

May 18, 2004

By FAX

Honorable Erin Crotty
Commissioner
New York Department of Environmental Conservation
625 Broadway
Albany, NY 12233-1011

Morse Industrial Corporation (Emerson Power Transmission Co. (EPT))
NYS Route 96B
Ithaca, NY 14850
Site Code: 7-55-010

Greetings:

Trichloroethylene and other solvents in groundwater at the above-captioned site have reportedly far exceeded applicable clean up standards for nearly 17 years. I write to urge the Department of Environmental Conservation (DEC) to investigate and clean up the problem without further delay.

Your agency recently took extensive action in Endicott, NY to safeguard homes threatened by solvents in groundwater and soil gas vapor. Since hundreds of people live in close proximity to EPT, your agency should consider similar measures to protect public health.

I trust that you will find this letter self-explanatory, but please do not hesitate to contact me if I can clarify my concerns or otherwise assist you or your colleagues.

High-level TCE Contamination at EPT

The EPT factory has operated since 1906 and produces steel roller chain. Manufacturing activities include metal stamping, heat treating, oil quenching, degreasing, plating and parts assembly. The factory reportedly used a variety of degreasing solvents, notably trichloroethylene (TCE), to remove oil from metal parts. Peak usage of 1,200 gallons of TCE per week was reported between 1976 to 1978.¹

TCE is a toxic and persistent chemical that can cause dizziness, headache, tremors, eye and skin irritation, lassitude, drowsiness, nausea, visual disturbances, dermatitis, paresthesia, liver damage and cardiac arrhythmias. It is considered a potential cancer-causing agent.²

TCE contamination was originally identified at EPT in 1987.³ An underground "fire reservoir" was determined to be a source of the solvent contamination. It was cleaned out and lined. In 1989, TCE was reportedly monitored in the site's groundwater at 1,100,000 parts per billion (ppb) or 220,000 times the applicable New York State clean up standard of five ppb.⁴

TCE Threat to Residential Homes Monitored in 1991

In 1991, the New York State Department of Health monitored indoor air at a total of 14 homes near EPT.⁵ Four homes were tested as controls to determine background levels of TCE and other solvents. TCE concentrations above background levels were reportedly identified at three out of the other ten homes. 1, 1, 1- trichloroethane was identified above background levels in a fourth home where TCE concentrations did not exceed background levels.

DEC's 1994 Record of Decision (ROD)

DEC's 1994 ROD determined: "Actual or threatened release of hazardous waste constituents from this site, if not addressed by implementing the response action selected in this ROD, presents a current or potential threat to public health and the environment."⁶

Key provisions of the ROD included installation of a two-phase treatment system to remove volatile solvents from soil and groundwater, clean up of selected petroleum contaminated soils and a study of volatile contaminants in the "vadose" or aerated soil layer.

TCE Continues to Exceed Clean up Standards

EPT monitoring results from the fall of 2003 document TCE in groundwater extraction wells and monitoring wells up to 28,000 ppb or 5,600 times the applicable New York clean up standard.⁷ During nearly eight years of operation, the remedial system has reportedly removed 197.052 pounds⁸, or less than 16 gallons, of TCE. Overall, there is no clear trend of declining TCE concentrations.

These data suggest that the source(s) of TCE contamination at EPT have not been completely eliminated or that the remedial system cannot reduce contaminants to applicable clean up standards.

Public Health Threat Inadequately Abated?

Since TCE has not been adequately abated at EPT, the question arises whether the homes with TCE above background levels in 1991 continue to be threatened. It is also possible that TCE contamination may have spread to other homes.

Required Soil Gas Vapor Study Never Undertaken

The required soil gas vapor study of the vadose or aerated soil layer was never completed due to flooding of four monitoring wells established in 1994. EPT's consultant proposed a new work plan on January 16, 2004.⁹ This inexcusable delay begs the question why your agency failed to enforce its ROD for nearly ten years.

Moreover, the proposed scope of work utterly fails to address the full magnitude of the soil gas vapor threat. The study should delineate the entire area of contamination on a comprehensive, house-by-house, structure-by-structure basis instead of only sampling the downgradient area. Soil gas vapor can migrate in all directions through porous soils or other preferential pathways. Sampling also should reflect proper regard for seasonal variation.

West Spencer Street Expansion Project

The City of Ithaca is currently expanding West Spencer Street due west of EPT. In November and December 1987, a monitoring survey was conducted, in part, along the eastern boundary of West Spencer Street between South Cayuga Street and immediately south of the Town of Ithaca boundary. The highest levels of TCE identified in soil vapor were due west of the highest TCE levels at EPT.¹⁰

The Long Environmental Assessment Form (LEAF) submitted for the project concluded:

"Based upon the review of regulatory information, it appears that there may be a condition of concern associated with the project area. There is one (1) site adjacent to the southeast of the project area which is found on the DEC IHWDS [Inactive Hazardous Waste Disposal Site] Registry. This site, the Morse Industrial Corporation waste site (DEC I. D. No. 755010) is also known as the Emerson Power Transmission facility. Given its close proximity to the project area, there is the potential that this waste site may have impacted soil and groundwater within the project area. If excavations that may intercept the water table are proposed within the project area, then provisions should be made to protect worker safety and for the proper handling and disposal of all contaminated soil and groundwater encountered. (emphasis added)."¹¹

This recommendation was never implemented.

