

July 2, 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:

I write regarding a matter that warrants your immediate attention and request an opportunity to meet with you in person to discuss the information that I am providing today.

Background

In 1987, trichloroethylene (TCE) was identified at a concentration of 2,400,000 parts per billion (ppb) in oil partially skimmed from a 200,000 gallon "fire reservoir" at the above-captioned factory. See Attachment A. The oil also contained 117 parts per million (ppm) of polychlorinated biphenyls (PCBs) and constituted hazardous waste. See Attachment B.

In order to remediate the identified contamination, your agency adopted a Record of Decision (ROD) in 1994. The ROD predicted that a required vapor/groundwater treatment system for TCE **"should operate for three years, but may reach goals in a shorter time frame."** Since TCE was recently detected in groundwater at a concentration of 28,000 ppb, the treatment system has clearly failed to reduce TCE to the applicable standard of five ppb.

Your agency's ROD also failed to require historic oil releases that polluted a large area to be investigated and cleaned up. That is why I write to document oil threats to homes around the factory as well as two tributaries to southern Cayuga Lake, a source of drinking water that is currently listed on the national 303(d) registry of impaired waters. As you know, oil pollution imposes strict liability for clean up pursuant to New York's Navigation law.

Widespread Uncontrolled Oil Dumping Hazards

The enclosed documents reveal that 300 gallons/day of cutting, lubrication and quench oils were reportedly released onto the factory site over a lengthy period of time. Tompkins County health authorities considered abatement of the resulting hazards **"long over due"** in 1962. See Attachment C. It is entirely possible that hundreds of thousands of gallons of oil were ultimately released with environmental and public health consequences that persist to this day.

In the early 1960s, the factory reportedly generated 50 tons/day of scrap metal shavings, chips and stampings **"impregnated with cutting oils."** The Health Department noted contamination hazards associated with this scrap metal in a letter to Morse Chain on 6/28/62:

"In answer to a complaint, an investigation was made of a milky waste which was issuing from a South Cayuga Street storm sewer into Six Mile Creek just down stream from the Cayuga Street bridge. Investigation indicated that the waste was an emulsion of water and oil. Further investigation indicated that the storm sewer originates in the vicinity of your plant, normally carries storm water and incidental cooling water from the plant. The oil was found to be coming principally from the scrap metal dock area."

"...The escape of oil to the storm sewer and hence to Six Mile Creek is a violation of the provisions of Article 12 of the Public Health Law in that it contravenes the standards established for Six Mile Creek. See Attachment D.

In April 1963, the Superintendent of Public Works wrote: **"The Board of Public Works has received a formal complaint concerning the presence of oil in Six Mile Creek and the Inlet. This oil is causing considerable damage to boats and boating interests."** See Attachment E. The Inlet is located more than one mile from the factory and is the largest tributary to southern Cayuga Lake. Approximately 30,000 people drink water drawn from that impaired waterbody.

According to the Health Department in May 1966, **"...much oil is lost and finds its way into the shale rock in the vicinity and is outcropping in the valley below where it reaches a small stream and hence Cayuga Inlet Creek, creating nuisances and contravention of water pollution standards."** See Attachment F.

Also in May 1966, the Morse Chain company wrote that **"...oil from our punching scrap has seeped through the ledge rock and is collecting in the gutters along Spencer and Wood Streets."** See Attachment G. Wood Street is located approximately 600 feet from the factory. Similar oil releases were reported for South Cayuga Street. See Attachment H.

In June 1968, a Health Department field investigation reported: **"The water going through garage of 125 S. Hill Terrace was traced back to the S. E. corner of back lot of 123 S. Hill Terrace where a continuous stream of water and oil was observed coming out of bank just below Morse Chain parking lot."** See Attachment I.

In July 1987, a resident of Turner Place reported to the Health Department that: **"Storm sewer outlet (intake) at crnr. of Hillview + Turner + smells like toxic chemicals (they have complained to City previously)..."** See Attachment J.

Against that background, the company tried for nearly two decades to control its oil problems with limited success. Efforts were initially made to collect the oil and prevent its uncontrolled release to soils and bedrock. By 1963, approximately 300 gallons/day of oil was clarified from up to 4,000 gallons of stormwater/day and discharged onto the western portion of the plant property east of West Spencer Street.

