



cleanupnews

OECA Honors Outstanding Achievements

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At the Office of Enforcement and Compliance Assurance's 12th Annual Honor Awards Ceremony held July 19, 2006, the efforts and achievements of outstanding employees in the Office of Site Remediation Enforcement (OSRE) were acknowledged.

The Financial Assurance Team (Ben Bahk, Mary Bell, Tim DiCintio, Tracy Gipson, Bruce Kulpan, Greg Madden, Bob Polin, Neilima Senjalia, and Joe Tieger) received the Assistant Administrator's

award to the Aviall Team (Anne Berube, David Downton, Josh Epstein, Clarence Featherson, Ben Lammie, Karin Leff, Janice Linett, Mary McCullough, and Candace White) for encouraging private party cleanup of Superfund sites through their efforts to address the impacts of the Supreme Court's *Cooper Industries v. Aviall* decision.



OECA AA Granta Nakayama, OSRE award recipient Amy Legare, and OSRE Director Susan Bromm.

Ben Bahk was given a Junior Employee of the Year Award, an award given to employees at the GS-12 level and below with less than three years of service with the Agency. Bahk was ac-

Award for Excellence in Innovations. This award honored the team's work creating financial assurance tools for federal and state regulators to ensure that parties responsible for cleanup or closure of waste sites meet their obligations.

Amy Legare received the Individual Bronze Medal, an award honoring a significant act and achievement that furthers the Agency's mission or serves the public interest, for her accomplishments on transportation policy and projects.

The Group Bronze Medal was

knowledgeable for his contributions to the Superfund enforcement program, especially his work on the discovery process in the General Electric challenge to the constitutionality of CERCLA administrative orders.

Leslie Griffin received the Rose Burgess Memorial Award for her continuing commitment to further her education in support of EPA's mission. The Rose Burgess Award provides scholarship assistance to OECA employees to pursue an academic degree that benefits EPA's mission.

Tim DiCintio was acknowledged



CleanupNews is a monthly newsletter highlighting hazardous waste cleanup cases, policies, settlements and technologies.

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\$8 Million in Funding Committed to Tannery Bay Cleanup

Work will begin in August to dredge 40,000 cubic yards of sediments contaminated with mercury and chromium from the St. Marys River at Tannery Bay and Tannery Point wetland. The cleanup project is being funded in part through funding from the Great Lakes Legacy Act, a law passed in 2002 authorizing up to \$270 million in funds over five years to address contaminated sediments in “areas of concern” (AOCs) around the Great Lakes. The Tannery Bay cleanup will receive \$4.8 million in cleanup funds through the Legacy Act. In addition to providing funds, the Legacy Act facilitates the cleanup process and fosters cooperation between state and local governments and other interested parties. For the cleanup of Tannery Bay, the Phelps Dodge Corporation is contributing \$2.6 million,

and the Michigan Department of Environmental Quality’s Clean Michigan Initiative is contributing \$600,000. Once accomplished, this effort will re-

“The Tannery Bay cleanup will receive \$4.8 million in cleanup funds through the Legacy Act.”

move the last significant hot spot of sediment contamination on the American side of the St. Marys River AOC. This is the fifth remediation project to be conducted under the Great Lakes Legacy Act.

The main source of pollution at Tannery Bay and Point was a tannery operated from 1900 to 1958 by Northwest-

ern Leather Company on property owned by Cannelton Industries. The tannery dumped waste from its operations onto the floodplain along the south bank of the St. Marys River. The waste migrated from the disposal area into the river where it settled into river sediment. Although the remediation of the Cannelton Industries Superfund site was completed in 1999, the contaminated sediment was left in place to allow clean sediment to cover the contamination. When the Phelps Dodge Corporation became owner of the former tannery site, they joined the nearby city of Sault Ste. Marie, the U.S.-Canada Binational Public Advisory Council, and the state of Michigan in encouraging the removal of contaminated sediments to improve the ecological health of the St. Marys River.

