

Peter Cooper Corporation

New York

EPA ID#: NYD980592547

EPA REGION 2 Congressional District(s): 31

Cattaraugus

Dayton

NPL LISTING HISTORY
Proposed Date: 4/23/1999
Final Date: 2/4/2000

Site Description

The Peter Cooper Corporation (PCC) site is situated within a 106-acre, wooded property in a flat-lying, rural farmland area near the hamlet of Markhams in the Town of Dayton, Cattaraugus County, New York. The site is bounded by railroad tracks to the southeast, a forested wetland to the northwest and the remainder of the wooded property to the northeast and southwest. The surrounding vicinity consists mostly of farmland and meadows, with scattered wetland areas. The original corporation, including its name, assets, and liabilities, was purchased in August 1976 by Rousselot Gelatin Corporation and its parent, Rousselot, S.A. of Paris, France. The Rousselot Gelatin Corporation was renamed the Peter Cooper Corporation, which still owns the Markhams property.

PCC used the Markhams site for disposal of manufacturing residues from 1955 until 1971, when animal glue production ceased at their Gowanda plant. PCC reported that the Markhams site received vacuum filter sludge and cookhouse sludge directly from the Gowanda operation; they would receive those materials until the plant shut down in February 1971. In September 1971, a 15-acre disposal area was almost completely covered with waste. It was reported that approximately 9,600 tons of manufacturing residues had been placed at the site.

In addition to the manufacturing residues, PCC transferred approximately 38,600 tons of previously accumulated wastes from the Gowanda site to the Markhams site between August 1971 and late 1972. The action was conducted in compliance with a New York State Supreme Court Order, which required PCC to remove all or part of waste residue piles from the Gowanda site. At the Markhams site, PCC arranged the material into several waste piles approximately 20 feet high and covering a total of approximately 7 acres, mostly in the original disposal area. No disposal occurred at the Markhams site after 1971, and the disposal area has since revegetated.

The waste material has been shown to contain elevated levels of chromium, arsenic, zinc, and some organic compounds. Results also indicate a large area of contaminated soil outside the boundaries of the waste piles.

Site Responsibility: The site is currently being addressed through potentially responsible parties' actions.

Threat and Contaminants

Currently, the levels of arsenic, chromium and zinc detected in the soil and leachate where exposures could occur do not represent a public health concern. The primary risks at the Site are from the ingestion of contaminated groundwater by the future site worker and exposures to the future construction worker. No one is currently drinking groundwater at the Site.

Cleanup Approach

The site is being addressed in a single long-term remedial phase focusing on cleanup of the entire site.

Response Action Status

Entire Site: EPA issued General Notice to eleven Respondents on July 13, 2000 offering them the opportunity to enter into an Administrative Order of Consent (AOC) for the performance of the Remedial Investigation/Feasibility Study (RI/FS) for the Markhams site. All Respondents which received general notice declined to enter into an AOC. Therefore, on September 27, 2000, EPA issued a Unilateral Administrative Order (UAO) ordering the PRPs to conduct the RI/FS. The UAO called for Respondents, the Wilhelm Enterprises Corporation (former owner/operator) and ten generators of hazardous substances that were disposed of at the Site to perform an RI/FS. The PRPs have complied with the UAO.

The Remedial Investigation field work was initiated by the PRPs contractor on September 24, 2001.

Cleanup Progress

Since adding the site to the NPL, EPA has performed a review of the available data collected and coordinated with the New York State Department of Environmental Conservation in planning future activities. In addition, a UAO has been issued to eleven PRPs. Remedial Investigation field activities were performed during the period of September 24, 2001 to December 4, 2003.

The Proposed Plan was prepared by EPA and release for a 30 -day comment period from August 11, 2006 through September 9, 2006. A notice of the Proposed Plan and commencement of the public comment period was published in the Dunkirk Observer on August 11, 2006. EPA held a public meeting on August 22, 2006 at the Fireman's Activity Hall on Maple Street in South Dayton, New York to present the findings of the Remedial Investigation and Feasibility Study, discuss the proposed remedial action, and to answer questions from the public about the Site and the remedial alternatives under consideration.

The Record of Decision was issued on December 1, 2006. The major components of the selected remedy include the following:

- Consolidating the waste/fill piles into 7 acres or less, then capping the consolidated wastes with a low permeability soil cover, consistent with the requirements of 6 NYCRR Part 360, including seeding with a mixture to foster natural habitat. Waste piles moved during consolidation will be removed to native soil. Removal to this depth will insure that any remaining contaminants will be within background concentrations.
- Imposing institutional controls in the form of an environmental easement/restrictive covenant filed in the property records of Cattaraugus County that will at a minimum require: (a) restricting activities on the Site that could compromise the integrity of the cap; and (b) restricting the use of groundwater as a source of potable or process water unless groundwater quality standards are met. • Developing a site management plan that provides for the proper management of all Site remedy components post-construction, such as institutional controls, and shall also include: (a) monitoring of groundwater to ensure that, following the soil consolidation and capping, the contamination is attenuating and groundwater quality continues to improve; (b) an inventory of any use restrictions on the Site; (c) necessary provisions for ensuring the easement/covenant remains in place and is effective; (d) provision for any operation and maintenance required of the components of the remedy; and (e) the owner/operator or entity responsible for maintenance of the Site to complete and submit periodic certifications concerning the status of the institutional and engineering controls for the Site.
- Evaluating Site conditions at least once every five years to ensure that the remedy continues to protect public health and the environment.

On November 13, 2007, the Consent Decree negotiated between the PRPs and EPA (Civil Action No. 07-CV-765) for implementation of the Remedial Design/Remedia Action was lodged with the United States District Court for the Western District of New York. The comment period on the Consent Decree expired on December 28, 2007 and no comments were received. The Department of Justice will prepare a motion for entry of Consent Decree. The Remedial Design work started in February 2008.

Site Repositories

All documents regarding this site are located at the USEPA Region 2 Record Center, 290 Broadway, 18 th Floor, New York, New York, 10007-1866.

The Town of Dayton, Town Building, 9100 State Route 62, Dayton, NY