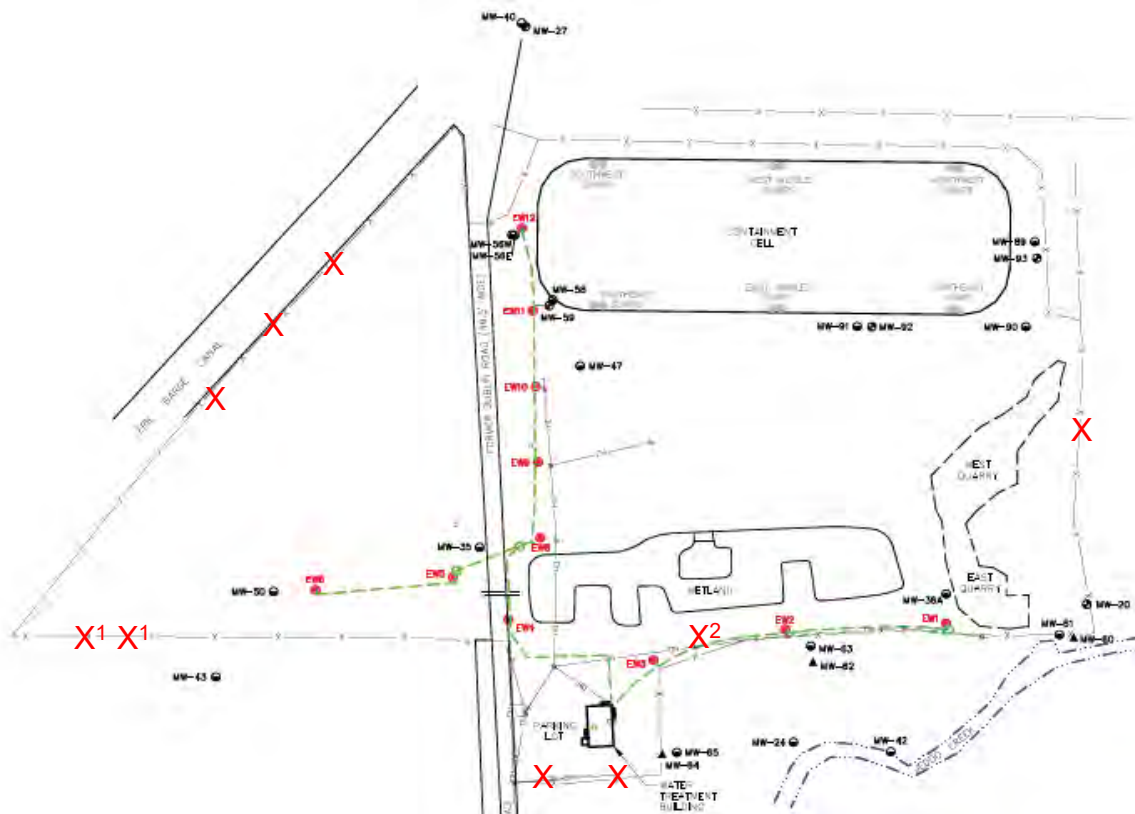
Inspect for damage to access gate, fence posts, chain link, excessive vegetation growing on fence, barbed wire posts & strands

Description of deficiencies:

Action Required?

Loose barbed wire on fence	yes	no
Vegetation growing around and through the fence	yes	no
Tree lying on fence	yes	no
Fallen trees, damaged fence <sup>1</sup>	yes	no
Tree lying on fence <sup>2</sup>	yes	no
	yes	no
The site remains secure - will contact Wolcott about fence repair work	yes	no

Indicate location of all required action on the following diagram of the containment cell.



FMC CORPORATION  
ORLEANS COUNTY, NEW YORK  
FMC DUBLIN ROAD SITE  
FENCING INSPECTION

FREQUENCY: Monthly

DATE: 7/27/2022

INSPECTOR(S): Jeffrey Poulsen

TIME: 1015

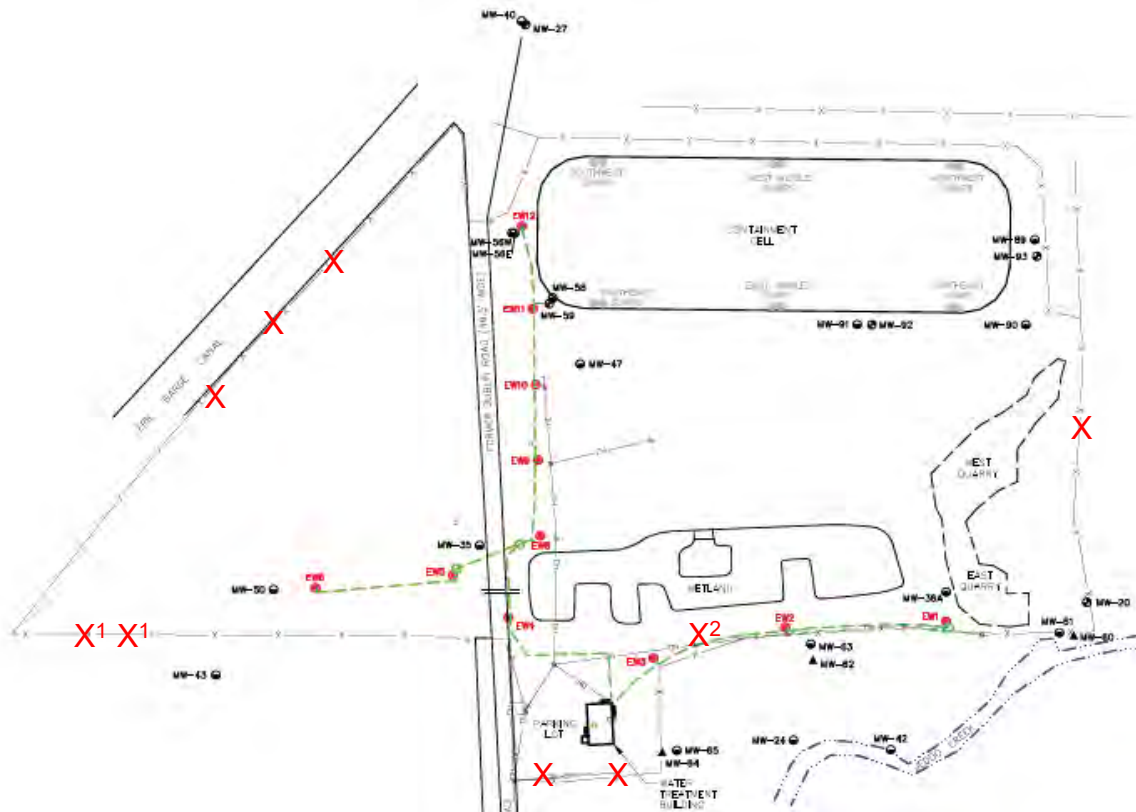
Inspect for damage to access gate, fence posts, chain link, excessive vegetation growing on fence, barbed wire posts & strands

**Description of deficiencies:**

**Action Required?**

Loose barbed wire on fence	yes	no
Vegetation growing around and through the fence	yes	no
Tree lying on fence	yes	no
Fallen trees, damaged fence <sup>1</sup>	yes	no
Tree lying on fence <sup>2</sup>	yes	no
Completed weed-wacking around underdrains	yes	no
The site remains secure - will contact Wolcott about fence repair work and brush clearing	yes	no

Indicate location of all required action on the following diagram of the containment cell.



FMC CORPORATION  
ORLEANS COUNTY, NEW YORK  
FMC DUBLIN ROAD SITE

FENCING INSPECTION

FREQUENCY: Monthly

DATE: 8/15/2022

INSPECTOR(S): Jeffrey Poulsen

TIME: 1400

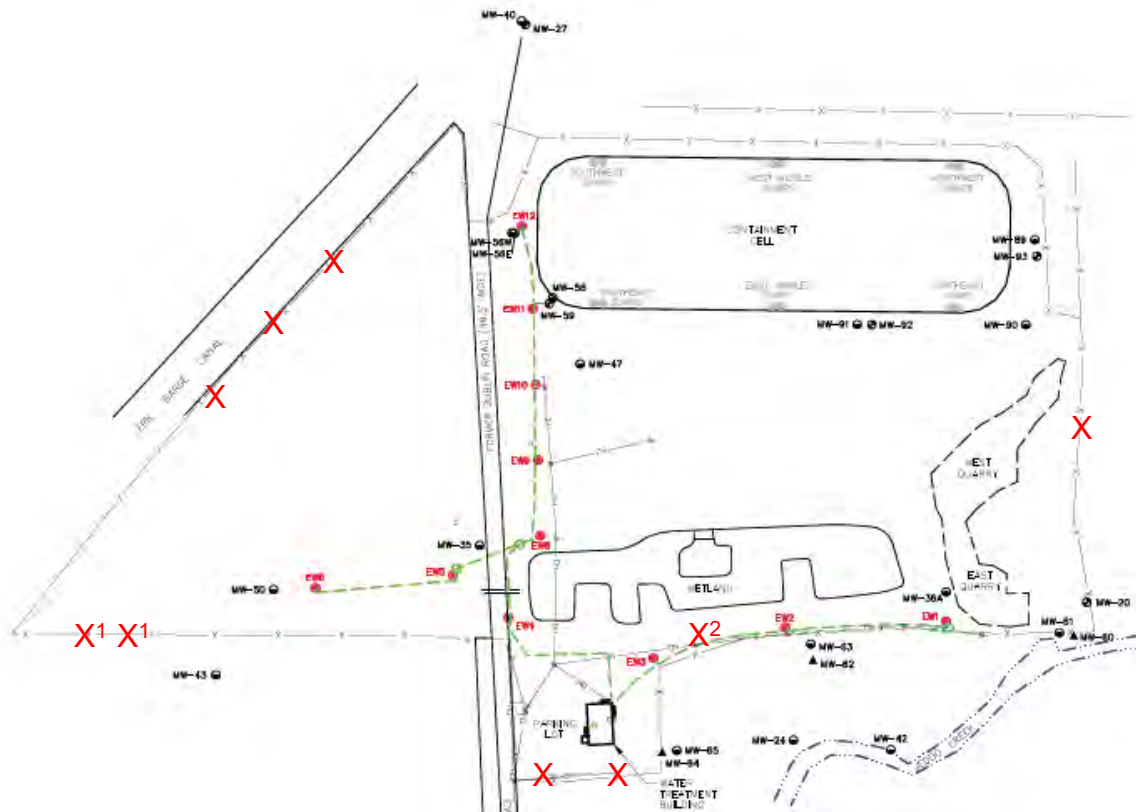
Inspect for damage to access gate, fence posts, chain link, excessive vegetation growing on fence, barbed wire posts & strands

Description of deficiencies:

Action Required?