For additional information, contact Marc Tuchman, EPA Great Lakes National Program Office, (312) 353-1369.

Outstanding Achievements, continued from page 1

New Computers, Monitors Will Reduce Hazardous Waste

In July 2006, EPA announced that Dell, HP, and other manufacturers will soon be offering high volume purchasers more environmentally-friendly computers and monitors meeting the Electronic Products Environmental Assessment Tool (EPEAT) standard. To meet the EPEAT standard, products must have lower levels of heavy metals, including cadmium, lead, and mercury; be easy to upgrade and recycle; and meet the energy efficiency standards of the Energy Star program.

EPA estimates that, over the next five years, purchases of equipment meeting EPEAT standards will reduce more than 13 million pounds of hazardous waste and more than 3 million pounds of non-hazardous waste. It will also save more than 600,000 MWh of energy, the amount of energy necessary to power 6 million homes.

Additional information on the EPEAT standards is available on EPA’s Environmentally Preferable Purchasing Web site at: <http://www.epa.gov/epp/pubs/products/epeat.htm>.

with the Outstanding Customer Service Award for providing the Regions with outstanding business and legal counsel on Financial Assurance during CERCLA settlement negotiations.

Amy Legare and Joyce Rivers were acknowledged for their commitment to the 2005 Combined Federal Campaign with a Combined Federal Campaign Award.

A number of employees were recognized for years of service including: Antoinette Powell-Dickson (10 years); Nancy Browne, Maria Cintron-Silva, Clarence Featherson, Rosa Forster, Karen Morley, and Kimberly Simms (20 years); and Sharon Cullen and Myra Cypser (30 years).

Proposed Settlement Would Fund Cleanup at Mohawk Tannery

NEW HAMPSHIRE—Two parties, Chester Realty Trust and Mr. Warren Kean, have agreed to pay almost \$500,000 from insurance proceeds to help cover cleanup costs at the Mohawk Tannery Site in Nashua, New Hampshire. Additional insurance proceeds could raise the total amount to \$1.2 million. If EPA approves the proposed agreement after consideration of public comments, Chester Realty Trust, the current owner of the site, may sell the property and three additional parcels and transfer the proceeds from the sale to the government or transfer the properties to the government. Chester Realty Trust has agreed to restrict access to the site; to give site access to EPA and the New Hampshire Depart-

ment of Environmental Services (NH DES); and to record an easement that will ensure these agencies continued access to the site and the right to re-

“Two parties have agreed to pay almost \$500,000 from insurance proceeds to help cover cleanup costs at the site.”

strict future land use. The settling parties have agreed to stop leasing the property within thirty days of approval of the settlement. The settlement shields the settling parties from future lawsuits by other liable parties and clears them of responsibility for future response costs.

From 1924 to 1984, the Mohawk Tan-

nery facility was used for tanning hides for leather production. During the facility’s 60 years of active operation, wastewater contaminated with chromium, zinc and phenol was discharged directly into the Nashua River. Additionally, sludge contaminated with chromium, pentachlorophenol, phenol and 2,4,6 trichlorophenol was disposed in onsite impoundments without containment measures.

The public comment period on the proposed agreement ended July 24, 2006, and EPA will carefully evaluate all comments before making a final decision on the settlement.

For additional information, contact David Deegan, EPA Region 1, (617) 918-1017.

Prospective Purchaser Will Redevelop Former Die Casting Facility

MICHIGAN—On June 29, 2006, a consent decree for the Kent-Holland Die Casting & Plating, Inc. Facility (“KHI Facility”) in Holland, Michigan became effective. The settlement was approved after a 30-day public comment period. Under the terms of the consent decree, FMB—First Michigan Bank (as Trustee of the Mary A. Windolph Trust)—agreed to use the proceeds of the sale of the property to

a prospective purchaser to fund on-going post-closure activities. The prospective purchaser, ADW L.L.C., purchased the site on June 29, 2006, the same day the consent decree was entered. ADW L.L.C. intends to redevelop the site for retail use. EPA has covenanted not to sue ADW for the existing site contamination.

