

Daily News January 25, 2006

GROUP SAYS STATE HIDES OIL-SPILL INFO

GREENPOINT residents and environmental activists charged yesterday that the state is hiding critical information about potential cancer-causing gases generated by a massive underground oil spill.

The latest salvo in the long-running case came just before tonight's community meeting where state Department of Environmental Conservation officials are expected to update residents about the cleanup of the decades-old 17-million-gallon plume.

"We detected alarmingly high levels of [methane gas and benzene vapors] in July," said Riverkeeper investigator Basil Seggos. "In the right concentrations, methane gas is explosive and benzene vapors can cause cancer."

State officials insisted tests conducted for them came up clean.

Seggos charged the DEC has done little to assess the gas and vapor levels, and has not shared what health information it has with the public.

Believing the state was not doing its job, Riverkeeper filed a federal lawsuit against ExxonMobil in 2004 to force the oil giant to mop up the plume, which was discovered in 1978.

"Nobody knows what they've found," said JoAnn McErlean, a Greenpoint plaintiff represented in a second suit backed by environmental crusader Erin Brockovich.

No cancer clusters have been documented in Greenpoint, but McErlean said when she and her neighbors compiled their medical histories for the lawsuit, she learned of unusual cancer cases and women with reproductive problems.

"People are upset at the way DEC has approached this job," said state Assemblyman Joseph Lentol (D-Greenpoint).

"We'd been told that they were getting the oil out of the ground as quickly as possible," he said. But Riverkeeper's investigation has revealed the state was not moving as quickly as it could on the cleanup, he said.

State DEC officials said after Riverkeeper did its testing last summer, ExxonMobil took two soil tests.

"There were no vapors that constituted a threat to the public health and environment," said DEC spokeswoman Maureen Wren.

Even so, "As a precaution, ExxonMobil, with our oversight, will be conducting an additional investigation [this winter] to assess for any vapor intrusion into homes," she said.

The Ithaca Journal February 2, 2006

DiNapoli, Lifton to urge toxic mitigation at lower levels

ITHACA - After getting input from state officials, residents and scientists, Assemblymembers Tom DiNapoli, D-16th, and Barbara Lifton, D-125th, will issue their findings from three public hearings on vapor intrusion in a press conference at 1 p.m. today in the Ithaca Town Hall.

The most striking of their findings, based on a press release sent out Wednesday, suggested that mitigation be offered at dramatically lower levels of detection for vapor-intrusion-related toxins.

The Assembly Committee on Environmental Conservation, who issued the report and which DiNapoli chairs, also would like to see quick finalization of the state and national draft guidelines for vapor intrusion and a lowering of the level at which trichloroethylene, or TCE, is considered toxic. Granting testing for anyone who requests it, even if they are outside the test area, was a fourth recommendation.

These proposals came from three hearings dealing with the process by which chemicals can pass from polluted soil into the air, called vapor intrusion.

Locally, this phenomenon is being seen on South Hill, below the former Morse Chain Plant on State Route 96B, which is now owned by Emerson Power Transmission.

TCE, a likely human carcinogen, is seeping from polluted soil into the air in people's homes. The solvent was used at the Morse Chain plant decades ago to degrease chain manufactured there.

Under current regulations, only homes with indoor air levels registering more than five micrograms per cubic meter are eligible for a mitigation system. The Assembly report suggested that any home where toxins from vapor intrusion are detected, at any level, should be mitigated. With the detection limit less than 1 microgram per cubic meter, this would have a dramatic effect on the number of homes mitigated.

For instance, in Ithaca, two homes are known to have mitigations systems - one more than the company acknowledged at a public meeting in Ithaca last week.

More would qualify

Under the Assembly recommendations, at least 42 homes of the more than 75 tested would be eligible for a mitigation system, assuming the detection limit were set at 1 microgram per cubic meter. Emerson refused Wednesday to say how many mitigation systems they have offered.

Officials from the Department of Health did not return calls placed late Wednesday regarding the state detection limit for TCE in indoor air. If readings are below 0.25 micrograms per cubic meter, the house requires no further action.

"DEC and DOH should adopt a general presumption that all homes will be mitigated where contamination is detected and may be caused by vapor intrusion," DiNapoli said in a press release.

"A large number of findings from the committee's hearings support this recommendation, including the difficulty of accurately measuring vapor intrusion; the controversy regarding TCE toxicity and the comparable cost of mitigation and monitoring," he said.

Again addressing numbers, the committee also took issue with the DOH's air guideline for toxicity. Now at five micrograms per cubic meter, they recommended it drop to somewhere between 0.016 and 0.02 micrograms per cubic meter to better insure the health of residents.

The range was based on other state and regional EPA standards in use, which are orders of magnitudes lower than New York state's.

The controversy over TCE toxicity was at the root of another issue the committee addressed. Currently, there are draft guidelines related to vapor intrusion, but none has been finalized, creating a sense of limbo.

In the same vein, Lifton noted in the press release that "citizens wait much too long for test results to be released." There is often months of lag between testing and receipt of results.

Another recommendation, that testing be available to those who request it, would have a notable affect here. Many homeowners, particularly those to the northwest of the Emerson plant around Wood and Park streets, have asked to have their homes tested and been denied. It has been a frequent source of contention between officials and residents who question their reasoning for the denial.

Much of these protocols that the committee pointed out are still up for discussion because understanding of vapor intrusion is a relatively new occurrence. It first gained major publicity in New York state a few years ago at the Endicott IBM plant. There, TCE levels were extremely high, and a massive cleanup is underway.

The novelty of this phenomenon led Assemblymembers DiNapoli, Lifton and Donna Lupardo, D-126th, to hold three hearings around the state to better understand the

realities associated with vapor intrusion. The first was in Endicott in 2004, then there was one in Ithaca in April of last year, followed by a May hearing in Hopewell Junction, southeast of Poughkeepsie.

Buffalo News February 2, 2006

Plans made to search for toxic vapors

MIDDLEPORT-The FMC Corp. Click for Enhanced Coverage Linking Searches and federal and state agencies plan to launch an investigation this winter to determine whether toxic vapors are entering Royalton-Hartland's secondary schools and posing a possible health threat to students.

Parents have been concerned about the possibility since last winter when school Superintendent Paul J. Bona Jr. shut down a high school classroom after school officials noticed a strong odor there. The odor disappeared and its source never discovered.

Parents and officials fear volatile compounds such as the solvent trichloroethene are migrating from the adjacent FMC pesticide plant in the ground water, turning into a gas and percolating up through the soil into the schools.

Officials from the federal Environmental Protection Agency and state departments of Environmental Conservation and Health said there was no evidence to show there is a problem, but said there is enough information available concerning migrating solvents from the FMC plant to investigate and be sure.

Addressing the Royalton-Hartland School Board and at least 40 residents at a special meeting Wednesday, EPA's Walter Mugdan said FMC has agreed to work on the matter by coming up with a plan and conducting air testing. Mugdan is director of the EPA's Division on Environmental Planning and Protection.

"That's going to involve additional ground water samples, testing the indoor air supply in the schools and sampling subslab [air] below the school's foundations and in its crawl spaces," Mugdan said.

"We are doing this because we know there are contaminants in the ground water that could give rise to a vapor intrusion problem. We want to make sure that if there is a problem -- and we don't know if there is -- we want to cure it as quickly as possible, possibly this summer before school reopens in the fall."

He said FMC is working with the agencies and will do the sampling during the current heating season, when the schools' doors and windows are closed, so it will be easier to detect any vapors.

The New York Times February 5, 2006

State Checking Dozens of Sites For Hidden Contaminants

WITH satellite photographs all over the Internet, images of Long Island as seen from above are only a few mouse clicks away. Views beneath the Island's surface and a clear picture of what may be seeping up and down are not so easy to come by.

The need for a better view of what is going on below ground has assumed new urgency in New York as environmental officials move to evaluate the threat of volatile chemical vapors rising into homes and businesses from contaminated soil and water -- some at sites the state said had already been cleaned up.

The potential for contamination is far worse than state environmental officials previously believed, and homes could be at risk from vapors that can migrate from industrial and commercial sites where contaminants were dumped or spilled years or even decades ago. The chemicals most commonly found in the volatile vapors have been linked to health problems that include cancer, organ damage and birth defects, a state assemblyman's report says.

In an effort that has received little attention on Long Island, the State Department of Environmental Conservation is making plans and setting priorities for investigating 400 hazardous waste sites, including more than 80 on Long Island. The department wants to determine whether vapors are moving -- a process called vapor intrusion -- and tainting indoor air in buildings on or near the sites. Authorities had deemed many of the sites sufficiently cleaned up but will now take a second look.

The sites are scattered across the Island but are predominantly in Nassau County and western Suffolk. There are no estimates for the cost of their cleanup.

"Historically, we thought that vapor intrusion was only an issue where the source of contaminants was very shallow and the magnitude of contamination was very great," Carl Johnson, the conservation department's deputy commissioner for air and waste management, said in testimony at a State Assembly hearing last April. "We now know that our previous assumptions about the mechanisms that could lead to exposure to vapor intrusion were not complete."

The environmental conservation department and the State Health Department have devised a strategy to look at the sites for what are called vapor intrusion pathways -- essentially, the paths that the vapors from chemical contaminants like industrial solvents can follow from the soil and groundwater to the surface and, in the worst cases, into buildings.

Sites ranked most likely to have problems will be dealt with first. The rankings are due by December. Cleanup costs would be borne by business owners and past owners identified as responsible for contaminants; they would be assumed by the state as a last resort.

Additional cleanup efforts could include the excavation of contaminated soil and groundwater treatments generally referred to as air stripping, in which volatile organic compounds in groundwater are exposed to the air and evaporate.

At sites where problems are suspected or found, soil and basements, crawl spaces and lower-level living areas in commercial buildings and nearby homes could be tested. Indoor air samples are usually collected during the heating season.

Steps to evaluate the risks of vapor intrusion are part of current cleanups, including brownfield sites, the former commercial or industrial sites that have been cleaned up for reuse. In some cases, demolition and excavation can provide paths for vapors.

The state environmental conservation and health departments said their comprehensive approach would make New York a national leader in addressing vapor intrusion. But critics said the problem only underscored how much contamination was allowed to remain even after state-approved cleanups.

Walter Hang, the president of Toxics Targeting in Ithaca, N.Y., a company that compiles government information on 500,000 toxic sites in New York for clients ranging from water districts to home buyers, said the state was reaping the results of inadequate cleanup of contaminated sites. "The state should have cleaned up these sites decades ago, given that everyone knew the sole source of Long Island drinking water had to be protected," Mr. Hang said.

Now, he said, the vapor problem was compounding the risks residents already faced from contaminants that are seeping farther down toward public water supplies.

"The question is, are these solvents penetrating into nearby homes and buildings as a soil gas vapor?" Mr. Hang said. He said Long Island's sandy and highly permeable soils were "an ideal environment for allowing contaminated water and soil vapor to spread to the maximum degree."

"These chemicals are very persistent, particularly when they are underground and there is no breakdown of the compounds," he said. "They can migrate slowly but surely through the groundwater and cause continuing contamination hazards."

The new view of soil vapor intrusion began emerging in the late 1990's when the federal Environmental Protection Agency found a far wider problem at a Colorado cleanup site than agency officials had anticipated or computer models had predicted. The findings set off alarms among environmental agencies across the country, but nowhere more than in New York, where solvent dumping associated with heavy industry and manufacturing is well documented.

In 2001, the State Department of Environmental Conservation investigated soil vapor at an industrial plant in Endicott where I.B.M., the former owner, had reported a 4,100-gallon solvent spill in 1979. By the summer of 2004, I.B.M. had discovered measurable

levels of vapors in 470 homes and buildings in the vicinity of the plant in the Village of Endicott and the Town of Union. It has spent about \$40 million so far to clean up the site.

Among Long Island sites where vapors have become an issue is a large industrial park in Plainview near residential areas south of the Long Island Expressway. An engineering consultant hired by the environmental conservation department, O'Brien & Gere of Syracuse, asked property owners in December for access to test groundwater and poke underground with heated probes that draw out vapors.

The industrial park, like many of the other Long Island sites on the state list for evaluation, has a long history of contamination.

Reports supplied by Toxics Targeting, compiled from Department of Environmental Conservation records, show that one tenant in the Plainview industrial park, a lithography company, disposed of unknown quantities of contaminants in four leaching pools for about 25 years, ending in 1990.

Some contaminated soil was removed and some groundwater monitoring was performed under the direction of the Nassau County Health Department, the reports said.

The contaminant that worries state officials most is trichloroethylene, which is also known as trichloroethene or TCE. It is found in solvents used to clean machine parts, strip paint, make adhesives and mix in paints and varnishes, among other applications. The state health department says long-term exposure to high levels of TCE in the air can cause nausea, headaches, dizziness, reduced coordination and in some studies, increased risks for certain cancers.

Other contaminants, which like TCE are also volatile organic compounds, include xylene, toluene, tetrachlorethylene (a common dry-cleaning solvent, also known as perchloroethylene, PCE or perc), and trichloroethane (TCA).

Another manufacturer at the industrial park dumped unknown quantities of perc and TCA into a leaching pool over an unknown length of time, contaminating soil and groundwater, the reports said. The documents say that a voluntary cleanup of soil and groundwater at the site met objectives, but that contaminated soil was left in place, because it was "primarily subsurface" and "direct exposures are not likely to occur."

The records show that employees of a manufacturer of paint and industrial coatings dumped solvents on the ground and into storm drains, a situation that came to light in the late 1980's. In 1993, a cleanup ordered by the Department of Environmental Conservation removed contaminated soil as well as hazardous wastes from leaking underground tanks. The site is within 500 yards of a public well.

In all cases, the conservation department eventually "delisted" the sites, meaning they were deemed sufficiently cleaned up.

Carol Meschkow, the president of the Concerned Citizens of the Plainview-Old Bethpage Community, said she was unaware of state-ordered testing for vapor intrusion at the industrial park and did not know of the state's concern about vapors. She added that she had never heard a complaint from any area resident about confirmed or suspected vapors in a home.

