



Contamination Fears at Local Water District

Written by Joe Scotchie Friday, 03 September 2010 00:00

Federal Intervention Is Required, Massapequa Officials Claim

You may wonder why the Massapequa Water District is upset over a site in Bethpage. The answer, according to water district officials, is that "massive highly contaminated plume" might enter the water district supply wells.

The site is located at the Northrop-Grumman facility in Bethpage. The contamination that water district officials allude to is more commonly known as Perchloroethylene (PCE), a cleaning fluid deficiency. Water district officials contend that "massive amounts" of such PCE exist and are headed to the Massapequa's from the Northrop-Grumman plume. They claim that the same problem has already affected the South Farmingdale water district, which also serves customers in the Massapequa area. The Massapequa Water District has up to 45,000 customers.

For health reasons, water district officials don't want plume drinking water to infiltrate the Massapequa supply. In addition, such an infiltration is costly. If it occurs, then the water district will have to treat and clean up its own water supply.

"Without federal intervention the Massapequa Water District's supply wells will be impacted requiring costly cleanup in compliance with ever changing EPA (Environmental Protection Agency) drinking water standards," said John Caruso, commissioner of the water district.

Since the late 1990s, water district officials have been in contact with federal officials, Caruso added.

"The district demands the simple answer," Caruso said. "Clean up the contaminated plume to what is required under federal laws. The district is making these demands to the Federal government because the problems created at the Northrop-Grumman site were the result of activities by the United States Navy and the National Aeronautical and Space Administration and must be cleaned up by the United States government and Grumman.

"Although the Massapequa Water District is small in comparison to the massive plume emanating from the Northrop-Grumman site the rights to a clean water supply are governed by the policies, procedures of the federal Environmental Protection Agency that have been funded through the years by taxpayers," Caruso noted. "In the spirit of community involvement, local civic associations have begun the petitioning process to let our federally elected officials know that this is a matter of deep concern that will not be alleviated by political posturing or rhetoric."

To buttress their point, water district officials contend that under federal law, the sole source aquifer that supplies water to the residents of Nassau and Suffolk County can only fall under the jurisdiction of the federal Environmental Protection Agency regarding cleanups of such sites.

In the meantime, water district officials appeal to the public for groundswell of support that might impact the situation.

“This serious matter to the health and safety of all water consumers that have either been affected or will be affected by this contaminated plume needs to be addressed immediately by the residents of the Massapequa’s by direct contact with their federally elected officials with the demand that they enforce the legal requirements granted to the EPA by Congress and thus effect a proper and environmentally sound clean up of this site,” Caruso said.

The EPA’s Response

Recently, The Massapequan Observer obtained an update from the Region 2 division of the EPA on the Northrop Grumman site. In 1986, a Nassau County Health Department investigation of the groundwater resources at the site area began. The study found that groundwater plume was emanating from the facility and was commingled with a plume from an adjacent site.

The report added that a “groundwater pump and treat system was implemented on-site to contain the plume and reduce contaminant concentrations in the groundwater.” The study admitted that, “off site groundwater contamination has affected several public water supply wells and may threaten others.” In response, the report stated that both Grumman and the U.S. Navy installed wellhead treatment systems at affected public water supply wells to “remove contaminants prior to distribution in the public water supply system.”

In 1990, both Grumman and the U.S. Navy conducted separate studies on the contamination situation. In 1996, as a result of the Grumman study, contamination remediation took place. As a result of the Navy investigation, remedial alternatives were implemented for groundwater contamination. By the mid-1990s, “the on-site portion of the large groundwater plume emanating” from such facilities “appears to have been contained by the implementation of an interim remedial measure,” one called On-site Containment System (ONCT.)

A 2001 study, the report continued, called for “the continuation of ongoing corrective measures; continuation of volatile organic compound removal at three off-site public water supply wells; long term operation, maintenance and monitoring of remediation systems; vinyl chloride treatment; off site groundwater extraction and treatment; and continuation of a ‘non-detect’ policy for affected public water supplies.” The report also cites a wellhead treatment contingency plan, one that will go along with a long-term monitoring program.

In all, the report claims that certain programs for both the Northrop Grumman and Navy sites have “removed contaminated soils in many areas of the facility.” Nonetheless, the Massapequa Water District has made its concerns clear.

Source: Times Beacon Record Newspapers

Ironing out snags in Superfund cleanup

PJ mayor, Rep. Bishop corral all parties involved in Lawrence Aviation toxic plume remediation

By Dave Willinger

February 25, 2010

Recent findings by the federal Environmental Protection Agency of pollution north of West Broadway in Port Jefferson coming from the Lawrence Aviation Industries toxic plume will result in the testing for soil vapor intrusion of additional homes near the western side of Port Jefferson Harbor.

Those tests would be undertaken in "a couple weeks," EPA Remedial Project Manager Sal Badalamenti said during Monday's meeting of more than 40 stakeholders convened by Rep. Tim Bishop (D-Southampton) at the urging of Port Jefferson Mayor Margot Garant.