Loose barbed wire on fence	yes	no
Vegetation growing around and through the fence	yes	no
Tree lying on fence	yes	no
Fallen trees, damaged fence <sup>1</sup>	yes	no
Tree lying on fence <sup>2</sup>	yes	no
Completed weed-wacking around underdrains	yes	no
The site remains secure - will contact Wolcott about fence repair work and brush clearing	yes	no

Indicate location of all required action on the following diagram of the containment cell.



FMC CORPORATION  
ORLEANS COUNTY, NEW YORK  
FMC DUBLIN ROAD SITE

FENCING INSPECTION

FREQUENCY: Monthly

DATE: 9/28/2022

INSPECTOR(S): Jeffrey Poulsen

TIME: 1100

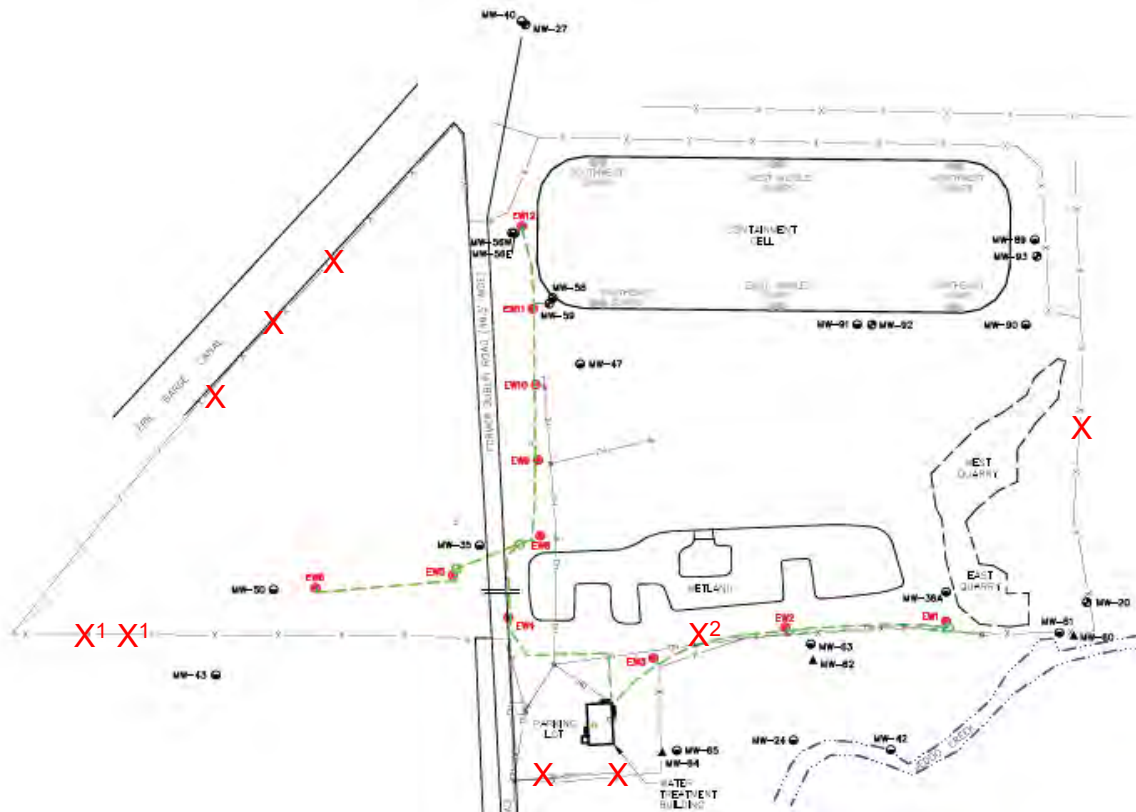
Inspect for damage to access gate, fence posts, chain link, excessive vegetation growing on fence, barbed wire posts & strands

Description of deficiencies:

Action Required?

Loose barbed wire on fence	yes	no
Vegetation growing around and through the fence	yes	no
Tree lying on fence	yes	no
Fallen trees, damaged fence <sup>1</sup>	yes	no
Tree lying on fence <sup>2</sup>	yes	no
Completed weed-wacking around underdrains	yes	no
The site remains secure - will contact Wolcott about fence repair work and brush clearing	yes	no

Indicate location of all required action on the following diagram of the containment cell.



FMC CORPORATION  
ORLEANS COUNTY, NEW YORK  
FMC DUBLIN ROAD SITE  
FENCING INSPECTION

FREQUENCY: Monthly

DATE: 10/25/2022

INSPECTOR(S): Jeffrey Poulsen

TIME: 1100

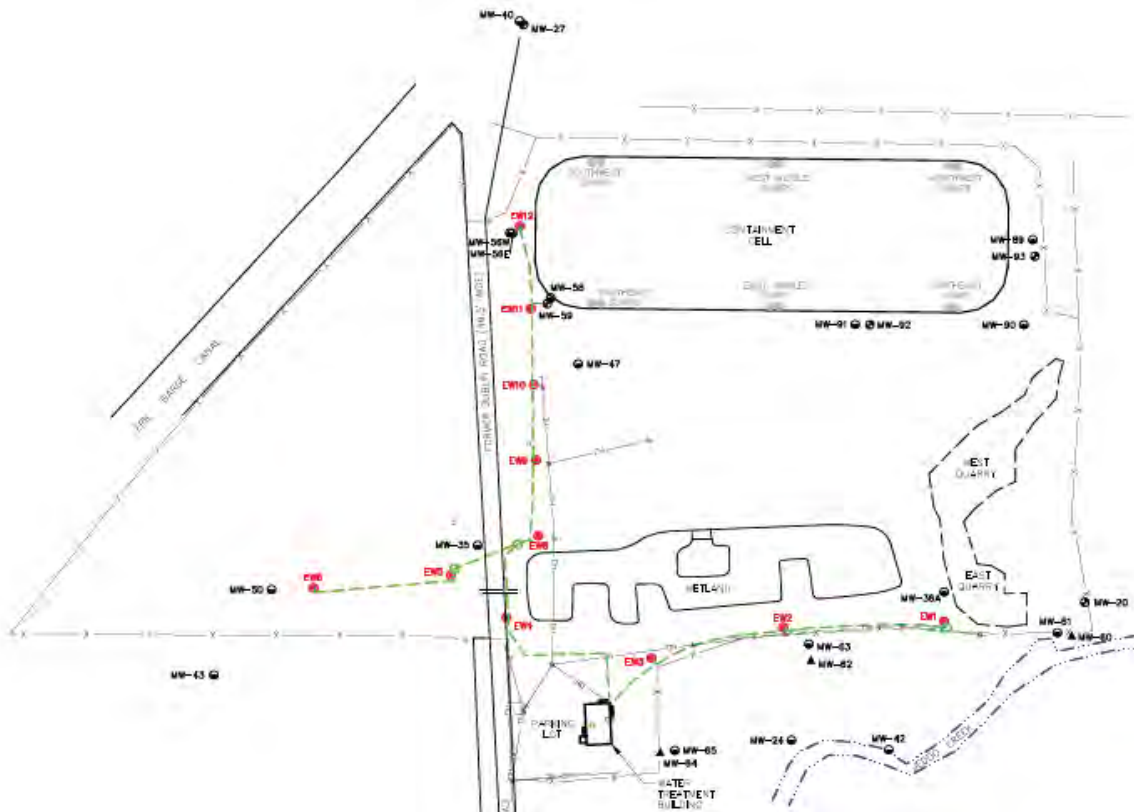
Inspect for damage to access gate, fence posts, chain link, excessive vegetation growing on fence, barbed wire posts & strands

**Description of deficiencies:**

**Action Required?**

	yes	no
	yes	no
	yes	no
	yes	no
	yes	no
	yes	no
The site remains secure - tree removals and fence repairs were completed in October	yes	no

Indicate location of all required action on the following diagram of the containment cell.





FMC CORPORATION  
ORLEANS COUNTY, NEW YORK  
FMC DUBLIN ROAD SITE  
FENCING INSPECTION

FREQUENCY: Monthly

DATE: 11/28/2022

INSPECTOR(S): Jeffrey Poulsen

TIME: 1100

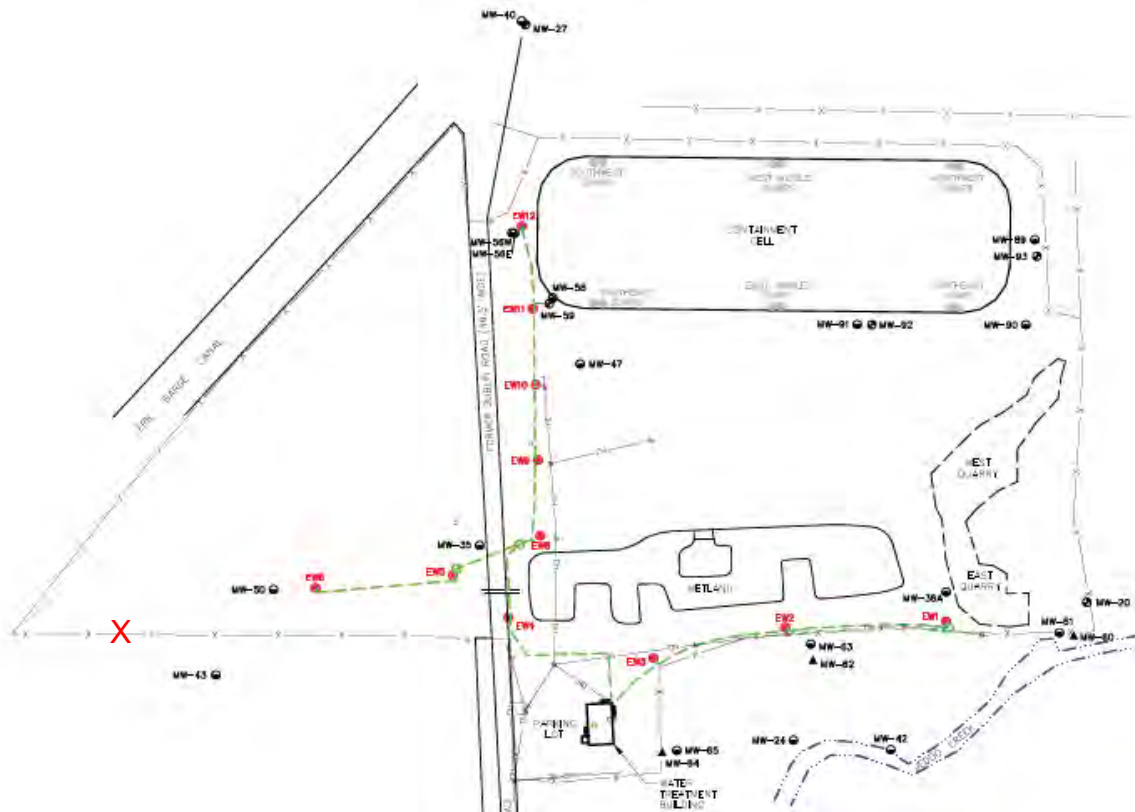
Inspect for damage to access gate, fence posts, chain link, excessive vegetation growing on fence, barbed wire posts & strands