Paul Granger, the superintendent of the Plainview Water District, also had not heard of the testing. "I am surprised I am not hearing more about this, and I'm surprised there is not more information for the public," he said.

Mr. Granger, a former chairman of the Long Island Water Conference, an association of water companies, has tried for years to compel the conservation department to do more to clean up the industrial park.

"We are very concerned with that facility," he said. "But these spills are decades-old, and it appears the horse is out of the barn. Here we are in 2006, and it seems like things are only getting worse."

He said that a water district pumping station drawing water at a depth of 700 feet about a half mile northeast of the industrial park began picking up traces of TCE in 2001. He said the amount had steadily increased since then, requiring the district to spend \$1 million to build a stripping tower to remove the contaminant.

Mr. Hang of Toxics Targeting said that the Plainview park was not unique. "It is one of dozens of sites that will require further investigation and probably further cleanup," he said. "Long Island had so many companies that used these solvents."

Assemblyman Thomas P. DiNapoli, a Democrat from Great Neck and the chairman of the Assembly's Committee on Environmental Conservation, called on the State Health Department on Tuesday to enact stricter standards for exposure to TCE in indoor air.

Mr. DiNapoli said the recommendation came out of hearings the committee held in Endicott in November 2004, in Ithaca last April and in Hopewell Junction last May. All three communities have had major problems with vapor intrusion from contaminated industrial sites.

He urged the environmental conservation and health departments to "adopt the strictest guidelines that are out there" and to agree to any requests for tests of indoor air by any resident living near a contaminated site with possible vapor intrusion.

A report Mr. DiNapoli scheduled for release on Thursday also said that once vapors had been blocked or diverted from homes, an aggressive cleanup of soil and groundwater contamination should begin as soon as possible.

The report noted that the current State Health Department air guidelines for TCE were half as stringent as those in California, Colorado and New Jersey. The report said the

stricter standards in those states were warranted in New York because of uncertainties about the toxicity of TCE.

Mr. DiNapoli said that the contamination of indoor air by volatile chemicals like TCE was "the most significant public health threat from contaminated Superfund and brownfield sites."

His report said that TCE, PCE and TCA, chemicals commonly found in vapors, were linked to the serious health effects including cancer, organ damage and birth defects.

At the federal level, the Environmental Protection Agency's regional office for New York and New Jersey is appraising vapor intrusion at Superfund sites in both states. "Even on sites we have completed active remediation of, we feel there is a need to go back and look," said Michael Sivak, a risk assessment specialist for the agency.

There are 15 Superfund sites in Nassau County and 11 in Suffolk.

Mr. Sivak said that the risks from vapor intrusion varied from site to site depending on local geology and other factors the agency is still learning about. He said the agency had done recent testing for indoor vapors at a groundwater contamination site in Smithtown but found little or no sign of problems inside homes there.

In 1998, the agency found PCE in water from private wells in contaminated areas in Nissequogue, Head of the Harbor and St. James.

The agency plans more indoor air sampling near Lawrence Aviation Industries in Port Jefferson Station, a former titanium plant that is on the federal Superfund list. The testing is proposed for about 25 homes and Earl L. Vandermeulen High School in Port Jefferson.

The Record March 3, 2006

Fair Lawn homes to be vented; Pollutants in soil spread to water

FAIR LAWN — Environmental regulators have ordered air-venting systems installed in three homes on a street contaminated by pollutants from an old dry-cleaning business, officials said Thursday.

The contamination is from tetrachloroethylene, a common dry-cleaning solvent, spilled at the former Topps dry cleaners on Fair Lawn Avenue. Health experts warn that exposure to high levels of tetrachloroethylene can cause headaches and dizziness and lung, kidney and liver damage, and may increase cancer risks.

State officials have known of the contamination since 1993, and have been overseeing a study and cleanup of the area since 2004.

The pollution is heaviest in the soil and groundwater directly under Topps, but has spread to the homes through groundwater.

Officials ordered air-quality testing in the homes in 2005. Vapors from contaminated groundwater can enter homes through cracks in the foundation and seams around utility pipes.

Officials originally planned to test 11 homes on the west side of Plaza Road, but expanded the tests to include 11 homes on the east side of the street as well.

Based on initial test results, venting systems were ordered for three neighboring homes on the west side of the street, said state Department of Environmental Protection spokesman Fred Mumford.

To vent the fumes, a pump is placed under each home's foundation and connected to piping and a fan that carries the fouled air outside.

Resident Kathy Moore said tests had shown pollution only in the soil vapors beneath her home — not in the home itself — but said she still worried the vapors could find their way inside.

"They're there," Moore said. "The toxins are lurking under the surface."

But Tim Snedecor, who also owns a house on the block, said bad publicity about the contamination has made it hard for him to sell his home, and that he feels the reaction by some residents has been overblown.

Snedecor, who is living in Delaware now, aired his concerns recently in an online forum.

"My home is probably the only home in move-in condition that is still on the market in Fair Lawn after nine months," he wrote.

Concern about "vapor intrusion" has recently become a focus of attention by state and federal regulators. In 2001 and 2002, officials ordered ventilation systems installed in 27 homes and businesses contaminated by a massive plume of dry-cleaning fluid near Wall Township in Monmouth County.

In Fair Lawn, at the source of the Topps pollution, environmental consultants have demolished the former dry-cleaning building and removed three underground storage tanks. Officials are now reviewing plans for installation of a cleaning system that could clean up the site in nine months to a year, Mumford said.

He said the department planned to focus on the cleanup at Topps, which is being paid for by the former owners, before evaluating the cleanup of groundwater. He said the department would continue to monitor indoor air in the homes on both sides of Plaza Road.

The Ithaca Journal March 8, 2006

Emerson lowers mitigation standard

ITHACA - At least 26 new homes could receive mitigation systems for a specific toxic chemical since Emerson announced a change in its policy regarding action thresholds yesterday.

Under the new guidelines, any home that had at least one test where indoor air registered 0.8 micrograms per cubic meter or higher for trichloroethylene will be offered a mitigation system. The previous standard, based on draft state regulations, was 5 micrograms per cubic meter of trichloroethylene, which is better known as TCE.

Emerson revealed this change by sending out a letter to residents dated March 6.

"This seems like a tacit admission that things may be somewhat worse than the rosy picture that was painted all along," said Ken Deschere, a South Hill resident.

Before this announcement, three homes were known to have mitigations systems.

Of the properties that meet Emerson's new standard, half of them are on South Hill Terrace. The Journal based this and other estimates on test results available at a community-generated Web site, the South Hill Ithaca Pollution Toxic Chemical Database, [http://6sys.no-ip.info/\[tilde\]tjweber/ship/](http://6sys.no-ip.info/[tilde]tjweber/ship/).

At the Web site, a majority of residents whose properties were tested chose to contribute their test results. While the site represents a large portion of the testing, it does not include all test results.

When asked why the company decided to lower its threshold, Emerson spokesperson David Baldrige referenced several factors in his e-mailed response.

"Emerson conducted a comprehensive review of the existing information on this issue, including guidance published by the U.S. Environmental Protection Agency and various state agencies in arriving at the 0.8 ug/m³ TCE value for offering mitigation," he wrote.

At two other Superfund sites in New York state with significant TCE pollution, in Endicott and East Fishkill, lower standards for mitigation have been in effect for some time. Baldrige said Emerson's decision was made independent of the limits set at those two places.

Nonetheless, Deschere wondered whether Emerson "saw the writing on the wall."

Locally and at the state level, citizens and politicians have long been pushing for lower limits of allowable TCE in indoor air. In a report issued in January, the New York State

Assembly Committee on Environmental Conservation suggested using detection as the threshold.

The committee recommendations were intended to serve two purposes. One was to influence sites where mitigation work already is under way, like on South Hill. The second was to weigh in on the state's ongoing process of updating its action thresholds for vapor intrusion. Vapor intrusion is the process by which pollutants move from contaminated soil or water to the air as is happening in Ithaca.

The state's draft level of 5 micrograms per cubic meter for TCE will remain in effect until it issues final standards, which are expected before the end of the year.

"I wonder if they (Emerson) have been told that this is a likely future regulatory limit," said Brendan Wyly, a South Hill Terrace resident.

The state Department of Health did not return a call for comment on this or other questions.

For Wyly, Emerson's shift in policy is particularly good news because now his home, as well as one his mother-in-law lives in down the block, are both eligible for mitigation systems. Wyly recently wrote Emerson to request just such a system and was told he'd have to wait while Emerson consulted other parties.

While he's pleased with Emerson's decision, Wyly is still concerned about whether Emerson is going to do anything to insure property values in the neighborhood. With that question still unresolved, Wyly's celebration over the threshold change was subdued.

"It is good for the community, but they don't deserve any kudos for moral insight," Wyly said.

As for costs the company would incur with this move, Baldrige said they were uncertain what would be involved. For several months now, residents and academics from Cornell University suggested that mitigation could be a more cost effective way of addressing the contamination.

A basic vapor mitigation system, which is exactly like ones used for radon, generally costs about \$2,000. Due to the age of certain properties on South Hill and the type of flooring they have, that cost will likely be higher for some homes.

In comparison, testing generally costs \$800 per test and most homes require two or three tests. With many homes being tested more than once, Emerson would be spending at least \$3,200 per property.

As South Hill Terrace resident Ronald Hall said, "it almost seems like a cheaper way to do things."

Emerson's letter said that eligible homes will be notified within the next week.

The Journal News March 14, 2006

Hartsdale plaza's owner to fix dry-cleaning pollution

GREENBURGH - A Hartsdale shopping plaza where dry cleaning chemicals seeped into the ground for 30 years is on its way to getting cleaned up for good.

The company that owns Dalewood I Shopping Plaza, on the 300 block of North Central Avenue, wants to treat the polluted groundwater and place air filters in nearby buildings to catch any chemical vapors that could escape.

An environmental consultant hired by plaza owner Heritage SPE of New York said the air filters were only precautionary and the chance of polluted vapors getting into the buildings was slim.

"There's tests being done of indoor air, and there's no indication of any problems," said Neal Drawas, the managing director of Kroll Associates.

Heritage recently submitted its final clean-up plan to the state, which sent a copy to the Greenburgh Public Library for public review. Drawas said the final cleanup could take years.

The contamination was caused by the former Westchester Cleaners, which closed in 1997, Drawas said. The business at 357 North Central Ave. is now a Quiznos Sub shop.

Quiznos store supervisor Debi Rodriguez said that the shop's air quality has been checked several times and that she feels safe.

"So far, there's been no problem," she said.

Heritage bought the plaza after the dry cleaner moved out, Drawas said. State documents show Heritage has removed 335 tons of polluted soil behind and underneath the plaza and has installed monitoring wells to check groundwater pollution levels.

"Shoppers and workers at this shopping plaza should not be concerned," said Claire Pospisill, a state Health Department spokeswoman.

Wendy Rosenbach, a spokeswoman for the state Department of Environmental Conservation, said crews would inject an organic substance into the groundwater to break down any contamination. That would prevent any chemical vapors from leaking out into the air, she said.

Rosenbach said no one in the area is drinking the polluted groundwater because public water is piped into surrounding homes and businesses.

"The only pathway for it is vapor intrusion," she said.

Rosenbach said chemical spills by dry cleaners were not unusual in New York. She said the state was glad the plaza's owners were willing to fix it.

"I don't think this is the most serious one (polluted site), but it's certainly one we want to address," she said.

Reach Rebecca Baker Erwin at rerwin@lohud.com or 914-694-5064.

Plaza cleanup

The public has until Thursday to comment about plans to treat the groundwater near 357 N. Central Ave. Letters may be sent to Ralph Keating, project manager, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233.

The remedial plan would:

- * Install treatment wells around the site.
- * Inject the groundwater with chemicals to break up any remaining underground pollution.
- * Find and seal any building cracks where pollution vapors could enter.
- * Install charcoal filters inside nearby businesses and adjust building ventilation to increase fresh air intake.

The Baltimore Sun March 30, 2006

Lockheed says tainted soil must be removed; Tests find toxic 'hot spots' on Middle River site

Most of the vacant land surrounding the missile and aircraft parts assembly plants at Lockheed Martin Corp.'s sprawling Middle River complex will need to be cleaned of toxic contamination before the property can be redeveloped, company officials said this week.

After months of environmental testing, company officials say they believe 15,000 cubic yards of soil need to be hauled away because "hot spots" on the site are tainted with petroleum compounds, toxic metals and polychlorinated biphenyls, or PCBs, a hazardous chemical once used as an insulator in power equipment.

The soil removal could be completed within one to two years if the Maryland Department of the Environment approves, company officials said. Lockheed Martin applied last year

to enter the state's voluntary cleanup program, which could streamline the company's path to redeveloping the site.

Lockheed Martin officials said they had no immediate plans for the property, though company representatives have talked in the past with local officials and community leaders about building a hotel, waterfront boardwalk, housing and shops.

"No final decisions have been made on the future of the excess property," company spokesman Jim Gring said in an e-mail. He said the company is weighing "a number of options," including continued industrial use, creation of a park, and a mixture of residential and commercial development.

First, however, the company must get approval from the state of its assessment of the extent of contamination and its plans for dealing with it. The company intends to file its test results with MDE by the end of the week.

Besides the tainted soil, the groundwater beneath the property also will need to be treated, company officials reported. Tests found machinery-cleaning solvents such as trichloroethylene seeping through the ground in two relatively narrow plumes from the center of the site toward Cow Pens Creek and Dark Head Cove, which border the tract on two sides. Petroleum byproducts like benzene were found in a few places in groundwater as well, which officials attributed to leaks from old fuel storage tanks.

Cleanup of the groundwater could take from five to 20 years, depending on the remediation technique chosen, said Gail Rymer, the company's director of environmental communications.

Although benzene is a carcinogen and the other compounds are also toxic, they pose no significant risk to the 600 Lockheed Martin workers or to nearby residents, according to Tina Armstrong, senior environmental remediation manager for the company's East Coast operations.

The tainted soil is underneath buildings or pavement or in areas fenced off from access, she explained, and workers and residents drink publicly supplied water.

