

INTERIM REMEDIAL ACTION REPORT

RIVERFRONT SUPERFUND SITE

OPERABLE UNIT 3

(Old City Dump)

NEW HAVEN, MISSOURI

EPA ID NUMBER MOD981720246

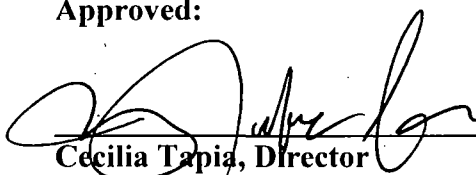
U. S. Environmental Protection Agency

Region 7

Kansas City, Kansas

July 2009

Approved:



**Cecilia Tapia, Director
Superfund Division**

7-2-09

Date

30029981



Superfund

I. INTRODUCTION

The Riverfront site, Operable Unit 3 (OU 3), the Old City Dump (Site), is located on the north side of Highway 100 in the southeastern part of New Haven, Missouri. New Haven (population 2,000) is located along the southern bank of the Missouri River in Franklin County, Missouri, approximately 50 miles west of St. Louis, Missouri (Figure 1-1). The Comprehensive Environmental Response, Compensation, and Liability Information System Identification Number is MOD981720246. The lead agency for the Site is the U. S. Environmental Protection Agency (EPA). The Missouri Department of Natural Resources (MDNR) is the support agency.

OU 3 is located just north of State Highway 100, in the southeastern part of New Haven. No roads or buildings are present on the Site. The entrance to the Old City Dump is immediately off State Highway 100. Although the dump is now closed to the public, the city of New Haven uses it for the disposal of yard wastes and demolition debris. The dump is situated at the upper end of a steep ravine. The north face is steep (about a 45 percent slope) and about 20-35 feet above the original land surface. The fill height gradually decreases away from the middle of the north face and along the west and east sides. The Old City Dump surface blends into the natural topography along the southwestern part of the Site, but the east side remains about 5-10 feet above the natural land surface. The area immediately north and west of the dump is covered by dense woods composed of a mixture of deciduous trees. There are ephemeral (intermittent) surface water seeps from the sloped faces of the dump (Figure 2).

II. OPERABLE UNIT BACKGROUND

The Old City Dump was generally an unrestricted dump for the disposal of household, industrial, and demolition wastes during the period of the mid-1950s to 1974. Industrial wastes from the manufacturing of tents were also purportedly placed in the dump. These wastes may have included unused dyes, flammable solvents, chlorinated solvents, waterproofing compounds, waste fabrics, and other assorted wastes. The liquid contents of drums were routinely burned on-site. Wastes were pushed into the ravine until the entire upper end of the ravine was filled. Currently, the Site is used as a compost facility and for storage of bulk road materials for the New Haven City Utilities Department. Unrestricted use of the Site continued until 1974. After 1974, only the city of New Haven used the dump. It was used for the disposal of demolition debris from utility excavations and road maintenance and the disposal of yard waste. Currently, the area is used as a yard waste/gravel storage and compost site.

A Preliminary Assessment was conducted by MDNR in July 1987 and a Site Investigation was completed by MDNR in November 1988. An Expanded Site Investigation (ESI) was completed by EPA in January 1994 under the Alternative Remedial Contracting Strategy. An ESI/Remedial Investigation (RI) was completed by the U.S. Geological Survey (USGS) on behalf of EPA in January 2001.

EPA began an RI in June 2000 and focused this effort at OU 1, the Front Street site, and OU 3, the Old City Dump. A Feasibility Study of these two areas began in the summer 2002 and was completed in September 2003. There had been no previous response actions at OU 3. Information gathered by EPA has not revealed any Potentially Responsible Parties (PRPs) for OU 3 other than the city of New Haven.

RI field activities included the sampling of groundwater, surface water seeps, streams, vegetation, and nearby domestic wells. Trace concentrations of tetrachloroethene (PCE) (0.23 to 1.01 micrograms per kilograms or parts per billion) were detected in trees growing through the fill material on the toe of the slopes of the dump. None of the samples from nearby domestic wells or springs contained detectable concentrations of PCE. Only trace amounts of PCE were detected in a monitoring well, one stream sample, and one seep sample. There are four domestic wells within 2,000 feet of OU 3. None of the wells are downgradient (northeast) of the dump. The nearest downgradient domestic well is approximately one mile away. All domestic wells in the vicinity of the dump have been sampled for a variety of contaminants—none of which have been detected.

The RI was completed in January 2003 and the Record of Decision (ROD) for OU 3 was signed in August 2003. The ROD presented the response action necessary to protect the public health or welfare or the environment from the actual or threatened release of hazardous substances into the environment at OU 3.

The Remedial Action Objectives for OU 3 are to minimize human contact with contaminated groundwater and surface water. An institutional control in the form of an Environmental Covenant which imposes activity and use limitations on the Site and provides notice to future site owners of the presence of hazardous substances has been placed on the Site by the city of New Haven. This institutional control should be effective in preventing human exposures to the minimally contaminated seeps and surface water and maintain the Site's current use (which is as a yard waste/gravel storage area and compost site). In addition, sampling of the seep and nearby monitoring of residential wells will allow EPA and MDNR to monitor contaminant migration from OU 3. The current sampling data indicate that the contaminants at OU 3 are not migrating at levels or rates that endanger human health or the environment, and the materials (demolition debris and yard waste) added to the landfill since 1974 are so heavily compacted that they are acting as a cap to minimize infiltration of rain water and runoff. Therefore, no source control actions have been implemented at OU 3; and no source control actions are contemplated in the future. This OU is not contributing to the PCE contamination found in the former public-supply wells.