**Description of deficiencies:**

**Action Required?**

new tree fall lying on the top wire of the fence	yes	no
the fence is still intact and secure	yes	no
	yes	no
	yes	no
	yes	no
	yes	no
removal of the tree will be scheduled for 2023	yes	no

Indicate location of all required action on the following diagram of the containment cell.





FMC CORPORATION  
ORLEANS COUNTY, NEW YORK  
FMC DUBLIN ROAD SITE  
FENCING INSPECTION

FREQUENCY: Monthly

DATE: 12/20/2022

INSPECTOR(S): Jeffrey Poulsen

TIME: 1315

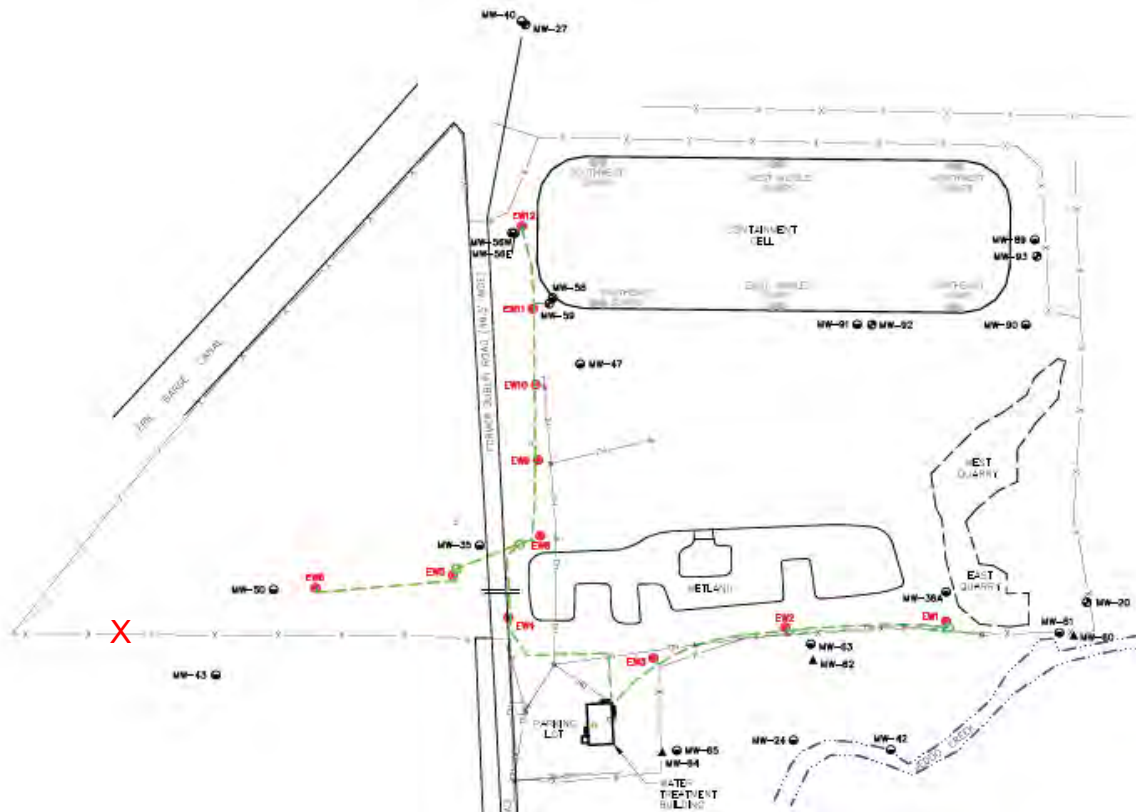
Inspect for damage to access gate, fence posts, chain link, excessive vegetation growing on fence, barbed wire posts & strands

**Description of deficiencies:**

**Action Required?**

new tree fall lying on the top wire of the fence	yes	no
the fence is still intact and secure	yes	no
	yes	no
	yes	no
	yes	no
	yes	no
removal of the tree will be scheduled for 2023	yes	no

Indicate location of all required action on the following diagram of the containment cell.