Even so, further testing is planned, Armstrong said, to ensure that workers are not being exposed to toxic vapors that might seep into basements from the soil and groundwater. More testing also is needed to be sure that contaminated groundwater is not seeping beneath the waterways to nearby residential areas, she said.

The company plans to ask the state's approval to do nothing on a portion of the site. Testing has found that about 22 acres are clean enough to build homes there, and another 66 acres are clean enough for continued industrial use, Armstrong said.

But company officials acknowledged they may be required by the state to clean up toxic contaminants in Cow Pens Creek and Dark Head Cove. Tests found sediments along the

bank are fouled with metals, PCBs and toxic byproducts of fuel burning. Anglers are already advised by the state to limit their consumption of fish caught in the entire Middle River watershed because of PCB levels in the animals' flesh.

Local officials and community leaders said they were satisfied with Lockheed Martin's approach so far to the contamination. The contamination was first disclosed last year.

"They really seem to be putting the right effort forward," said County Councilman Joseph Bartenfelder. "And this is the time to do it -- now, not when it's a problem."

"They're doing a job of trying to get it straightened out," said Jack Schultz, president of the Wilson Point Civic Improvement Association. "They've been on the up and up with us since the beginning."

The New York Times April 9, 2006

Much Is Riding on Soil Tests at Two Sites

RESIDENTS in two Long Island villages, Manorhaven and Port Jefferson, are learning more than they wanted to know about an environmental problem known as soil vapor intrusion.

Similar learning experiences may lie ahead for thousands of other home and business owners in communities near scores of current and former industrial sites in Nassau and Suffolk Counties -- with an uncertain effect on their property values.

Soil vapor intrusion involves plumes of groundwater laced with once-common industrial solvents that can evaporate and rise through soil to invade homes and other buildings. State and federal agencies are stepping up testing in response to evidence that health threats posed by the vapors, including elevated cancer risks, may be far greater than once believed.

Officials say that devices as simple as perforated pipes can harmlessly vent vapors from soil into outdoor air. But sellers who know of soil vapor problems on their property are required by law to reveal them to potential buyers. And the understanding of the risks from exposure to indoor vapors is still evolving.

In Manorhaven, the State Department of Environmental Conservation will soon have results of groundwater and soil vapor tests at the 1 Toms Point Lane co-ops, 127 units on Manhasset Bay.

The complex, where sale prices now average \$342,500, is next door to the former Thyphin Steel plant, an 11-acre site where the presence of trichloroethene, a suspected carcinogen also known as trichloroethylene or TCE, has been confirmed in groundwater.

A map produced by consultants for the site's owners, MBA-Manorhaven L.L.C., which is carrying out a voluntary cleanup under state direction, shows groundwater on the industrial property flowing south, directly toward the neighboring co-ops.

In Port Jefferson, the federal Environmental Protection Agency has completed a first round of soil vapor testing north of the former Lawrence Aviation plant, a federal Superfund site just outside village boundaries in Port Jefferson Station.

The agency has mapped a solvent-tainted plume almost a mile long and 1,000 to 1,500 feet wide. It appears to begin at the plant, a former manufacturer of titanium that an E.P.A. official, Angela Carpenter, described as a potential source of the contaminated plume.

"Groundwater plumes of these chlorinated solvents are unfortunately not all that uncommon," said Ms. Carpenter, who heads the agency's eastern New York remediation section. "This plume is fairly typical of what we see."

Agency officials said that tests in the Port Jefferson high school and the middle school, which are north of Lawrence and within the plume, showed no indoor vapors. But the testing, discussed at a public meeting in the village, did find elevated levels of TCE and another solvent, perchloroethylene, which is also known as PCE or PERC, beneath school buildings.

Robert Aloise, the Port Jefferson school district superintendent, said that the district was awaiting test results and would make them public.

The vapors would pose a problem if they seeped into basements or were drawn inside when furnaces and burners run, creating negative indoor air pressure.

Sal Badalamenti, the project director for the Lawrence Aviation cleanup for the Environmental Protection Agency, said it had tested for vapors under the slabs of 23 of about 60 houses in the plume area. He said that at three houses, TCE levels were high enough to prompt indoor tests, which were done on March 29. Results are incomplete.

Port Jefferson residents are looking for answers but appear to be taking the testing in stride, village officials said. "There does seem to be a certain calm," said the village planning board chairman, James Burke, who has two children attending schools that were tested.

Village officials have not taken up a suggestion by the village engineer, Kevin Koubek, that building projects in or near the contaminated plume be delayed until the Environmental Protection Agency and the Department of Environmental Conservation give what Mr. Koubek described in a Feb. 13 memo to the planning board as an all-clear.

Matters appeared to be more tense in Manorhaven, where residents of the Toms Point co-ops were closely following the testing there, according to local officials. A local civic and

environmental group, Residents for a More Beautiful Port Washington, was also awaiting the results.

Jamie Ascher, an engineering geologist and the project manager for the Thypin site for the Department of Environmental Conservation, said groundwater and soil tests on the co-op property were made in six spots at 10-foot-depth intervals from 10 to 60 feet. He said test results would help show whether the plume ran beneath the co-ops.

Data from the tests will also determine whether the state requires more testing for vapors under building slabs and in basement areas, Mr. Ascher said. The state's environmental and health departments will soon issue new guidelines for soil vapor.

Bruce W. Migatz, a lawyer for the 1 Toms Point Lane Corporation and a resident of the co-ops, said the tests had shown no contamination in the soil or shallow groundwater but had detected contamination in deeper groundwater. He said that contamination is common on Long Island.

"There has been no determination that anybody is in jeopardy of anything," Mr. Migatz said.

He said residents had been advised of the testing and "no one has expressed concern at this point."

The Manorville mayor, Nicholas B. Capozzi, said he saw no reason for alarm. "Everyone knows what is going on, and if there's a problem it will be mitigated," he said. "Sometimes people cry wolf, and they don't hear the other side."

Richard Thypin, the manager of MBA-Manorhaven, said in an e-mail message on March 31 that MBA-Manorhaven had spent more than \$2 million to clean up the Thypin site. A developer, Island Estates of Melville, is seeking final approval to build 96 luxury town houses on the property, with soil vapor protections that include no living space on ground floors.

Mr. Thypin said that contamination there dated back 55 to 65 years, before Thypin owned the property. Grumman, now Northrop Grumman, and Republic manufactured aircraft parts there at a time when the federal government owned the land.

He said MBA-Manorhaven had expanded its investigation to the Toms Point co-ops "to see if this old contamination is also present on their property."

Andrew A. Giaccia, a lawyer for MBA-Manorhaven in Washington, said it had not been established that a contaminated plume from the Thypin site was running under the Toms Point co-ops. "Its behavior is so complex that you don't know where it is or how it has behaved," he said.

Press & Sun-Bulletin April 17, 2006

22 properties in Endicott remain unvented

ENDICOTT Approximately 22 village properties remain without safeguards to block vapors from a subterranean plume of toxic chemicals three years after the problem was first discovered, according to the latest information from the state Department of Health.

But officials are making some headway since last October, when the number of unprotected properties was close to 50.

IBM Corp. has installed systems to vent the chemicals from under foundations of close to 460 affected properties. The pollution, called vapor intrusion, is linked to trichloroethylene (TCE) seeping from IBM's former microelectronics plant on North Street, now owned by Huron Real Estate Associates.

Some affected properties lack the systems for various reasons, officials said. Owners of nine properties, including at least five rentals, declined, said Maureen Wren, a spokeswoman for the state Department of Environmental Conservation. Five didn't respond, three were without power and five lacked structural soundness to allow the work, which includes installing pipes to vacuum chemicals from under foundations.

Eleanor Zavatto, a 58-year resident of 9 Adams Ave., lives in an unvented home just south of the plant. She is like some other residents, many with strong family roots to homes and neighborhoods, who have expressed doubt and concern about the pollution and are often at a loss coming to terms with it.

Zavatto, her brow furrowed, recalled how two extended family members living in the two-family home died of cancer decades ago, including a teenager who died of leukemia. Another died from complications of multiple sclerosis. The well-kept duplex was recently inherited by another family member, who lives in the New York City area.

"I just don't know," she said, admitting she felt overwhelmed by the scientific complexity and emotional depth of the issue.

Health officials are trying to encourage owners of all structures tainted by the TCE to arrange to have a system installed. Vacant properties should be fitted with systems to protect future occupants, according to health officials and advocates. Some properties may be sold and rented to tenants unaware of the pollution.

Meanwhile, the situation in Endicott has prompted bills in the Assembly and Senate.

Assemblywoman Donna Lupardo, D-Endwell, introduced the renter notification bill March 1. She said Friday that she expected the Assembly to pass it later this month as part of a broader set of environmental legislation called the Earth Day package.

Lupardo introduced the bill after an investigation by the Press & Sun-Bulletin late last year found systems hadn't been installed on about 50 properties affected by the pollution

south of the IBM plant. The properties included apartments that house low-income families, the mentally ill, the elderly, children and expectant mothers.

Since then, systems have been installed on two apartment buildings housing young families at 1606 and 1608 Tracy St., and on a duplex at 15 Adams Ave., according to Department of Health records. But some others remain unvented.

"We have an obligation to inform occupants about environmental aspects of a property that will have an impact on their health and well-being," Lupardo said. "They have a right to know. It's as simple as that."

State Sen. Thomas W. Libous, R-Binghamton, who introduced an identical bill in the Senate last week, said he is hopeful it will pass before the session ends in July, but it might undergo changes as part of the review process.

"If I am living in an apartment, and I have children or an elderly parent or even just myself, I should be notified if there are any issues," he said.

TCE can cause illnesses ranging from cancer to brain damage in people exposed to enough of it, although there is little consensus among policy makers and scientists about how much poses a health threat.

Vapor intrusion, which tends to affect properties next to sites polluted with a class of chemicals called volatile organic compounds including TCE is being discovered in a growing number of neighborhoods in the Southern Tier, state and country. The state is tapping Superfund money to test and clean affected properties next to industrial sites in Union, Hillcrest, Vestal and Binghamton.

Daily Record May 5, 2006

EPA probes former Morristown cleaner

MORRISTOWN --The U.S. Environmental Protection Agency is investigating whether vapors from dry cleaning chemicals that seeped into the ground and groundwater below the former VIP Cleaners facility are entering homes or businesses in the area.

The EPA has taken samples beneath several businesses that now operate in the former dry cleaner's building, located at 89 Morris St., inside nearby businesses and under basements of nearby homes.

The agency expects results within the next month.

"Problems like this are unfortunately all too common, which is why we have initiated an assessment of facilities where vapors from volatile chemicals could be entering homes or workplaces," said EPA Regional Administrator Alan J. Steinberg. "The good news is,

once we identify the problem, it's relatively straightforward to fix. We can install ventilation systems when necessary to get rid of trapped fumes."

Dry cleaners use chemicals in their processes known as volatile organic compounds, the agency said. Compounds include tetrachloroethylene (PCE), which can break down to trichloroethylene (TCE) and 1,2-dichloroethylene (DCE).

In November 2005, EPA confirmed these chemicals were in the groundwater under the buildings and determined that the chemicals were not affecting drinking water.

In order to assess the potential for vapors getting into buildings, EPA will install monitoring equipment in nine residential buildings and 21 commercial buildings to measure the levels of gases in the ground below the basement floors. That will help determine whether contamination from the ground water and in the soil is at levels of concern and could affect indoor air.

The agency also will sample the indoor air in the VIP facility to determine if there is an existing vapor intrusion issue.

Great Falls Tribune May 7, 2006

State, BNSF clash over cleanup

LIVINGSTON Surrounded by mountains, this gateway community to Yellowstone National Park is a Montana postcard.

The coffee shops are quaint, the houses charming. The Yellowstone River winds by, luring masses of trout fishermen to its banks.

Yet beneath the picturesque landscape lies a stalled environmental cleanup that dates back some 20 years. Contaminants from former railroad operations have locals worried about their health and frustrated by the lack of action.

"We get really cynical, and there is sort of a sense of helplessness sometimes," said Jim Barrett, executive director of the Park County Environmental Council.

That may change.

Last month Montana Gov. Brian Schweitzer threw down the gauntlet. And many Montanans who never knew about the pollution lingering under Livingston probably do now.

Schweitzer publicly demanded that BNSF Railway Co. clean up the mess. He warned that if it drags on the state will do the work and send BNSF the bill.

The railroad responded just as forcefully, placing full-page advertisements in Montana newspapers disputing the governor's claims.

Livingston is just one of 18 BNSF state Superfund sites in Montana. But it's among the most contentious, in part because of the health concerns and the seemingly endless cleanup negotiations.

BNSF officials say they are making progress in Livingston, and the state itself is responsible for the delays.

"BNSF is confident that the groundwater in Livingston can be cleaned up and in fact, has already taken cleanup actions, which have reduced both the size of the plume and its concentrations," said Gus Melonas, a spokesman for the railroad.

Northern Pacific built a maintenance shop in Livingston in the 1880s. In the early and mid-1900s, more than 1,000 railroaders worked in Livingston's Burlington Northern rail yard and locomotive repair shops there.

For decades, in what was then common practice, workers dumped excess chemicals and diesel onto the ground.

Today, a sheen of diesel floats on the groundwater under the tracks at the rail yard. Two other chemical plumes, trichloroethene and tetrachloroethene, stretch from the rail yard northeast for more than a mile, passing under the Yellowstone River.

Some of the chemicals are volatile compounds suspected as likely causes of cancer and there's concern that they now are bubbling up in residential basements.

Since 1985, monitoring wells have been in place. And 18 years ago the city closed contaminated municipal wells in the area of Q and L streets. BNSF paid nearly \$2 million for new, clean wells. Residents jokingly refer to it as the "nightmare on L Street."

et the full extent of the problem in Livingston still is being investigated 20 years after pollution was first discovered.

Steps were taken to make sure the pollutants aren't continuing to migrate. The majority of the diesel plume is gone, removed by natural degeneration and human efforts. Sludge pits were emptied and cleaned. Areas around the electrical shop were excavated and cleaned.