Currently, no exposure exists that presents an unacceptable risk to human health or the environment; hence, there are no contaminants of concern. The contaminants of potential concern (COPCs) for OU 3 include PCE, antimony, nitrate, boron, and manganese. No Preliminary Remediation Goals have been set for these substances as they do not currently require remediation based on the low levels detected. However, institutional controls as discussed above have been used and periodic monitoring of residential wells, one seep, and monitoring wells in the vicinity to track contaminant migration and limit

any potential future exposure to COPCs. This will provide to EPA and MDNR the ability to evaluate this remedy, monitor any contaminant migration, and prevent any potential future risks from OU 3. The current sampling data indicate that the contaminants in OU 3 are not migrating at levels or rates that endanger human health or the environment. The current and reasonably anticipated future land use is expected to continue to be a yard waste/gravel storage area and compost site for the city of New Haven's use.

III. CONSTRUCTION ACTIVITIES

Site construction activities consisted of the installation of three groundwater monitoring wells in addition to the existing monitoring wells. Field activities began in spring 2003. As described in the ROD, the four existing monitoring wells at the Site and the most contaminated seep would be sampled for volatile organic compounds, field parameters, and inorganics on a quarterly basis for the first year. If no PCE was detected above its maximum contaminant level (MCL)¹ in Year 1 samples, the four monitoring wells, the seep, and the four domestic wells nearest to OU 3 would be sampled every five years—in the year before the five-year review. After the first five-year review, monitoring efforts would then be scaled back to one sampling event every five years to provide current data for the next five-year review. If PCE is detected, the four monitoring wells and the seep will be monitored quarterly.

IV. CHRONOLOGY OF EVENTS

Date	Event
September 2003	ROD for OU 3 signed
September 2007	EPA and the city enter into a Consent Decree for the performance of the Remedial Action (RA) at OU 3
December 2007	Draft Work Plan for Long-Term Monitoring, Operation & Maintenance (O&M) Plan, and Combined Quality Assurance Project Plan/Sampling Analysis Plan (QAPP/SAP) submitted to EPA
March 2008	Work Plan for Long-Term Monitoring, O&M Plan, and Combined QAPP/SAP approved
May 2003	Quarterly groundwater monitoring initiated
July 2004	Quarterly groundwater monitoring completed
July 2004	Groundwater monitoring moves to once every five years
May 2009	Operational & Function inspection completed

¹ The MCL is the maximum permissible level of a contaminant in water which is delivered to the free flowing outlet of the ultimate user of a public water system. MCLs are promulgated by EPA pursuant to the Safe Drinking Water Act, 42 U.S.C. §§ 300f-300j-26, and are codified at 40 C.F.R. Part 141.

V. PERFORMANCE STANDARDS AND CONSTRUCTION QUALITY CONTROL

A quality assurance project plan (QAPP) was prepared for the Remedial Action (RA) for OU 3 at the Riverfront Superfund site. This QAPP documents the protocols and procedures to be followed during groundwater and seep sampling at the Site. The specific requirements for development of an approved QAPP are outlined in the Statement of Work for the Consent Decree for OU 3. This site-specific QAPP was developed in accordance with *EPA Requirements for Quality Assurance Project Plans for Environmental Data Operations (EPA QA/R-5)*.

PERFORMANCE RESULTS COMPARED WITH REMEDIATION OBJECTIVES/CLEANUP GOALS

Remediation Objectives/Cleanup Goals	Performance Results
Institutional controls consisting of proprietary and governmental controls	Environmental Covenant placed on property by the city of New Haven
Sampling of seep and nearby monitoring and residential wells	Current sampling results indicate that the contaminants in OU 3 are not migrating at levels or rates that endanger human health or the environment

USGS, working as the contractor on behalf of the city of New Haven, has conducted the scheduled quarterly groundwater and seep sampling during the first year of the RA. EPA periodically conducted oversight of those sampling activities. Based on the Year 1 quarterly sampling results, the sampling activities are now conducted once every five years as described in the ROD.

VI. INSPECTION

Inspection

The operational and functional inspection of OU 3 was conducted on May 28, 2009, in the presence of EPA, MDNR, and USGS representatives. Observations made during the inspection found no significant operational problems affecting the performance of the RA.

Health and Safety

No health and safety problems were encountered during the construction or operations of the RA.

VII. OPERATION AND MAINTENANCE

OU 3 is currently operated and maintained by the city of New Haven as a composting facility and for the storage of bulk road materials for the City Utilities Department. The

routine maintenance of the monitoring wells and seep location is conducted by USGS. Maintenance consists of ensuring well caps are secured with locks, the protective covers for the wells remain intact, and debris does not cover the seep area.