**APPENDIX B**  
**HYDRAULIC MONITORING DATA SUMMARY**  
**DUBLIN ROAD SITE, ORLEANS COUNTY, NY**

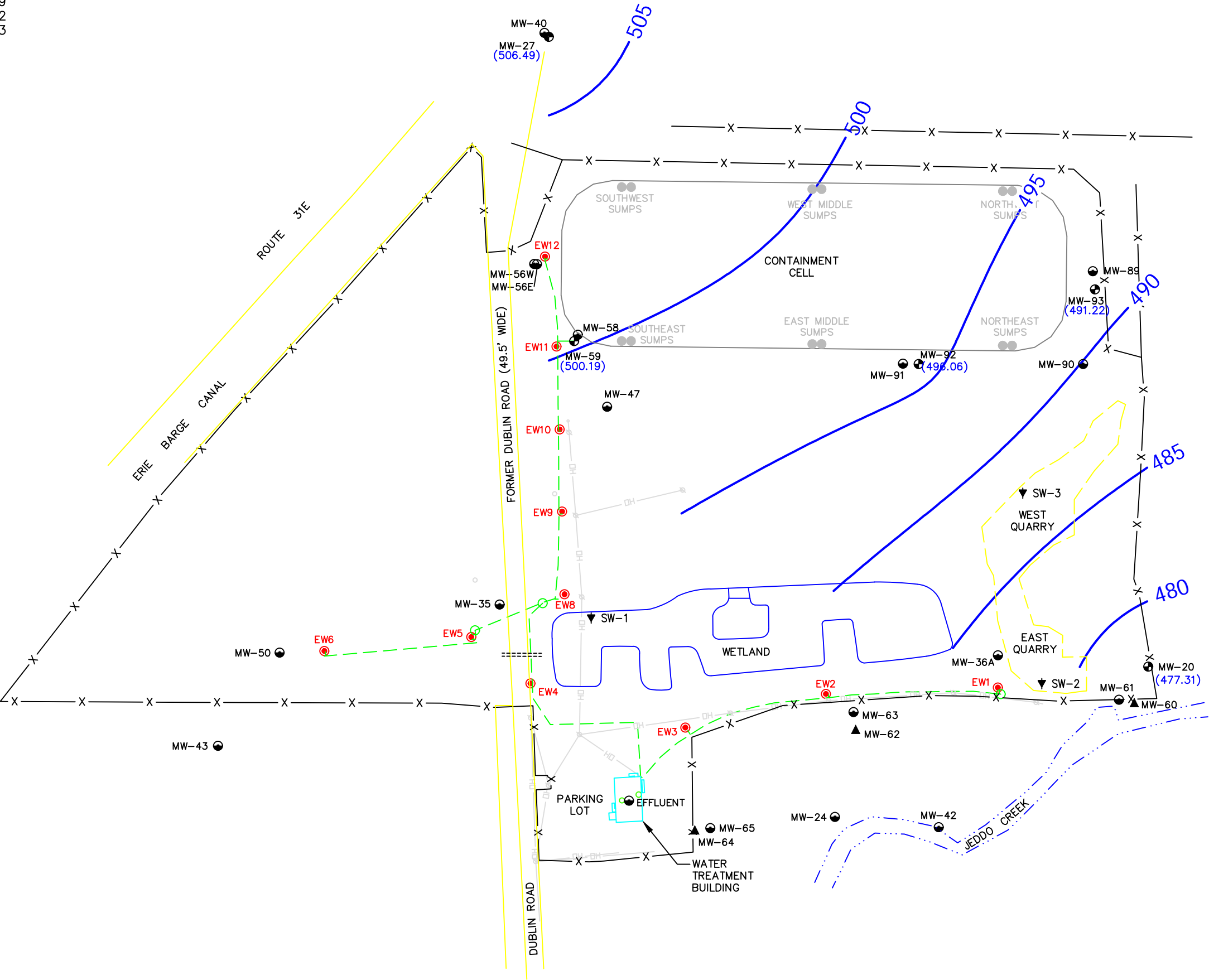
DUBLIN ROAD SITE  
WATER LEVEL DATABASE

Well ID	EW-1	EW-2	EW-3	EW-4	EW-5	EW-6	EW-8	EW-9	EW-10	EW-11	EW-12	MW-20	MW-24	MW-27	MW-35	MW-36A	MW-40	MW-42	MW-43	MW-47	MW-50	MW-56W	MW-56E	MW-58	MW-59	MW-60	MW-61	MW-62	MW-63	MW-64	MW-65	MW-89	MW-90	MW-91	MW-92	MW-93
Casing Elevation	488.44	493.5	496.83	494.23	494.67	494.01	495.33	507.7	507.28	507.58	507.69	481.61	485.54	517.56	493.06	488.01	518.4	482.95	502.11	503.61	496.06	504.98	503.34	506.34	506.61	480.92	480.4	494.27	492.1	494.39	500.65	499.51	499.45	499.29	500.67	
Units	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	FT.AMSL	
Date																																				
4/26/2013	479.09	481.07	486.92	486.15	483.28	486.29	488.32	496.04	494.58	494.50	492.32	477.10	484.52	508.08	488.76	477.54	509.63	481.84	493.46	497.59	492.60	499.63	497.42	498.43	499.61	472.93	473.92	474.36	DRY	474.87	485.75	492.90	490.01	491.94	495.39	493.71
11/26/2013	479.38	481.14	485.98	486.49	485.13	486.71	488.09	492.79	486.23	489.89	487.98	476.99	483.74	507.28	488.68	477.44	508.89	481.32	DRY	490.57	492.34	495.88	493.19	491.97	495.96	472.82	474.05	473.40	DRY	474.39	485.37	492.44	489.93	491.67	495.11	493.31
3/11/2014	480.24	481.26	486.78	485.98	484.16	488.49	488.16	496.65	494.67	494.68	492.58	477.87	484.59	505.20	489.49	478.10	505.89	481.82	DRY	499.75	488.29	500.06	503.34	DRY	500.41	473.22	473.96	474.14	DRY	475.04	485.90	492.59	489.73	491.80	494.74	493.64
5/27/2014	479.46	481.60	486.93	484.48	484.60	486.80	488.17	496.64	494.35	495.08	492.49	476.70	483.90	508.91	488.36	477.41	510.90	481.47	493.71	498.33	492.81	499.72	497.44	499.13	499.14	473.02	472.67	474.77	DRY	475.79	485.53	492.87	490.08	491.81	495.03	494.82
3/24/2015	479.97	482.02	486.28	485.98	483.47	485.21	487.98	495.95	495.44	495.18	492.78	477.36	484.36	505.06	489.24	477.91	505.42	481.53	493.01	496.56	492.33	504.98	503.34	498.86	503.24	471.91	473.72	473.07	DRY	473.44	485.63	493.13	489.93	492.14	495.89	494.16
5/8/2015	479.42	481.57	486.53	485.49	483.36	485.54	487.72	494.78	493.85	494.06	491.81	476.92	483.44	508.54	488.10	477.24	509.86	481.27	498.00	494.58	492.21	498.68	496.45	497.74	499.01	472.47	473.61	473.84	DRY	474.25	484.93	492.11	489.48	491.30	494.41	492.95
7/16/2015	478.84	481.40	485.68	485.18	484.09	486.20	487.48	492.05	492.58	492.78	490.59	476.75	DRY	507.26	487.71	481.06	507.86	480.77	495.73	492.01	491.74	497.96	495.39	501.50	496.78	472.37	473.47	473.62	DRY	474.08	483.78	490.45	488.41	490.01	493.08	491.09
12/7/2015	480.04	483.06	485.15	485.00	484.27	485.94	487.65	491.19	491.18	492.32	489.71	476.61	483.49	504.16	488.24	477.21	515.40	481.05	495.63	490.12	491.38	497.48	494.34	495.66	496.51	471.12	472.75	473.08	DRY	473.53	484.32	489.62	487.61	489.20	492.18	489.17
3/3/2016	479.96	482.05	486.33	486.07	483.82	485.69	488.03	496.35	495.23	494.99	492.83	477.21	484.44	505.39	488.78	477.73	505.80	481.56	493.24	496.11	492.39	499.36	497.44	498.64	500.21	472.67	473.85	473.92	DRY	474.34	485.68	493.15	490.15	492.19	495.78	494.22
6/8/2016	478.81	481.40	485.45	484.93	482.76	485.83	486.79	491.92	491.53	492.44	490.43	476.11	482.24	507.03	487.36	476.37	509.30	480.27	492.06	492.53	491.64	498.64	496.26	495.74	495.93	472.38	473.40	473.75	DRY	472.71	DRY	489.80	487.61	489.25	492.03	490.46
8/11/2016	477.84	474.40	474.93	483.68	482.97	485.44	486.55	490.40	485.53	490.18	488.23	475.71	481.94	504.06	487.02	476.57	506.45	480.22	491.47	488.69	490.85	494.35	492.17	496.62	495.61	471.02	474.12	473.25	DRY	474.51	DRY	487.87	486.34	487.15	490.14	DRY
11/28/2016	479.23	476.15	478.19	484.22	483.01	485.56	487.21	490.67	486.28	491.35	489.05	476.61	481.84	506.26	487.59	477.02	508.15	481.60	491.79	491.16	492.07	496.36	494.21	497.39	496.39	469.92	471.98	474.38	DRY	476.03	DRY	490.75	486.89	488.25	492.29	DRY
3/10/2017	479.24	481.29	486.16	485.88	483.09	485.25	488.29	495.70	494.33	494.42	492.57	477.00	483.71	505.77	488.66	477.70	507.15	481.38	492.78	496.30	492.07	498.80	496.67	498.30	500.80	472.14	473.67	473.27	DRY	473.67	483.91	492.77	489.78	492.26	495.29	493.64
4/28/2017	479.87	481.65	486.32	485.47	483.40	485.66	487.83	496.54	493.47	493.06	491.01	476.96	483.30	506.31	488.88	477.46	508.41	481.14	492.94	495.03	492.04	497.78	497.78	497.62	500.95	471.81	473.85	473.40	DRY	476.14	484.26	491.89	489.42	490.70	493.66	492.39
7/28/2017	478.83	480.80	485.44	485.20	484.52	485.94	487.33	497.50	491.82	491.75	489.99	476.48	482.42	506.43	487.80	477.10	508.32	480.85	493.49	490.21	491.36	497.63	494.86	DRY	DRY	471.51	473.44	472.96	485.38	478.39	483.50	489.64	487.81	489.30	492.67	490.52
10/30/2017	479.41	487.45	485.45	485.24	485.29	485.99	487.52	491.58	492.09	491.41	488.37	477.06	483.94	504.94	488.02	477.43	507.50	481.30	492.47	492.31	491.45	497.32	496.95	DRY	DRY	472.65	474.25	473.76	486.05	475.74	484.42	490.04	488.08	489.57	493.45	490.66
9/18/2018	478.54	480.60	484.48	484.25	482.92	485.26	486.18	490.22	489.77	490.00	487.79	476.32	DRY	504.61	DRY	476.43	506.40	480.55	491.84	488.84	489.67	NM	NM	493.43	DRY	469.92	472.10	471.47	DRY	DRY	482.96	487.75	486.13	487.57	490.29	DRY
10/19/2018	479.64	481.34	484.22	485.07	482.82	485.06	487.11	490.65	490.07	492.40	487.69	476.74	DRY	506.14	DRY	476.77	507.96	480.65	492.06	488.93	490.91	493.32	492.19	494.02	DRY	470.86	473.26	471.81	DRY	476.16	483.47	488.12	486.73	487.96	491.21	488.89
5/17/2019	480.36	481.75	486.61	486.13	482.67	485.59	487.63	499.99	495.88	495.13	492.98	477.31	484.12	509.29	488.66	477.95	509.82	481.55	493.89	497.36	492.46	494.24	492.83	DRY	500.16	472.37	473.35	473.70	DRY	DRY	485.78	493.53	490.46	492.61	496.24	494.71
9/20/2019	478.97	480.92	484.87	484.63	483.69	485.60	486.85	490.89	490.55	490.73	488.84	476.41	DRY	505.09	487.55	476.89	507.10	479.95	DRY	491.92	490.00	NM	NM	DRY	DRY	471.79	473.09	472.72	DRY	DRY	483.29	488.32	486.77	488.22	491.07	489.11
11/29/2019	479.96	480.60	484.83	485.25	484.46	484.46	487.63	491.44	491.40	492.53	489.59	476.93	DRY	512.06	488.61	477.44	502.55	480.79	DRY	491.96	491.18	492.99	492.11	497.79	499.54	471.92	473.60	473.15	DRY	DRY	483.53	491.60	492.78	490.93	495.13	491.97
5/19/2020	480.36	481.83	486.37	485.78	482.75	485.60	487.63	496.94	494.07	494.35	492.20	477.24	484.34	507.67	488.54	477.83	509.32	481.65	492.91	494.01	492.34	499.60	497.30	498.60	499.86	473.12	473.98	474.28	DRY	DRY	485.45	492.80	489.80	491.93	495.53	493.77
9/14/2020	479.19	480.75	484.77	484.96	483.96	485.87	487.16	491.21	490.88	490.98	489.23	476.74	483.11	505.06	DRY	477.04	507.12	480.87	491.95	488.96	490.35	495.18	492.96	DRY	DRY	471.94	473.50	472.05	DRY	DRY	483.92	488.40	486.79	488.27	491.35	489.14
11/24/2020	480.27	480.94	484.93	484.98	485.22	485.66	487.33	494.57	490.45	491.10	489.44	476.83	483.26	506.51	491.16	477.28	508.09	481.12	491.26	489.57	491.04	498.51	495.59	DRY	DRY	471.96	473.59	473.22	DRY	477.07	484.43	488.73	486.88	488.59	492.86	489.71
5/5/2021	480.25	481.71	486.64	485.97	482.70	486.17	486.91	496.74	495.98	494.47	492.56	477.13	484.13	506.13	DRY	477.67	506.69	481.45	494.27	494.81	492.25	499.01	498.11	498.97	500.06	472.68	473.88	474.14	484.28	DRY	485.67	492.85	489.82	491.97	495.86	493.96
11/16/2021	480.55	481.69	485.66	485.66	485.01	486.33	487.90	491.87	492.18	493.03	491.27	477.53	484.32	507.19	491.54	477.94	508.59	481.68	492.40	493.11	491.81	499.96	496.42	DRY	500.13	472.76	474.11	473.98	486.35	477.21	485.24	491.43	489.00	490.88	495.29	492.42
5/4/2022	480.34	481.90	487.33	485.98	484.07	485.81	487.03	496.40	495.28	494.50	492.67	477.31	484.41	506.49	491.96	477.94	507.38	481.80	492.90	493.33	491.91	499.86	497.02	499.23	500.19	473.10	473.94	474.38	DRY	DRY	485.83	493.01	489.81	492.10	496.06	491.22
11/30/2022	480.06	481.00	484.82	484.82	483.12	485.52	487.04	490.65	489.83	491.47	491.01	476.96	483.78	506.16	492.16	477.59	507.82	481.43																		

**APPENDIX C**  
**2022 GROUNDWATER POTENTIOMETRIC**  
**CONTOUR MAPS**

OVERBURDEN WELLS

MW-20  
MW-27  
MW-59  
MW-92  
MW-93



LEGEND:

- MW-93 OVERBURDEN MONITORING WELL LOCATION
- MW-90 UPPER BEDROCK MONITORING WELL LOCATION
- MW-62 LOWER BEDROCK MONITORING WELL LOCATION
- SW-2 SURFACE WATER SAMPLE LOCATIONS
- EW9 EXTRACTION WELL LOCATION
- SUMP LOCATION
- LEACHATE COLLECTION SUMP LOCATION
- POWER POLE
- PIPING
- CULVERT
- OVERHEAD ELECTRICAL LINE

NOTES:

1. BASE MAP PREPARED FROM ELECTRONIC CAD FILE FROM CLIENT MADE BY "CONESTOGA-ROVERS & ASSOCIATES", DRAWING I.D. 07452-10(027)GN-NF002, DATED APRIL 10, 2003, AT A SCALE OF 1"= 150'.
2. ALL LOCATIONS ARE APPROXIMATE.
3. GROUNDWATER ELEVATION DATA OBTAINED MAY 4, 2022.