Last spring a 20-foot-high cinder pile, which also was about 600 feet long, was capped and covered in grass. That effort, too, was contentious, with a back-and-forth between the state and railroad about how thick of a soil cap was needed to bury the asbestos and other contaminants, Barrett said.

Not far from the rail yard a crumbling, older home is spray painted with the word "DEMO."

BNSF is purchasing property near the rail yard as part of the ongoing remediation process, Melonas said. Five properties have been bought to date and probably will be demolished.

Late last year, two real estate agents and railroad officials approached John Bauer and offered to buy his properties. Bauer sold a rental property to the railroad. It will be bulldozed.

On Bauer's other property, he agreed to grant BNSF a right of first refusal and allow the railroad to purchase the property when he's ready to sell. He has a home and auto repair shop near the railroad.

The neighborhood includes a mix of homes, mobile homes and a few businesses.

As Bauer shuffles through thick grass on his property, he pauses to check out a row of cars moving down the tracks. He lives spitting distance from the rail yard and the cinder pile that he refers to as the "grassy knoll."

He is a sixth-generation railroad man. It's hard to speak ill of a legacy.

Bauer doesn't know how the rental house checked out as far as environmental testing. He doesn't worry about his property, although he said that it's been tested several times, and trace amounts of abnormal chemicals were discovered.

He raised four children here, and he worries more about ash that used to spill from a nearby incinerator.

The Agency for Toxic Substances and Disease Registry did a pancreatic cancer study and a follow-up study in the early '90s. The agency's findings revealed an elevated number of pancreatic cancers in the Livingston area, but no definitive link was made between the old rail yard and the elevated levels.

"I don't think anyone knows whether there was a direct link or not," said Dr. Leslie Hutchinson, who conducted the first ATSDR study in Livingston. "From 1980 to 1985 there was a three-fold increase in pancreatic cancer for people living adjacent to the site."

Hutchinson, who is now president of HLM Consultants in Atlanta, said the study did rule that age and smoking the major risk factors for pancreatic cancer were not the cause of problems in Livingston.

There is typically a 20-year latency period for the cancer. Because no information dating back to the 1960s was available about chemical exposure, it was impossible to declare a link, he said.

"There was an unusual increase there, but there wasn't exposure information that went back far enough," he said.

"I think it was very memorable," he added. "It's very odd to find those elevated levels."

A subsequent study was done at other rail sites, but those sites were different in terms of chemicals and exposures, he said. The ATSDR concluded that the rail yard site constituted no public health hazard.

Barrett said more recent preliminary monitoring showed elevated chemical levels in a few residences and businesses near the rail yard.

"We are trying not to be alarmist about it," he said.

More testing is under way to monitor the air in a handful of homes to determine whether traces of chemicals are leaching from the ground, said Jarrett Keck, project manager for the Department of Environmental Quality. A "Record of Decision," or cleanup guide, completed in 2001 required the additional indoor air sampling, Keck said.

As far as DEQ knows, no one in Livingston is consuming polluted water, he said. The concern is vapor intrusion, or chemicals seeping into homes.

"How we proceed in the future is to be determined," Keck said. "Gov. Schweitzer has a plan. We are developing a plan to implement his mandate."

In fact, Schweitzer speaks about the Livingston mess almost as passionately as he advocates synthetic fuels.

He said he's intervening in the cleanup because it's simply taken too long. It's also near the headwaters of the Yellowstone, one of the nation's most endangered rivers.

"I don't want my legacy to be we didn't finish the cleanup, and then I got a job for Burlington Northern," Schweitzer said.

That's a reference to positions some of his predecessors in state government now hold:

pFormer Gov. Marc Racicot is an officer on the BNSF Board. Racicot, a Republican, served as Montana governor from 1993 until January 2001. In September of that same year, he was elected to the BNSF board.

pBarb Ranf, a high-ranking official under former Republican Gov. Judy Martz, recently became a lobbyist for BNSF.

Schweitzer doesn't know why the cleanup has drug out 20 years.

"I can't speak for former administrations, and they can't speak for themselves because now they work for BN," he said.

The Environmental Protection Agency investigated the Livingston rail yard and in 1994 recommended it be named a federal Superfund site meaning it would be listed among some of the most polluted sites in the nation.

Racicot declined to have the site listed, choosing to keep the state in the lead.

Railroad officials say the relationship between former government officers and BNSF have not and are not influencing issues in Livingston.

Mark Simonich served as the DEQ director under Racicot.

"He never tried to influence us," Simonich said of Racicot.

If Burlington Northern officials weren't getting a response they were pleased with, they would raise concerns with higher ups, Simonich said. Meetings would be set up with technical and legal staff, he said.

"But I was never pressured from anywhere above," he said.

Simonich said much of the work at the site was guided by agreements made by past administrations.

"BN is like most companies, they do their level best to be cautious about where they spend their money. They often times won't rush into a cleanup," said Simonich, who is now chief policy adviser to Secretary of State Brad Johnson.

He also said cleanups are complicated, and the state regulations aren't the easiest to work with. Superfund law itself is slow, he said.

"I can't begin to put blame on one party or the other," he said. "BN is trying to protect its stockholders and to be responsible. DEQ is dealing with complex regulatory laws."

Many in Livingston, a community of about 7,000, have a love-hate relationship with the railroad. The jobs were welcome; the pollution was not.

They are cynical about the politics and refer to Racicot and Ranf's positions as ironic.

Some are more outspoken.

"It's now over 20 years that they have known this stuff is under Livingston, and it's still there," said Public Service Commissioner and former Livingston legislator Bob Raney. "The reason is dollars and cents and 16 years of Republican governors cutting deals with BN."

BNSF sold the Livingston Shop Complex in 1987. By that time, the workforce had been reduced from a high of 1,700 to about 275 employees.

When BNSF pulled out of Livingston on Feb. 4, 1986, it broke a lot of hearts.

Montana Rail Link and Talgo-LRC, a company that services locomotive engines, operate today in Livingston. Every few minutes a slow-moving train rumbles down the tracks. The railroad depot is the heart of the community and now houses shops and offices. It's still where locals meet for receptions and gatherings.

When the contamination issue surfaced, lawsuits emerged as the rule not the exception. The state was going to sue BNSF, but a new administration dropped the suit. Former railroad workers started talking with lawyers, and the legal fights were on.

Neighboring business sued BNSF, so did Park County. Many cases were settled out of court. Park County won a \$14.7 million settlement.

Livingston is one of the more complicated Superfund sites in Montana. There are 210 state Superfund sites, and 15 federal Superfund sites.

In 2001 measures costing at least \$2.2 million were proposed for cleanup of railroad pollution in Livingston. The solution relied on removing contaminated soil and sludge and letting natural processes degrade pollution in the groundwater.

The next step was for DEQ and the railroad to negotiate the specifics. The endless negotiations are one reason Livingston is in the spotlight.

"We work on a lot of Superfund sites with a lot of different companies and some are much easier to work with than others," said Denise Martin, site response section manager with the DEQ, which oversees the cleanup of state Superfund sites.

"At this particular site we find we are in disagreement quite often, and BNSF wants to appeal all of those technical decisions," she added.

DEQ Director Richard Opper said the state has spent too much time negotiating.

"Now we have pulled the plug on negotiations. BN will get one chance to react to our work plans and decide if it will work," Opper said. "If not, we will order it be done, and BN will have to do it."

BNSF officials say the railroad has spent \$12 million on remediation at the Livingston rail yard.

Melonas said the railroad has worked with different administrations and project managers to the best of its ability. BNSF submitted, and the DEQ approved, a final plan more than six years ago, he said.

"DEQ has asked for further studies," Melonas said. "DEQ is in charge of setting the timeline."

Cleanup actions at the site also are subject to a 1990 Consent Decree. Based on that agreement, the railroad can't initiate any remediation without the DEQ's approval.

The DEQ spent three years preparing a Record of Decision determining a remedy for problems at the site, according to a letter to the DEQ from Mark Stehly, a BNSF vice president of environment and research development.

"The time DEQ has taken to review BNSF's work plans and reports is over four times longer than the time BNSF spent preparing the work plans and finalizing the reports," Stehly wrote.

State officials acknowledge they are partly responsible for some of the slowdown.

"The work that is being done now is part of the final cleanup, and we have to make sure it's done right so that we are sure we are protecting human health and the environment," Martin said.

Martin also said DEQ staff turnover has contributed. Keck is the fifth state project manager for Livingston. There were periods when the position was vacant and couldn't be filled because of hiring freezes issued by former administrations, she said.

BNSF also has had different officials on the case. And in the case of both the railroad and the state, it takes time to get caught up on the project's long and complicated history.

The DEQ recently appointed one of its senior project managers, who has more than 15 years experience, to take over at the Livingston site. The agency also says it's time to stop pointing fingers and focus on the job.

Bob Jovick, who was Livingston city attorney from 1975 to 1995, said both sides share responsibility.

"We were concerned back then that things were not moving at a very rapid rate either on the Burlington Northern side of things nor the state side of things," Jovick said.

States News Service May 26, 2006

***PUBLIC INFORMATION MEETING SCHEDULED TO DISCUSS
PROPOSED FINAL CLEANUP PLAN FOR HOWS CORNER
SUPERFUND SITE***

A public information meeting will be held next Wednesday, May 31, in Plymouth, Maine to discuss EPA's proposed final cleanup plan for the Hows Corner Superfund site.

At the meeting, EPA staff will be available to discuss the proposed final cleanup plan for the Plymouth site, and how the proposed plan compares with other options to address contamination at the site.

The public meeting will be held on Wednesday, May 31 at 7:00 p.m., at Grange Hall (1927 Moosehead Trail) in Plymouth. In addition to the public meeting, EPA will open a formal public comment period on the proposed final cleanup plan, which is expected to remain open from May 31 until June 30, 2006. EPA will also host a separate formal public hearing, also at Grange Hall in Plymouth, on Wed. June 28, at which citizens may present public comments for the record.

In the Sept. 2002 "Record of Decision," for the Hows Corner Superfund Site, EPA selected a cleanup approach for the non-source area groundwater, but postponed making a decision as to whether or not drinking water quality standards could be met within a reasonable timeframe. Now, after further evaluation, EPA has concluded that drinking water quality standards will be attained in the non-source area groundwater.

EPA will also conduct further investigation regarding vapor intrusion and whether that exposure pathway may pose unacceptable risks to citizens in the area. If unacceptable risks exist, they will be addressed by appropriate additional actions.

The Plymouth site includes a former waste oil storage and transfer facility and surrounding properties where groundwater contamination has been detected. Both the State of Maine and EPA have performed assessment and cleanup work at the site since the late 1980s. The Hows Corner site was added to EPA's national Superfund list in 1995. Contamination in groundwater includes volatile organic compounds (VOCs), including perchloroethylene (PCE), and polycarbonated biphenyls (PCBs). Steps have been taken to ensure that no one is currently being exposed to contaminated groundwater.

States News Service June 14, 2006

EPA TO SAMPLE HOMES IN LITTLE VALLEY FOR HARMFUL VAPORS

Concerns that vapors from contaminated ground water could be seeping into homes has prompted the Environmental Protection Agency to test under the foundations of up to 150 homes in Little Valley, New York for trichloroethylene (TCE), a commonly used industrial solvent. The Agency previously sampled 28 homes and found that some of them had vapors under their foundations.

"Years ago, we used to worry mainly about these types of chemicals in drinking water," said EPA Regional Administrator Alan J. Steinberg. "Now, we are evaluating sites across the country, including Little Valley, to ensure that residents can breathe the air in their homes without worrying about harmful vapors."

The Little Valley Superfund site consists of an area of ground water extending approximately eight miles and contaminated by TCE from a number of possible sources, including two former cutleries, a former drum storage area, an inactive municipal landfill that accepted industrial wastes and a former industrial facility. The community gets its drinking water through private wells, from this groundwater. In 1997, EPA installed individual treatment systems on over 90 private wells with TCE concentrations exceeding the federal and state drinking water standard of 5 micrograms per liter. The treatment systems consist of two carbon filters which remove TCE to below the federal and state drinking water standard.

Samples taken from the private wells before treatment show that TCE concentrations are decreasing in the majority of the wells. The carbon filters will continue to be used until the pre-filtered TCE levels drop below federal and state drinking water standard, which is expected to happen in about 10 years.

Concerns about vapors from ground water getting into the air inside homes prompted EPA in September 2005 to test the foundations of some homes. Based upon these results, air samples were collected from within several of these homes in January 2006. EPA intends to test under the foundation of up to 150 additional homes in July 2006.

A sample is taken by drilling a hole through the basement floor to obtain a sample of any gas trapped beneath the home. Tubing is run from the hole to a collection vessel known as a SUMMA canister to collect a sample of soil gas over a 24-hour period. Depending on the sampling results, EPA may return to take samples of the air inside of the homes. If needed, the Agency could install mitigation systems to vent the gases.

Chicago Tribune June 18, 2006

N.Y. residents plan to sue GE over toxic homes

FT. EDWARD, N.Y. -Tamera Stewart told the story of her property like she had so many times before, as an assessment review board listened, mouths agape.

When she finished, the board sat silent, and one woman's eyes darted from left to right at the others.

"Well . . . wow," she finally said.

Stewart just laughed. That's an improvement over last year; all she could do then was cry.

Stewart's property is contaminated with trichloroethylene (TCE), and PCBs, two known carcinogenic chemicals that, over the years, seeped -- by way of groundwater -- under her home from the General Electric Co. [Click for Enhanced Coverage Linking Searchescapacitor plant across the street.](#) Stewart is one of 47 residents asking for reductions in property assessments due to contamination this year -- a number more than triple such challenges normally received annually, according to Town Assessor Christine Latham.

Out of the total, 41 of the requests were filed by Paul Wein, a toxic-tort lawyer who is representing neighborhood families who are preparing to sue GE in an attempt to persuade the company to buy their homes. Each filing asks that the assessment of each involved home be reduced to nothing.

Stewart's case, however, is even more extreme. Her property's assessment jumped out at Latham because it's the only one that went down -- to \$62,000 from \$63,800 -- during a recent townwide revaluation.