When that system failed to resolve its oil problems, the factory proposed to send a portion of its oil-contaminated scrap to a local salvage company. According to a July 1968 Health Department memo for the record:

"Chippings would then be shipped to Wallace Junk Yard for handling. I stated that Wallace Junk Yard already has a problem handling Smith-Corona and National Cash Register chippings, and that the material is simply deposited on the ground creating oil pollution of the

ground and occasionally reaching Cayuga Inlet. ...Something approaching 500,000 tons of chippings and stampings are involved each year." See Attachment K.

Eventually, the factory's proposal was implemented. Oil was allowed to drip off of the scrap in sealed containers and drained off, but the scrap was subsequently dumped on the ground and reportedly contributed to existing on-site pollution problems. Approximately 18,000 gallons of oil may have been collected annually. See Attachment L.

In August 1968, the Health Department wrote to Carpenter's Backhoe and Dozer Service, Inc.: **"It has come to my attention that you have an arrangement with the Morse Chain Company for the removal and disposal of rather large quantities of waste cutting oil and that this oil is disposed of on land off the Bostwick Road. It is my understanding that disposal of the waste oil is dumped into excavated trenches from which oil percolates into the ground."** See Attachment M.

In March 1969, Morse Chain proposed to use TCE to degrease its metal parts. By the time the factory stopped using TCE in 1983, extensive groundwater hazards had evidently developed. When those contamination problems came to light in 1987, the factory was listed in New York's Inactive Hazardous Waste Disposal Site Registry and designated a "Significant threat to the public health or environment -- action required."

Request for Action

I request that all of the oil and other historic pollution problems associated with the factory be fully investigated and, if appropriate, cleaned up without further delay. Special attention should focus on assessing possible threats to indoor air in homes near the factory and water quality in Cayuga Lake.

I reiterate my earlier request for the site's Inactive Hazardous Waste Disposal Site Registry Classification Code to be revised from #4 (Site properly closed -- requires continued management.) to #2 (Significant threat to the public health or environment -- action required.).

Please note that the New York State Department of Health concurred with the proposed clean up specified by the ROD. See Attachment N. Since that proposal has not been fully implemented, I request that the adequacy of efforts to safeguard public health be reviewed. If appropriate, the ROD should be revised to facilitate that process.

I would like to point out that on 12/8/89, the New York State Department of Health wrote to your agency regarding two important policy decisions that should guide your renewed clean up efforts (See Attachment O):

- **"We are concerned that, due to local geology, remediation may not be easy or be accomplished quickly;"**
- **"The homeowner in this situation has the right to expect that the air within their home will not be affected by contaminants from a neighboring hazardous waste site and we do not wish to interfere with that right."**

I also point out that on 1/2/90, the New York State Department of Health made key recommendations that have yet to be implemented (See Attachment P):

- **"Seeps along Six Mile Creek should be sampled."** This investigation should now be undertaken because it might indicate whether bedrock contamination is continuing to impact Six Mile Creek.
- **"Migration of contaminant vapors via the vadose zone is still considered to be a significant potential pathway for human exposure through residential basements."** Given the failure to abate the factory's contamination problems, this concern should be investigated by conducting state-of-the-art indoor air and "sub-slab" testing for the presence of TCE and other toxic chemicals;
- **"If positive values are detected near a given home, it may be possible to institute some relatively inexpensive remedial steps to eliminate the entry of gases into the home."** At least three out of ten homes tested for solvents in 1991 were determined to have TCE concentrations above background levels. These homes were not equipped with depressurization systems that have protected 480 homes and buildings in Endicott, NY from similar subsurface solvent hazards. Safeguards should now be implemented for all homes and structures determined to be threatened by the factory's pollution.
- **"The possibility that there are higher concentrations under the plant should be explored. The location and removal of hot spots may greatly facilitate the groundwater remediation effort."** This proposal should be implemented on a factory-wide basis without further delay.

All responsible parties associated with the factory must be required to fulfill their past hazardous waste disclosure obligations pursuant to the 1983 Community Right to Know program and Section 103(c) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

Finally, given the extremely difficult challenge of investigating and cleaning up the factory, I request that you consider referring the matter to the U. S. Environmental Protection Agency for possible assistance.

Thank you for giving your prompt attention to my requests. 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