Beginning in 1988, the Defendant KHI performed RCRA closure and post-closure activities at the site. The Michi-

gan Department of Environmental Quality issued a Certificate of Completion verifying site closure in 2001. The trustee will continue with post-closure activities as outlined in the Operation and Maintenance Plan and the Compliance Monitoring Contingency Plan, as amended in March 2006.

For additional information, contact Susan Prout, EPA Region 5, prout.susan@epa.gov.

EPA Orders Emergency Cleanup at Historic Gold Mine

CALIFORNIA—On June 30, 2006, EPA ordered Newmont USA and Donner Mine Camp, Inc. to restrict access to a museum building and to conduct an emergency removal of lead-contaminated dust and soil at the site of the closed Zeibright Mine in Nevada County. EPA ordered the emergency actions after sampling in June 2004 and August 2005 showed lead and arsenic contamination in the soil surrounding the assay building, which was being used as a mining museum. In addition to permanently closing the assay Building to the public, Donner Mine Camp, Inc. and Newmont USA Limited were ordered to remove contaminated soil from around the Assay building and to clean lead contaminated dust from the building surfaces.

Donner Mine Camp, Inc. is a non-profit organization that runs a camp for youth groups at the historical mine

site. Newmont USA Limited is a former owner of the property. The Zeibright Mine was mined for gold by the Bear Valley Mining Company from 1918 to 1934. Subsequent op-



EPA OSC Harry Allen is working to clean up high levels of lead dust on surfaces within the assay building.

erators included Empire Star Mines Company from 1934 to 1935 and Newmont Mining Company from

1935 into the 1940's. Lead oxide was used in the analytical process to determine the mineral content of ore collected from the mine. The assay building was the site of this chemical analysis and the pattern of soil contamination indicates that lead assay waste and lead-contaminated assay equipment were dumped on the slopes below the building.

Site assessments performed by EPA and state and local officials showed that, in addition to the threat of inhalation of contaminated dust inside the assay building, there was also evidence of contaminated soils around the building, as a result of dumping of assay wastes. No additional actions are planned because the current soil excavation and cleanup activities will sufficiently address the lead contamination around the assay building.

For additional information, contact Chris Reiner, EPA Region 9, (415) 972-3414 or reiner.chris@epa.gov.

Cleanup Complete at Former Tissue Paper Plant

NEW YORK—EPA has completed the cleanup of abandoned paper-making chemicals at the former Stevens & Thompson Paper Company in Middle Falls, New York. The papermaker had been in business for over a hundred years, most recently as American Tissue Mills of Greenwich. When the owner filled for bankruptcy in 2001 and walked away from the property, thousands of gallons of chemicals were left

in the buildings. EPA was able to recycle or return to original suppliers nearly 10,000 gallons of liquid and three tons of solid chemicals.

During a site inspection in October 2004 conducted at the request of state and local officials, the EPA on-scene coordinator observed drums of unidentified chemicals, asbestos, and other concerns, and a cleanup was initiated. In the process of cleaning up unlabelled con-

tainers, EPA discovered a label indicating radioactive material. The source of the radioactive material was identified as a papermaking machine, which contained a radioactive isotope of krypton. EPA initiated an emergency response. The machine was returned to the supplier, Honeywell, Inc., in Arizona.

No Asbestos Found in Residential Soils near Hamilton Plant

NEW JERSEY—Soil samples from residential areas near a closed vermiculite processing facility in Hamilton Township, New Jersey, showed no measurable amounts of asbestos. The sampling results alleviated concerns that residential and public areas may have been impacted by the processing of vermiculite ore contaminated with asbestos at the Hamilton facility. The sampling was conducted at 44 sites within two miles of the Hamilton plant and included properties in the Hamilton, Ewing and Lawrence Townships and the City of Trenton.