"That's a fluke," Latham said. "I can't tell you if some other ones are oddball ones like that. I don't know why."

In February 2005, Stewart received notice that testing for TCE vapors would occur on her property.

That April, she learned not only that TCE levels below the slab foundation of her home exceeded the state's safety threshold, but that her property contained the single-highest concentration of TCE below the slab anywhere in the seven-street test area.

TCE, a substance once used to clean electrical machinery at the General Electric Click for Enhanced Coverage Linking Searchescapacitor plant across the street from Stewart's home, had for years leaked through the soil and groundwater as vapor, contaminating numerous properties within the neighborhood to the south. Stewart's home, now fitted with a "depressurization system" to rid the ground of TCE vapor, is on what state health and environmental department officials call the hot spot of the area's underground TCE contamination plume.

That May, Stewart hired an attorney to sue GE. Then she found a permanent easement that previously went unnoticed on her deed -- an easement that mirrored those placed on a number of homes on a nearby street, as part of a settlement reached between GE and the homeowners in 1989. Stewart bought the home in 2000. Stewart's appears to be the only home other than those on the nearby street with the permanent easement, which frees GE from any obligations to clean up future contamination, compensate changes in property value or inform potential buyers of previous contamination.

The easement, and a three-year window for suing lawyers, also bars Stewart from suing the attorney who presided over the home sale. Stewart said that lawyer never disclosed the TCE problem to her. Like Wein's clients, Stewart also asked GE to buy her home, both verbally and with a well-known sign on her front porch that reads "GE, WOULD U LIVE HERE?"

GE spokesman Mark Behan said the company has no plans to purchase any homes in Ft. Edward because none had indoor air readings that exceeded the state air-quality standards that protect public health.

The New York Times June 23, 2006

Spitzer's Office Takes On Oil Cleanup Case

For years, the people of Greenpoint have been waiting -- and waiting, and waiting -- for someone to finish cleaning up the half-century-old underground oil spill seeping through the silt and soil below their homes and into Newtown Creek, the forlorn estuary that borders their Brooklyn neighborhood to the north.

Since the spill was discovered nearly three decades ago, they have watched while environmentalists battled state officials and the companies responsible for the oil, first over who should handle the mess and then over whether the resulting cleanup was going quickly enough.

On Wednesday, the state's Department of Environmental Conservation asked Attorney General Eliot Spitzer to investigate the spill, a key shift in the fight that could lead to state legal action against ExxonMobil, one of three oil companies that have owned or currently own industrial sites from which the spill has spread.

"This is a massive turning point in the case," said Basil B. Seggos, chief investigator for the environmental group Riverkeeper, which filed a federal lawsuit against ExxonMobil two years ago to force a speedier cleanup. "All of the state and private forces are now aligned on the same page against Exxon."

The Environmental Conservation Department said on Wednesday that it had referred the case to the attorney general's office after being "unable to reach a satisfactory agreement with the company" over further cleanup.

Judith Enck, the attorney general's environmental policy adviser, said yesterday that Mr. Spitzer "has a reputation for being vigorous in enforcing the laws of the state," and added: "He has a team of lawyers that are very experienced in environmental enforcement. And he will get results."

Brian Dunphy, a spokesman for ExxonMobil, said the company was disappointed by the department's decision. "Our primary focus in Brooklyn has been to implement a remediation program that protects public health and the environment," he said. "This will continue to be our focus, and we are committed to fully meet our responsibilities at the site."

The department has handled the case since 1990, when ExxonMobil entered into two consent decrees to clean up the spill, roughly 17 million gallons of oil and other chemicals that leaked into the ground after a tank explosion in 1950. The company says that about half the spill has been cleaned up, and that it has been negotiating a new consent decree with the department.

But the pace of the cleanup has been criticized as far too slow, and Wednesday's decision followed a year of steadily increasing pressure from environmental groups, Greenpoint residents and local politicians.

In September, the House of Representatives approved legislation sponsored by two area representatives, Anthony D. Weiner and Nydia M. Velazquez, that would require a federal study of the oil spill. The bill appears likely to be approved by the Senate. In October, after soil tests by Riverkeeper detected toxic fumes coming from the ground above the spill, dozens of residents filed a property damage lawsuit against ExxonMobil and the other two companies, BP and the Chevron Corporation.

Riverkeeper's 2004 lawsuit focused on ExxonMobil, Mr. Seggos said, because it believes that company is responsible for the vast majority of the spilled oil. The suit has been joined by City Councilman Eric Gioia, who represents the Queens neighborhoods on the north side of Newtown Creek; Councilman David Yassky, who represents Greenpoint; and Marty Markowitz, the Brooklyn borough president.

The Department of Environmental Conservation has come under criticism more recently from State Comptroller Alan G. Hevesi. Last month, Mr. Hevesi asked the department to delay the new consent agreement until it had completed a more thorough study of the spill's environmental impact. He also urged the department to require ExxonMobil to pay the full cost of any cleanup, rather than drawing money from the state's oil spill fund, which his office manages.

Mr. Seggos said in an interview yesterday that he believed that "the D.E.C. finally realized that the case wasn't being handled appropriately at the administrative level."

Neither the department nor ExxonMobil would say which issues had snagged their discussions, but Ms. Enck said the attorney general's office had "encouraged the D.E.C. to explore various options, and one of the options was to refer it to us for enforcement."

Any action the attorney general might take, however, is likely to be some time in the preparing. Robert Hernan, an assistant attorney general, said the environmental protection bureau would make its own study of the spill before taking any legal action. He said the process would take "months, not years."

Should Mr. Spitzer decide to move ahead with legal action, the consequences would be significant not only for ExxonMobil, but also for other companies that have, at one time or another, set up shop on the banks of Newtown Creek. Though officials at the attorney general's office said their first priority was to complete the cleanup, they said they were also likely to pursue a much broader investigation into damage to the creek by industrial polluters over the years.

"That second part could involve anyone who contributed pollution to the creek in the past," Mr. Hernan said.

It could also reopen the possibility of a full-scale cleanup and redevelopment of the Newtown Creek area; plans for such changes accompanied the city's Olympic bid last year and lost momentum when the bid failed.

"If we can actually get Exxon to begin to clean up their mess, this will transform the entire Queens-Brooklyn waterfront," said Councilman Gioia, who has met with a half-dozen developers over plans to build condos and parks on the Queens side of the creek. "If this happens over the next 10 years, we can create a greenway that will go all the way up to the Bronx. We can turn Newtown Creek from what is now an industrial wasteland into a sparkling Gold Coast."

Dayton Daily News June 30, 2006

Federal help sought in Troy soil, air contamination

Tetrachloroethylene vapors have been detected in a 20-block area east of downtown.

TROY - State environmental officials are asking for federal help to assess and, if necessary, clean up soil and air contamination in a 20-square block neighborhood east of downtown.

The request comes two weeks after the city released a consultant's report that found levels of tetrachloroethylene (PCE) vapors in the air in 11 basements. The readings for the carcinogen ranged from two times to 189 times the recommended levels.

PCE is a solvent used in dry cleaning and metal degreasing.

If the recommendation is approved by state and federal EPA administrators, the federal EPA "would do some investigation on the nature and extent of contamination, and then take action if the levels of contaminants" warrant, Steve Martin of the Ohio Environmental Protection Agency said following a meeting in Dayton with state health officials and Steve Renninger of the federal EPA.

Officials have known of the two plumes, and a third at the city's north side, for several years. Low-level PCE contamination has been found in the city's well fields, across the Great Miami River from the plumes.

Martin believes the PCE sources are former dry cleaning sites, a former auto dealership and an industrial site.

Exposure to PCE over a period of 30 or more years may cause cancer.

Renninger earlier this week said the Troy plumes were similar to a smaller one discovered last year on Springfield Street in Dayton. By May, the federal EPA had

removed soil from the site and installed vapor venting systems in the basements of 12 homes.

There are about 200 structures on top of the two Troy plumes.

The Record August 7, 2006

Juvenile center site's soil tainted; Needs costly cleanup for residential usage

TETERBORO — A warehouse that Bergen County officials are planning to condemn for use as a juvenile detention center has a history of groundwater and soil contamination — vestiges from the building's 50-year use as a machine shop.

Environmental advocates say the site, most recently used as a party supply office and warehouse, needs extensive and potentially costly remediation before it would be appropriate for residential use.

Documents filed with the state Department of Environmental Protection reveal that about 3,500 gallons of fuel oil is trapped beneath the concrete floor of the building, at 200 North St.

County officials, who are going forward with plans to acquire the property, say they have not yet reviewed its environmental history.

"We're a little too far from having that discussion right now," said county spokesman Brian Hague.

In the coming month, officials will hire an environmental expert to study the property, Hague said. Meanwhile, officials still are trying to negotiate an outright purchase with the 6.6-acre site's current owners, Party Rentals LTD, who recently advertised the property for \$8.8 million.

"If there's anything found," Hague said of a future environmental study, "it would be the owners' responsibility, regardless of whether it's purchased or it's condemnation."

The property's former owner, the Potdevin Machine Co., has been cleaning the site under a plan it submitted to the DEP in 2000.

The plan — based on the conclusions of a consultant hired by Potdevin — described the presence of "No. 4" fuel oil under the building, which escaped from two underground storage tanks. The company unearthed the storage tanks and for years has been passively extracting the fuel plume from the soil and from the groundwater.

Potdevin has installed underground wells and catch basins to collect the oil and oil-tinged groundwater that seep into them. The contaminants are periodically removed from the well, said Michael Gaudio, the DEP site manager overseeing the cleanup.

The ongoing process will take several years to complete, Gaudio said. Completion would mean full extraction of the fuel oil from the groundwater and extraction of enough of the oil from the soil to meet DEP standards.

After that, the DEP will issue a deed notice on the site, alerting future owners to the potential for soil contamination there.

Because the contaminant is underneath an existing building, the DEP "has recognized that the total removal of contaminated soil from below the slab floor is not practical," the remediation plan states.

Environmental advocates who reviewed the cleanup document said that the plan — and the site diagnosis used to develop it — are not adequate, especially if there are plans to retrofit the building for residential purposes.

"It's using a piece of paper to control toxic waste," said Robert Spiegel, executive director of the Edison Wetlands Association, an environmental watchdog group.

"Any place where there is going to be residential exposure — schools, hospitals, anyplace where people will be over an extended period of time — there should be a permanent remedy," said Bill Wolfe, a former DEP employee who now heads Public Employees for Environmental Responsibility, based in Trenton.

"What it means," Wolfe said, "is all the contaminated soil is excavated and backfilled with clean soil so pollutants shouldn't remain on the site forever."

If the county is the one planning to change the existing use of the site, Wolfe said, then "the county may have to pick up the tab."

Among the concerns, he said, is "vapor intrusion" — a process in which compounds from the ground migrate into the building in air that might pass through drains or electrical conduits.

Environmentalists said the documents filed with the DEP do not rule out the presence of cancer-linked solvents and degreasers such as trichloroethylene, commonly used at machine shops.

"The bottom line is plain common sense," Spiegel said. "Common sense dictates that you don't put people on top of toxic waste."

Joe Nowak, a supervisor at DEP's Bureau of Northern Case Management, said the cleanup plans meet the department's standards. He said the department might review the plans should an official proposal for residential use be submitted to the agency.

"We have been treating it primarily as a potential groundwater issue, not a direct contact issue," Nowak said.

He declined to say whether the cleanup plan would be altered under a residential scenario, but did say that the DEP would check to see that the integrity of the concrete cap or slab is not compromised.

"We have no indication," Nowak said, "that this is going to be used as anything residential."

The Philadelphia Inquirer August 9, 2006

***Years of lapses led to toxic day care;
The EPA and N.J. DEP were long aware of the problem, but
Franklin Township issued the center a permit in 2004.***

For almost two decades, local, state and federal officials knew a former mercury thermometer factory in Gloucester County was too polluted for human occupancy, but a string of miscommunications and government inaction still allowed a day-care center to open there.

Even after state environmental officials saw that Kiddie Kollege had opened despite their warnings to the township, they did nothing for more than three months as children as young as 8 months continued to play where mercury vapors registered more than 27 times acceptable limits, according to the state Department of Environmental Protection.

The DEP yesterday released a 19-year time line summarizing its version of the mercury-thermometer factory's transformation to a child-care center, sparking finger-pointing and angry recriminations between state and Franklin Township officials.

The DEP says it specifically warned the township in September 2003 not to issue an occupancy permit for owner Jim Sullivan Inc. to convert the abandoned building into a day-care center.

Mayor Dave Ferrucci hotly denied the DEP account.

"Somebody is lying here," he said. "I spoke to both our zoning officer, Bob Errera, and our construction officer, Steve Rickershauser, and both categorically deny ever placing a call to the DEP" about the conversion.

Ferrucci offered to subject his men to lie-detector tests.

"If one of our guys is lying, he's history," Ferrucci said.

"I think Gov. Corzine would agree if his guy is lying, that guy should go, too," Ferrucci said.

State Attorney General Zulima Farber is leading a criminal probe into the toxic day care site. "Somebody is responsible for saying that this building was fit to be occupied by human beings," Farber said. "We will get to the bottom of how this happened."

According to the DEP time line, every level of government knew the building was contaminated. Among the agencies that knew were the federal Environmental Protection Agency, the DEP, the Gloucester County Health Department, the federal Occupational Safety and Health Administration, a former mayor, the township building inspector, and township zoning officers. Jim Sullivan Inc. and a company that once held a mortgage on the property also knew, according to the DEP.

The time line also reveals that DEP officials knew as early as April that a day-care center was operating there and did not notify the center's owners, which may have subjected children to 14 extra weeks of exposure to toxic mercury vapors.

"In retrospect, we could have erred on the side of caution," said Elaine Makatura, DEP spokeswoman. "We didn't know if a cleanup had been done. We should have called at the time, and we didn't."

Kiddie Kollege owner Becky Baughman, who is 18 weeks pregnant, learned of the mercury vapors July 28 and immediately shut down the day-care center.

About 30 children, ages 8 months to 8 years, and the five staff members were asked to submit urine samples to be tested by the Centers for Disease Control and Prevention in Atlanta. Results will take another week.