Numerous EPA and DEC officials and legal staff attended the discussion in the Village Center, as did representatives from the state health department and the county water authority and elected officials. Garant said she wanted to gather all parties in the hopes of expediting in particular the off-site portion of the cleanup, which could impact development projects already in the planning stages along West Broadway.

The EPA plans to construct a water treatment facility at a location at the western end of Caroline Avenue field. The plant would filter contaminated groundwater and discharge clean water into the Old Mill Creek downstream of the pond.

It was also evident there was a need to improve the lines of communication among the entities involved. For example, when Badalamenti spoke of the high levels of trichloroethylene north of West Broadway only being confirmed after the EPA installed additional wells in a parking lot across from Beach Street recently, "at the request of the village," Garant replied, "We didn't even know you drilled more wells." Results from those wells confirm the toxic plume "has been discharging into the harbor for some time," Badalamenti said.

Bishop told The Port Times Record Tuesday he was pleased all parties came together and were talking so the cleanup could go forward efficiently. The EPA, he said, agreed to provide written answers to a list of questions from the village prior to the meeting. Bishop said that together with Sen. Kirsten Gillibrand (D-NY), who was represented at the Village Center Monday, he would draft a letter to the EPA outlining the next steps in "how we will proceed."

Off-site facility

EPA officials said Monday they have funding in place to build and operate the off-site facility. However, construction is being delayed because the selected location is designated parkland, a detail apparently overlooked in the past. Village officials say they must follow the state's so-called parkland alienation process, which requires the village to set aside an equal amount of land elsewhere as parkland in order to "alienate" the use of part of Caroline field. While the mayor has

said she has a site in mind, an accurate survey of the proposed water treatment facility site is needed in order to determine how much land must be designated to replace it.

The deputy director of the Emergency and Remedial Response Division at the EPA, John LaPadula, estimated a survey would take “a few weeks,” and did not immediately know if “subsurface features” would have to be included in such a survey if, as in this case, they do not affect use of the park.

That plant would have an approximate footprint of 50 feet by 100 feet, including a parking area, according to an EPA briefing given to the Village Board in December of 2008.

To avoid any delays caused by the parkland alienation process, which requires Albany’s approval, LaPadula proposed two alternate sites. The plant, which is expected to operate 24/7 for up to 30 years — the time needed to complete the groundwater remediation — could be located on Port Jefferson School District property at the athletic field along Caroline Avenue, he said. The school district was not represented at the meeting. The second alternative would be to acquire property from the Islander Boat Center to the north of Old Mill Pond. Boat center owner John Scoglio has plans to redevelop his site into upscale residential units and commercial space. Garant said Monday after the meeting she might be inclined to see the ZBA grant Scoglio relief should he agree to sell a portion of his site to the EPA for construction of the water treatment plant. Scoglio was not at the stakeholder meeting but said Tuesday he would consider leasing a portion of his property to the EPA for the treatment facility if he could be assured it would not ruin his project, which he described as in the final planning stages. Scoglio said the EPA had reached out to him Tuesday, but that he had not been contacted by the mayor. However, Scoglio said his property does not extend all the way to the pond. It was unknown if land surrounding the pond to the north is also designated as parkland.

Future development

Village Engineer Kevin Koubek wanted assurances from the EPA that he could grant building permits for those development projects along West Broadway and not have the village be found liable decades later for health concerns of persons living there. Koubek said he is being told by the state, “You’re out of your mind to issue permits.” LaPadula replied that he would think construction could proceed with soil vapor intrusion mitigation systems included as a precaution. Bishop asked if the EPA could give assurance it is “safe, prudent and reasonable” to grant building permits within the plume. EPA officials replied they “could not certify” but might provide “a comfort letter” to that effect.

During a later exchange, LaPadula put it succinctly. “It’s impossible,” he said, to get indemnity from the federal government.

Poly-aromatic hydrocarbons recently found in sediment at the Old Mill Creek are “not associated” with Lawrence Aviation, LaPadula said, and suggested those PAHs, considered carcinogens, may have accumulated over decades from road runoff.

As for the volatile organic compounds — also carcinogens — in those sediments, Badalamenti said the EPA expects the “VOCs to quickly and naturally attenuate once the groundwater stops flowing through those sediments.” EPA spokesperson Beth Totman explained in an email Tuesday, “Once

the groundwater treatment plant begins operating, the source of VOC contamination from the LAI facility impacting the creek will be eliminated.”

LaPadula stressed that in general “the plume is not contaminating the soil” and contact with dirt in yards within the plume area, defined by the EPA as where the toxic groundwater is within 100 feet of the surface, is not considered a health hazard. “We’ve never seen it in the past,” LaPadula said.

