

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

Volm-846 Pg-358

Instrument Number: 2013- 00077694

As

Recorded On: August 16, 2013

Miscellaneous Recording

Parties: NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

To

Billable Pages: 5

Recorded By: THOMAS E CORSI

Num Of Pages: 6

Comment: ENVIRONMENTAL NOTICE

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

Miscellaneous Recording	65.00	Coversheet	5.00
Recording Charge:	70.00		

Liber: 846 PG: 358
Aug 16, 2013 01:42P
INST #: 00077694
ORLEANS COUNTY CLERK
Karen Lake-Maynard

**** 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: 2013- 00077694	THOMAS E CORSI
Receipt Number: 213266	61 PALM STREET
Recorded Date/Time: August 16, 2013 01:42:43P	LACKAWANNA NY 14218
Book-Vol/Pg: Bk-D VI-846 Pg-358	
Cashier / Station: V Niederhofer / Cashier Station 1	



Karen Lake-Maynard
Karen Lake-Maynard
Orleans County Clerk

ENVIRONMENTAL NOTICE

THIS ENVIRONMENTAL NOTICE is made the 8th day of August 2013, by the New York State Department of Environmental Conservation (Department), having an office for the transaction of business at 625 Broadway, Albany, New York 12233

WHEREAS, a parcel of real property indentified as McKenna Landfill (Site 837003), located north of Yaeger Road in the Village of Albion, County of Orleans, State of New York, which is part of lands conveyed by John M. Gavigan and Fred F. Gavigan to Allen J. McKenna by deed dated March 10, 1958 and recorded in the Orleans County Clerk's Office on March 12, 1958 in Liber 284 of Deeds at Page 269 and being more particularly described in Appendix "A", attached to this noticed and made a part hereof, and hereinafter referred to as "the Property" is the subject of a remedial program under the Department's State Superfund Program.

WHEREAS, the Department approved a cleanup to address contamination disposed at the Property and such cleanup was conditioned upon certain limitations.

NOW, THEREFORE, the Department provides notice that:

FIRST, the Property subject to this Environmental Notice is as shown on a map attached to this Notice 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 Sate 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 disturbance or excavation of the Property which threatens the integrity of the engineering controls or which results or may result in a significantly increased threat of harm or damage at any site as a result of exposure to soils. A violation of this provision is a violation of 6 NYCRR 375-1.11(b)(2).

THIRD, no person shall disturb, remove, or otherwise interfere with the installation, use, operations, and maintenance of engineering controls required for the Remedy, including but not limited to those engineering controls described in the SMP, unless in each instance they first obtain a written waiver of such prohibition from the Department or Relevant Agency.

FOURTH, the remedy was designed to be protective for the following use: Commercial and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iii). The current land use is as a closed landfill. Therefore, any use for purposes other than Commercial and Industrial without the express written waiver of such prohibition by the Relevant Agency may result in a significantly increased threat of harm or damage at any site.

FIFTH, no person shall use 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. Use of the groundwater without appropriate treatment may result in a significantly increased threat of harm or damage at any site.

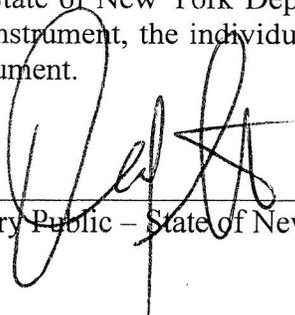
SIXTH, it is a violation of 6 NYCRR 375-1.11(b) to use the Property in a manner inconsistent with this environmental notice.

IN WITNESS WHEREOF, the undersigned, acting by and through the Department of Environmental Conservation as Designee of the Commissioner, has executed this instrument the day written below.

By: 
Michael J. Ryan, P.E.
Assistant Director
Division of Environmental Remediation

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

On the 8th day of August, in the year 2013, before me, the undersigned, personally appeared Michael J. Ryan, 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 individual, or the person upon behalf of which individual acted, executed the instrument.



Notary Public - State of New York

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

Appendix A Metes and Bounds Description

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF ALBION, County of Orleans and State of New York and being the northeast part of lot No. 3, Township 15, Range 1 of the Holland Land Company's Land, bounded east by the eastern transit meridian line 30 chains 6 links; south by land deeded to George F. Hetsler, 33 chains 27 links; west by land deeded to Thomas Plues 30 chains 6 links and north by lot number four, 33 chains, 27 links. Containing 100 acres more or less.

EXCEPTING AND RESERVING there from land conveyed to Lewis M. Butts by deed recorded in Book 9 of Deeds at page 509 in the Orleans County Clerk's Office, the quantity of land so conveyed and excepted and hereby being one-quarter of an acre.

ALSO EXCEPTING AND RESERVING there from the premises conveyed to William Newsome and Edward F. Fancher by Deed recorded in Orleans County Clerk's Office in Book 115 of Deeds at page 343, the quantity thereby conveyed being given as about Five and 75/100 acres.

ALSO EXCEPTING AND RESERVING from said land so hereby conveyed the land described in a Deed to the Medina Quarry Company by Deed recorded in Book 123 of Deeds at Page 551 in the Orleans County Clerk's Office, the land therein described being given as twenty-five acres more or less.

ALSO EXCEPTING AND RESERVING there from a parcel of land described in a certain Canal appropriation made by the State of New York and recorded in Book 146 of Deeds at page 493, the land thereby appropriated being two and 577/1000 acres.