Several of the children's parents have hired lawyers.

According to the DEP, a township official notified the agency in September 2003 that Jim Sullivan Inc. wanted to convert the abandoned site into a day-care center. The DEP said it had advised against the plan and noted that there was no proof that poisons at the site had been removed.

The DEP time line says that despite the agency's warnings, Franklin Township approved a zoning change for the site. In February 2004, the township issued a certificate of occupancy, and Kiddie Kollege opened.

The site, at 1600 Delsea Dr., has a long history of environmental problems, according to the time line.

The county Health Department found potentially cancer-causing chemicals in November 1987 in the building's drinking water. The next month, the Health Department notified OSHA it had found high mercury levels in blood samples from Accutherm employees.

After Accutherm declared bankruptcy in 1994, the DEP ordered the company, owned by Philip Giuliano of Williamsburg, Va., to clean up any pollutants.

"Accutherm failed to comply," the time line states.

Giuliano, reached on his cell phone yesterday, would not comment.

Five months after Accutherm went out of business, Navillus Group L.L.C. bought the property for back taxes. The bank that held the mortgage asked the county Health Department to "immediately" post health warning signs at the property.

Neighbors said they had never seen the signs. But they did report seeing 150 small red and yellow flags dotting the property after it was tested for contamination.

Navillus Group later turned over the property for \$1 to Jim Sullivan Inc., a Franklin Township real estate company. Navillus" is Sullivan spelled backward. James W. Sullivan III, the firm's owner, has not returned repeated telephone calls seeking comment.

Sullivan told DEP officials in April that he did not need to clean up the site because an EPA report said there were no problems.

The EPA, according to spokesman Ben Barry, merely found that the site wasn't bad enough to qualify for a federal cleanup.

Asked whether the EPA's determination about the property could indicate to the owner that the property was safe for occupancy, Barry answered, "Absolutely not."

The Philadelphia Inquirer August 10, 2006

Day-care founder: Told 'no problem'

The man who converted an abandoned Gloucester County thermometer factory into a day-care center told his tenant that the property once "did medical supplies," but he never mentioned that the building had been contaminated with toxic mercury for years, Kiddie Kollege's founder said yesterday.

Julie Lawlor, who opened the Franklin Township center in 2004, said landlord James W. Sullivan III had given her a tour of the building and told her that "there'd be no problem" for her to open a child-care facility at what she learned this week was a former mercury thermometer factory.

"Jim Sullivan did everything for us," said Lawlor, who sold the business in December to a parent of one of her day-care children. "He made it handicapped-accessible. He did everything. All we had to do was paint the inside."

Last week, the new owner closed the day-care center after state officials told her that they had discovered alarmingly high levels of mercury vapors. State Attorney General Zulima Farber has vowed to find "who is responsible for saying this building is fit to be occupied by human beings."

Sullivan, a Gloucester County real estate agent who bought the building for \$1 from an investment company he once worked with, has failed to return repeated calls seeking comment and has been unavailable at his office.

Lawlor portrayed herself as one of the few people involved who had known little about the mercury contamination.

State, federal and local government officials knew for almost two decades that the building was too polluted for human occupancy, according to state Department of Environmental Protection records. Still, township officials issued permits that allowed the day-care site to open, and state officials allowed it to keep operating for months while they awaited test results.

Last night, officials from the DEP and Franklin Township sought to calm parents of the day care center's children during an informational meeting at the municipal building.

Outside, police officers checked IDs - a step to protect families' privacy and keep reporters and some public officials out of the meeting, authorities said. The meeting was for relatives only, and officials declined to talk to reporters.

But uppermost on the minds on parents were their children.

"This is a sin," said Stella Cavicchia, whose 4-year-old daughter, Brianna, had attended Kiddie Kollege since she was 2. She and her husband, John, who live in Pittsgrove, Salem County, were visibly shaken.

Looking back, Brianna may have had some symptoms of mercury poisoning all along, John Cavicchia said, adding, "Now it makes sense."

Some of the symptoms of exposure to mercury include mood swings, irritability, headaches, muscle atrophy, and loss of cognitive function.

One woman was visibly angry as she emerged from the meeting.

"Women were crying in there. There was a lot of yelling," said Catherine Uhl, whose granddaughter and grandson attended the day-care center for a year.

She said she and others were frustrated by a lack of answers from officials.

"Nobody wants to take blame for anything," Uhl said. "There are no answers. We're finding out more from the newspapers than we are in there."

Earlier, Lawlor acknowledged that a neighbor of the center once had told her about a mercury spill at the property and asked whether the building had been cleaned before it opened to children.

"I didn't think it was important because she had only asked a few questions and wasn't adamant about it," said Lawlor, who moved to Franklin Township in 2002. "To be honest, I didn't think she knew what she was talking about... I never asked anyone else about it."

Lawlor sold the business to Becky Baughman, who is now 18 weeks' pregnant. Baughman has not commented on the contamination.

Lawlor did not tell Baughman the neighbor's mercury story because the landlord had assured her the property was fine, she said.

She remembered he had shown her some township permits.

"I don't know exactly what they were," she said. "He said that something had been cleared. We didn't know there was mercury there, or we'd have asked for a different building. It looked normal."

DEP officials have said they warned the township not to allow the day-care center to open, but the mayor hotly denies the account.

Yesterday, finger-pointing and recriminations continued to fly.

A former DEP official said the state agency should have cleaned up the property after the thermometer manufacturer, Accutherm Inc., went bankrupt in 1994. The agency also should have erected a fence and posted warning signs, said Bill Wolfe, now president of a watchdog group called Public Employees for Environmental Responsibility.

Instead, the DEP tried in vain to get the bankrupt company and the U.S. Environmental Protection Agency to clean the site. Finally, years after children had been playing amid mercury vapors 27 times higher than the acceptable limit, DEP officials saw the day-care center and began asking Sullivan questions about the mercury.

Those questions, which the DEP raised in April, remained unanswered for more than three more months while the day-care center remained open.

Lawlor, who lives in Asheville, N.C., said she had been shocked to hear of the exploding controversy.

She became pregnant with her third child soon after she opened Kiddie Kollege, Lawlor said. Her children are healthy, she said, adding that as far as she knows, none of the other approximately 35 children she cared for had ailments that might have been caused by mercury.

"We all need to get checked and make sure everything is OK," said Lawlor, who said she had worked 80-hour weeks at the center. "I'm just shocked."

Yesterday, moon-suited Brinkerhoff Environmental Services workers, under DEP supervision, collected air samples inside Kiddie Kollege and swabbed the walls for traces of mercury.

Brinkerhoff, hired by Jim Sullivan Inc., also took samples at drinking water wells at four nearby houses to determine whether the water might be contaminated.

The results could be ready in as little as two days, said William F. Lowry, chief of the DEP's Bureau of Environment Measurements and Site Assessment.

Nancy Hansen, who lives two doors from the day-care center, said her well was being tested.

She said she was glad she had never followed up on recent plans to send one of her grandchildren to the day-care center.

"I knew about the thermometer factory, but I just assumed everything was OK," she said. "If it's closed down and then reopens as a day-care center, you'd assume they did whatever they had to do to reopen and that it was legal."

A Mercury Primer

Mercury is a naturally occurring element found in air, water and soil. Elemental mercury - the kind used in thermometers, fluorescent lighting and some electrical switches - is liquid at room temperature. But it breaks into smaller droplets that can lodge in cracks and adhere to certain materials. It also evaporates to become an invisible, odorless, toxic vapor.

Mercury also is found in coal and is released when coal is burned, such as in a power plant. The mercury eventually falls back to the ground or in waterways, where it combines with carbon to form the more toxic compound methylmercury. Most humans become exposed to mercury by eating fish that contain methylmercury.

Symptoms of exposure to elemental mercury include tremors, mood swings, irritability or other emotional changes, insomnia, neuromuscular weakness, muscle atrophy, twitching, headaches, changes in nerve responses, and loss of cognitive function.

At higher exposures, there may be kidney effects, respiratory failure and death.

Press & Sun-Bulletin August 16, 2006

3 more Hillcrest properties will get TCE venting systems

HILLCREST Three more Hillcrest properties will require systems to block subterranean plumes of TCE, according to the latest round of tests from the state, bringing the total so far to 95.

Testing for trichloroethylene at "a few" more properties is likely in the coming heating season, said Thomas Suozzo, an engineer with the state Department of Environmental Conservation. The exact number and location will be determined in a report expected in coming months, he added.

Letters documenting the results went out to affected property owners late last week, Suozzo said Monday.

Meanwhile, the state is working with Triple Cities Metal Finishing, owner of a former metal plating factory on Nowlan Road, to try to understand where the pollution might be coming from and how it moves through the ground.

Since testing began in 2003, contractors have installed systems on 92 Hillcrest properties to divert TCE fumes, which were found entering basements through a process called vapor intrusion. The systems vent the underground fumes into the outdoor air, where they disperse.

Scientists have not been able to identify a concentrated pocket of pollution in the ground like they have in Endicott that could be the source of the problem, Suozzo said. The fumes seem to be coming from low levels of the chemical in a layer of silt 20 to 30 feet under the ground, he added.

Pollution in Endicott, affecting more than 480 properties, has been linked to high concentrations of TCE in the ground under the former IBM site on North Street, prompting a \$30 million to \$60 million cleanup funded by the company, including ventilation systems like those in Hillcrest on more than 450 properties.

TCE, which can cause health problems ranging from skin rashes to cancer in people exposed to enough of it, was used widely as a cleaning agent by many industries from the 1970s through the '90s.

Triple Cities Metal Finishing, a metal plating company, is funding an investigation near its former site on Nowlan Road, while the state has installed systems to prevent the chemical from entering properties in neighborhoods in the proximity of Nowlan Road and Chenango Street.

The state is negotiating with CAE Electronics, which operated a factory next to Triple Cities Metal Finishing, to help pay for the latest phase of the cleanup. The tab, paid for by state Superfund money, has so far topped \$500,000.

TCMF struck a deal with the DEC last spring to clean any pollution on its property under the state's brownfield cleanup program. But that does not include pollution in the surrounding neighborhood.

In 1998 and 1999, CAE, also under an agreement with the DEC, excavated 10,500 tons of polluted soil and 500 tons of sludge at its former site, which sits just east of the TCMF plant.

Scientists working for the state and private companies are working to understand and address similar sites in Endicott, Binghamton, Vestal and Norwich.

The Philadelphia Inquirer August 20, 2006

Second township day-care operated on toxic ground

Less than a mile from the mercury-contaminated Kiddie Kollege day-care center in Gloucester County, a second day-care was operating on another polluted site with ties to the same real estate company, officials confirmed last week.

About 55 small children had attended the Through the Years day-care center, which operated for four years on the site of a former heating-oil company in Franklin Township. Through the Years abruptly moved to another location on June 30.

"I wasn't aware that this was once a petroleum company," said Christine Dougherty, whose two young children attended the day-care for a year. "We were told it closed because there were new owners and that the day-care would be located in a new facility. It was not moved for any hazardous reason."

The site has not been sold, and an attorney for the property owner, Charles Nevins of Maryland, said the day-care was asked to leave so an environmental cleanup could begin.

The revelation of a second day-care on a toxic site in the same rural township raises questions about how many of the state's 7,000 day-cares could be sitting on contaminated property. A third toxic day-care was discovered last week in Toms River.

The discoveries also bolster critics, who say New Jersey does a poor job tracking its 14,000 contaminated properties, including many that have sat vacant for years.

Through the Years was located in the building that once served as the office for McCandless Petroleum Co., which sold home heating oil. McCandless Petroleum, a 4.42-acre site that had four buildings, is listed by the state Department of Environmental Protection as one of New Jersey's contaminated sites.

The property was listed in 2001 because of "an uncontrolled discharge to the soil and/or groundwater," according to the DEP.

"At this point we don't know what the contaminant is," DEP spokeswoman Elaine Makatura said. "We're scrambling to get what we can."

Mitchell H. Kizner, the attorney for the property owner, said there were "petroleum hydrocarbons, mostly heating oil" and cancer-causing PCBs at the site. He said the owner hired a consultant to test the building that housed the day-care in 2003, and the results "showed no difficulties." The results were sent to the DEP and other government agencies, he said.

Through the Years occupied a space at the Fellowship Faith Ministries Church, which began renting the vacant McCandless office building about five years ago, according to township officials.

Jim Sullivan Jr. is the church chairman. His son, Jim Sullivan III, is a church officer. Sullivan Jr. runs the company that owns the former Accutherm thermometer factory, where the Kiddie Kollege day-care had operated. His son helped acquire that property.

Fellowship Faith Ministries allowed the day-care to use the church building rent-free, according to Jeanne Przelomiec, listed on records as a senior officer of the day-care. She wouldn't answer questions about the contamination. An attorney for the church, Tara Vargo, did not return phone calls Friday.

Breathing petroleum vapors can cause headache, nausea, dizziness and respiratory irritation, according to the U.S. Environmental Protection Agency. PCBs can affect the immune system, reproductive system, nervous system, endocrine system and cause cancer, the EPA says.

McCandless operated its heating-oil company at the Delsea Drive site until 1989.

A spokesman for Conshohocken-based company said former owner Charles Nevins sold the company in September and moved to Maryland, but retained ownership of the Franklin Township site.

A woman who answered the phone at Nevins' Maryland home referred questions to Kizner, a Cherry Hill attorney who has written extensively about environmental cleanups and owner liability.

Kizner said Faith Fellowship and the day-care were informed that the site was contaminated - even if the building they proposed to use had been cleared.

"We gave them memos to notify the parents. I'm assuming they told the parents. They put some kind of barrier behind the playground and the balance of the facility. They

obviously wanted to keep the kids off that area," Kizner said. "This is different from the former thermometer factory. There was full disclosure here."

Behind the day-care's fenced playground is a landscape of dirt and grass, much of it covered with sheets of black plastic.

Neither Jim Sullivan Jr. nor Jim Sullivan III would comment this week. Their attorney, Richard Hluchan, said he knew nothing about the role of the Sullivans in the church or the Thorough the Years day-care.