At the meeting Garant also expressed concern about mounting costs to the village from the off-site cleanup and sought relief from the EPA. In addition to the hiring of an environmental attorney and consultant, the parkland alienation process, should it come to that, would require the village to pay for surveying the land to replace the Caroline field site. In addition, the EPA would be dredging contaminated sediment from the Old Mill Pond and the Old Mill Creek. The dredging and disposal of dredge spoils and the construction of the plant and discharge pipeline into Old Mill Creek would entail rerouting traffic and partially closing Barnum Avenue, Garant said. The village is concerned about being saddled with costs related to traffic control and public safety during this process, according to the mayor.

Congressman Bishop said Tuesday, “I think it is unfair to taxpayers of the village,” to incur costs associated with the Superfund cleanup.

Also at Monday’s meeting was Legislator Vivian Vilorio-Fisher (D-East Setauket), as well as representatives of Sen. Charles Schumer (D-NY), state Sen. Ken LaValle, (R-Port Jefferson) Assemblyman Steve Englebright (D-Setauket), Councilman Steve Fiore-Rosenfeld (D-East Setauket) and Town Supervisor Mark Lesko.



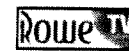
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Dry-cleaning chemical spills require cleanup throughout Rochester area

Steve Orr • Staff writer • December 20, 2009

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From Brockport to Penfield, from Main Street in Rochester to Monroe Avenue in Brighton, the local map is stained with more than a dozen spots where dry cleaning went bad.

The cause: A toxic chemical solvent that for decades washed clothes miraculously clean but escaped into the environment at the same time, leaving contaminated soil and underground plumes.

Countywide, there are 13 current and former dry-cleaning sites known to be contaminated by the solvent. An additional four sites, including a potentially large one on East Main Street in the city, are currently under investigation. Special ventilation systems to safeguard against the buildup of chemical vapors in buildings have been installed in at least six

locations.

The known sites, most of which were contaminated decades ago, are likely just the tip of the iceberg. There could be dozens more sites in the city and suburbs where current and former dry-cleaning businesses released perchloroethylene, known as perc, into the environment.

It's not clear exactly how much of a risk, if any, is posed by the low levels of vapors associated with underground pools of perc, which can spread in fingerlike plumes. But because exposure to higher levels of the solvent likely causes cancer and other health problems, health officials in New York, as in other states, seek to limit exposure to the vapors.

"At the numbers we usually find, it's worrisome enough to demand action. It's not necessarily something where I would move out or pull my kids out of school," said Lenny Siegel, a California activist who helps citizens cope with contamination by chemicals such as perchloroethylene, which is also known as tetrachloroethylene.

A fresh health assessment, issued in draft form last year by federal experts, concluded that the solvent was a more potent carcinogen than had been thought, and just three weeks ago a coalition of New York environmental and public health groups petitioned the state to radically tighten its perc exposure guideline.

Health officials have not responded to the request for stricter guidelines, but adoption would lead to more frequent remediation of tainted sites, except for one setback — nobody knows where most of them are, and nobody's looking for them.

Cleaners themselves, who know better than anyone that past practices often led to perchloroethylene releases, usually decline to search for fear of being forced to pay for an expensive cleanup.

"There's a real disincentive to finding contamination," said Peter Blake, executive director of the North East Fabricare Association, a Massachusetts-based trade group that represents New York cleaners. "They need their money to run their businesses."

While some states have industry-funded programs to track down and remediate dry-cleaner contamination, New York does not.

"It's amazing that a big, largely liberal state like New York is not doing something like this," said Fred McCormack, a lawyer in Florida who wrote that state's dry-cleaner remediation program.

In New York, which has more dry cleaners than every state but California, the discovery of historic contamination is a matter of chance. The sites are discovered when other environmental problems are being investigated, or when a bank requires testing when the property is sold. Occasionally, tipsters are involved.

Statewide, 260 locations have come to light in this way and were placed in state-run remediation programs.

The state Department of Environmental Conservation estimated in 2001 that there were more than 1,000 such sites.

"The problem is they don't really know where all these plumes are," Siegel said. "A lot of these places are out of business."

Indeed, the 2.3-mile length of Monroe Avenue in Brighton is a case in point. The area drew headlines recently with the disclosure that three dry cleaners in a three-block stretch abutting a residential neighborhood spilled or leaked solvents.

The solvent spills and a contemporaneous gasoline spill, the first of which was found six years ago, had a short-term impact on property values. Vapors from contaminated groundwater remain a concern, and six residential ventilation systems were installed to protect against perc.

"I hope they continue to look for any of these spots and keep tracking it," said Cindy Webb, **FINDINGS** who lives in the affected area on Hampshire Drive.

There are plenty of places to look in that part of Brighton. Since 1950, records show there have been dry cleaners at 21 other addresses on Monroe Avenue. That's an average of more

- More than a dozen sites in Monroe County are known to have been contaminated with perchloroethylene, a toxic dry-cleaning solvent.

than one per block. So far as is known, none of those sites has been assessed for perchloroethylene.