(506.13) GROUNDWATER ELEVATION (ft AMSL)

480 GROUNDWATER CONTOUR

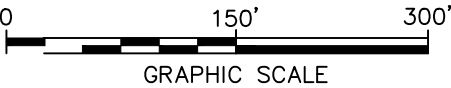


FIGURE C-1

FMC DUBLIN ROAD SITE ORLEANS COUNTY, NEW YORK

GROUNDWATER CONTOURS-  
MAY 2022 OVERBURDEN  
MONITORING ZONE

**PARSONS**

40 LA RIVIERE DRIVE, SUITE 350, BUFFALO, NEW YORK 14202 PHONE: 716-541-0730

OVERBURDEN WELLS

MW-20  
MW-27  
MW-59  
MW-92  
MW-93



LEGEND:

- MW-93 ● OVERBURDEN MONITORING WELL LOCATION
- MW-90 ● UPPER BEDROCK MONITORING WELL LOCATION
- MW-62 ▲ LOWER BEDROCK MONITORING WELL LOCATION
- SW-2 ▼ SURFACE WATER SAMPLE LOCATIONS
- EW9 ● EXTRACTION WELL LOCATION
- SUMP LOCATION
- LEACHATE COLLECTION SUMP LOCATION
- POWER POLE
- PIPING
- ===== CULVERT
- OH — OVERHEAD ELECTRICAL LINE

NOTES:

1. BASE MAP PREPARED FROM ELECTRONIC CAD FILE FROM CLIENT MADE BY "CONESTOGA-ROVERS & ASSOCIATES", DRAWING I.D. 07452-10(027)GN-NF002, DATED APRIL 10, 2003, AT A SCALE OF 1"= 150'.
2. ALL LOCATIONS ARE APPROXIMATE.
3. GROUNDWATER ELEVATION DATA OBTAINED NOVEMBER 30, 2022.

(506.13) GROUNDWATER ELEVATION (ft AMSL)

480 — GROUNDWATER CONTOUR

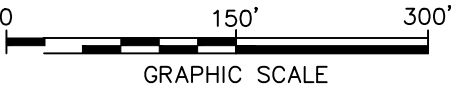


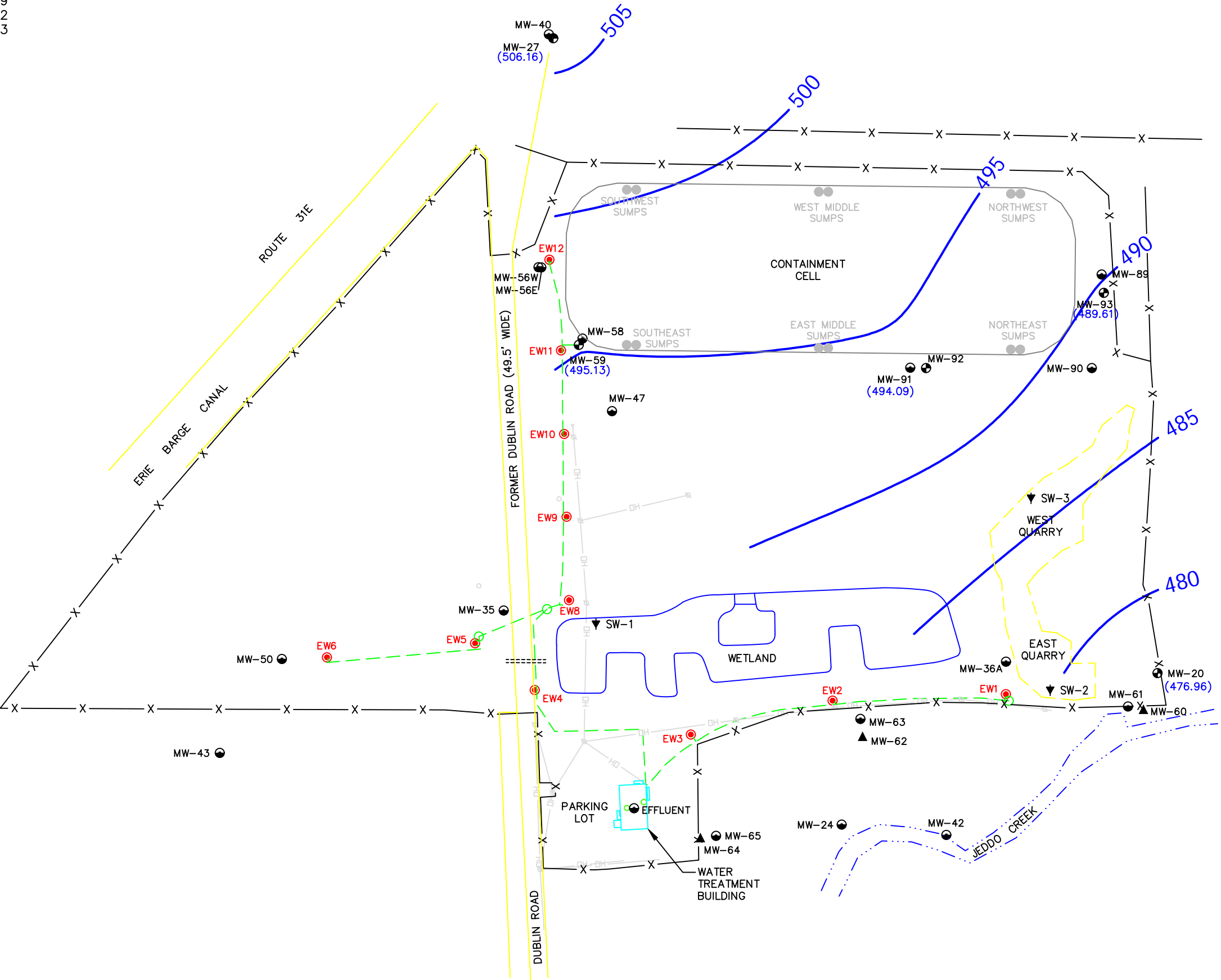
FIGURE C-2

FMC DUBLIN ROAD SITE ORLEANS COUNTY, NEW YORK

GROUNDWATER CONTOURS-  
NOVEMBER 2022 OVERBURDEN  
MONITORING ZONE

PARSONS

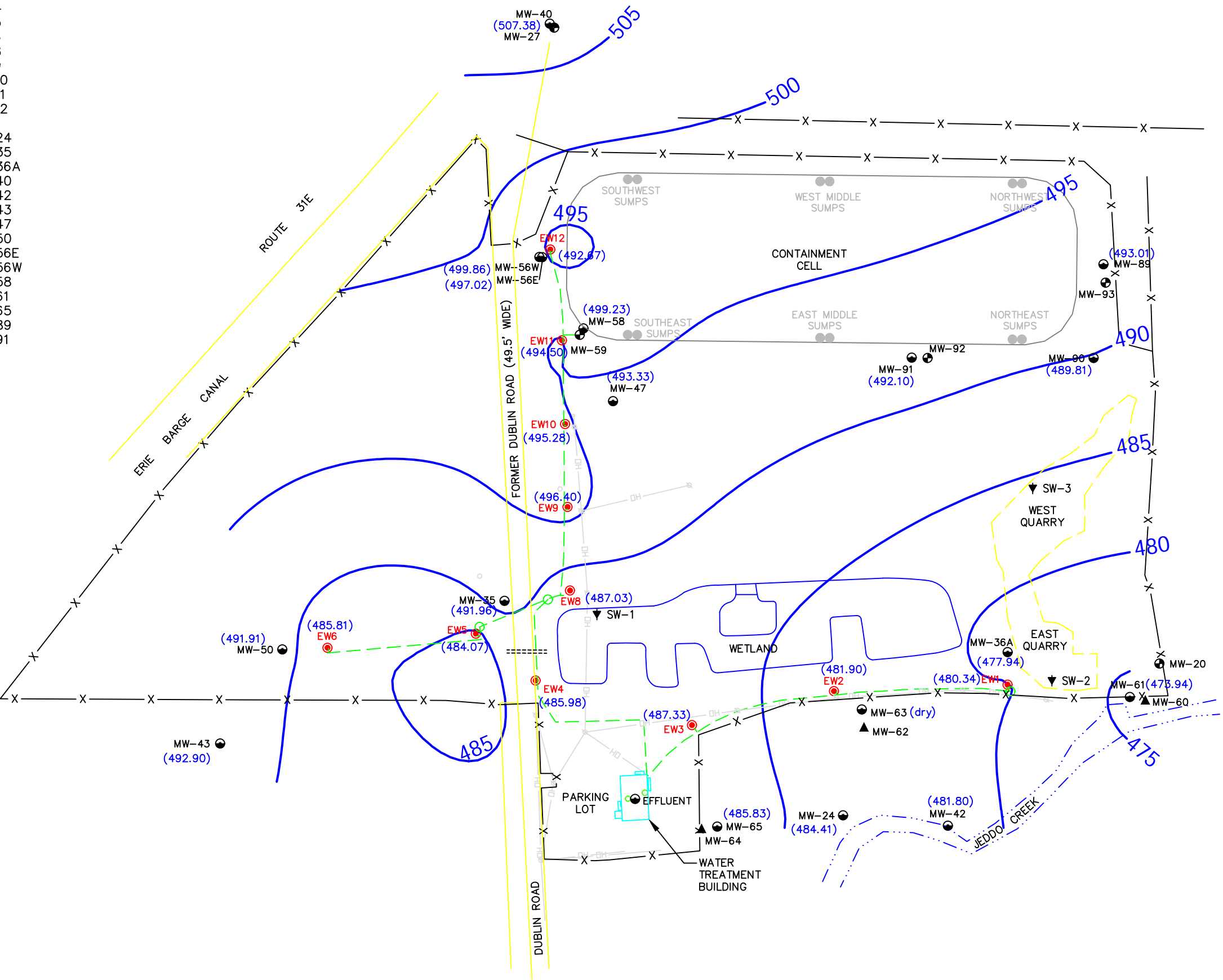
40 LA RIVIERE DRIVE, SUITE 350, BUFFALO, NEW YORK 14202 PHONE: 716-541-0730



UPPER BEDROCK WELLS

EW-1  
EW-2  
EW-3  
EW-4  
EW-5  
EW-6  
EW-8  
EW-9  
EW-10  
EW-11  
EW-12

MW-24  
MW-35  
MW-36A  
MW-40  
MW-42  
MW-43  
MW-47  
MW-50  
MW-56E  
MW-56W  
MW-58  
MW-61  
MW-65  
MW-89  
MW-91



LEGEND:

- MW-93 ● OVERBURDEN MONITORING WELL LOCATION
- MW-90 ● UPPER BEDROCK MONITORING WELL LOCATION
- MW-62 ▲ LOWER BEDROCK MONITORING WELL LOCATION
- SW-2 ▼ SURFACE WATER SAMPLE LOCATIONS
- EW9 ● EXTRACTION WELL LOCATION
- SUMP LOCATION
- LEACHATE COLLECTION SUMP LOCATION
- POWER POLE
- PIPING
- CULVERT
- DH— OVERHEAD ELECTRICAL LINE

NOTES:

1. BASE MAP PREPARED FROM ELECTRONIC CAD FILE FROM CLIENT MADE BY "CONESTOGA-ROVERS & ASSOCIATES", DRAWING I.D. 07452-10(027)GN-NF002, DATED APRIL 10, 2003, AT A SCALE OF 1"= 150'.
2. ALL LOCATIONS ARE APPROXIMATE.
3. GROUNDWATER ELEVATION DATA OBTAINED MAY 4, 2022.

(472.69) GROUNDWATER ELEVATION (ft AMSL)

475 — GROUNDWATER CONTOUR

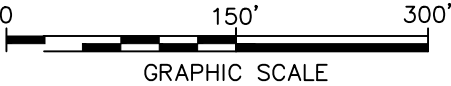


FIGURE C-3

FMC DUBLIN ROAD SITE ORLEANS COUNTY, NEW YORK

GROUNDWATER CONTOURS-  
MAY 2022 UPPER BEDROCK  
MONITORING ZONE

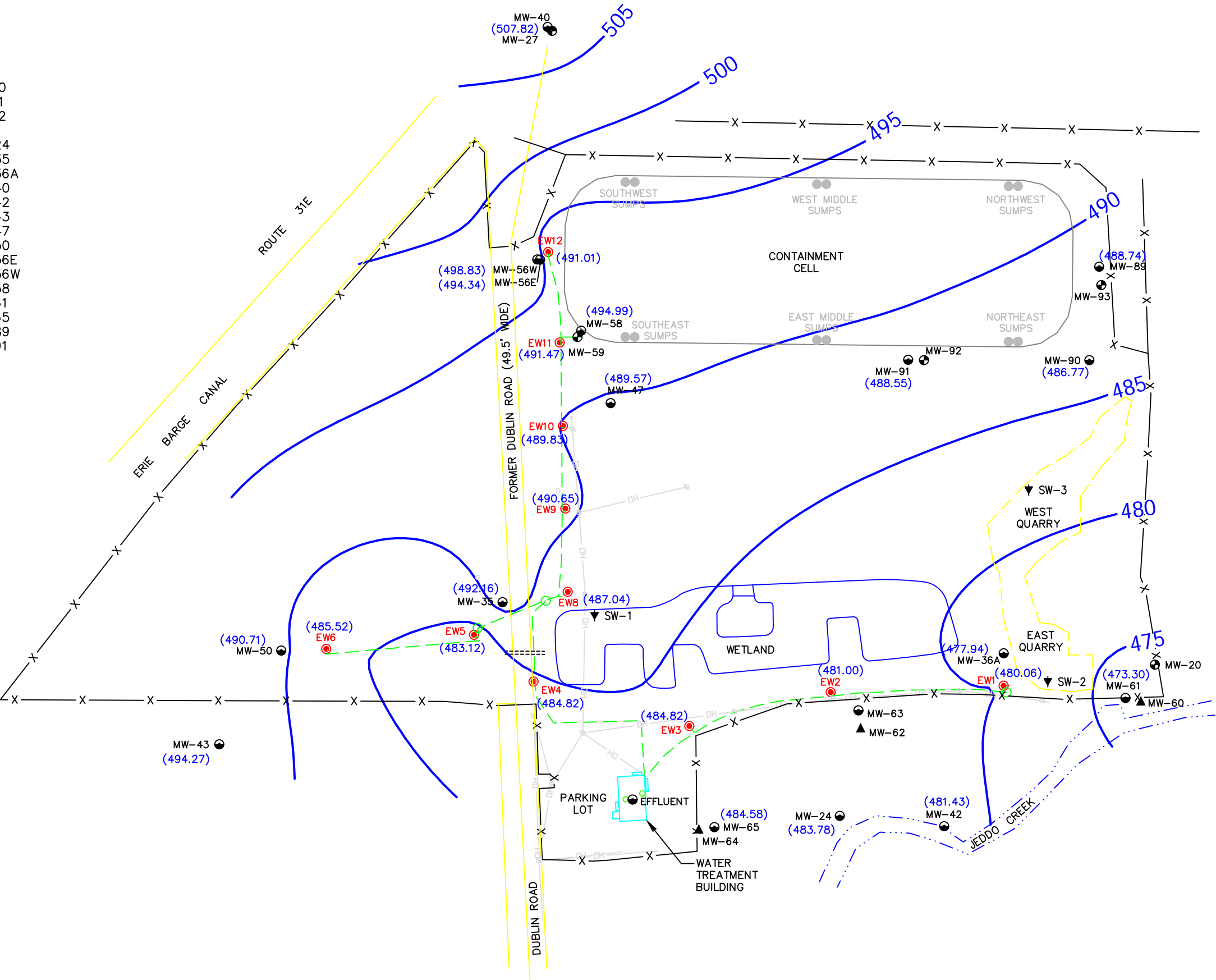
**PARSONS**

40 LA RIVIERE DRIVE, SUITE 350, BUFFALO, NEW YORK 14202 PHONE: 716-541-0730

UPPER BEDROCK WELLS

EW-1  
EW-2  
EW-3  
EW-4  
EW-5  
EW-6  
EW-8  
EW-9  
EW-10  
EW-11  
EW-12

MW-24  
MW-35  
MW-36A  
MW-40  
MW-42  
MW-43  
MW-47  
MW-50  
MW-56E  
MW-56W  
MW-58  
MW-61  
MW-65  
MW-89  
MW-91



LEGEND:

- MW-93 ● OVERBURDEN MONITORING WELL LOCATION
- MW-90 ● UPPER BEDROCK MONITORING WELL LOCATION
- MW-62 ▲ LOWER BEDROCK MONITORING WELL LOCATION
- SW-2 ▼ SURFACE WATER SAMPLE LOCATIONS
- EW9 ● EXTRACTION WELL LOCATION
- SUMP LOCATION
- LEACHATE COLLECTION SUMP LOCATION
- ⦿ POWER POLE
- PIPING
- CULVERT
- OH — OVERHEAD ELECTRICAL LINE

NOTES:

1. BASE MAP PREPARED FROM ELECTRONIC CAD FILE FROM CLIENT MADE BY "CONESTOGA-ROVERS & ASSOCIATES", DRAWING I.D. 07452-10(027)GN-NF002, DATED APRIL 10, 2003, AT A SCALE OF 1"= 150'.
2. ALL LOCATIONS ARE APPROXIMATE.
3. GROUNDWATER ELEVATION DATA OBTAINED NOVEMBER 30, 2022.

(489.82) GROUNDWATER ELEVATION (ft AMSL)

480 — GROUNDWATER CONTOUR

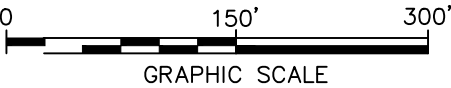


FIGURE C-4

FMC DUBLIN ROAD SITE ORLEANS COUNTY, NEW YORK

**GROUNDWATER CONTOURS-  
NOVEMBER 2022 UPPER BEDROCK  
MONITORING ZONE**

**PARSONS**

40 LA RIVIERE DRIVE, SUITE 350, BUFFALO, NEW YORK 14202 PHONE: 716-541-0730



**APPENDIX D**  
**INSTITUTIONAL AND ENGINEERING CONTROLS**  
**CERTIFICATION FORM (REPORTING PERIOD JANUARY 1,**  
**2022 TO DECEMBER 31, 2022)**



Enclosure 2  
**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**Site Management Periodic Review Report Notice**  
**Institutional and Engineering Controls Certification Form**



**Site Details**

**Box 1**

**Site No.** 837001

**Site Name** FMC Corporation

Site Address: Dublin Road      Zip Code: 14103  
City/Town: Shelby  
County: Orleans  
Site Acreage: 30.0

Reporting Period: January 1, 2021 through December 31, 2021

YES      NO

1. Is the information above correct?

☒      ☐

If NO, include handwritten above or on a separate sheet.

2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?

☐      ☒

3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?

☐      ☒

4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?