Gov. Corzine has ordered a team of cabinet members to examine day-care safety as a result of the Kiddie Kollege scandal. The group will cross-reference New Jersey's contaminated sites list with every day-care in the state, his office said.

Last week, the DEP asked another day-care center, the Ultimate Scholar in Toms River, to shut down because of elevated levels of toxic chemicals. The day-care is in a strip mall that includes a dry-cleaning business that was added to the state's list of contaminated sites in 2004.

The governor's order came in response to the discovery that Kiddie Kollege had been operating for two years in the abandoned thermometer factory. The state Attorney General's Office also launched a criminal investigation into the Kiddie Kollege scandal.

Kiddie Kollege voluntarily closed July 28. Testing on more than 60 children and adults found about one-third had levels of mercury higher than the general public, but state health officials said they didn't expect long-term effects.

"We have roughly 7,000 day-cares listed... . The commissioners of many departments are working together to come up with an outline and a plan," said DEP's Makatura. "We're going out to the sites to see if there have been any use changes we weren't informed of."

DEP critics have been bashing the agency since the Kiddie Kollege case exploded. They say the agency does a poor job of monitoring and cleaning up contaminated sites - particularly so-called orphan sites, where former owners have gone bankrupt.

Accutherm, the thermometer factory, went bankrupt in 1994, and the site remained untouched for a decade.

John Trela, a former DEP assistant commissioner and an environmental consultant at TRC Inc. in Millburn, N.J., said the DEP has always taken "the worst, first" when it comes to cleaning orphan sites.

"The reality is that you can't do everything with public money because there isn't enough public money," he said.

On the Kiddie Kollege matter, he said, "somebody should have caught this."

"It's everybody's job at all levels... to protect the public from people doing bad things," Trela said.

The state also has encouraged private developers who want to take over contaminated sites - another controversial issue with environmentalists.

But proponents say the developers turn abandoned, dirty sites into occupied, clean, tax-generating buildings - like the old RCA factory turned into the Victor lofts in Camden.

Developers should hire professional consultants to assess a polluted property, then build the cost of the cleanup into the project, said Lewis Goldshore, an environmental lawyer in Lawrenceville, N.J.

The developer then enters into an agreement with the DEP to clean the property with the agency's oversight. The Sullivans now have entered into a similar agreement to clean the Accutherm site, Hluchan said.

Builders who don't conduct "due diligence" when buying contaminated sites are engaging in "risky behavior," Goldshore said.

"If you're going to use it for a nursery for small kids, you better be damn careful," he said. "People who don't exercise caution when buying property have very little basis to complain if the property doesn't meet their expectations."

Hluchan said Jim Sullivan III wrote a letter in 2000 to the DEP, addressed, "To whom it may concern," inquiring about the Accutherm property. He did not receive a reply. The DEP says it has no record of the letter.

In 2003, when the Sullivans were considering selling the building, they hired a consultant, who asked the DEP for records on the property. The only document returned, Hluchan said, was a federal report that the Sullivans mistakenly believed said the property wasn't toxic.

So, does this constitute due diligence?

"They did what they did. That's certainly something, perhaps, that might be judged down the road," Hluchan said. "I think under the current standards, what they did might pass muster. They did what they thought was reasonable."

The Philadelphia Inquirer August 25, 2006

Day-care center landlord ordered to pay \$500,000

The landlord of a contaminated day-care center in Toms River has been ordered to pay \$500,000 to the state Department of Environmental Protection to clean up the site.

Ultimate Scholar Inc., a day-care center and preschool, operated for two years out of a strip mall on Fischer Boulevard. The DEP ordered it to shut down three weeks ago after high levels of PCEs, a toxic chemical, were discovered inside the day-care center.

The strip mall is owned by Hirair Hovnanian, developer of senior housing and brother of Kevork Hovnanian, chief executive of K. Hovnanian Enterprises.

The mall, Bellcrest Plaza, has housed a dry cleaner since 1976. In 2004, the dry-cleaning business was added to the state's list of Known Contaminated Sites.

According to state documents, PCEs were found inside the day-care center in June at 33 times the level regarded as safe for an adult.

A ventilation system was installed to remove the toxic vapors. But a second test of the building showed the levels of the chemical actually increased to almost 50 times acceptable limits following installation of the ventilation system.

PCE is used in dry-cleaning fabric and in degreasing metals. In high concentrations, PCE, or tetrachloroethylene, can cause dizziness, headaches, sleepiness, nausea, difficulty in speaking and walking, unconsciousness, and death, according to the Centers for Disease Control and Prevention.

The source of the PCEs at the Toms River day-care center does not appear to be the nearby dry cleaner, said Ronald T. Corcory, a DEP assistant director.

"There didn't appear to be any link we could see coming from the dry cleaner today," Corcory said.

He said the toxic vapors could be the result of a discharge of chemicals into the groundwater.

Ultimate Scholar closed Aug. 10. The next day, DEP notified Hovnanian that the site, though known to be contaminated since 2004, was now considered a priority.

The week before, a Gloucester County day-care center was shuttered after "unacceptably high" levels of mercury vapor were discovered inside. Kiddie Kollege, in Franklinville, had operated for two years inside a former mercury thermometer factory.

Sixty children who attended Kiddie Kollege and nine adults who worked there were tested earlier this month for exposure to the toxic fumes. Results showed one-third of the children had mercury levels higher than normal.

There is no state law preventing a day-care center from opening on a contaminated site.

Unlike most cleanups ordered by the DEP, the directive to Hovnanian has some teeth.

"This is not a voluntary arrangement," Corcory said, adding it was "binding and guarantees it will be cleaned up."

If the company does not comply with the administrative consent order, Hovnanian may be liable for up to \$1.5 million in costs under the state's Spill Compensation and Control Act.

State environmentalists yesterday said they were pleased the DEP was wielding the biggest stick in its arsenal.

"Just the fact that they issued an administrative consent order, that's the old school way," said Bill Wolfe, director of an environmental watchdog group. "When you want something cleaned up, that's the way to do it."

Wolfe, who leads Public Employees for Environmental Responsibility, has been a vocal critic of the voluntary agreements that DEP often strikes with polluters.

Jeff Tittel, director of the state Sierra Club, also credited DEP with moving quickly and using a little muscle to order the cleanup.

"Putting a little force into enforcement is always a good deterrent," Tittel said. "And by going after someone like Hovnanian it shows DEP is not going to be a pushover."

A story in Friday's Inquirer about the cleanup of a contaminated day-care center in Toms River, N.J., did not identify the firm owned by landlord Hirair Hovnanian, who is responsible for the cleanup. It is H. Hovnanian Industries, which has no relationship to Hovnanian Enterprises .

Daily News September 8, 2006

SUFFOLK FIRM OWNER BUSTED IN TOXIC WASTE POLLUTE CASE

THE OWNER of a Port Jefferson Station company was busted yesterday on federal charges that his defunct factory illegally disposed of tons of toxic waste.

Gerald Cohen and his company, Lawrence Aviation Industries, were also hit with a civil suit filed by the U.S. attorney's office that seeks to recoup \$8 million the government spent to clean up the Superfund site.

FBI agents yesterday arrested Cohen, 72, at his 38 Bridle Path Road home in St. James. He was released on \$11 million bail after pleading not guilty at arraignment yesterday in Central Islip Federal Court.

The bail was secured by his ownership of three parcels of property totaling 75 acres at the Lawrence Aviation site.

His wife Nancy Cohen and the purchaser of the Lawrence site, Eugene Fernandez, were suretors.

Cohen is charged with illegally storing more than 11 tons of highly corrosive hazardous waste in old tanks at the 200,000-square-foot mill, located on a former turkey farm on Sheep Pasture Road.

"We will use every tool at our disposal to ensure that those who pollute our environment are held accountable," Roslynn Mauskopf, U.S. attorney for the Eastern District, said of the bust.

Lawrence Aviation manufactured titanium sheet metal for the aeronautics industry at the 160-acre property starting in 1959. The plant is on a hill in a wooded residential area about 1 mile south of Port Jefferson Harbor.

In 2000, the federal Environmental Protection Agency added the property to its National Priorities List of the most contaminated sites in the country.

According to an EPA report, the company in 1980 crushed more than 1,600 steel drums, permitting dangerous chemicals to spill onto "unprotected soil."

Among the hazardous waste that seeped into the ground - and eventually the water table - were trichloroethylene, tetrachloroethylene, hydrofluoric acid and nitric acid.

"There is contamination of the underground water," EPA spokesman Ben Barry said of the site.

He noted that there is a 600-yard-wide, 1-mile long "plume" of contaminated groundwater that extends from below the site to the harbor.

Investigators believe that the contaminants have affected the region's aquifer, which feeds 47 public supply wells and serves about 120,000 people within 4 miles of the site.

Barry said the EPA is studying how best to clean up the polluted underground water. The agency has also conducted air quality tests in nearby homes and schools to determine whether toxic vapors have penetrated the buildings.

Cohen faces up to 15 years in prison if convicted of the crimes.

The Philadelphia Inquirer October 10, 2006

How toxic day-care drama unfolded; A DEP officer called: Close the center. Immediately.

The phone call came on a sticky afternoon, before 4:30 on July 28, as parents picked up babies and children at Kiddie Kollege and headed home.

No one suspected - least of all Becky Baughman, the pregnant owner - that this would be the last day at the once-cheery, cartoon-clad day-care center in Franklinville. No one knew that the sleeping bags and blankies the parents were carting home might be saturated with poisonous mercury vapors.

The caller was Tom Cozzi, a state Department of Environmental Protection official, and he urged Baughman to shut the day-care center. Immediately.

After weeks of testing, he said, high levels of mercury vapors had been found inside the building, a former thermometer factory. Later, Baughman would learn the vapors had wafted from numerous mercury beads on the concrete basement floor and from droplets of spilled mercury wedged between the basement ceiling joists and the plywood floor above.

Nearly 100 students who had napped and played on that floor in the last two years were at risk of overexposure to mercury, which can cause neurological and kidney problems. Testing showed the mercury levels about 27 times acceptable limits.

For Baughman, 32, it was the beginning of a horrific nightmare. It was one she would share with other parents who had believed the state-licensed day-care center in Gloucester County was safe.

"The building is leased. I had no knowledge of any possible contamination in the building until recent events," Baughman wrote in an application to the state DEP Spill Compensation Fund after the building was shut down.

The mercury exposure affected nearly her entire family: her 18-week-old fetus and 3-year-old son, as well as her husband, Stephen, and mother, Linda Turner, both of whom worked in the toxic building. The only family member who wasn't exposed was the couple's older son.

Becky Baughman declined to comment, but her husband, who co-owned the day-care center, said she was distraught and worried about the fetus.

"The baby is still alive, we know that," said Stephen Baughman, 35. "But nobody really knows how the baby will be affected. Everything looks good, but it's wait and see. I'm... I'm sure everything will be fine."

After receiving the Friday phone call, Becky Baughman taped a note to the door announcing the center's closing: "I have been assured there is no cause for panic. I am meeting with the DEP and the Department of Health on Monday and will have more

information then... . I sincerely apologize to all of you for the inconvenience and alarm this may cause."

Parents who spoke with her that weekend said she cried when relaying the awful news.

Since then, several state agencies, including the New Jersey Attorney General's Office, have launched investigations into how the day-care center was allowed to open on a contaminated site. And the DEP is inspecting day-care centers throughout New Jersey to see if any others are on toxic properties and should be closed.

The state Department of Health and Senior Services tested 60 of the children who most recently attended Kiddie Kollege for mercury exposure. Twenty, including Brendan, the Baughmans' toddler, showed elevated levels of the metal.

But a retest last month showed that only six children still had higher-than-normal levels. None is expected to suffer any short- or long-term effects. Brendan's level dropped into the normal range.

Stephen Baughman, a contractor who did maintenance at the day care, worked frequently in the building's basement, where higher levels of mercury were recorded. His health tests, as well as Becky's and her mother's, indicated normal exposure. This, despite the fact that in the basement, vapors were 163 times the acceptable limit.

"I put it all in God's hands, and I don't dwell on it," Turner said. But she said her daughter was suffering. "She put her whole life into that day care. She loved the kids, and this just killed her."

Stephen Baughman said the couple planned to reopen at a new location in the next few months. They have received \$50,000 from the Spill Compensation Fund to help recoup the cost of ruined computers, toys and equipment at the day-care center.

He said the building's history and contamination were not disclosed by Julie Lawlor, the original owner of the day care, when she sold the business to them in December. The landlord, Jim Sullivan Jr., and his son, Jim Sullivan III, who managed the property, also kept quiet about the building.

"Nobody told us about the thermometer factory when we bought the day care," Stephen Baughman said. "... We sat within three feet from the building owner, and he said nothing."

Baughman said Lawlor offered them the business for \$150,000, then moved to North Carolina and never returned phone calls after that.

Lawlor told The Inquirer in August that a Kiddie Kollege neighbor alerted her about the mercury contamination, but that she discounted it. The neighbor had said only that she had heard some rumors. "After that, I never asked anyone else about it. You hear rumors

all the time," Lawlor said. She didn't tell the Baughmans about that conversation because it "completely slipped my mind."

Lawlor said that when she first opened the day-care center, the Sullivans had showed her township papers that indicated the building was cleared for occupancy. She said she didn't know it had been contaminated.

Stephen Baughman said the elder Sullivan, who asked \$2,000 a month for rent, didn't mention the contamination to him either.

The Baughmans moved to Franklinville from Texas less than three years ago and knew nothing of the thermometer factory when they bought the business. A few months later, a neighbor who lives behind Kiddie Kollege mentioned it and suggested they check into it.

The Baughmans went to the younger Sullivan. "He said, 'I have the test results that say that building is clean,'" Stephen Baughman said. "We were assured. He said if we needed to show anyone, he'd provide that documentation. I didn't ask for it. I trusted him."

The Sullivans and their attorney, Richard Hluchan, did not return recent phone calls. In a previous interview, Hluchan said the Sullivans regretted what happened at Kiddie Kollege and explained that they acquired the factory in a foreclosure and assumed the place was no longer contaminated.