VIII. SUMMARY OF PROJECT COSTS

A detailed summary of costs from the ROD can be found in Table 12-1.

IX. CONCLUSIONS

Pursuant to the ROD and Consent Decree, the following is provided:

Institutional Controls

1. An Environmental Covenant imposing activity and use controls on the Site has been recorded at the Franklin County Recorder of Deeds.
2. Missouri regulations preventing the placement of wells within 300 feet of a landfill continue to be in force (10 C.S.R. 23-3.010), and general well drilling regulations are in place. The Site is not within the Special Area 3 restricted well drilling designation as described in 10 C.S.R. 23-3.100.

Groundwater Quality

Results of the groundwater monitoring conducted in May 2008 indicate no substantive changes in groundwater quality since the baseline quarterly sampling at the beginning of the long-term monitoring (2003-2004). Concentrations of COPCs at the Site that were detected at levels above background during previous sampling generally remained above background in 2008. Overall concentrations of most COPCs at sampling sites were within historical ranges with the exception of several major ions and trace elements in well BW-32. Groundwater data specifically relevant to the ROD indicated that:

1. None of the May 2008 samples from monitoring wells, the seep, or nearby domestic wells contained detectable quantities of PCE or other COPCs listed in the ROD.
2. Concentrations of most of the COPCs that were above background in the baseline sampling (2003-2004) generally were above background in the May and August 2008 sampling, and with minor exceptions, generally within historical ranges and overall no substantive changes or trends were observed.
3. One of the four domestic wells (JS-31) was not sampled during May 2008 because the owner was not available. The well was eventually sampled in August 2008.

4. Analytical results for dissolved lead were rejected because of contamination introduced during sampling. Lead was not detected above its background level in previous sampling, and the rejection of the May 2008 data was not a critical data gap.

Based upon the information provided above, no substantial changes in water quality have been observed in monitoring wells, the seep, or domestic wells; and groundwater quality in the vicinity of OU 3 appears stable and relatively unchanged. The OU 3 remedy was selected to be protective of human health and the environment. Based upon appropriate comparisons to historical data and water quality standards, the absence of substantial changes in groundwater quality is consistent with the goal of the selected remedy, and no additional effects of OU 3 on groundwater quality were detected in the 2008 sampling.

X. CONTACT INFORMATION

The PRP's contractor for conducting the RA is:

U.S. Geological Survey
1400 Independence Road MS100
Rolla, Missouri 65401
Phone: 573-308-3678

The city of New Haven's Project Manager is:

John Schumacher
Water Resource Division
U.S. Geological Survey
1400 Independence Road MS100
Rolls, Missouri 65401
Phone: 573-308-3678

EPA's Project Manager is:

Jeffrey L. Field
Missouri/Kansas Remedial Branch
Superfund Division
901 N. 5th Street
Kansas City, Kansas 66101
Phone: 913-551-7548

