



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
250 BROADWAY  
NEW YORK, NY 10007-1868

SEP

DATE:

SUBJECT: Request for a CERCLA Removal Action at the Gordon Finishing Company Site, Johnstown, Fulton County, New York - ACTION MEMORANDUM

FROM: Jeff M. Bechtel, On-Scene Coordinator  
Response and Prevention Branch

*Bruce Sprague (for)*

TO: George Pavlou, Director  
Emergency and Remedial Response Division

THRU: Bruce Sprague, Chief  
Response and Prevention Branch

*Bruce Sprague*

Site ID No.: SE

**I. PURPOSE**

The purpose of this Action Memorandum is to request and document approval to conduct a time-critical removal action as described herein at the Gordon Finishing Company Site ("Site") located at 19 West State Street, Johnstown, Fulton County, New York.

On April 2, 2002, the New York State Department of Environmental Conservation (NYSDEC) formally requested that the U.S. Environmental Protection Agency (EPA) conduct a removal action under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. §§ 9601 *et seq.*

This Action Memorandum, if approved, will authorize a total project ceiling of \$555,000, with a mitigation ceiling of \$350,000. This ceiling reflects the funding for mitigation contracting, Removal Support Team (RST) and EPA costs necessary to perform site security, stabilization, analysis, transport and disposal of all hazardous substances present on site.

This Site is not listed on the National Priorities List (NPL) and does not present any significant national or precedent setting issues at this time.

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

**DATE:** SEP 27

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Response and Prevention Branch

**TO:** George Pavlou, Director  
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## **II. SITE CONDITIONS AND BACKGROUND**

### **A. Site Description**

#### **1. Removal Site Evaluation**

The former Gordon Finishing Company provided local tanneries with a specialty service by dyeing and polishing tanned leather prior to their final preparation and packaging. The company was established in 1955 and closed in 1999 as a result of the closures of many of the tanneries in the region. Much of the work took place during the peak tannery season, however, sufficient work was submitted to sustain the facility during the remainder of the year.

Between February 19 and 21, 2002, a site assessment was conducted by EPA's Region II Response and Prevention Branch in coordination with the U.S. Coast Guard's Atlantic Strike Team (USCG-AST) and EPA's Removal Support Team (RST) contractor.

The Site consists of one, three story wooden structure and is located in a commercial/residential area. The property itself is unsecured as there is no fencing around it. The door is padlocked, however, the first story windows are accessible to trespassers. It was observed during the assessment that there was damage to the floors as a result of water intrusion. The stair case is in a deteriorated condition.

Various containers were observed on the ground floor as well as the second floor. Container sizes ranged from 55-gallon steel drums to less than five gallons. The containers themselves are in varying stages of deterioration. The general condition of the interior spaces is cluttered. Spilled material is evident on the floors and walls. Visual inspection and/or field screening indicated the presence of the following materials; arsenic containing compounds, dye concentrates, formic acid, silicates, sodium hydrosulfide and sodium hydroxide. In addition to the drums which contained material, there are approximately 100 empty 5-gallon pails of dye concentrate and 50 empty 55-gallon fiber and poly drums.

Several broken wooden tanning vats known to be contaminated with chrome and arsenic (data from similar items was collected during the KARG and Independent Leather removal actions) are present in the back yard. The property slopes towards the Cayadutta Creek which borders the back yard. Materials released from the Site would flow to the creek or into the storm drain on the street.

Seventeen of the containers were sampled for Resource Conservation and Recovery Act (RCRA) characteristics. Of the 17 container samples analyzed, 12 met the criteria to deem them RCRA hazardous wastes. The two primary criteria met were the characteristics of Ignitability and Toxicity for chromium as determined by the Toxic Compound Leachate Procedure (TCLP).

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## 2. Physical Location

The Site is located in a mixed residential/commercial setting at 19 West State Street, Johnstown, Fulton County, New York. An operational finishing facility is adjacent to the property with its warehouse directly across West State Street. A sheet metal facility also adjoins the property. Single and multi-family residential units are located on the adjoining streets. High vehicular and pedestrian traffic, including school children passing in front of the building between their residences and school buildings were noted during the site assessment. The Site borders the Cayadutta Creek which flows into the Mohawk River within approximately five miles. The Great Sacandaga Lake is located approximately ten miles northeast of the Site.

Residential areas, industrial and commercial properties, and major transportation routes are within one (1) mile of the Site property. The 1990 census statistics within Johnstown are as follows: population is 12,101 persons in 4,619 households comprised of 97.08% White, 1.19% African American, 0.84% Asian/Pacific Islander, 0.47% American Indian and 0.41% other. The per capita income for the area is \$11,170. The population statistics totals may not equal one hundred percent (100%) because some individuals reported themselves as belonging to multiple backgrounds.

