

Mercury Refining, Inc.

New York

EPA ID#: NYD048148175

EPA REGION 2

Congressional District(s): 21

Albany

Albany

NPL LISTING HISTORY

Proposed Date: 12/1/1982

Final Date: 9/1/1983

Site Description

From 1956 to 1998, the half-acre Mercury Refining Company, Inc. ("Mereco") site, located in Guilderland and Colonie, New York (the Site), was used for reclaiming mercury from batteries and other mercury-bearing materials. The Site lies in a light industrial and commercial area. Approximately 20,000 people live within a one and a half-mile radius of the Site; 100,000 live within three miles with the closest residents living about a quarter of a mile from the Site. An unnamed tributary to Patroon Creek (Unnamed Tributary) runs next to the Site. The Unnamed Tributary merges with the Patroon Creek downstream and approximately five miles downstream of the Site empties into the Hudson River. Site operators reclaimed mercury from batteries and other mercury-bearing materials in two on-Site retorts. Until 1980, waste batteries and other mercury-bearing materials were dumped behind the on-Site furnace building. After 1980, these wastes were stored in drums on wooden pallets on paved areas of the Site. Tests in the early 1980s indicated that waste was at least three feet below the ground surface. The New York State Department of Environment Conservation's (NYSDEC) Fish and Wildlife Division tested soil in this area in the early 1980s and discovered high levels of mercury and polychlorinated biphenyls (PCBs) in soils and stream sediments. Pursuant to an agreement with NYSDEC in 1985, mercury and PCB contaminated soil was excavated and removed from a portion of the Site. In 1989 a new container storage building was erected on-Site and in 1994, new retorts were installed. In 1998, Mereco ceased its mercury reclamation activity at the Site. Currently, the Site serves as a facility for the recovery of precious metals. In November 1999, NYSDEC requested that EPA take over the lead at the Site.

Site Responsibility: This site is being addressed through the actions of potentially responsible parties.

Threat and Contaminants

Soil, groundwater and sediments on-Site are contaminated with mercury. EPA's Human Health Risk Assessment found a significant potential risk from direct exposure to mercury-contaminated soils and groundwater to potentially exposed populations. EPA's Baseline Ecological Risk Assessment found unacceptable risks to ecological receptors associated with mercury-contaminated sediments in the Unnamed Tributary

Cleanup Approach

NYSDEC issued Mereco a hazardous waste corrective action permit on December 31, 1996. The permit required them to remove contaminated soil under an old furnace building located on-Site and perform long-term monitoring of on-Site soil and groundwater, and off-Site soil and sediments in Patroon Creek. Any groundwater, soil or creek sediments which were found to be contaminated were to be cleaned up. Due to Mereco's continued failure to complete these actions, in November 1999, NYSDEC requested that EPA assume the role of lead agency. After determining that Mereco did not have the funds to perform a remedial investigation and feasibility study ("RI/FS"), the RI/FS was performed by EPA. In September 2008, EPA issued a Record of Decision ("ROD") which specified excavation of mercury-contaminated soil above the watertable at the Mereco property and its adjoining properties, treatment of mercury-contaminated soil below the watertable in an area that includes the Mercury Refining property and one adjoining property and removal of mercury-contaminated sediment from the Unnamed Tributary which runs along the southern edge of the Mereco property. Treatment of contaminated soil will be accomplished using solidification/stabilization technology.

Response Action Status

Entire Site: Under a 1985 consent decree with NYSDEC, Mereco excavated and removed approximately 2,100 cubic yards of mercury-contaminated soil and debris and 300 cubic yards of PCB-contaminated soil from a portion of the Site. Contaminated soil was found beneath an old furnace building on-Site and was left in place after being sealed with plastic

sheets. The excavated area was regraded with clean fill and capped to keep rainwater from spreading any remaining contaminants. In 1989, NYSDEC issued a consent order that required Mereco to curtail any further chemical releases from plant operations to the environment. In 1993 NYSDEC issued another consent order which required removal of the contaminated soil under the furnace building and long-term monitoring of on-Site soil and groundwater and off-Site soil and sediments in Patroon Creek. In December 1996, NYSDEC issued Mereco a hazardous waste corrective action permit for controlling the generation and storage of hazardous waste on-Site and for investigating and cleaning up on- and off-Site contamination. Any unfinished work required by the NYSDEC consent orders was subsumed into the permit. However, the company failed to comply with the 1993 Order and the permit. After unsuccessfully working to resolve the matter with the Company, NYSDEC relinquished its position as lead agency to EPA, requesting that EPA complete the cleanup of the Site under the Superfund program.

Site Facts: In November 1999, NYSDEC requested EPA take over as lead agency for the Site. On September 30, 2008, EPA completed an RI/FS and issued a ROD for remediating the Site using federal Superfund authority.

Cleanup Progress

The removal and disposal of approximately 2100 cubic yards (cy) of mercury-contaminated soil and 300 cy of PCB-contaminated soil pursuant to the 1985 consent decree addressed certain immediate risks associated with direct contact. In addition, in 1994, Mercury Refining completed construction of a new furnace building, with state-of-the-art air pollution control equipment. In September 2008, EPA completed a remedial investigation and feasibility study of the Site and issued a Record of Decision for addressing the remaining Site risks by remediating mercury-contaminated surface and subsurface soil, groundwater and sediment. On September 30, 2009, EPA signed an administrative consent order with seven potentially responsible parties (PRPs) for implementation of a remedial design of the ROD's selected remedy. EPA is also in the process of issuing a unilateral administrative order to two other PRPs which will require them to participate with the seven other PRPs to implement the design. Before the design process is complete, EPA plans on negotiating the terms of another administrative consent decree with the PRPs which will require the PRPs to clean up the Site in accordance with the an EPA approved remedial design.

On September 30, 2009, EPA also signed an administrative consent order with 291 other, smaller PRPs which requested that they settle with the EPA and resolve their liability for response work associated with the Site. The settlement involved the payment of approximately \$3.7 millions by 291 parties.

Site Repositories

EPA Superfund Records Center at 290 Broadway, New York, New York

William K. Sanford Town Library, Loudonville, New York.