Figures

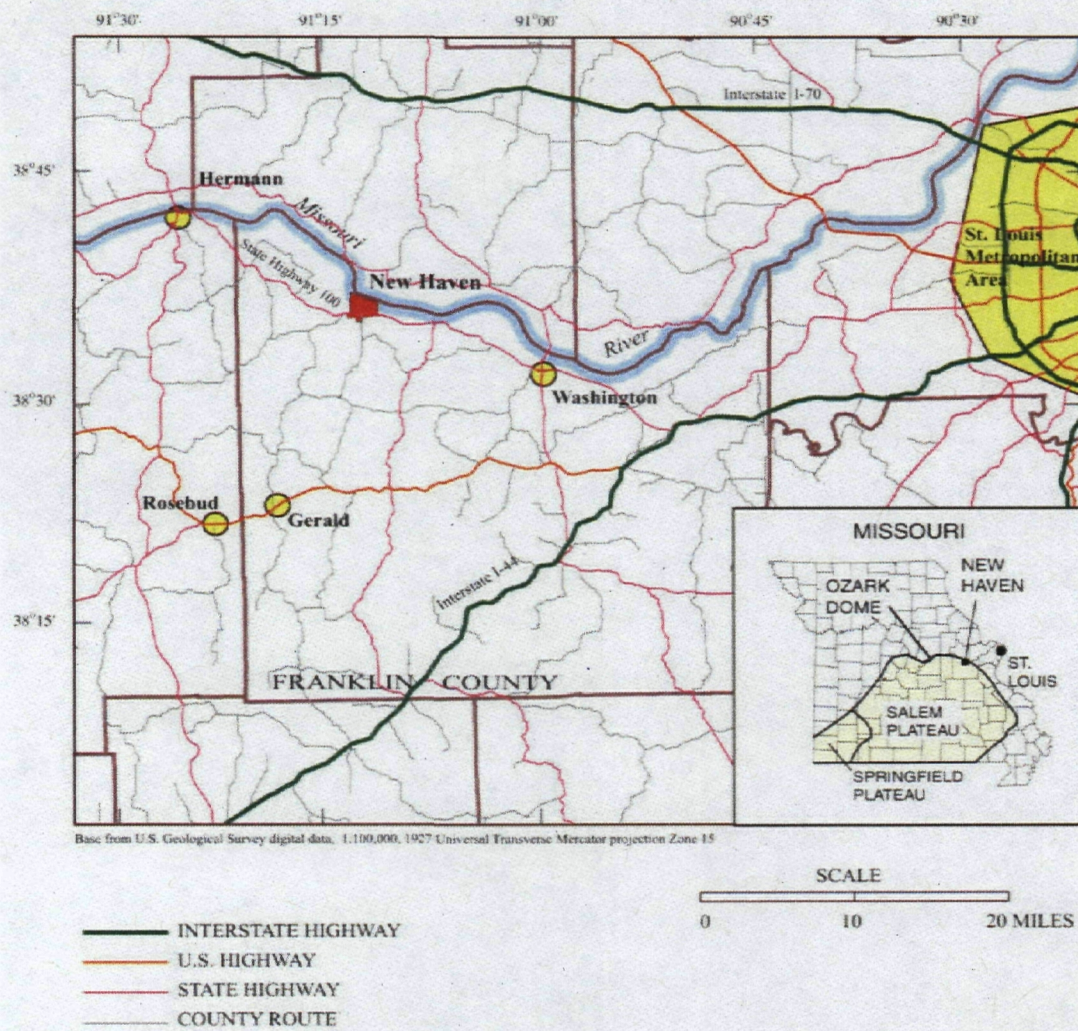


Figure 1-1. The location of the City of New Haven, Missouri.

Focused Remedial Investigation of Operable Unit 4, Riverfront Site
 U.S. Environmental Protection Agency, Region 7, Franklin County, Missouri, 2008