## 3. Site Characteristics

The Site consists of one, three story wooden structure. The property itself is unsecured, however, the door is padlocked and the windows were closed. It was observed during the assessment that there was damage to the floors as a result of water intrusion. Several openings in the floor were noted. The stair case is in a deteriorated condition. The back yard is being used as a dumping ground for household debris.

## 4. Release or Threatened Release into the Environment of a Hazardous Substance, or Pollutant or Contaminant

The following hazardous substance has been identified by physical appearance and sampling analysis.

<b><u>Hazardous Substance</u></b>	<b><u>Statutory Source for Designation as a Hazardous Substance</u></b>
Arsenic	CWA § 307(a); CAA § 112
Chromium	CWA § 307(a); CAA § 112
Formic Acid	CWA § 311(b)(4); RCRA § 3001
Sodium Hydrosulfide	CWA § 311(b)(4)
Sodium Hydroxide	CWA § 311(b)(4)
Ignitability	CERCLA § 101(14)(D)
Corrosives	CERCLA § 101(14)(D)

The potential adverse human health effects from this substance are identified below:

	Respiratory System	Blood	Skin/Eyes	Carcinogen	Liver	Kidney
Arsenic	X		X		X	X
Chromium	X	X	X	X	X	X
Formic acid	X		X			
Sodium hydroxide	X		X			
Sodium hydrosulfide	X		X			

These hazardous substances are acutely and chronically toxic and/or corrosive. Chromium can have adverse health effects on many organs. Chromium in the hexavalent form is a confirmed human carcinogen, particularly lung cancer.

#### 5. NPL Status

At the present time, the Site is not on the NPL and there are no efforts underway to include the Site on the NPL.

#### B. Other Actions to Date

##### 1. Previous Actions

The Site was referred to EPA by the NYSDEC on April 2, 2002. There were no previous actions by EPA at the Site. No disposal of the materials within the building has been conducted by the property owner or the City of Johnstown.

##### 2. Current Actions

There are no current actions taking place at the Site.

#### C. State and Local Authorities' Roles

##### 1. State and Local Actions to Date

There are no actions being undertaken by either the state or local agencies

##### 2. Potential for Continued State/Local Response

Neither the NYSDEC nor the local government has the resources available to conduct a removal action at the Site. These organizations will act in a supporting role throughout the removal action. EPA will coordinate its activities with NYSDEC and the City of Johnstown.

**III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES**

The conditions at the Site meet the criteria for a CERCLA removal action as described in 40 CFR 300.415(b)(2) of the NCP. Factors that support conducting a removal action at the Site include:

- (i) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances, pollutants or contaminants;
- (ii) hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release;  
  
weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;  
  
threat of fire or explosion; and
- (v) the availability of other appropriate federal or state response mechanisms to respond to the release.

**A. Threats to Public Health or Welfare**

- (i) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances, or pollutants or contaminants.

There is a potential for direct contact with the hazardous substance contained inside the building by unauthorized entry. At this point in time vandalism has not been noted by city officials, however, drug paraphernalia was observed just inside the back door. Spilled material is evident within the building. Contaminated debris is present in the back yard which is not fenced.

**Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release;**

During the expedited removal assessments, the containers were observed in various stages of deterioration. Based on some of the hazardous substances identified, mostly corrosives and ignitables, there is an inherent incompatibility with the wood that makes up the structure. The hazardous waste containers were not labeled and were stored without regard to compatibility.

**Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;**

Water intrusion resulting in damage to the wood floors was observed. In addition, faulty stair cases were observed. With the lack of routine maintenance, weather conditions, over time, may result in the demise of the wooden building leading to the release of identified hazardous substances contained within it. Contaminated debris stored outside is exposed to the weather and the potential exists for migration of contaminants into the creek.

**Threat of fire or explosion;**

Some of the hazardous substances identified also included ignitables. So long as these substances are stored unattended inside the wooden structure, there is an increased potential for a threat of a fire. This threat can be compounded with the presence of corrosives which can result in corrosive vapors being emitted in the course of a fire.

- (v) **The availability of other appropriate federal or state response mechanisms to respond to the release.**

Based on information provided by the NYSDEC, they do not have the funding or resources to conduct a removal action to mitigate the threats posed by these hazardous substances.

**B. Threats to the Environment**

With the Site being unoccupied and the resulting lack of routine maintenance being performed on the structure there is a potential for the demise of the building. The identified hazardous substances can be released into the environment. The rear property line is defined by the bank of the Cayadutta Creek. This body of water can be adversely effected by a release of hazardous substances from the Site. In addition, the Cayadutta Creek drains into the Mohawk River which is less than five (5) miles from the Site.

Based on the ignitables present at the Site and corrosives that are incompatible with wood, there is an increased potential for a fire to occur. Any fire fighting endeavors could enhance the release of hazardous substances into the surrounding environment, particularly the Cayadutta Creek, through contaminated run-off.