Longtime concern

Concern about perchloroethylene contamination has existed in New York for years, especially in New York City, where alarms were raised in the early 1990s about the threat to residents who lived in apartments above that city's multitude of dry-cleaning shops. In 1997, New York adopted tough regulations on dry cleaners that use perc. The rules require operator training, upgraded equipment, extra barriers if apartments or other businesses are nearby and annual inspections to check for leaks and proper disposal.

Blake said New York's rules are the strictest in the country. "They're extremely protective, and they're doing a good job," he said.

New York had 2,650 dry cleaners in 2007, according to U.S. census data — second only to California's 3,450 establishments. While perchloroethylene use has declined — hydrocarbon-based materials are a popular replacement — there still are about 1,870 users of that solvent, including about 15 in Monroe County, registered with the state.

DEC and industry officials say they believe the regulations have largely eliminated environmental releases of solvents at dry cleaners.

What the rules don't address, however, are historic releases — which everyone involved agrees were commonplace. These releases can threaten drinking water supplies that draw upon wells, though public water customers in Monroe County would not be affected. More often, the concern is vapors rising from contaminated groundwater.

That was the issue at South Clinton Avenue and Benton Street, where spills from a dry-cleaning chemical distributor led to the demolition of two homes and the establishment of a vapor and groundwater collection system that has been operating for a decade.

"Of course I'm worried. At the same time, I bought the house knowing it was there," said Brigitte Wales, who has lived across the street from the vapor extraction unit for six years.

She said state officials have tested the air in her home, but "they didn't find anything alarming."

Though similar spill sites can be found at a few locations, experts say most contamination likely resulted from everyday releases as wet clothes were being handled, or from chemical-soaked filters that were thrown into leaky trash cans.

"The practices were different," said Neil Hellman, owner of several Rochester dry cleaners that do not use perchloroethylene. He likened the situation to people who used to change the oil in their cars and dump the waste in the sewer. "That's what people did. Today, you're a bad guy if you do it."

Hellman owns the Speedy's shops, though he said the contamination found at several former Speedy's sites is attributable to previous owners. He worries that publicity over contamination unfairly taints the industry.

"It kind of makes people scared of dry cleaners," he said.

Other states' success

About a dozen states have created programs that offer remediation funding to qualifying dry cleaners, often with sign-up deadlines or releases from legal liability that provide further incentives to participate. The funds come from taxes or fees on the cleaners.

In Florida, the state Legislature approved the nation's first such program in 1994. During a four-year eligibility window, 1,450 dry cleaners conducted site screening tests and joined the program. The state now is overseeing cleanup at those sites on a prioritized basis, drawing on money raised mostly through a 2 percent gross receipts tax on dry cleaners.

"From a dry cleaner's standpoint, I slept much better at night once we had this passed," said Rick Miller, a dry cleaner in Fort Lauderdale who lobbied for the program. "We have close to 300 cleaners cleaned up, and we're well on the way to getting our state in great shape. We're real proud."

- No one is actively looking for contaminated dry-cleaning sites in New York, so the true number of locations is unknown.
- Despite having the strictest rules in the nation governing perc use by dry cleaners, New York has never instituted a remediation program like those that have been successful in other states.

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Texas, Illinois, North Carolina, Oregon and at least seven other states adopted similar programs.

New York considered starting such a program about eight years ago. The DEC estimated that 20 percent of then-current and historic cleaner sites in the state had sustained some sort of perchloroethylene release, and concluded that more than 1,000 probably were contaminated enough that some remediation would be needed.

Other states have estimated that 50 percent or more of cleaner locations had some contamination.

But DEC officials eventually decided not to pursue a special initiative to locate and address dry-cleaner sites.

Blake and Russ Petrozzi, a Niagara Falls dry cleaner and board member of the National Cleaners Association, said they had no clear recollection of New York discussing such a program. Petrozzi, for one, said such an initiative would help. "I would definitely think so," he said. "You're going to have another tax, that's what the bottom line is, but the Florida system is working well. It's gotten the job done."

Unlike other sources of contamination — old factories, dumps, chemical storage facilities — dry cleaners can be will-o'-the-wisps. Some have been in the same place for decades, but others open in a storefront in a commercial strip or suburban plaza, and then cede the space to another tenant a few years later.

And as the industry declines in size, most of the dry-cleaning shops that used perchloroethylene have long since closed.

In 1950, for example, city directories indicate there were about 155 dry cleaners, though some surely were drop-off spots where no cleaning was done. In 1970, there were nearly 300. Today there are roughly 85.

N.Y. defends approach

State officials say existing programs get the job done.

"We've been fairly successful at finding them," said James Harrington, chief of remediation for the DEC in Albany. Most commonly, he said, contaminated sites come to light when solvents infiltrate drinking water supplies, which are tested frequently, and when other problems such as petroleum spills are explored.

Local sites are good examples. Two of the three on Monroe Avenue came to light during the investigation of a large gasoline spill. A site in Pittsford was found when an old oil tank was excavated. At least three others in the city were found during the redevelopment of property.