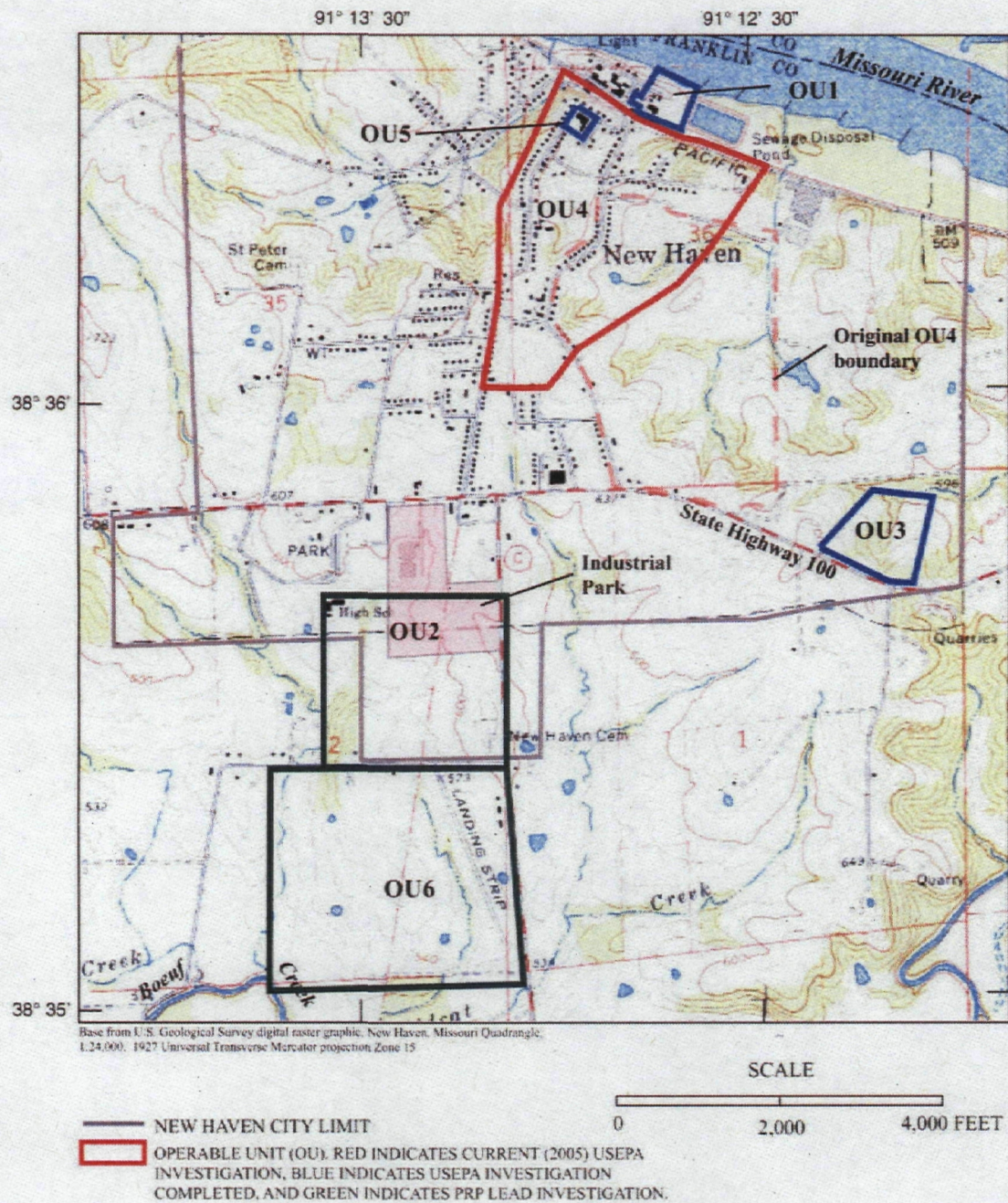


Figure 2. Location of Operable Unit 3

Tables

Table 12-1					
Cost Estimate Summary					
for the Selected Remedy - Institutional Controls and Monitoring					
Cost Estimate Component	Quantity	Units	Unit Cost	Capital Cost	Annual Cost
CAPITAL COSTS					
Place Deed/Zoning Restrictions (1 property)	1	EA	\$1,200	\$1,200	
Assist Missouri Division of Geology & Land Survey with well drilling restrictions	1	EA	\$5,000	\$5,000	
Assist City Drafting of Well Permitting Requirements	1	LS	\$5,000	\$5,000	
DIRECT CAPITAL COST SUBTOTAL				\$11,200	
Scope Contingency (15%)				\$1,700	
TOTAL DIRECT CAPITAL COST				\$12,900	
Permitting and Legal (5%)				\$600	
CONSTRUCTION COSTS TOTAL				\$13,500	
Engineering Design (0%)				\$0	
TOTAL CAPITAL COST				\$14,000	
ANNUAL O&M COSTS					
GROUNDWATER MONITORING (Analysis Only) + *					
Year 1 (Monitoring Wells and Seeps)	6	EA	\$471		\$2,800
Quarterly sampling of 4 monitoring wells and one surface water seep locations for VOCs, metals, and field parameters (standard turnaround + Q&A/QC), (5 primary, 1 Q&A/QC)					
Years 4, 9, 14, 19, 24, and 29 (Residential Wells)	5	EA	\$397		\$2,000
Sampling of 4 residential wells for VOCs, metals, nitrates, and field parameters (standard turnaround), (5 primary, Q&A/QC with well samples).					
Years 4, 9, 14, 19, 24, and 29 (Monitoring Wells and Seeps)	6	EA	\$471		\$2,800
Sampling every 5-years of 4 monitoring wells and one surface water seep locations for VOCs, metals, and field parameters (standard turnaround + Q&A/QC)					
GROUNDWATER MONITORING (Labor only)					
Year 1	36	HR	\$75		\$2,700
2 Level P1 persons for 1, 10-hour day per sampling event and 1 Level P1 person for 2, 8-hour days per data evaluation report					
Years 4, 9, 14, 19, 24, and 29	36	HR	\$75		\$2,700
2 Level P1 persons for 1, 10-hour day per sampling event and 1 Level P1 person for 2, 8-hour days per data evaluation report					
PLAN PREPARATION / INSTITUTIONAL CONTROLS					
Preparation of Health and Safety Plan (Year 1 only)	40	HR	\$75		\$3,000
Preparation of QAPP/Sampling Plan (Year 1 only)	60	HR	\$75		\$4,500
Prepare Annual Newsletter	40	HR	\$75		\$3,000
Annual Newsletter Publication in Local Newspaper and Direct Mailing	1	LS	\$500		\$500
Public Informational Meeting @ 5, 10, 15, 20, 25, and 30 yrs	1	LS	\$5,000		\$5,000
Five-Year Review @ 5, 10, 15, 20, 25, and 30 yrs	1	LS	\$50,500		\$50,500
TOTAL PRESENT WORTH O&M COST				\$295,000	
TOTAL PRESENT WORTH				\$309,000	

3.9

percent discount rate used to calculate present worth.

Costs assumed that the quarterly monitoring well sampling from Year 1 would not have to be repeated.

Undiscounted costs are based on 2002 dollars.

The assumed start date for the remedy is January, 2004. The actual start date may be later.

O&M costs were based on a 30-year operational life for the remedy.

Table 12-1 (Continued)				
Present Worth Cost Estimate				
for the Selected Remedy - Institutional Controls and Monitoring				
Year	Yearly O&M Cost*	Intermittent O&M Costs	Total Annual O&M Costs	Intermittent O&M Costs Include:
1	\$3,500	\$29,500	\$33,000	Year 1 (plans, monitoring)
2	\$3,500	\$0	\$3,500	Year 2 monitoring
3	\$3,500	\$0	\$3,500	Year 3 monitoring
4	\$3,500	\$7,500	\$11,000	Year 4 monitoring
5	\$3,500	\$55,500	\$59,000	Year 5 monitoring, 5-yr review, info. meeting
6	\$3,500	\$0	\$3,500	Years 6 - 30
7	\$3,500	\$0	\$3,500	Years 6 - 30
8	\$3,500	\$0	\$3,500	Years 6 - 30
9	\$3,500	\$7,500	\$11,000	Year 9 Sampling
10	\$3,500	\$55,500	\$59,000	Year 10, 5-yr review, informational meeting
11	\$3,500	\$0	\$3,500	Years 6 - 30
12	\$3,500	\$0	\$3,500	Years 6 - 30
13	\$3,500	\$0	\$3,500	Years 6 - 30
14	\$3,500	\$7,500	\$11,000	Year 14 Sampling
15	\$3,500	\$55,500	\$59,000	Year 15, 5-yr review, informational meeting
16	\$3,500	\$0	\$3,500	Years 6 - 30
17	\$3,500	\$0	\$3,500	Years 6 - 30
18	\$3,500	\$0	\$3,500	Years 6 - 30
19	\$3,500	\$7,500	\$11,000	Year 19 Sampling
20	\$3,500	\$55,500	\$59,000	Year 20, 5-yr review, informational meeting
21	\$3,500	\$0	\$3,500	Years 6 - 30
22	\$3,500	\$0	\$3,500	Years 6 - 30
23	\$3,500	\$0	\$3,500	Years 6 - 30
24	\$3,500	\$7,500	\$11,000	Year 24 Sampling
25	\$3,500	\$55,500	\$59,000	Year 25, 5-yr review, informational meeting
26	\$3,500	\$0	\$3,500	Years 6 - 30
27	\$3,500	\$0	\$3,500	Years 6 - 30
28	\$3,500	\$0	\$3,500	Years 6 - 30
29	\$3,500	\$7,500	\$11,000	Year 29 Sampling
30	\$3,500	\$55,500	\$59,000	Year 30, 5-yr review, informational meeting
Total Costs of Annual O&M			\$513,000	
Present Worth of Annual O&M			\$295,000	
* Yearly O&M costs include preparation, mailing, and publication of annual newsletter.				