ALSO EXCEPTING AND RESERVING there from certain other lands appropriated by the State of New York and said appropriation being in Book 146 of Deeds at page 497 and the land therein described being given as one and 788/1000 acres.

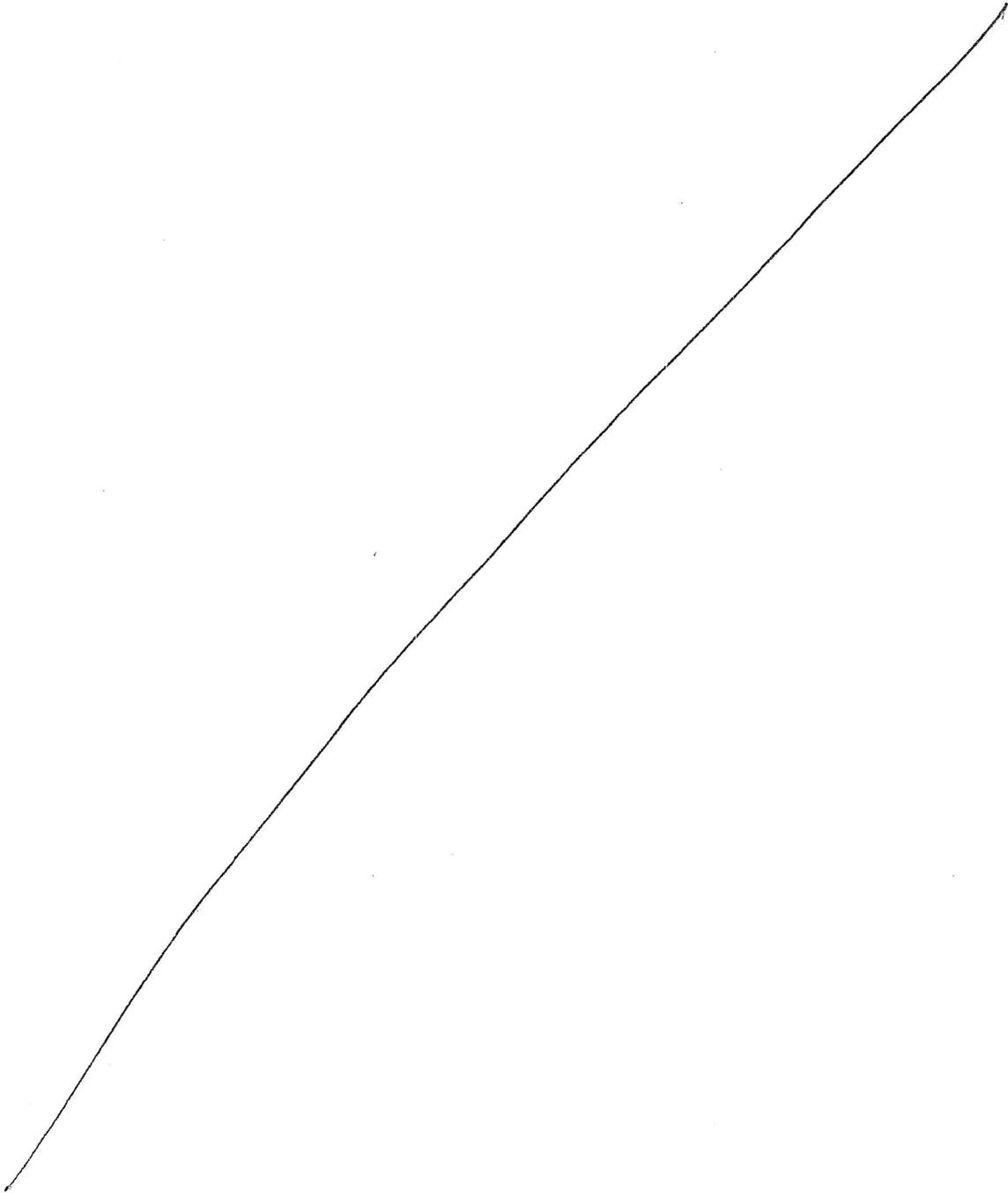
The land hereby conveyed all lying south of the Erie Canal and is subject to whatever additional rights the State of New York has for canal purposes not shown in the above mentioned appropriations and also subject to the rights that the public may have in an east and west highway running across said farm but not used to any extent as a highway at the present time.

ALSO EXCEPTING AND RESERVING there from the premises conveyed to Alan J. McKenna, Jr. and Bernice McKenna by Deed recorded in the Orleans County Clerk's Office in Book 349 of Deeds, page 14 and the premises conveyed to John N. Smith and Irene M. Smith by Deed recorded in the Orleans County Clerk's Office in Book 404 of Deeds, page 79.

ALSO EXCEPTING AND RESERVING there from the premises conveyed to the Orleans Sanitary Landfill, Inc. by Deed recorded in the Orleans County Clerk's Office in Book 403 of Deeds, page 16. Being the same premises conveyed to Allen J. McKenna by Warranty Deed from John M. Gavigan and Fred F. Gavigan, dated March 10, 1958, and recorded March 12, 1958, in the Orleans County Clerk's Office in Liber 284 of Deeds at Page 269.

McKenna Landfill
Site No. 837003
North of Yaeger Road
Albion, Orleans County, NY
Tax Map ID: 74.-2-4.1

Appendix B
Map





Appendix B - McKenna Landfill, Site ID No. 8-37-003
The Environmental Notice Pertains to Parcel 74.-2-4.1