One location on East Main Street was found this past spring during testing related to a potential sale of the property, a former Staub industrial laundry. The sale fell through after perchloroethylene was found under the property, a stone's throw from homes on Birch Crescent. The matter was reported to DEC as a spill of "high amounts of dry cleaning solvent." Action is pending.

The biggest local cleanup of a dry-cleaner site probably was at the former Speedy's central plant on Court Street downtown, where the city built a parking garage adjacent to the Bausch & Lomb headquarters. The city spent \$2 million in the early 1990s dealing with contamination by a petroleum-based cleaning agent and perc.

At roughly the same time, the city was spending \$900,000 to address environmental problems at the former Artco Industrial Laundry at 331-337 W. Main St. The city had purchased land next door for construction of the 911 emergency communications center and found perchloroethylene that had migrated under the property from Artco.

Mark Gregor, the city's environmental quality manager, said that for years the city operated a system to pull chemical vapors from the soil under the city's property. It continues to run a ventilation system under the 911 center basement that prevents chemical fumes from accumulating inside. "People are protected," Gregor said recently.

Across West Main from Nick Tahou's restaurant, the Artco site has long been an industrial laundry. DEC officials said a previous occupant likely is to blame for the contamination; the

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current tenant, Cintas Corp., does not use perc and is not responsible for the problem.

The current property owner, Barnes/Stevens Redevelopment LLC of Buffalo, had agreed to address the site under the state brownfield program. But it failed to install a system to prevent vapors from accumulating in the laundry building, and the DEC has added the site to its Superfund program.

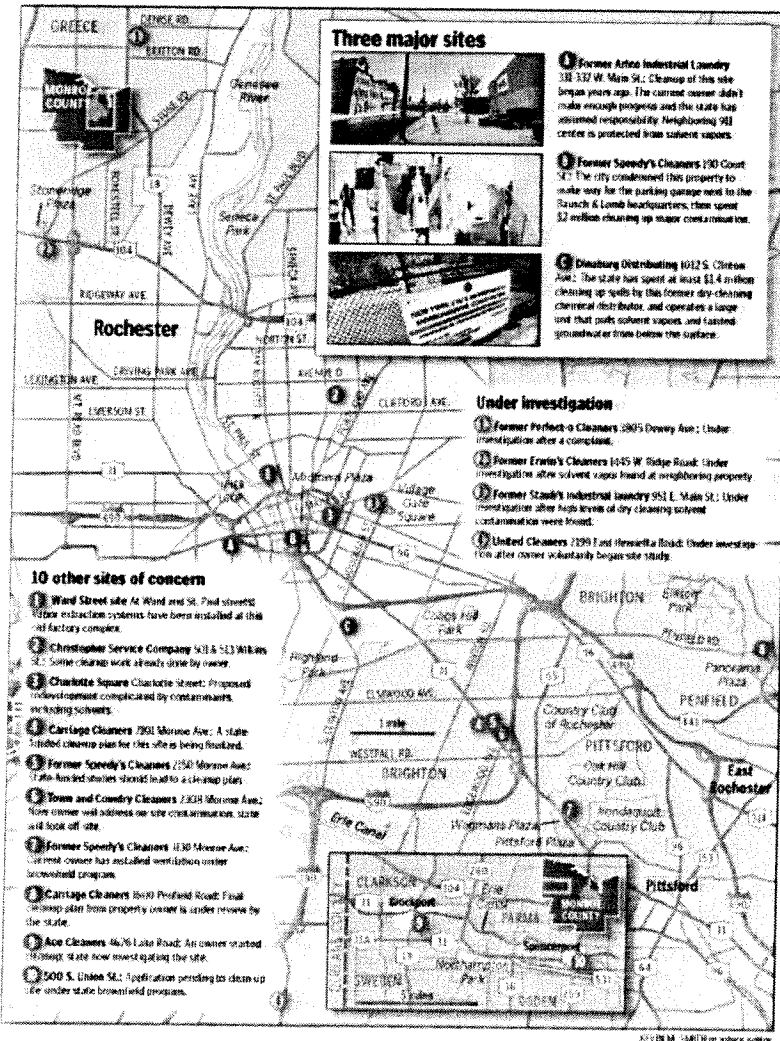
The agency will finish studies and install a vapor ventilation system, and may seek to recover costs from Artco or others that spilled the solvent. Vapor levels at the Nick Tahou's building were so low that no action was needed there, officials said.

Gregor said the Artco and Speedy's Court Street sites were the city's two biggest perc sites, but not the only ones.

"We run across old dry-cleaner sites in the course of doing due diligence from time to time," he said.

"There are probably dozens of them around the city."

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stargazette.com

January 13, 2010

EPA to test for more vapor intrusion in Elmira Heights

By Jeff Murray
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The Environmental Protection Agency is back in the Elmira area, looking into the possibility of vapor intrusion from the Facet Enterprises Superfund site.