Conclusion

Against that background, I submit several requests for your consideration:

1. The public health threat referenced in the ROD has neither been assessed properly nor resolved through effective clean up. DEC should revise EPT's Site Classification from #4 (Site is properly closed -- requires continued management.)" to #2 ("Significant threat to the public health or environment -- action required.)" This regulatory action is an essential first step in addressing EPT's continuing pollution threat.
2. Neither DEC nor the State Department of Health has communicated the inadequacy of EPT's clean up efforts to local residents. As a consequence, citizens living near EPT are largely unaware of the public health implications of continuing contamination problems. A meeting should be held to update the public on the site remediation.
3. A comprehensive study of the West Spencer Street expansion project should be undertaken to determine whether on-going excavation work is causing toxic contamination hazards. If so, the LEAF proposal should be implemented.
4. To my knowledge, neither Morse Industrial Corporation nor Emerson Power Transmission Co. fulfilled past hazardous waste disclosure obligations for this site pursuant to the DEC's 1983 Community Right to Know program or Section 103(c) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980. Knowing exactly what toxic chemicals and hazardous wastes the factory may have been released into the environment is essential for investigating and cleaning any problems that might have resulted. Full disclosure of historic dumping practices at EPT must be required by DEC and EPA.
5. On May 28, 1987, Charles Chernoff of the DEC attended a meeting regarding toxic hazards posed by the former Ithaca dump to a trailer park on top of the landfill. In the minutes of that meeting, he reportedly said that the site "had long received toxic wastes from throughout the City (especially from industrial uses)."¹²

The Ithaca Dump should be investigated as a Registry Qualifying Site for possible inclusion in the Inactive Hazardous Waste Disposal Site Registry. Your agency should determine whether Morse Industrial Corporation dumped hazardous wastes that threatens local residents or Cayuga Lake tributaries. Within the last year, hundreds of waste barrels and industrial artifacts were uncovered at the landfill.

6. I and many other Ithaca residents have commended DEC as well as the U. S. Environmental Protection Agency (EPA) for cleaning up portions of the Ithaca Gun site, the adjoining City of Ithaca natural area, Flavin's Auto and the West Court Street Manufactured Gas Plant site. An excellent model of public participation and citizen oversight was developed for those remedial projects. Citizens should be afforded the same opportunity for education and comment regarding EPT.

Thank you for giving your prompt attention to the matters specified in my letter. I look forward to receiving your timely reply.

Yours truly,

Walter Hang

cc: Hon. Carolyn Peterson/Mayor, City of Ithaca
Hon. Jane M. Kenny, Regional Administrator, U. S. Environmental Protection Agency

¹ Radian Corporation (1990). Final Report, Remedial Investigation Stages 1 and 2. Emerson Power Transmission (EPT), Ithaca, NY. Radian Corporation, Herndon, VA, February, 1990.

² NIOSH (2003). NIOSH Pocket Guide to Chemical Hazards. National Institute of Occupational Safety and Health, Cincinnati, OH.

³ Radian Corporation (1990). op. cit.

⁴ Radian Corporation (1994). Feasibility Study Report Emerson Power Transmission (EPT), Ithaca, NY. Page 1-11. Radian Corporation, Herndon, VA, August 1994.

⁵ New York State Department of Health (1991). Emerson Power Transmission -- Morse, 1991 NYSDOH Residential Indoor Air Sampling.

⁶ New York State Department of Environmental Conservation (1994). Morse Industrial Corporation, Inactive Hazardous Waste Site, Ithaca, Tompkins County, New York, Site No. 7-55-010, Record of Decision, December 1994. NYSDEC, Albany, NY.

⁷ URS Corporation (2004). July through December 2003 Semi-Annual 2-PHASE TM Extraction System Progress Report #15, Emerson Power Transmission, Ithaca, NY (Morse Industrial Corporation, Site No. 7-55-010), page 2-14. URS Corporation, Herndon, VA.

⁸ Ibid, page 2-2.

⁹ Environmental Strategies Corporation (2004). Vadose Zone Sampling Work Plan For the Emerson Power Transmission Facility, Ithaca, New York, Site No. 7-55-010. Environmental Strategies Consulting LLC, Reston, VA.

¹⁰ Radian Corporation (1990). op. cit.

¹¹ Sear Brown Corporation (2003). Long Environmental Assessment Form submitted for West Spencer Street Project on behalf of City of Ithaca, 1/30/03.

¹² City of Ithaca Building Commissioner, Thomas Hoard (1987). NOTES TO FILE RE: 719 West Clinton Street (Nate's Floral Estates), Meeting of May 28, 1987. Page three. Ithaca, NY.