

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

**Date:** Tuesday, May 8, 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. 6  
Buckbee-Mears  
30 Kellogg Road, Cortland, NY  
Latitude: 42.5920000  
Longitude: -76.1581800

<b>POLREP No.:</b>	6	<b>Site #:</b>	YH
<b>Reporting Period:</b>	04/11/07 to 05/04/07	<b>D.O. #:</b>	EP-W-04-054-044
<b>Start Date:</b>	1/10/2007	<b>Response Authority:</b>	CERCLA
<b>Mob Date:</b>		<b>Response Type:</b>	
<b>Demob Date:</b>		<b>NPL Status:</b>	Non NPL
<b>Completion Date:</b>		<b>Incident Category:</b>	Removal Action
<b>CERCLIS ID #:</b>	NYN000205908	<b>Contract #</b>	
<b>RCRIS ID #:</b>			

#### **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 ft<sup>2</sup>.

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 conducted the off site disposal of: 2, anhydrous ammonia cylinders, 45, compressed gas cylinders of refrigerant and 2, Hydrochloric Acid tanks.

Site security was in place during all non working hours this period. No incidents were reported. 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 30, 2007, ERRS completed the collection and transfer of all inventoried waste to the staging area in Building 5. The materials were segregated based on label information and field haz cat results. Once segregated the materials were packaged for off site disposal. ERRS has prepared approximately 4,883 containers for off Site disposal. These materials were packaged into: 68, 55 gallon drums; 20, 5 gallon pails; and 10, 1 cubic yard boxes. Approximately 900 other containers collected during the initial inventory have been consolidated with other waste streams and the empty containers will be crushed and disposed.

On April 12, 2007, 3, 150 # pound cylinders of anhydrous ammonia were returned to the original supplier for recycling. Two of these cylinders were full and the third was empty. The cylinders were recycled at no cost to EPA with the supplier providing transportation.

On April 18, 2007, 45 cylinders, of varying size, containing various refrigerant gases, were removed from the Site through a recycling facility located in MA. The facility will reclaim the cylinder contents and recycle it. The empty cylinders will be either re-used or disposed. The facility performing this activity is currently in compliance with the EPA off Site disposal rule with no known RCRA violations.

On April 26, 2007, ERRS drained approximately 270 gallons of chromic acid from a tank inside Building 5 into a portable tank for disposal. RST performed air monitoring during the transfer and recorded no readings above background. The room containing the tank was heavily stained and the area was deconned before the transfer was completed.

On April 26, 2007, the realtor for the PRP was on Site showing the facility to 2 potential buyers. The buyers appeared to be interested in some of the Site equipment and parts of the facility. ERRS and RST accompanied the realtor on their tour.

ERRS initiated removal and decon of process piping this period. Approximately 150 linear feet of pipe was removed and staged for disposal. This piping was filled with solids and had been damaged during the winter months. Approximately 100 linear feet of piping was deconned in place.

On May 3, 2007, ERRS completed the transfer of approximately 4,220 gallons of Hydrochloric acid from 2 tanks inside Building 5. The transfer was completed without incident. RST conducted perimeter air monitoring during the transfer and noted no readings above background. The material is being transferred to a facility in PA for recycling. This facility is in compliance with the EPA off Site disposal rule.

On May 3, 2007, EPA met with the City of Cortland Re-development Agency and their engineering consultants to tour the facility and support buildings on Site. The City would like to place this property back into productive use and tasked the engineering firm to see how feasible it would be to partition the Buildings for multiple users. The City believes the current owner will not re-occupy the facility and that no single user would need a facility this large. A report to the City is expected by the end of May, 2007.

On May 4, 2007, EPA ORC and DOJ held a conference call to discuss filing a petition for involuntary bankruptcy. This action is being pursued to assist EPA in reclaiming funds to be expended on the clean up. Filing of this petition is still pending.

### **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. 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.

**Estimated Costs \***

	<b>Budgeted</b>	<b>Total To Date</b>	<b>Remaining</b>	<b>% Remaining</b>
<b>Extramural Costs</b>				
ERRS - Cleanup Contractor	\$400,000.00	\$314,674.00	\$85,326.00	21.33%
RST/START	\$200,000.00	\$166,334.00	\$33,666.00	16.83%
<b>Intramural Costs</b>				
USEPA - Direct (Region, HQ)	\$80,000.00	\$49,000.00	\$31,000.00	38.75%
<b>Total Site Costs</b>				
	\$680,000.00	\$530,008.00	\$149,992.00	22.06%

\* 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**

<b>Waste Stream</b>	<b>Quantity</b>	<b>Manifest #</b>	<b>Disposal Facility</b>
Anhydrous Ammonia For recycle/reuse	3, 150 # Cylinders	JCI-002	JCI Caledonia, NY
Miscellaneous Refrigerant Cylinders For recycle	45 units	IRR-001	Interstate Refrigerant Recovery P.O. Box 517 Foxborough, MA
Hydrochloric Acid For recycle	4,220 gallons	48692	Advanced Recycling Technology 1080 Opportunity Ave. Chambersburg, PA

[response.epa.gov/BuckbeeMears](http://response.epa.gov/BuckbeeMears)

POLREP #6 Last Updated 6/13/2007