In 2007, the EPA launched a study of the Elmira Heights area to determine if homes or businesses were contaminated with vapors from trichloroethylene, a common industrial solvent and probable carcinogen.

EPA sampled 103 homes and found elevated levels in some, installing mitigation systems in 27 households.

Now the agency plans to test under the foundations of 18 additional homes and conduct indoor sampling of nine more houses in the latest round.

"Long-term exposure to these vapors can have serious health implications, and I strongly recommend that people allow EPA to conduct sampling, and if necessary, install systems if we find elevated levels," EPA Regional Administrator Judith Enck said in a news release. "The good news is the systems are relatively easy to install and they are extremely effective in venting noxious vapors so that residents are no longer impacted."

The Facet site on Corning Road in Elmira Heights has been a location for makers of automotive parts since 1895 and remains an active industrial site.

Various types of waste were disposed of at the site over the years, including cyanide salts, heavy metal sludge, spent solvents and oils, according to EPA.

The agency cleaned up the site by excavating contaminated soil and sediment and treating contaminated groundwater.

But in recent years, EPA and the state Department of Environmental Conservation determined that vapors from trichloroethylene contamination might have reached the basements of some homes and buildings in the vicinity of Facet Enterprises.

The designated area for sampling spans west to east from Robinwood to Prescott avenues, and north to south from West 18th Street to West 12th and East 9th streets.

The additional sampling is a good step but only the beginning of what should be a much larger remediation process, said Walter Hang, president of Ithaca-based Toxics Targeting Inc.

Hang has been critical of EPA and DEC for years over their handling of the Facet Enterprises site and the former Kentucky Avenue wellfield site, which was contaminated primarily by activity at Westinghouse Corp. in Horseheads.

"In fact, all of the solvent contamination problems had never been properly investigated or remediated on a comprehensive basis," Hang said. "So the question now is, how many people were breathing contamination for years and years around these well-known solvent contaminated sites that were never cleaned up?"

"The (other) question is, are they only testing for TCE? There are numerous compounds that could be present," he said. "People could have been breathing these fumes for literally decades. This is a good first step, but it's not a comprehensive solution."

Additional Facts

On the web

* Learn more about the Facet Enterprises Superfund site:

www.epa.gov/region02/superfund/npl/0201604c.pdf

* For more detailed information about vapor intrusion:

www.epa.gov/region02/superfund/npl/vaporintrusion/

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June 28, 2010

South Hill residents settling lawsuit with Emerson

Terms not disclosed, but court documents indicate agreement reached or near

By Krisy Gashler
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The 90 South Hill residents who filed a class-action lawsuit against Emerson Power Transmission and several other companies appear poised to settle the suit out of court, court documents indicate.

In a June 21 letter to Judge Robert Mulvey, the residents' lawyer, Ellen Relkin, suggests the matter could be settled by July.

"We expect to have final settlement papers and a stipulation of dismissal (by July 23)," Relkin wrote. "All parties consent to this agreement."

Court records show that the residents and the companies first indicated their intent to settle out of court last November. The parties have since held several preliminary conferences in Tompkins County Supreme Court. The most recent was June 24, and Mulvey has granted the parties' request for another conference at 2 p.m. July 23.

None of the records, publicly available through the Tompkins County clerk's office, indicate the nature of the settlement agreement or the amount of money involved.

Calls and e-mails to Relkin, a lawyer with New York City-based Weitz & Luxenberg, Friday and Monday were not returned by press time.

Dave Baldrige, a spokesman for Emerson, said the company normally doesn't comment on pending litigation.

Involved residents contacted Monday by the Journal either did not respond by press time or said they could not comment on the lawsuit.

In September 2008, the Ithaca residents filed their lawsuit against Emerson Power Transmission, its parent company, Emerson Electric Company, and the factory's previous owners, Borg Warner Inc., and Burns International Services Corporation.

They alleged that the industrial contamination released from the former Morse Chain factory, some of which has worked its way downhill and, as vapor, entered residents' homes, had lowered their property values and increased their risk of future illnesses. They also argue the factory's owners knew TCE had spilled into the firewater reservoir by the 1960s and had been warned by the Tompkins County Health Department to test neighboring homes by the 1980s, yet did no off-site testing or mitigation until 2004.

The residents sought an unspecified amount of monetary damages based on "property damages, including property devaluation," increased costs related to "medical monitoring and surveillance to ensure early diagnosis and treatment of any conditions developed as a result of their exposure," and "damages resulting from annoyance, disturbance, intrusion, harassment and inconvenience" related

to installation and upkeep of vapor mitigation systems. Emerson has installed or offered to install the systems, which are similar to radon removal systems, in 66 South Hill homes, according to the Ithaca South Hill Industrial Pollution website.

In responding to the lawsuit, the companies said they were unaware of problems or were following standard industry practices. They also responded that if there was harm, the residents caused or contributed to it through their own behaviors, and that the statutes of limitation have expired.