The younger Sullivan had obtained a document from the federal Environmental Protection Agency that he interpreted as saying the building was safe, Hluchan said.

But in April, when DEP inspectors made a random check of the site and found the day care operating, they informed Sullivan that he was mistaken. The EPA report had said that as a vacant structure, the building was not an immediate safety threat. But the contamination was never cleaned up, the DEP told him, and he was instructed to test the day care for mercury.

Baughman said the DEP did not contact the couple, and neither did Sullivan.

Sullivan hired Brinkerhoff Environmental Inc. to do the testing. Baughman said the Brinkerhoff workers wouldn't say what the testing was for and referred them to Sullivan. When asked, Sullivan dismissed the tests as routine, Baughman said. "We didn't know. We had not operated a day care before," he said.

Then, on July 28, Sullivan summoned Becky Baughman to his office to give her the test results. He told her that the levels were low and that everything would be fine, Stephen Baughman said.

But DEP documents show that around that time, the agency received the results by fax - and things were not at all fine. DEP director Lisa Jackson was advised of the high mercury levels at the day care and instructed her staff to "close the place."

In less than an hour, the phone at Kiddie Kollege was ringing.

States News Service October 18, 2006

EPA HOSTS PUBLIC MEETING ON TROY, OHIO, VAPOR INVESTIGATION,

U.S. Environmental Protection Agency Region 5 will host a public meeting to update residents on its investigation of chemical pollution underneath sections of Troy, Ohio. The meeting will be 6 to 8 p.m., Wednesday, Oct. 25, at Van Cleve School, 617 E. Main St.

Representatives from Ohio EPA, Ohio Department of Health and local governments are also expected.

The agencies are considering strategies to solve potential chemical vapor intrusion through foundation cracks in some buildings in Troy. This meeting will update the community on the most recent indoor air samples collected and possible future cleanup work.

Boston Globe-October 22, 2006
Nyanza cleanup a long haul

Federal environmental regulators thought they knew how to clean up the hazardous wastes at the site of the former Nyanza dye plant in Ashland. But the project has taken unexpected twists and turns, with ground-water contamination emerging in recent years as a major issue.

"It's a problem we didn't recognize as a serious one a while back, and now we do, but we're here," said the Environmental Protection Agency's Jim Murphy, the cleanup project's community involvement coordinator. "We're not going anywhere, and we're trying to address it as quickly as we can."

The Nyanza plant closed in 1978, the last in a series of companies that made clothing dyes and related chemicals on the site beginning in 1917. Over the years, waste chemicals including mercury, arsenic, benzene, lead, and acetone were dumped onto a nearby hill. The chemicals ran back down the hill in colorful streams that local children played in, an activity that state officials believe led to an increase in cancer rates in town. Five years after the plant closed, the EPA began its battle to clean up the hill, making Nyanza one of the first Superfund sites in the country.

Over the next two decades, workers dredged contaminated soil out of nearby wetlands, and the hilltop dump site was sealed off with a 13-acre multilayered cap and a 50-foot-deep trench. The EPA then focused its efforts on cleaning up the soil and water around a former underground storage vault on the plant grounds, in which chemicals were temporarily stored before being dumped on the hill.

In 1994, the agency installed pumps to pull out what was believed to be mildly contaminated ground water, but it discovered something worse: Dense nonaqueous-phase liquid (DNAPL), a concentrated oily soup of chemicals that had leaked out of the concrete vault over the years and settled into an 800-foot-wide, six-foot-deep pool, beginning about 50 feet below the surface and extending 20 feet or more into the underlying bedrock.

"We were totally unprepared for that," said Jim DiLorenzo, EPA cleanup project manager. "It degraded the seals around the pumps and the pumps froze. So we had to shut the system down and reevaluate."

During that reevaluation, the EPA discovered that the pool was directly in the path of ground water that flows under the town. Directly above the pool, and for part of the ground water's slow trip toward the Sudbury River, the cracks in the bedrock are deep enough, and numerous enough, that little contamination makes its way to the surface. But those cracks decrease in depth and number north and east of the pool, so that when the contaminated ground water reaches an area roughly bounded by Tilton Avenue, Cherry Street, Water Street, and the river, its toxic vapors, most notably the carcinogen trichloroethene (TCE), seep out of the soil into the basements of about 40 buildings.

While the drinking-water supply is safe - DiLorenzo says that no one in the area of concern uses ground water for drinking - the agency is taking a conservative approach to the vapor intrusion. Even though the federal standard for TCE toxicity is 134 parts per billion, the federal cleanup project is using a stricter standard of 2 to 43 parts per billion in the cleanup. (In previous testing in 1998 and 2004, TCE levels ranged from 1.3 to 7.3 parts per billion.)

Beginning next spring, workers will install vapor mitigation systems, which DiLorenzo described as heavy-duty versions of systems commonly used to disperse radon gas. The systems, which cost about \$10,000 each, will be installed at no cost to property owners in the 40 homes and businesses where TCE intrusion has been identified or is believed to be a risk. Additionally, DiLorenzo said that a new round of testing will be conducted beginning next month, both in the previously identified area and in several other homes and businesses outside it.

The cleanup is expected to go on for many more years. DiLorenzo said that the EPA is weighing a couple of different approaches to removing the pool of DNAPL. Digging it out is risky because it could fracture the bedrock and disperse the toxins even further, he said, while readily admitting that the other option under consideration - conveyor-belt-

like machines that dip down into the DNAPL and pull it out a few drops at a time - might not work.

Also, no one really knows how much DNAPL is down there; they'll know they're done, he said, when they stop pulling it out of the ground. Ground water moves very slowly, so even if the source of contamination is shut off, it will be years before what's already moving through the ground will dissipate.

DiLorenzo and Murphy will update residents on the Nyanza cleanup at a community meeting on Thursday at 7 p.m. at the Ashland High School auditorium on East Union Street. EPA project manager Cheryl Sprague will also be on hand to detail plans for cleaning up contamination of the Sudbury River.

The Ithaca Journal November 6, 2006

State sets new limits for toxic TCE vapor levels

ITHACA - Following months of review, the New York State Department of Health released its new guidelines for indoor air levels of a toxic industrial chemical that has been detected in South Hill homes.

The guidelines, posted Oct. 18, dictate how the state responds - or requires responsible parties to respond - when trichloroethylene is found in soil and indoor air.

Trichloroethylene, more commonly referred to as TCE, was used to degrease metal parts at the former Morse Chain site now owned by Emerson Power Transmission. Considered a likely human carcinogen, the chemical has been detected in the indoor air of homes downhill from the South Hill factory. It is believed that the majority of solvent traveled off the property via groundwater contaminated by a leaking firewater reservoir that contained TCE-polluted water.

The new state guidelines generally maintain the same standards presented in the draft matrix with one notable change. It keeps the draft indoor action level at 5 micrograms-per-cubic-meter of TCE in the air but lowers the necessary air level required for mitigation when paired with certain levels of soil gas vapors.

Under the new matrix, when TCE levels underneath a basement's cement slab are between 50 and 250 micrograms-per-cubic-meter, an indoor air reading of 1 microgram-per-cubic-meter or higher will initiate mitigation. In the draft document, the indoor air reading had to be 2.5 micrograms-per-cubic-meter for remediation to occur.

The lengthy document establishing this matrix was reviewed by nine scientists. In the executive summary outlining how the state reached its decision, it says that uncertainties about the various aspects of TCE exposure, from health-related criteria to uncertainties and gaps in the toxicological database, dictated the final mitigation standards.

The 5 microgram level was decided upon after several health-related analyses led to the conclusion that a 10-microgram-per-cubic-meter threshold would be sufficient to deter the health impacts that had been studied. The remaining unknown factors, including weak toxicological data in certain areas and the impact of exposure on children, led to the level being cut in half.

"I think New York has been in the lead in terms of identifying and investigating vapor intrusion, but the weakness had been its mitigation standard, which was higher than many other states," said Lenny Siegel, executive director of the Center for Public Environmental Oversight in California. "This brings New York up to a point where they're more in-line with other states."

Regardless of its position relative to other states, residents of South Hill are still uncertain what this decision will mean for them.

A look at sampling data voluntarily shared by South Hill residents since testing began in 2004 showed at least three homes could be affected by this change. Owners of those properties did not return requests for comment.

Claire Pospisil, a spokesperson for the state Department of Health, said that "there is a likelihood that some houses currently being monitored will be offered mitigation systems in lieu of additional monitoring."

Pospisil also said that the change in the matrix will not change the area that needs to be studied in Ithaca.

There had been some speculation that the new standard would require testing in a wider area.

A fifth round of residence-testing is planned for this fall.

Boston Globe November 23, 2006

EPA tests for spread of toxins Samples await more analysis

ASHLAND-The white camper van parked behind Ashland Town Hall looks like something you might see parked under tall pines or by the seashore. But inside the work is deadly serious, as federal workers test air samples for toxic chemicals.

The US Environmental Protection Agency van travels around the region almost constantly, a tour that last week brought it to town to look for toxins left behind by the former Nyanza dye plant.

Much of the chemical contamination at the Nyanza site was sealed off in the early 1990s with the construction of a cap atop the hill next to the factory site, and nearby wetlands were dredged. But not long afterward, ground water contaminated by the carcinogen

trichloroethylene and other chemicals was found to have traveled offsite and underneath a circle of about 40 buildings, mostly homes, in the center of town.

In some, but not all of those buildings, EPA tests in 1990, 1998, and 2004 found that toxic vapors were leaving the ground water and traveling up into basements and living spaces.

Earlier this year, the EPA announced that it will pay to install systems that will collect those vapors and disperse them outside. The agency is also doing more tests.

"We're actually expanding beyond that area, doing soil gas and indoor air sampling just to determine if there's any issue outside the area," said EPA engineer Peter Kahn. "What we're looking at is those homes that are on the fringe of that ... to verify that there's not a problem there."

That verification begins with tests performed in the back of the van by a team of four EPA staffers.

Among their tools is a device called a Summa canister, a stainless steel sphere that looks like a cross between the Sputnik satellite and a propane tank for an outdoor grill.

Inside, said Kahn, is nothing: Each canister is depressurized before being taken into the field, which creates a vacuum effect when the valve on top is opened. In some cases, the valve is opened up completely, gulping in 6 liters of air all at once; in others, the valve is set to sip air slowly over a 24-hour period.

To find contamination underground, they use a 6-foot-long steel pipe called a "slam bar." At one end of the bar is a sliding, weighted handle, which is used to drive the bottom end about 4 feet into the ground, usually outside but also, where possible, in basements with dirt floors or other openings into the ground. Once in place, a narrower copper tube is inserted into the slam bar, and a sample of the air that's mixed in with the dirt is pumped out into a small syringe.

In both cases, some of the sampled air is taken back to the EPA's lab in Chelmsford for analysis. But these days, initial testing can be performed in just a few minutes inside the camper, allowing field workers a chance to take closer looks at suspect areas the same day.

"Rather than bringing it to a lab and waiting X number of weeks for analysis, you're going to get it right then and there," explained Kahn. "So you can say 'It's clean over here, dirty over here, let's focus on this area.'"

Inside the camper one recent day, it's upward of 80 degrees, a good 15 degrees warmer than the air outside - the better, said Kahn, for chemist Scott Clifford to run the lab's sophisticated equipment, including a gas chromatograph that detects various chemicals in the air samples.

Not so long ago, such instruments could only be used in a stationary lab. Today's instruments, said Clifford, are also more sensitive than what was available when he first worked on the site in 1989 during the initial stages of the Nyanza cleanup.

But even with better tools, the task of determining how contaminated the homes are can be complicated, Kahn said.

The air inside some, he said, is tainted with chemicals that have nothing to do with Nyanza - vapors given off by cleaning solvents, paint, or carpeting.

In some cases, residents are asked to get rid of certain cleaning products or hold off on their furniture-refinishing projects, and the tests are performed again.

Kahn said the air will also be tested periodically after the vapor mitigation systems are installed.

"Our only agenda," said Kahn, "is to make sure that the environment is clean and people are safe."

As it turns out, the data collected that day included a few unpleasant surprises for the EPA team. In a phone interview, Jim DiLorenzo, one of the project managers for the Nyanza cleanup, said that some of the field tests found signs of possible trichloroethylene contamination a few hundred feet outside the northern border of the 40-home circle. Air samples taken there are currently undergoing more thorough testing at the Chelmsford laboratory. In the meantime, DiLorenzo said, additional ground water monitoring wells will be installed, and more tests are planned.

The 35-acre Nyanza site, where textile dyes and related chemicals were made from 1917 to 1978, was one of the country's first Superfund sites, designated in 1983. The federal government has spent about \$50 million so far to clean it up.

Press & Sun-Bulletin November 29, 2006

Testing for TCE expands in area

ENDICOTT Testing started this week in homes and businesses in the Endicott area for hazardous fumes from underground pollution.

Robert Knizek, an engineer with the state Department of Environmental Conservation, said during a meeting of the Western Broome Environmental Stake-holders Coalition on Tuesday night at First United Methodist Church in Endicott that re-sampling is being done at 39 homes and businesses and 23 monitoring locations.

Twenty-four new sampling locations will also be selected in the study area that encompasses Endicott, West Corners and southeast and northeast Endwell.

The project is being done with state Superfund money, said Knizek. Results are expected in the spring of 2007.

The search called the "Endicott area-wide study" began in 2003 after trichloroethylene (TCE) was found entering properties through a process called vapor intrusion south of the former IBM Corp. [Click for Enhanced Coverage Linking Searchesplant on North Street.](#)

The search has since been extended to include any and all sources of the pollution in an area, which encompasses about 6 square miles.

The project is separate from work that IBM is doing to clean a plume of TCE pollution that leached into neighborhoods south of its former microelectronics plant on North Street.

The company has installed systems to prevent the fumes from entering more than 460 properties and is upgrading a system of pumps and wells to extract pollution from the ground.

TCE has been linked to illnesses ranging from cancer to respiratory problems, although there is little consensus among policy makers about what concentrations are dangerous, and how long people need to be exposed before they get sick.

Some people are more susceptible to chemical exposure than others.