The Hamilton plant was used for vermiculite ore processing by the Zonolite Company from 1948 to 1963. In 1963, Zonolite merged with W.R. Grace who continued processing the ore until 1994. Most of the ore processed by both companies was excavated from the Zonolite/W.R. Grace mine in Libby, Montana. The facility produced fire proofing material, insulation, and other products. EPA has already removed 9,200 tons of asbestos-contaminated soil from the processing facility site, in response to high levels of amphibole asbestos found in the soil onsite. The residential sampling and cleanup actions are part of a national EPA effort

to address possible contamination from facilities like the Hamilton plant that processed or handled vermiculite ore from the Zonolite/W.R. Grace mine in Libby.

Inhalation exposure to amphibole asbestos occurs when the fibers are dispersed into the air. At this site, the concern was that asbestos fibers kicked up into the air by pedestrian or vehicular traffic or by the wind might have dispersed the fibers offsite and impacted residential areas.

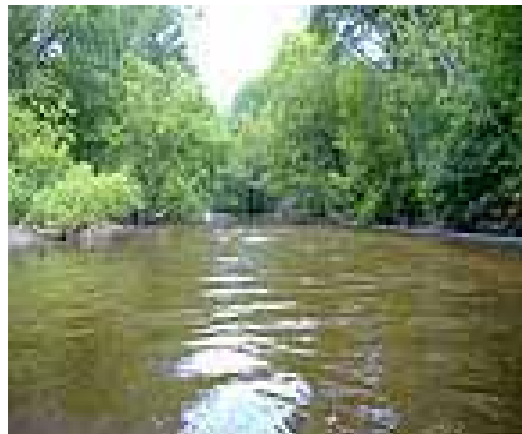
For additional information, contact Wendy Thomi, EPA Region 2, (212) 637-3669 or thomi.wendy@epa.gov.

Sheboygan River Dredging Begins

WISCONSIN—On June 21, 2006, EPA Region 5 announced the beginning of the second phase of the Sheboygan River and Harbor Superfund Site cleanup. During this cleanup phase, 33,000 cubic yards of contaminated sediments will be dredged from the upper river portion of the site. The first phase of the cleanup, completed in October 2004, addressed soil and groundwater contamination at the former Tecumseh Products die-casting facility. The final cleanup phases will address portions down river from the facility and the inner harbor. The estimated cost to complete the entire site remedy is over \$40 million.

The PCB-contamination of the Sheboygan River resulted from wastewater released by the former Tecumseh facility at Sheboygan Falls. Pollution Risk Services, the company

that purchased the former facility, is paying for the current phase of cleanup, and EPA is overseeing the work.



The upper river area of the Sheboygan River.

In 1977, the state of Wisconsin found elevated levels of PCBs in fish during routine sampling. Additional testing confirmed PCB contamination in surface water, floodplain soils, river sediments, fish, and wildlife. In 1978, the

potentially responsible party excavated contaminated soils from the property and disposed of them offsite.

That same year, the state issued a fish advisory warning residents not to eat fish from the Sheboygan River; in 1987, the state issued another advisory warning residents not to eat wildlife from the area. Both advisories are still in effect. The Sheboygan River drains into Lake Michigan, the primary drinking water source for approximately 58,000 area residents.

A fact sheet explaining the current phase of cleanup and other site information is available on EPA Region 5's Sheboygan River and Harbor Superfund Site Web site at: <http://www.epa.gov/region5/sites/sheboygan>.

For additional information, contact Mick Hans, EPA Region 5, (312) 353-5050.

United States Files Brief Opposing Exide's Request for Supreme Court Hearing

On June 27, 2006, the United States filed a brief opposing Exide Technologies' writ of certiorari (i.e., a request for a hearing by the US Supreme Court) in the matter of *United States v. General Battery Corp. and Exide Corp.* [Civil Action No. 05-1269].