The companies also filed cross-claims against NCR Corp., Therm Inc. and Therm International Inc., saying that if residents have been harmed, some blame should go to those companies, too. The residents agreed and in July of last year, a federal judge allowed the residents to add them as additional defendants.

A May 2009 report from the state Department of Environmental Conservation identified the sewers from three South Hill factories -- Emerson, NCR (now South Hill Business Campus) and Therm -- as "preferential pathways" for toxic vapor.

Court records indicate that NCR Corporation has joined with Emerson and Borg Warner in settling the lawsuit, but that Therm has not.

The complaint against Therm will be separated from the rest of the claim and "shall remain pending," the November filing shows.

Chemicals such as trichloroethylene, TCE, and tetrachloroethylene, PCE, are industrial degreasers that were once widely used, including at all three factories. They are still in use, though less so because of their environmental and health hazards.

The federal Agency for Toxic Substances and Disease Registry calls TCE "probably carcinogenic to humans."

In the November filing outlining the settlement agreement, the parties stipulate that they will drop their suit "with prejudice," meaning the residents agree not to sue again based on the same complaints.

There's no specific mention of the suit in any of Emerson Electric Co.'s recent filings with the U.S. Securities and Exchange Commission. Under "contingent liabilities and commitments" in its yearly 10-K report, filed last September, the company wrote that "Emerson is a party to a number of pending legal proceedings and claims, including those involving general and product liability and other matters, several of which claim substantial amounts of damages."

"Although it is not possible to predict the ultimate outcome of the matters discussed above, the Company historically has been successful in defending itself against claims and suits that have been brought against it, and will continue to defend itself vigorously in all such matters," Emerson wrote.

Borg Warner's most recent 10-K report, filed in February, states the company is potentially liable for environmental remediation costs at 35 Superfund sites nationwide.

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Three decades later, effects of IBM spill linger in Endicott

DEC: New cleanup techniques have helped

By Jon Campbell • jcampbell1@gannett.com • July 31, 2010, 7:40 pm

ENDICOTT -- The chemical spill first discovered at the IBM facility more than 30 years ago continues to have a massive effect on the community the computer giant once helped build.

A series of lawsuits against the company alleging harmful effects from a toxic plume caused by the spill continues to meander toward a trial.

The state Department of Environmental Conservation said new cleanup techniques employed by IBM have had a positive effect, but conceded that some areas of the plume may never be fully remediated.

A team of researchers is plugging along with a \$3.1 million, multi-year study on how decades worth of IBM employees have been affected by a cocktail of chemicals they may have been exposed to.

Today, there is still no end in sight. The lawsuits, cleanup and occupational study are all years away from any kind of closure, ensuring the company will continue to make headlines in the region for at least the next decade.

New technique

Last week, a company hired by IBM drilled an injection well on North Street, across from Building 18 of its former complex, to try out a new technique in which clean water is injected in the aquifer to flush out and extract TCE (trichloroethylene), a cleaning solvent that was spilled by the company over the years.

Clint Roswell, a spokesman for IBM, said the company began testing the injection procedure last year and wants to expand the practice to other areas of the plume before the calendar turns over again. IBM believes that could reduce the TCE content by 20 percent.

One resident was far from pleased with the location

of the well, before it was removed Wednesday. Mark Bacon owns a coffee shop next to where they drilled the well and said he was worried about what might be injected or extracted from underneath his property.

"That's about five yards away from my building," said Bacon, who painted protest messages on the side of the shop. "I really didn't want it there at all, but they just kind of do whatever they want to do."

A public meeting is scheduled for Aug. 25 at Union-Endicott High School where IBM will discuss where the remediation process stands, DEC spokesperson Maureen Wren said.

There has been "great progress" at some areas of the plume, Wren said, but others will always be polluted at some level. An example: Where the spill occurred -- near the railroad tracks among several IBM buildings -- is too crowded to use some of the cleanup procedures.

"There are too many buildings, utilities and other impediments to implement many of the cleanup technologies," Wren said of the railroad site. "We will continue to explore strategies to determine how the cleanup will continue to progress."

In June, the former Ideal Dry Cleaners site on North Street between Jackson and Arthur avenues was cleared by the DEC for unrestricted use. The cleanup of some contaminated groundwater downhill from the site, though, will take up to 10 years to

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complete, Wren said.

IBM bought that site in 1985 and agreed to pay the estimated \$4 million in cleanup costs even though it was already contaminated.

Suits progress

Nearly 1,000 people, businesses, churches and other nonprofits are in the early stages of seven lawsuits filed in state Supreme Court in Binghamton over the past 2 1/2 years. They allege seepage from the former IBM plant on North Street in Endicott has caused illness and death, and that it is the reason property values have plummeted.

Many of them have already given depositions to IBM lawyers in the discovery process and more are being called in, said Phil Johnson, an attorney who is part of an extensive legal team representing the plaintiffs.