- Field parameters include DO, iron II, pH, ORP, and temperature.
- + For each sampling event, include 1 duplicate.

Attachment 1

0806951.001

SHARON L. BIRKMAN
RECORDER OF DEEDS
FRANKLIN COUNTY
STATE OF MISSOURI



PAGES: 9
FEE: \$48.00
DOCUMENT NO: 0806951
DATE: 04/15/2008
TIME: 11:17AM

CK# 58788 48⁰⁰

(ABOVE SPACE RESERVED FOR RECORDER'S USE)

Document Title: Environmental Covenant
Document Date: 4-14, 2008
Grantor: City of New Haven, Missouri
101 Front Street
New Haven, MO 63068
Holder: Missouri Department of Natural Resources
Hazardous Waste Program
P.O. Box 176
1730 East Elm Street
Jefferson City, MO 65101
Legal Description: Part of Lot 2 of the northeast Quarter of Section 1, Township 44 north, Range 3 west, described as follows: Commencing at an old fence corner in the northeast corner of Section 1, thence south 87 degrees, 30 minutes west on the township line 2,180.6 feet to a point, thence south 6 degrees 30 minutes west 510 feet, thence south 64 degrees east 423.2 feet, thence south 57 degrees 40 minutes east 475.3 feet, thence south 36 degrees 10 minutes east 95.7 feet to an iron pipe in the north right-of-way line of Missouri State Highway 100, being the point of beginning herein described, thence on the north line of said highway south 66 degrees 4 minutes east 322.5 feet and thence along a curve of said right-of-way, having a radius of 1,432.69 feet, a distance of 219.6 feet to an iron pipe, thence running north 6 degrees 30 minutes east 510 feet to an iron pipe, and north 83 degrees 30 minutes west 519.2 feet to an iron pipe, thence south 6 degrees 30 minutes west 355.5 feet to the point of beginning.

2.3

ENVIRONMENTAL COVENANT

This Environmental Covenant is entered into by the CITY OF NEW HAVEN, MISSOURI, as the Grantor of this Environmental Covenant and the Owner of the Property (as defined below), and the MISSOURI DEPARTMENT OF NATURAL RESOURCES, as the "Holder" of this Environmental Covenant as provided for in the Missouri Environmental Covenants Act, Sections 260.1000 through 260.1039, RSMo.

RECITALS

WHEREAS, the City of New Haven, whose mailing address is 101 Front Street, New Haven, MO 63068, is the owner in fee simple of the following real property located in Franklin County, Missouri:

Part of Lot 2 of the northeast Quarter of Section 1, Township 44 north, Range 3 west, described as follows: Commencing at an old fence corner in the northeast corner of Section 1, thence south 87 degrees, 30 minutes west on the township line 2,180.6 feet to a point, thence south 6 degrees 30 minutes west 510 feet, thence south 64 degrees east 423.2 feet, thence south 57 degrees 40 minutes east 475.3 feet, thence south 36 degrees 10 minutes east 95.7 feet to an iron pipe in the north right-of-way line of Missouri State Highway 100, being the point of beginning herein described, thence on the north line of said highway south 66 degrees 4 minutes east 322.5 feet and thence along a curve of said right-of-way, having a radius of 1,432.69 feet, a distance of 219.6 feet to an iron pipe, thence running north 6 degrees 30 minutes east 510 feet to an iron pipe, and north 83 degrees 30 minutes west 519.2 feet to an iron pipe, thence south 6 degrees 30 minutes west 355.5 feet to the point of beginning.

the "Property;"

WHEREAS, the Property is the location of a landfill which was used for the disposal of household, commercial, and industrial wastes from the mid-1950s until 1974; and

WHEREAS, in 1986 certain hazardous substances were detected in two municipal water wells serving the residents of New Haven. As a result, the United States Environmental Protection Agency ("EPA") and the Missouri Department of Natural Resources ("MDNR") began investigations to determine the origin, rate, and extent of the contamination; and