☐      ☒

**If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.**

5. Is the site currently undergoing development?

☐      ☒

**Box 2**

YES      NO

6. Is the current site use consistent with the use(s) listed below?  
Closed Landfill

☒      ☐

7. Are all ICs/ECs in place and functioning as designed?

☒      ☐

**IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and  
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

**A Corrective Measures Work Plan must be submitted along with this form to address these issues.**

\_\_\_\_\_  
Signature of Owner, Remedial Party or Designated Representative

\_\_\_\_\_  
Date

**Description of Institutional Controls**ParcelOwnerInstitutional Control**78-3-23**

FMC Corporation

Site Management Plan

## institutional controls:

- Environmental Easement/Deed Restriction (recorded June 29 2015).
- 1993 ROD
- 1996 O&M Plan:

## engineering control:

- wastes and soils excavated,treated, dewatered, and deposited in Part 360 cell
- cover with Part 360 cover system
- Restored wet land
- Fence to restrict access.

**Description of Engineering Controls**ParcelEngineering Control**78-3-23**Fencing/Access Control  
Cover System

Part 360 containment cell

Fencing  
Monitoring wells

### Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

☒ ☐

2. If this site has an IC/EC Plan (or equivalent as required in the Decision Document), for each Institutional or Engineering control listed in Boxes 3 and/or 4, I certify by checking "YES" below that all of the following statements are true:

(a) the Institutional Control and/or Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

☒ ☐

**IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and  
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

**A Corrective Measures Work Plan must be submitted along with this form to address these issues.**

\_\_\_\_\_  
Signature of Owner, Remedial Party or Designated Representative

\_\_\_\_\_  
Date

**IC Certifications**  
**Site No. 837001**

**BOX 6**

**SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE**

I certify that all information and Statements in Box 1, 2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Chris Moretti at 2929 Walnut Street, Philadelphia, PA 19104  
print name print business address

Am certifying as a Manager, Environmental Remediation, FMC Corporation, for the Site named in the Site Details Section of this form.

Chris Moretti  
Signature of Owner, Remedial Party, of Designated Representative rendering Certification

11/24/23  
Date

**IC/EC Certifications**

**BOX 7**

**Qualified Environmental Professional Signature**

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Jeffrey Poulsen  
print name

at Parsons, 301 Plainfield Road, Syracuse, NY 13212  
print business address

Am certifying as a Qualified Environmental Professional for the FMC Corporation  
(Owner or Remedial Party)





Signature of Qualified Environmental Professional, for  
the Owner or Remedial Party, Rendering Certification.

Stamp  
(Required for PE)

1/23/2023

Date

**APPENDIX E**  
**2015 SITE ENVIRONMENTAL EASEMENT**

65249  
65248

Orleans County  
Karen Lake-Maynard County Clerk  
3 South Main Street Courthouse Square  
Albion NY 14411

Volm-850 Pg-4707

Instrument Number: 2015- 00085723

As

Recorded On: June 29, 2015

Easement

Parties: FMC CORPORATION

To

PEOPLE OF THE STATE OF NEW YORK

Billable Pages: 14

Recorded By: STEWART TITLE

Num Of Pages: 15

Comment: RID/SHE

**\*\* Examined and Charged as Follows: \*\***

Easement	110.00	Coversheet	5.00	TP584 Affidavit	5.00
Recording Charge:	120.00				
	Amount	Consideration Amount	RS#/CS#		
Tax-Transfer	0.00	0.00	1073	Basic	0.00
RIDGEWAY				Local	0.00
				Additional	0.00
				Special Additional	0.00
				Transfer	0.00
Tax Charge:	0.00				

**\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\***

I hereby certify that the within and foregoing was recorded in the Clerk's Office For: Orleans County,

**File Information:**

**Record and Return To:**

Document Number: 2015- 00085723

STEWART TITLE

Receipt Number: 242402

Recorded Date/Time: June 29, 2015 10:41:12A

Book-Vol/Pg: Bk-D VI-850 Pg-4707

Cashier / Station: D Shampine / Cashier Station 2

Liber: 850 PG: 4707  
Jun 29, 2015 10:41A  
INST #: 00085723  
ORLEANS COUNTY CLERK  
Karen Lake-Maynard



*Karen Lake-Maynard*  
Karen Lake-Maynard  
Orleans County Clerk



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**DECLARATION OF COVENANTS, RESTRICTIONS AND  
ENVIRONMENTAL EASEMENT**

This Declaration of Covenants, Restrictions and Environmental Easement ("DCR & EE") is made this 12<sup>th</sup> day of June, 2015, by and between the FMC Corporation, a Delaware corporation, having an address of 1735 Market Street, Philadelphia, PA 19103 ("Grantor"), and the People of the State of New York, acting through their Commissioner of the New York State Department of Environmental Conservation ("NYSDEC") with its Central Office, located at 625 Broadway, Albany, New York 12233 ("Grantee").

WITNESSETH:

WHEREAS, Grantor is the owner of a parcel of land located in the Towns of Ridgeway and Shelby, County of Orleans, State of New York, more particularly described in Exhibit A, attached hereto and made a part hereof, together with any buildings and improvements thereon and appurtenances thereto (the "Property"); and

WHEREAS, the Property is part of the FMC Dublin Road Superfund Site ("Site") (EPA ID No.: NYD 00511857; NYSDEC Site No.: 8-37-001), the location of an industrial and solid waste landfill that the United States 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 May of 1986; and

WHEREAS, in a Record of Decision dated March 1993 ("ROD"), as modified by an Explanation of Significant Differences ("ESD") dated July 1995, the NYSDEC selected, and the EPA concurred with, a response action for the Site, which was chosen in accordance with CERCLA and the New York State Environmental Conservation Law ("ECL"), and provided, in part, for the following actions:

- (i) excavation and stabilization of contaminated soils and sediments,
- (ii) construction of an on-Site containment cell,
- (iii) groundwater pumping and treatment,
- (iv) deposition of stabilized material in the containment cell,
- (v) wetlands reconstruction, and
- (vi) placement of deed restrictions on the Site property, in accordance with an EPA and NYSDEC-approved Site Management Plan ("SMP").

A copy of the SMP must be obtained by any party with an interest in the property. The SMP may be obtained 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](mailto:derweb@gw.dec.state.ny.us); and

WHEREAS, the construction activities associated with the remedial action have been completed at the Site and long term monitoring activities are ongoing; and

WHEREAS, the parties hereto have agreed, pursuant to the terms of Administrative Order on Consent, Index No. B8-0013-84-01, dated February 9, 1988, as amended on January 16, 1992, ("Administrative Order"), that Grantor shall grant to the Grantee a permanent Declaration of Covenants, Restrictions and Environmental Easement, including but not limited to: a) providing a right of access over the Property to the Grantee for purposes of implementing, facilitating and monitoring the response action; and b) impose on the Property use restrictions that will run with the land for the purpose of 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, for ten dollars and other good and valuable consideration, receipt whereof is hereby acknowledged, does hereby give, grant, covenant and declare in favor of the Grantee that the Property shall be subject to this DCR & EE, 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 Property.
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: 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. Groundwater underlying the Property shall not be extracted, consumed, exposed or utilized in any way, except as is necessary to comply with the Operations and Maintenance Plan for Remedial Activities at the FMC Dublin Road Site ("O&M Plan"), dated October 1996, the SMP, dated February 2014, and any subsequent revisions to those documents approved in writing by the NYSDEC and, if required, by the EPA, including sampling for the monitoring of contamination levels pursuant to the ROD, and/or treatment and discharge consistent with the ROD, as amended by the ESD, or unless sampling and analysis demonstrates to NYSDEC's satisfaction that the groundwater meets applicable groundwater quality standards.

b. There shall be no disturbance of the surface of the land on which the containment cell and associated structures are located, nor shall there be any activities undertaken which would

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disturb, penetrate, pierce, or otherwise breach the integrity of the containment cell, except as is necessary to comply with the O&M Plan and the SMP.

c. There shall be no activities that would interfere with or adversely affect the maintenance or integrity or protectiveness of the containment cell and associated structures, the restored wetlands, the fencing around the Property, and the groundwater extraction and treatment system, except as is required to comply with the O&M Plan and the SMP. The remedy may be modified in the future, if necessary and in accordance with relevant guidance on post-ROD remedy changes, CERCLA and the National Oil and Hazardous Substances Pollution Contingency Plan.

4. Modification or termination of covenants, restrictions, and easement: The restrictions and easement 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 NYSDEC and EPA 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: Grantor hereby convey to Grantee a right of access to the Property at all reasonable times for the following purposes, which shall run with the land and be binding on Grantor, its successors and/or assigns, and on any tenants or any other parties having an interest in and/or rights to the Property:
  - a) Implementing the response actions in the ROD, as modified by the ESD;
  - 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 or the ECL relating to contamination on or near the Site, including, without limitation, sampling of air, water, sediments, and/or soils; and
  - e) Implementing additional or new response actions under CERCLA or the ECL.
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.

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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 ECL, 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 June 12, 2015, RECORDED IN THE ORLEANS COUNTY CLERK'S OFFICE ON June 29, 2015, IN BOOK 850, PAGE 4707, 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.

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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:

Director, Environment  
FMC Corporation  
1735 Market Street  
Philadelphia, PA 19103

General Counsel  
FMC Corporation  
1735 Market Street  
Philadelphia, PA 19103

To Grantee:

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

NYS Department of Environmental Conservation  
Division of Environmental Remediation  
Site Control  
625 Broadway  
Albany, NY 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: FMC Dublin Road Superfund Site Remedial Project Manager  
290 Broadway, 20<sup>th</sup> Floor  
New York, NY 10007-1866

U.S. Environmental Protection Agency  
Office of Regional Counsel  
Attention: FMC Dublin Road Superfund Site Attorney  
290 Broadway, 17<sup>th</sup> Floor  
New York, NY 10007-1866

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16. General provisions:

- a) Controlling law: The interpretation and performance of this instrument shall, with respect to the Declaration of Covenants, Restrictions, and 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 affect 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 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

County: Orleans

Site No: NYD000511857  
NYSDEC Site No.: 8-37-001

Order No: B8-0013-84-01, Feb. 9, 1988,  
as amended on Jan. 16, 1992

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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.

County: Orleans

Site No: NYD000511857  
NYSDEC Site No.: 8-37-001

Order No: B8-0013-84-01, Feb. 9, 1988,  
as amended on Jan. 16, 1992

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 12<sup>th</sup> day of June, 2015.

