

United States Environmental Protection Agency
Region II
POLLUTION REPORT

Date: Tuesday, May 1, 2007

From: Jack D. Harmon

To: Jack Harmon, USEPA, 2ERRD-RAB Mike Basile, USEPA Region II

Subject: POLREP No. 5

Buckbee-Mears
30 Kellogg Road, Cortland, NY
Latitude: 42.5920000
Longitude: -76.1581800

POLREP No.:	5	Site #:	YH
Reporting Period:	03/13/07 - 04/10/07	D.O. #:	EP-W-04-054-044
Start Date:	1/10/2007	Response Authority:	CERCLA
Mob Date:		Response Type:	
Demob Date:		NPL Status:	Non NPL
Completion Date:		Incident Category:	Removal Action
CERCLIS ID #:	NYN000205908	Contract #	
RCRIS ID #:			

Site Description

The facility is located at 30 Kellogg Road, City of Cortland, Cortland County, New York, 13045. The property is approximately 50 acres in size and contains a large main production building, interconnected with several smaller production buildings, an office building and several support buildings, including a flammable storage building and a hazardous waste storage garage. The size of the facility buildings are estimated at 367,000 ft².

The Buckbee-Mears facility was purchased by International Electron Devices (IED) on October 26, 2004. IED operated the facility until May, 2005, when they closed due to a lack of funding. A large number of the bulk chemicals used in production and the chemical wastes from past operations were abandoned on Site. These materials included: strong acids and caustics in large tanks, drums, process piping and numerous small containers throughout the facility. Approximately 7 cylinders of chlorine gas were also abandoned on Site.

During the Summer of 2006, the Cortland Police Department responded to a report of vandalism and became concerned when they discovered the large amount of chemicals which had been abandoned at the Site. The Cortland Police subsequently notified the New York State Department of Environmental Conservation (NYSDEC) of their findings. On July 27, 2006, representatives from the NYSDEC, the Cortland Police and Fire Departments and the Environmental Protection Agency (EPA) conducted a Site visit. The visit confirmed the presence of numerous hazardous substances in drums, tanks and cylinders throughout the facility. The potential for a chemical release was deemed serious because the facility was idle with no security and all utilities had been terminated. On August 1, 2006, the NYSDEC formally requested the EPA to conduct a removal action under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) at this Site.

Negotiations with the PRP to perform the required clean up actions resulted in EPA issuing an Administrative Order on September 29, 2006. The PRP initially complied with the Order, but ceased correspondence with EPA in early November, 2006. Following several acts of vandalism at the facility, EPA initiated a Removal Action on January 10, 2007.

Current Activities

EPA initiated a removal action at this Site on January 10, 2007. This period, ERRS completed the collection and staging of all inventoried waste. ERRS also conducted the off site disposal of the remaining sulphuric acid and 19 compressed gas cylinders. RST completed the sampling of all interior sumps and sludges.

Site security was in place during all non working hours this period. No incidents were reported. Warmer day time weather has begun melting snow accumulated on the facility roof. At least two areas of the building have been damaged by water leaking from the roof. These areas have been delineated and are

off limits to Site personnel.

On March 13, 2007, EPA was contacted by the PRP's new legal counsel. The Counsel for the PRP informed EPA that they intended to comply with the initial demand letter for \$28,800 and the terms of the Order. Payment was subsequently received by EPA. As part of the PRP efforts to comply, they also provided EPA with a signed Access Agreement on March 19, 2007. EPA provided the PRP with a detailed inventory of Site wastes to assist them with making disposal plans. However, the PRP remains out of compliance with the Order and EPA field work continues, and will continue, until complete compliance is met. EPA ORC has also placed a lien on the property.

A confirmation of verbal authorization and ceiling increase Action Memorandum was approved by the Division Director on March 14, 2007.

On March 15 and 16, 2007 members of the EPA Enforcement Team were on Site to review files and financial information remaining in Site buildings.

On March 26, 2007, Airgas was on Site to collect and recycle 7, 30 pound cylinders of freon. This disposal was conducted at no cost to EPA.

On March 29, 2007, a local welding supplier was on Site to retrieve 22, compressed gas cylinders which were rented to the facility while it was in operation. There was no cost to EPA for the recycling of these items.

On March 30, 2007, ERRS completed the collection and transfer of all inventoried waste to the staging area in Building 5. The materials are being segregated based on label information and field haz cat results. Once segregated the materials are being packaged for off site disposal. To date, ERRS has prepared approximately 2,945 containers for off Site disposal. These materials were packaged into: 40, 55 gallon drums; 10, 5 gallon pails; and 7, 1 cubic yard boxes.

On March 30, 2007, RST completed the sampling of floor drain liquids and sludges. The sample data is being analyzed by the CLP and data is expected back in mid May, 2007. The data will dictate what disposal methods, if any, are necessary.

On March 30, 2007, the OSC spoke at the Cortland County LEPC meeting. A presentation of field activities and the planned response actions was provided to the more than 30 Local and County personnel present. The meeting was well received and the Fire Department expressed their gratitude for the EPA efforts in keeping them apprised of the Removal Action.

On April 2, 2007, approximately 2,900 gallons of 93% sulphuric acid was transferred into a tanker truck and shipped off Site. This transfer completely emptied the tank which will be deconned next reporting period. The material was shipped as product to a facility in Rhode Island that was identified by the ERRS waste broker. EPA has previously contacted the facility and learned the acid will be used in their waste water treatment plant to neutralize caustic waste water. The Region 1 EPA office was also contacted and there are no current violations associated with this facility.

On April 2, 2007, Yaman Realty was on Site with a potential buyer for the facility. Yaman has a signed agreement with IED, to sell the property and its contents. ERRS accompanied the realtor while they gave the tour of the facility.

Planned Removal Actions

The planned scope of work for this action is to dispose or recycle all chemical wastes which remain on Site. This process will be accomplished in several phases. The first phase will be to dispose of the most dangerous materials posing the most significant threat of release, including the outside tanks and cylinders of chlorine gas. The next phase will be to perform a detailed inventory of the entire facility and get an accurate measure of the number of containers and volume of waste remaining on Site. Disposal of these materials, by either recycling or through an approved disposal facility, will follow. The last phase will be to flush process lines, drain equipment reservoirs, clean the catch basins, address the water treatment tanks and any remaining tanks or containers which may contain residual solidified waste.

Next Steps

EPA will continue Site security during all non working hours. ERRS will pursue disposal and recycling options for the waste material remaining on Site. ERRS will continue with the segregation and packaging process. RST will continue to perform air monitoring and photo-document field activities.

Key Issues

EPA CID is pursuing a criminal investigation of IED. EPA has documented the location, condition and volume of all waste material discovered on Site. This information is necessary to counter any future PRP claims concerning any “takings” issues.

Disposition of Wastes

Waste Stream	Quantity	Manifest #	Disposal Facility
Freon Cylinders (chlorodifluoromethane) For recycle/reuse	7	762415-00	Airgas East, Inc. 121 Boxwood Lane Syracuse, NY
Miscellaneous Compressed Gas Cylinders For recycle/reuse	22	6671331	Haun Welding Supply 6000 Court Street Road Syracuse, NY
Sulphuric Acid, 93% For reuse	2,900 gallons	40101-02	Bradford Dyes 460 Bradford Road Bradford, RI

www.epaosc.org/BuckbeeMears