WHEREAS, in December 2004, the Property, along with other areas in and around New Haven, were listed on EPA's National Priorities List as the "Riverfront" Superfund Site, and the Property become known as Operable Unit No. 3 ("OU3"); and

WHEREAS, EPA conducted a remedial investigation/feasibility study, and on September 30, 2003, issued a Record of Decision ("ROD") for OU3. The ROD called for the continued monitoring of the groundwater and seeps in and around OU3, and the imposition of activity and use limitations on the Property; and

WHEREAS, by Consent Decree entered on September 6, 2007, by the United States District Court for the Eastern District of Missouri, Eastern Division, in Case No. 4:06CV01429ERW, the City of New Haven agreed to implement the environmental response project selected in the ROD, which includes the imposition of the activity and use limitations provided for herein; and

WHEREAS, Owner desires to grant to MDNR as Holder, this Environmental Covenant for the purpose of subjecting the Property to certain activity and use limitations as provided in the Missouri Environmental Covenants Act, and grants to MDNR and EPA certain rights and powers as herein provided.

NOW THEREFORE, the parties hereto agree as follows:

1. Parties. The parties hereto are:

- a. the City of New Haven, Missouri is the Grantor/Owner of the Property.
- b. the Missouri Department of Natural Resources is the "Holder" of this Environmental Covenant, as "Holder" is defined at Section 260.1003(6) of the Missouri Environmental Covenants Act.
- c. the United States Environmental Protection Agency is a "Department" as that term is defined at Section 260.1003(2) of the Missouri Environmental Covenants Act.

2. Activity and Use Limitations. As part of the environmental response project to be implemented at the Property, the City of New Haven agrees to prohibit any uses of the Property which would be inconsistent with the environmental response project provided for in the ROD. It also agrees to subject the Property to, and agrees to comply with, the following activity and use limitations:

Soil: A landfill containing unknown household, commercial, and industrial wastes is located on the Property. The landfill is covered with a layer of soil, demolition, yard and compost wastes. Except for minor excavations into the landfill (to 24 inches deep), there shall be no excavations into, or penetration of, the landfill without the prior written consent of EPA and MDNR. Based on the potential hazards associated with the disturbance of the landfill, EPA and MDNR may deny a request to disturb the soils or may require protective actions before allowing such soil disturbance to occur.

Groundwater: The groundwater beneath the Property contains hazardous substances. As the contents of the landfill are unknown, the disturbance of the landfill may result in the additional release of hazardous substances into the groundwater. Except as approved by EPA and MDNR, there shall be no groundwater wells installed on the Property.

3. Running with the Land. This Environmental Covenant shall be binding upon the City of New Haven and its successors, assigns, and any party that receives any conveyance of any interest in the Property ("Transferee"), and shall run with the land, as provided in Section 260.1012, RSMo, subject to amendment or termination as set forth herein. The term "Transferee," as used in this Environmental Covenant, shall mean any future owner of any interest in the Property or any portion thereof, including, but not limited to, owners of an interest in fee simple, mortgagees, easement holders, and/or lessees.

4. Location of Administrative Record for the Environmental Response Project. The administrative record for the environmental response project for the Property is located at EPA's Regional Office at 901 North 5th Street, Kansas City, Kansas, and at the New Haven Scenic Regional Library at 109 Maupin Avenue, New Haven, Missouri.

5. Enforcement. Compliance with this Environmental Covenant may be enforced as provided in Section 260.1030, RSMo. Failure to timely enforce compliance with this Environmental Covenant or the activity and use limitations contained herein by any party shall not bar subsequent enforcement by such party and shall not be deemed a waiver of the party's right to take action to enforce any non-compliance. Nothing in this Environmental Covenant shall restrict any person from exercising any authority under any other applicable law.

6. Right of Access. Owner hereby grants to each of Holder and Department, and their respective agents, contractors, and employees, the right of access at all reasonable times to the Property for implementing, monitoring, and/or enforcing this Environmental Covenant. Nothing herein shall be deemed to limit or otherwise affect any right of access and entry available to Holder or Department under federal or state law.

7. Notice upon Conveyance. Each instrument hereafter conveying any interest in the Property or any portion of the Property shall contain a notice of the activity and use limitations set forth in this Environmental Covenant, and provide the recording references for this Environmental Covenant. The notice shall be substantially in the following form:

THE INTEREST CONVEYED HEREBY IS SUBJECT TO AN ENVIRONMENTAL COVENANT, DATED _____, 2008, RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF FRANKLIN COUNTY, MISSOURI, ON _____, 2008, AS DOCUMENT _____, BOOK _____, PAGE _____.

Owner/Transferee shall notify Holder and Department within ten (10) days following each conveyance of any interest in any portion of the Property. The notice shall include the name, address, and telephone number of the Transferee, and a copy of the deed or other documentation evidencing the conveyance.

8. Notification Requirement. Owner/Transferee shall notify Holder and Department of any proposed changes in the use of the Property, or of any applications for building permits for work on the Property.

9. Representations and Warranties. The City of New Haven hereby represents and warrants to Holder and Department that it has the power and authority to enter into this Environmental Covenant, to grant the rights and interests herein provided and to carry out all obligations required of it hereunder.