**IV. ENDANGERMENT DETERMINATION**

Actual or threatened releases of hazardous substances from the Site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to public health or welfare or the environment.

**V. PROPOSED ACTIONS AND ESTIMATED COST**

**A. Proposed Actions**

**1. Proposed Action Description**

The proposed removal action is to:

- Sample and analyze all potentially hazardous substances inside the building.
- Repackage, as necessary, any hazardous substance to afford safe transport to an off-site disposal facility.
- Identify and excavate areas of contaminated soil and backfill.
- Decontamination of the building.
- Transport and disposal of hazardous substances to an approved RCRA disposal facility in accordance with EPA CERCLA Off-site Disposal Rule.

**2. Contribution to Remedial Performance**

The Site is not on the NPL. However, activities proposed would be consistent with potential remedial actions.

**3. Description of Alternative Technologies**

Alternative technologies will be considered as long as the technology proves to be cost effective, timely and efficient.

**4. Engineering Evaluation/Cost Analysis (EE/CA)**

Due to the time-critical nature of this removal action, an EE/CA will not be prepared.

**5. Applicable and Relevant and Appropriate Requirements (ARARs)**

ARARs within the scope of this project, including RCRA regulations that pertain to the disposal of hazardous wastes, will be met to the extent practicable.

**6. Project Schedule**

Within several weeks of signing this Action Memorandum, on site activities can commence.

<b>B. <u>Estimated Cost</u></b>	<b><u>PROPOSED CEILING</u></b>
<b>1. <u>Extramural Costs:</u></b>	
<b><u>Regional Allowance Costs:</u></b>	
Total Cleanup Contractor Costs	\$350,000
RST	\$ 50,000
Subtotal, Extramural Costs	\$400,000
Contingency (20% of Extramural Subtotal)	\$ 80,000
<b>Total Extramural Costs</b>	<b>\$480,000</b>
<b>2. <u>Intramural Cost:</u></b>	
Direct Costs	\$ 25,000
Indirect Costs	\$ 50,000
<b>Total Intramural Costs</b>	<b>\$ 75,000</b>
<b>TOTAL REMOVAL PROJECT CEILING</b>	<b>\$555,000</b>

**VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED  
OR NOT TAKEN**

Delayed action or no action could result in the release of hazardous substances into the environment, thereby exposing the nearby residents and patrons of the surrounding commercial establishments to hazardous substances.

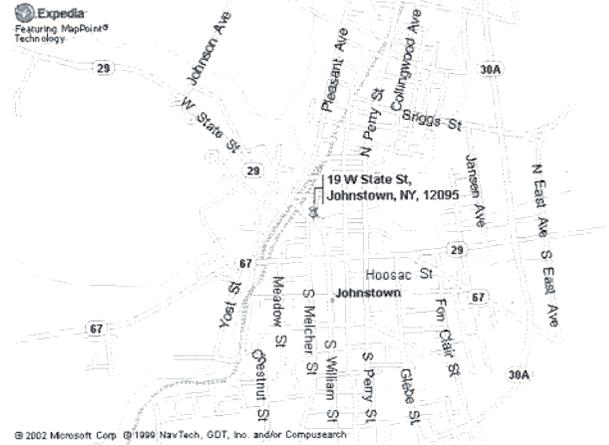
**OUTSTANDING POLICY ISSUES**

None.

**ENFORCEMENT**

A Potentially Responsible Party (PRP) search will be undertaken while the response action is underway. If viable PRPs are discovered, they may be asked either to participate in the response or to reimburse the EPA for its costs. Should a PRP be identified, the On-Scene Coordinator will work with the Removal Action Branch and the Office of Regional Counsel to recover cleanup costs.



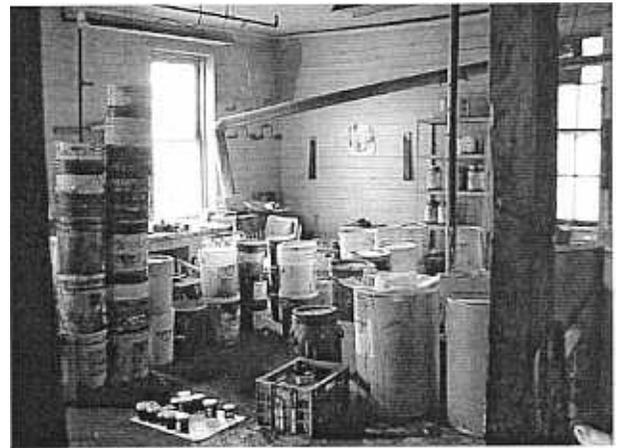


Location Of The Gordon Finishing Company Site

Topographical Map Depicting Location Of The



Front View Of Gordon Finishing Company Site



Example Of The Interior Of The Building