EPA sought reimbursement from Exide for cleanup costs incurred at the Hamburg Lead Superfund Site in Berks County, Pennsylvania. In 2005, the US District Court for the Eastern District of Pennsylvania granted summary judgment to the United States in the matter of Exide's liability. The District Court found that Exide was liable for response costs as a successor under the de facto merger rule and required the company to reimburse EPA approximately \$6.5 million. Exide filed for Chapter 11 bankruptcy and appealed the District Court's decision. The United States Court of Appeals for the Third Circuit upheld the District Court ruling. Exide requested a rehearing *en banc* before the Third Circuit, which denied the request on November 4, 2005. Exide has subsequently filed a petition for a writ of certiorari with the U.S. Supreme Court, seeking to appeal the Third Circuit's decision.

Price Battery Corporation operated a lead acid battery manufacturing plant in the Borough of Hamburg from the 1930s until 1966. During this period, Price employees split open used batteries so the plates could be reused; the junk battery casings were then used as fill at locations around Hamburg. General Battery Corporation, which acquired the site via

merger with Price Battery Corporation in 1966, merged with Exide Corporation in 2000.

For additional information, contact Thomas A. Cinti, EPA Region 3, (215) 814-2634.

Settlement Agreement and RD/RA Consent Decree Signed for Spectron Superfund Site

On June 30, 2006, EPA announced an Administrative Settlement and Order on Consent for Remedial Design for the Spectron, Inc. Superfund Site in Elkton, Maryland. Under the terms of the RD Settlement Agreement, 20 Respondents will immediately begin designing the remedy for soil and groundwater contamination. The Respondents have also agreed to an RD/RA consent decree, which requires them to complete the remedy outlined in a 2004 Record of Decision, and also a remedy for a future operable unit. The consent decree has been forwarded to the U.S. Department of Justice for lodging with the District Court. The estimated cost to complete the soil and groundwater remedy for this operable unit is \$9.5 million. The decree also contains a resolution of Natural Resource Trustees damage claims.

A solvent recovery business operated on the site for nearly thirty years beginning in the 1960s. During this period, the facility received hazardous substances from pharmaceutical, electronic, chemical, and other industries. Spills, leaks, and unlined lagoons used to contain residuals contributed to soil contamination, and the wastes entered Little Elk Creek. In the early 1980's, EPA required cleanup activities at the facility pursuant to a Resource Conservation and Recovery Act consent

decree. Superfund removal activities occurred at the site in 1989 when the facility owner declared bankruptcy. EPA added the site to the National Priorities List of Superfund sites in 1994.

For additional information, contact Humane L. Zia, (215) 814-3454, zia.humane@epa.gov.

Complaint Filed for 12th Street Dump Site

On June 28, 2006, the United States filed a complaint against three defendants for investigation and cleanup costs at the 12th Street Dump Site in Wilmington, Delaware. The complaint seeks to recover over \$3.7 million from M.A. Hanna Plastic Group, Inc., which is the corporate successor to the former site owner, and from the current site owners, Wilmington Economic Development Corporation (WEDCO) Sidney and Carol Maffet.

The Electric Hose and Rubber Company manufactured rubber hoses at the site from 1905 until 1977. The company used lead in the process of molding rubber hoses; the company disposed of waste hoses, drums, lead residue, and other debris on site. In July 1999, the Delaware Department of Natural Resources and Environmental Control (DNREC) contacted EPA about deteriorated drums found on the banks of the Brandywine Creek. Soil and sediment sampling revealed lead contamination; EPA found deteriorated drums, industrial hoses, and remains of drums in site soil and creek sediments and on the creek bank. EPA removed approximately 1,000 tons of soil and sediment during a March 2000 removal action, and a soil cap has been placed on a portion of the site.

For additional information, contact Andrew Goldman, EPA Region 3, (215) 814-2487.

New Rule Encourages Recycling and Reuse of Cathode Ray Tubes

EPA has issued new standards for the management of cathode ray tubes (CRTs). CRTs, the video display components of televisions and computer monitors, are regulated as hazardous waste because the glass typically contains enough lead to require management. Businesses and other organizations sometimes were confused about the appropriate way to recycle or dispose of CRTs under the old regulations. The new regulations ensure the safe, effective management of CRTs while encouraging recycling and reuse.