10. Amendment or Termination. This Environmental Covenant may be amended or terminated as provided for in Section 260.1027 RSMo. Within thirty (30) days of signature by all requisite parties on any amendment or termination of this Environmental Covenant, Owner/Transferee shall file such instrument for recording with the office of the recorder of deeds for Franklin County, Missouri.

11. Severability. If any provision of this Environmental Covenant is found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.

12. Governing Law. This Environmental Covenant shall be governed by and interpreted in accordance with the laws of the State of Missouri.

13. Recordation. Within thirty (30) days after the date of the final required signature upon this Environmental Covenant, Owner shall record this Environmental Covenant with the office of the recorder of deeds for Franklin County, Missouri.

14. Effective Date. The effective date of this Environmental Covenant shall be the date upon which the fully executed Environmental Covenant has been recorded with the office of the recorder of deeds for Franklin County, Missouri.

15. Distribution of Environmental Covenant. Within thirty (30) days following the recording of this Environmental Covenant, or any amendment or termination of this Environmental Covenant, Owner/Transferee shall, in accordance with Section 260.1018, RSMo, distribute a file- and date-stamped copy of the recorded Environmental Covenant to: (a) each signatory hereto; (b) each person holding a recorded interest in the Property; and (c) each person in possession of the Property.

16. Notice. Any document or other item required by this Environmental Covenant to be given to another party hereto shall be sent to:

If to Owner:

City Manager
City of New Haven, Missouri
101 Front Street
New Haven, Missouri 63068

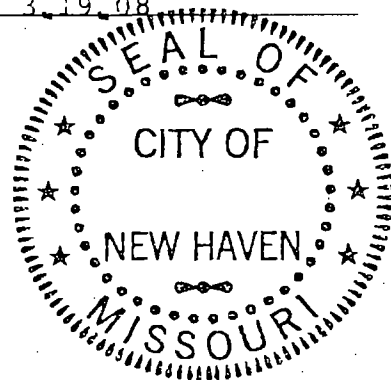
If to Holder/MDNR:

Missouri Department of Natural Resources
Section Chief, Superfund Program
Hazardous Waste Program
P.O. Box 176
1738 East Elm Street
Jefferson City, MO 65101

If to EPA/Department:

Director, Superfund Division
United States Environmental Protection Agency
901 North 5th Street
Kansas City, Kansas 66101

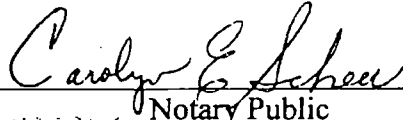
FOR THE CITY OF NEW HAVEN, MISSOURI

By: Date: 3.19.08Name (print): GEORGE PANHORSTTitle: MAYORAddress: 101 Front St.New Haven, Missouri 63068

STATE OF MISSOURI)

COUNTY OF FRANKLIN)

On this 19 day of March, 2008, before me a Notary Public in and for said state, personally appeared George Panhorst, Mayor of the City of New Haven, Missouri, known to me to be the person who executed the within Environmental Covenant in behalf of the City of New Haven, Missouri and acknowledged to me that he/she executed the same for the purposes therein stated.


Notary Public

CAROLYN E. SCHEER

CAROLYN E SCHEER
Notary Public - Notary Seal
State of Missouri
Commissioned for Franklin County
My Commission Expires: March 09, 2012
Commission Number: 08484049

FOR THE MISSOURI DEPARTMENT OF NATURAL RESOURCES

By: Dennis Stinson
Name: Dennis Stinson
Chief, Superfund Section
Hazardous Waste Program
Division of Environmental Quality

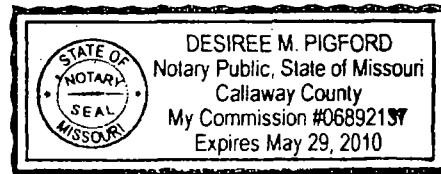
Date: 4/8/2008

STATE OF MISSOURI)
)
COUNTY OF COLE)


On this 8th day of April, 2008, before me a Notary Public in and for said state, personally appeared the Chief of the Superfund Section of the Hazardous Waste Program, Division of Environmental Quality (or his/her designee) of the Missouri Department of Natural Resources, known to me to be the person who executed the within Environmental Covenant in behalf of said party and acknowledged to me that he/she executed the same for the purposes therein stated.

Desiree Pigford
Notary Public

DESIREE M. PIGFORD



FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

By: 
Name: Cecilia Tapia
Director, Superfund Division
United States Environmental Protection Agency
901 North 5th Street
Kansas City, Kansas 66101

Date: 3/31/08

STATE OF KANSAS)
COUNTY OF WYANDOTTE)

On this 1st day of April, 2008, before me a Notary Public in and for said state, personally appeared the Director of the Superfund Division (or his/her designee) of the United States Environmental Protection Agency, Region VII, known to me to be the person who executed the within Environmental Covenant in behalf of said party and acknowledged to me that he/she executed the same for the purposes therein stated.


Notary Public

KENT JOHNSON

KENT JOHNSON
NOTARY PUBLIC
STATE OF KANSAS
My Appl. Exp. 7/23/11