

**United States Environmental Protection Agency
Region II
POLLUTION REPORT**

Date: Tuesday, February 6, 2007

From: Jack D. Harmon

To: Jack Harmon, USEPA, 2ERRD-RAB
George Zachos, USEPA Region II
Dan Harkay, USEPA Region II Removal
Section
Virginia Capon, USEPA Region II
Mary Jane Peachey, NYSDEC Region 7
Tom Michales, City of Cortland
Mark Pane, USEPA Region II

Mike Basile, USEPA Region II
Joe Rotola, USEPA Region II Removal Branch
Mary Mears, USEPA Region II
Tim Grier, USEPA
Dick Brazell, NYSDEC Region 7
Mike Dwyer, USEPA Region II

Subject: POLREP No. 2
Buckbee-Mears
30 Kellogg Road, Cortland, NY
Latitude: 42.5920000
Longitude: -76.1581800

POLREP No.:	2	Site #:	YH
Reporting Period:	01/29/07 - 02/05/07	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 (revised from Polrep 1) 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 the facility 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

On January 9, 2007, EPA received a report from a former employee that the Site had been vandalized. Based on the amount of chemical waste known to exist on Site and the absence of any PRP action to provide security or undertake a clean up, the ERRD Director granted verbal authorization of \$250,000 to initiate a response action on January 10, 2007. A confirmation of verbal authorization was prepared the same day.

Site security was in place during all non working hours this period. No incidents were reported.

RST mobilized on January 23, 2007. Following an initial tour of the facility, they conducted air monitoring of the bulk chemical storage areas, the warehouse and the flammable storage building. Results from the draeger tubes and multi-rae showed no readings above background. On the same day, ERRS mobilized office trailers and a generator.

On January 25 and 26, 2007, EPA CID was on Site to collect information and chemical samples for their ongoing criminal case against IED. EPA CID retrieved the file servers from the Administration Building and retrieved all electronic correspondence it contained. They also reviewed some of the records kept in the Building. The servers were returned at the end of the day. CID also collected samples from the tanks of Hydrochloric acid, Sodium Hydroxide and the drums of flammable materials in the Flammable Storage Shed.

On January 29, 2007, RST initiated the chemical and hazardous waste inventory of the facility. By electronically scanning and re-constructing the Site maps, RST was able to enlarge the images to assist in the inventory process. The inventory procedure began in Building 5. Each room was given a number and the information on the chemical and hazardous materials it contained was recorded. This process was complicated by the absence of any natural light and the configuration of the Building. To date, a total of 74 rooms have been inventoried and 32 were found to contain some hazardous materials. A total of 480 containers of waste requiring disposal were identified. In addition, 10 pieces of equipment believed to contain radioactive sources were also identified.

On January 31, 2007, JCI of Caledonia, NY was on Site to retrieve 7, 150 pound cylinders of chlorine discovered in the Building 1 Chlorine Room. JCI was identified as the supplier of the cylinders based on label information. They retrieved the material at no cost to EPA. Each of the cylinders were determined to be more than 50% full. JCI plans to recycle this material.

On February 1, 2007, Suburban Propane was on Site to retrieve 14, 33.5 pound cylinders staged at various locations around the perimeter of the facility. Suburban was identified as the supplier of these cylinders based on label information. The material was retrieved at no cost and Suburban plans to reuse them. Each of the 14 cylinders were at least partially full.

On February 2, 2007, ERRS completed set up and preparation of the first staging area. The area is located in the rear of Building 5. It was a former loading area and contains a large open space for segregating and staging waste and also has a loading dock to facilitate shipping.

On February 2, 2007, Yaman Realty was on Site to observe the condition of the facility and grounds and evaluate the market value of the Site. Yaman has a signed agreement with IED, to sell the property and its contents.

ERRS conducted snow plowing activities on 4 days during this period.

Planned Removal Actions

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. Materials posing the most significant threat of release

will be addressed first. These materials include the Anhydrous Ammonia tank and the Sulphuric Acid tank. RST will continue with the inventory process and ERRS will initiate the collection and segregation process.

Key Issues

Equipment failures due to freezing conditions and routine snow plowing have impeded daily progress at the Site. The magnitude of the facility and the lack of utilities has also slowed the chemical container inventory process.

EPA CID is pursuing a criminal investigation of IED. EPA plans to document the location, condition and volume of all waste material discovered on Site prior to its disposal. This information is necessary to counter any future PRP claims concerning any "takings" issues.

Estimated Costs *

	Budgeted	Total To Date	Remaining	% Remaining
Extramural Costs				
ERRS - Cleanup Contractor	\$200,000.00	\$38,380.00	\$161,620.00	80.81%
RST/START	\$25,000.00	\$18,807.00	\$6,193.00	24.77%
Intramural Costs				
USEPA - Direct (Region, HQ)	\$25,000.00	\$12,000.00	\$13,000.00	52.00%
Total Site Costs				
	\$250,000.00	\$69,187.00	\$180,813.00	72.33%

* The above accounting of expenditures is an estimate based on figures known to the OSC at the time this report was written. The OSC does not necessarily receive specific figures on final payments made to any contractor(s). Other financial data which the OSC must rely upon may not be entirely up-to-date. The cost accounting provided in this report does not necessarily represent an exact monetary figure which the government may include in any claim for cost recovery.

Disposition of Wastes

Waste Stream	Quantity	Manifest #	Disposal Facility
150# Cylinders of Chlorine Gas For recycle/reuse	7	JCI-001	JCI Caledonia, New York
33.5# Cylinders of Propane For recycle/reuse	14	373062	Suburban Propane 3833 US Route 11 Cortland, New York

response.epa.gov/BuckbeeMears

POLREP #2 Last Updated 6/13/2007