GRANTOR: FMC Corporation

By:


Robert T. Forbes

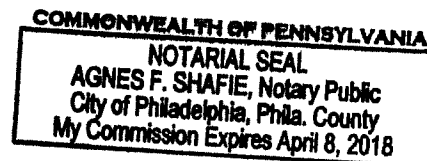
**Title: Director, EHS Remediation/Governance**

## Grantor's Acknowledgment

COMMONWEALTH OF PENNSYLVANIA           )  
   )       SS:  
COUNTY OF PHILADELPHIA                 )

On the 12<sup>th</sup> day of June, in the year 2015, before me, the undersigned, personally appeared Robert T. Forbes, 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 Director, EHS Remediation/Governance of FMC Corporation, and that by his signature on the instrument, the Grantor FMC Corporation, upon behalf of which the individual acted, executed the instrument.

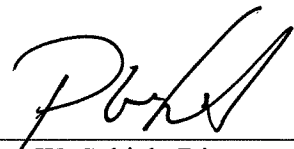
  
Notary Public - Commonwealth of  
Pennsylvania



LIBER: 850 PAGE: 4715



**THIS DECLARATION OF COVENANTS, RESTRICTIONS AND ENVIRONMENTAL EASEMENT 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

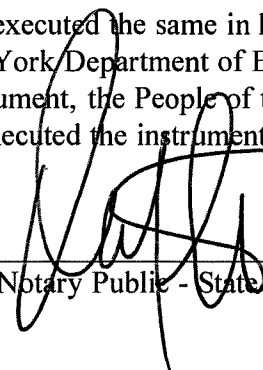
Date: June 17, 2015

**Grantee's Acknowledgment**

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

On the 17 day of June, in the year 2015, before me, the undersigned, 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.

**David J. Chiusano**  
Notary Public, State of New York  
No. 01CH5032146  
Qualified in Schenectady County  
Commission Expires August 22, 2018

  
Notary Public - State of New York

Attachments: Exhibit A: **Description of Property**

Exhibit B: **Description of Portions of Property Where Development or Use  
has been Restricted**

**EXHIBIT A**  
**Property Description**  
**FMC Dublin Road Superfund Site**

**Legal Descriptions – Shelby Parcels**

**PARCEL A**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Shelby, County of Orleans and State of New York, being part of Lot No. 40, Township 14, Range 4 of the Holland Land Company's Survey, being a triangular piece of real property bounded as follows:

On the southwest by the northerly line of lands appropriated by the State of New York from Frank V. E. Bardol for purposes of the Barge Canal so-called, as said line is shown upon a map made a part of said appropriation proceeding and filed in the Office of the Clerk of the County of Orleans and which proceeding was duly recorded in the Office of the Clerk of Orleans County in Liber 148 of Deeds at page 159; on the north by the center line of the old State Road leading westerly from Shelby Basin along the northerly side of the Barge Canal which center line of the northerly line of Township 14 and Range 4; and on the east by the westerly line of lands conveyed to Ed Levenduski and wife by deed recorded in the Office of the Clerk of Orleans County in Liber 129 of Deeds at page 64; excepting so much of said premises as has been appropriated by the State of New York for purposes of the Barge Canal so-called.

**PARCEL B**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Shelby, County of Orleans and State of New York, known as part of Lot No. 40 in the Fourteenth Township and Fourth Range of the Holland Land Company's land as surveyed by Joseph Ellicott, bounded and described as follows:

COMMENCING at a point in the center of the State Road at the northeast corner of land conveyed by Daniel Bidleman to Fanny Tibbits; from thence southerly bounding on said land, seven (7) chains, thirty-two (32) links to a post nineteen (19) feet from the inner slope of the towing path; from thence easterly one (1) chain, seventy-four (74) links, to a post nineteen (19) feet from the inner slope of the towing path; from thence northerly eight (8) chains and fifty-four (54) links to a post in the center of the State Road; from thence westerly one (1) chain, seventy-six and one-half (76 ½) links, to the place of beginning, containing one (1) acre, be the same more or less; excepting and reserving from the above described premises all that part thereof conveyed by Ed Levenduski and Anna Levenduski, his wife, to the State of New York by deed dated December 5, 1909, and recorded December 15, 1909, in Book 142 of Deeds at page 45 in the Orleans County Clerk's Office.

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PARCELC

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Shelby, County of Orleans and State of New York, being a part of Lot No. 40, bounded on the east by lands owned by Mrs. John Moriarty; south by the Erie Canal; west by lands owned by John LeValley and wife to Patrick Ready; on the north to the center of the State Road, containing five (5) acres and forty-five hundredths (.45) of an acre, be the same more or less; excepting and reserving from the said premises all that part heretofore conveyed by Lawrence Hoffman and wife to the State of New York by deed dated September 29, 1909, and recorded in the Orleans County Clerk's Office September 29, 1909, in Book 139 of Deeds at page 584.

## PARCEL D

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Ridgeway, County of Orleans and State of New York, being part of Lot No. 29, Township 15, Range 4 of the Holland Land Company purchase described as follows:

BEGINNING at a point in the southerly line of said Lot No. 29, in the center line of the State Road 28 chains, 82 links (1902.12 feet) east of the southwest corner of said Lot No. 29, measured along the southerly line of said lot; running thence northerly on a line parallel to the west line of said Lot No. 29, 909.6 feet; thence easterly on a line parallel to the southerly line of said Lot No. 29, 1036.2 feet to the easterly boundary of land owned by Eugene J. Dye; thence southerly along said easterly boundary and parallel to the westerly line of said Lot No. 29, 909.6 feet to the southerly line of said Lot No. 29; thence westerly along the southerly line of said Lot No. 29, 1036.2 feet to the point of beginning, excepting from the above described premises about 2/10ths of an acre of land which has been appropriated by the State of New York for canal or highway purposes, leaving 21.4 acres of land hereby conveyed.

EXCEPTING lands appropriated by the State of New York in the following Libers: 139 of Deeds at Page 170; 139 of Deeds at Page 583; 139 of Deeds at Page 584; 142 of Deeds at Page 46; 148 of Deeds at Page 159; 148 of Deeds at Page 164; 150 of Deeds at Page 207 and 150 of Deeds at Page 212.

ALSO EXCEPTING any land lying south of the New York State Barge Canal.

**EXHIBIT B**  
**Property Description**  
**Where Development or Use has been Restricted**  
**FMC Dublin Road Superfund Site**

**Surveyors Description for Declaration of Covenants, Restrictions & Environmental Easement Area**

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Ridgeway and the Town of Shelby, County of Orleans and State of New York, being part of Lot 29 Township 15 Range 4 and Lot 40, Township 14 Range 4 of the Holland Land Company Purchase described as follows:

Commencing at a point in the southerly line of Lot 29, in the center line of the State Road (Dublin Road) 28 chains 82 links (1902.12 feet from the south west corner of Lot 29, measured along the south line of said Lot;

Thence northerly on a line parallel with the west line of Lot 29 a distance of 70.16 to the northwest corner of lands appropriated by the State of New York from Frank V. Bardol, Parcel 1602-A-1 Liber 148, Page 159, said point being the POINT OR PLACE OF BEGINNING;

Thence along a line parallel with the west line of Lot 29 N 1°07'54" E a distance of 840.14 feet to the north west corner of lands conveyed to Niagara Sprayer & Chemical Co. Liber 205, Page 588;

Thence along the north line of Niagara Sprayer & Chemical Co. and parallel to the south line of Lot 29, N 86°56'41" E a distance of 1036.33 feet to a point on the easterly line formerly of Eugene J. Dye;

Thence along the easterly line of Eugene Dye and parallel to the west line of Lot 29 S 1°07'54" W a distance of 909.60 feet to a point on the south line of Lot 29 and the center line of State Road (Dublin Road), said line also being the north line of Lot 40, Township 14, Range 4;

Thence along the south line of Lot 29, Township 15, Range 4 and the north line of Lot 40, Township 14, Range 4 and the center line of State Road (Dublin Road) S 87°03'34" W a distance of 219.38 feet to the west line of lands conveyed to the Village of Middleport Liber 180, Page 318;

Thence along the west line of lands conveyed to the Village of Middleport S 0°18'51" W a distance of 722.14 feet to the north line of lands appropriated by the State of New York from Lawrence Hoffman, Parcel 1601, Liber 139, Page 584;

Thence along the north line of appropriated lands N 52°00'31" W a distance of 427.02 feet to the northwest corner of appropriated lands Parcel 1601, said point also being the north east corner of lands appropriated by the State of New York from Ed & Anna Levenduski, Parcel 1416, Liber 142, Page 45;

Thence along the north line of appropriated Parcel 1416, N 47°47'30" W a distance of 114.82 feet to the north west corner of appropriated Parcel 146, said point also being the north east corner of lands appropriated by the state of New York From Frank V. Bardol, Parcel 1602-A-2, Liber 148, Page 159;

Thence along the north line of appropriated Parcel 1602-A-2 N 47°59'31" W a distance of 485.83 feet to the North West corner of appropriated Parcel 1602-A-2;

Thence N 47°50'01" E a distance of 22.80 feet to a point on the south line of Lot 29, the center line of State Road (Dublin Road) the north line of Lot 40, Township 14, Range 4 and the south line of lands appropriated by the State of New York From Frank V. Bardol, Parcel 1602-A-1, Liber 148, Page 159;

Thence along the south line of Lot 29, the center line of State Road (Dublin Road), and the north line of Lot 40, Township 14, Range 4 and the south line of appropriated parcel 1602-A-1 N 87°09'59" E a distance of 127.78 feet to the south east corner of appropriated parcel 1602-A-1;

Thence along the east line of appropriated Parcel 1602-A-1 N 0°50'03" E a distance of 28.64 feet to the north east corner of appropriated Parcel 1602-A-1;

Thence along the north line of appropriated Parcel 1602-A-1 N 79°26'26" W a distance of 175.77 feet and the POINT OR PLACE OF BEGINNING.

The above described parcel contains ± 28.234 acres (1229863.259 sq. ft.)

Being the same piece or parcel of land as described in Deed dated February 4, 1946 from Niagara Sprayer and Chemical Co., Inc., recorded on November 29, 1947 in Book 224 at page 4 in the Orleans County Clerk's Office.

County: Orleans

Site No: NYD000511857  
NYSDEC Site No.: 8-37-001

Order No: B8-0013-84-01, Feb. 9, 1988,  
as amended on Jan. 16, 1992

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(See attached As-Built Survey of Property depicting restricted-use areas)