The new regulations exempt used, unbroken CRTs from hazardous waste

storage requirements unless they are stored for more than a year. Unbroken CRTs represent a very low risk of lead release. CRT recyclers and collectors will have minimal storage requirements. Under the new regulations, CRTs are not regulated as hazardous waste if: CRT containers are clearly labeled; CRTs are transported in containers designed to minimize release; and are stored on-site less than one year before being recycled. CRTs undergoing glass processing will remain unregulated if, in addition to these requirements, they are not processed in a way that the lead is volatilized. And CRT glass that has been

processed and sent to a CRT glass manufacturer or a lead smelter also is unregulated if the CRT glass is stored for less than a year. Prior to shipping broken or unbroken CRTs overseas, exporters will be required to notify EPA and receive written consent from the receiving country through EPA. Exporters shipping used, unbroken CRTs overseas for reuse must submit a one-time notification to EPA.

Additional information about the CRT rule is available on OSWER's Hazardous Waste Recycling Web site at: <http://www.epa.gov/epaoswer/hazwaste/recycle/electron/crt.htm>.

EPA Invites Everyone to Help Protect Our Environment

Over the past 35 years EPA has not only changed the way our environment looks, EPA has changed the way each individual looks at how his or her own personal actions impact our environment. Most importantly, the citizens of this country are seeing themselves as individual stewards of our environment.

EPA is committed to assuring compliance with our nation's environmental laws. In carrying out this responsibility they use many different approaches, including seeking help from citizens. This type of participation has led to improved protection of human health and the environment.

At www.epa.gov, the Report Environmental Violations badge button leads the computer user to a page that explains how to report an environmental violation and provides a form for reporting online.

Signs of possible environmental violations that you might observe:



- Strong offensive or unusual chemical odors
- Large numbers of dead animals, birds or fish
- Pipes or valves that bypass waste water systems
- Tan trucks discharging into drains
- Oily slicks on bodies of water
- Corroded leaking waste containers
- Barrels dumped at odd hours in out-of-the-way places

EPA's mission is to protect our nation's land, air and water. Citizens can help by reporting potential environmental violations at: <http://www.epa.gov/compliance/complaints/index.html>.

August 28 - 31, 2006
2006 HMMS User's Conference
 Portland, Oregon

August 28-30, 2006
22nd Annual National Environmental Monitoring Conference (NEMC)
 Arlington, VA

September 6-7, 2006
 EPA Nanotechnology for Site Remediation Workshop
 Chicago, Illinois (Region 5 offices)

September 12-14, 2006
The Recycling and Waste Management Exhibition 2006
 Birmingham, United Kingdom

September 19-21, 2006
WASTECON 2006
 Charlotte, North Carolina

October 22-25, 2006
National Recycling Coalition 25th Annual Congress and Expo
 Atlanta, Georgia

October 23-27, 2006
2006 National NAHMMMA Conference
 Bloomington, Minnesota

November 21-24, 2006
 International Ecological Fair Poleko 2006
 Poznań, Poland

January 22-25, 2007
 Fourth International Conference on Remediation of Contaminated Sediments
 Savannah, Georgia

Glossary

AOC	Area of Concern	OSRE	Office of Site Remediation Enforcement
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act	OSWER	Office of Solid Waste and Emergency Response
CRT	Cathode ray tube	PCBs	Polychlorinated biphenyls
EPA	Environmental Protection Agency	RCRA	Resource Conservation and Recovery Act
NH DES	New Hampshire Department of Environmental Services	RD/RA	Remedial Design/Remedial Action
NPL	National Priorities List	R/FS	Remedial Investigation/Feasibility Study
OECA	Office of Enforcement and Compliance Assurance	ROD	Record of decision

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<http://www.epa.gov/compliance/about/offices/osre.html>

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