Questioning medical histories and other background, the IBM lawyers are trying to discredit the claims of the plaintiffs and prove medical and property value damages were not caused by the company, which maintained its innocence in a 23-point response to the lawsuits claims.

Before the lawsuits were filed, a group of Endicott residents tried to negotiate a settlement with IBM. They wanted \$100 million; the company offered \$3 million. Johnson said any talks of a potential settlement are confidential.

Bacon, who is included in the lawsuit, said he doesn't think it will ever make it to the courtroom.

"Hopefully someday the lawyers will go to court, but I just don't see that ever happening," he said. "It just keeps dragging on. IBM is just so big, they're going to drag it on forever."

Johnson, however, emphasized the case is moving along. He said he expects the first two lawsuits, filed in 2008, will move to the courtroom next year.

"There's hardly a day that goes by where something isn't happening on it," Johnson said. "It's not at a standstill. Both sides are very actively doing what they need to do to prepare the case to get ready for trials."

Several other petitioners in the lawsuit declined comment, citing the sensitive nature of the discovery process. Lawyers representing IBM did not return calls for comment, and Roswell declined to speak about the case because of a lack of knowledge on the matter.

Study on course

While the lawsuits center on Endicott residents and organizations in the plume area, the \$3.1 million study by the National Institute for Occupational Safety and Health is focused on IBM workers throughout the years.

The study is meant to determine if exposure to chemicals has a direct correlation with the overall health patterns of employees.

Silver said IBM has been cooperative, and researchers were given access to a room filled with records of 28,000 IBM employees. They left with 14 filing cabinets of documents, and they are comparing personnel records with health records and death certificates in order to draw conclusions.

The team of researchers, which includes epidemiologists, hygienists, computer programmers, and data specialists, is actively working on the study, which is on schedule, Silver said. The study is expected to take three to five years to complete and was started in the spring of 2009.

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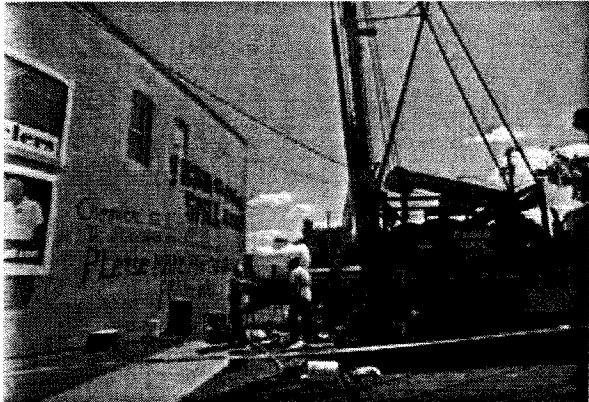
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"These are long-term studies, so we have to plow away at this progression of activities for several years before we have any results," Silver said. "These things take time."



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IBM continues cleanup efforts across from their former North Street plant, trying a new technology that involves injecting clean freshwater in the ground in an attempt to flush out the harmful chemicals. (REBECCA CATLETT / Staff Photo)

Timeline of the ENDICOTT TCE spill

- * December 1979: A leak in the distribution system releases 4,100 gallons of methyl chloroform north of Building 18 at the IBM campus. Previous tests show other hazardous waste at site.
- * December 1980: IBM releases a report to the DEC that shows tens of thousands of gallons of chemicals are pooled under an area near Building 18.
- * September 1982: DEC engineer Leland Flocke, in handwritten notes on a draft copy of a mandate ordering IBM to clean the spill, expresses the DEC's frustration in trying to get information from IBM about the pollution and itemizes several violations.
- * June 1986: Pollution downgraded on the state's hazardous waste registry from Class 2 (posing a public threat) to Class 4 (properly closed).
- * November 2002: Scientists begin testing that shows vapors from pollution are rising through the soil, contrary to earlier beliefs that chemicals were trapped in the ground.
- * February 2003: Tests show unacceptable levels of trichloroethylene, or TCE, in houses south of the plant. IBM begins plans to install systems to vent 75 properties and test 55 more in a broader area.
- * July 2003: Tests show evidence of pollution in more buildings, bringing the total to 480. DEC officials say more tests are needed to determine the exact

boundaries of the pollution.

- * November 2007: Talks of a settlement between Endicott residents and IBM fail when the company offers \$3 million. The group of residents was looking for \$100 million.
- * January 2008: The first in a series of lawsuits is filed against IBM by Endicott residents, seeking damages for health issues and a decline in property value.
- * May 2009: The National Institute for Occupational Safety and Health begins a \$3.1 million study on the correlation between exposure to chemicals and IBM employees' health.
- * July 2010: IBM installs a test injection well that sends clean water into the ground in an attempt to flush out TCE. The company plans to install more wells by the end of 2010, and a meeting will be held on Aug. 25 at Union-Endicott High School for IBM to update the public on remediation efforts.

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