

08/06/2008

Good-Bye Ithaca Gun?

By: Danielle Henbest

Ithaca Gun is slated to be demolished by the beginning of September. The big question is, however, will all pollutants be removed prior to taking down the building? The demolition of a toxic building without entirely removing all enclosed pollutants poses a severe risk to the public health and surrounding neighborhoods.

With as many hands in the pot - or should I say in the asbestos and lead - it's easy to understand where all sides are coming from. Preferred developer Frost Travis of Travis & Travis wants the building down as soon as possible to make way for 33 housing units. Ithaca so desperately needs housing that people like Jean McPheeters, president of Tompkins County Chamber of Commerce, and city officials are anxiously awaiting the day the old factory crumbles. McPheeters goes as far as to say that the building is an "attractive eyesore" to the community where children and teens hang out and vandalize what's left. An old Mercedes sits in one of the old show rooms. Graffiti is splashed in mini rainbows all over the walls. One night cops refused to go inside the belly of the beast to get seven teens who invaded the old property because of the contamination dangers. While surrounding residents, Ithaca Falls regulars, developers, Mayor Carolyn Peterson, and city officials understandably want to see the building gone, the problem is patience.

"I think the Community Advisory Group understands the urgency in taking down the factory," said Travis. "One of the members called the police recently who lives adjacent to the site because he saw someone barefoot on the roof. There's a very real and immediate danger everyday that the factory stays up that someone is going to get hurt or even die on the site. It's an attractive nuisance. People are drawn to it. It's a hazard in itself even beyond the asbestos and the lead. I think by in large there are sufficient safeguards in place to get the factory down. I'd like to see it happen as soon as possible."

Everyone in Ithaca agrees the factory needs to go, but with lead, asbestos, and paint thinner covering the walls, lighting fixtures, and ceiling, the worry is that clean-up won't happen properly. Members of the CAG want to see development happen, but proper clean-up has to happen first. At least, that's the hope.

Pollution on the rise since 1988

"I felt a squish," said Sarah Steuteville, chair of the CAG at last week's meeting. "My foot found a puddle of asbestos. That made a big difference for me, walking through it. A lot of the paint I saw today could have been vacuumed off the walls."

The CAG for the former Ithaca Gun Factory site is in existence to speak on behalf of the public as well as notify to the Department of Environmental Conservation and the Environmental Protection Agency of any dangers. The CAG has warned and pitched several ideas for a safe and reliable clean-up to both the DEC and the EPA as well as O'Brien and Gere Engineers, who are responsible for the clean-up before demolition.

"The DEC and O'Brien and Gere still owe us some more explanation," said Steuteville after reading the letter from the DEC to O'Brien and Gere about what recommendations from the CAG were approved and what are still pending. The CAG requested the use of several vacuum trucks to minimize dust spreading into the atmosphere. The state has yet to approve that request. "We want written justification if they decide against using the trucks," said Steuteville.

Walter Hang, local activist, CAG member, and president of Toxics Targeting, which compiles detailed information for thousands of government-reported sites, landfills, and dumps, received an anonymous phone call eight years ago tipping him off to severe lead pollution problems in Ithaca Falls. The anonymous phone call tipped Hang off to major pollution problems, especially with lead around the falls, causing the EPA to clean up the site. Hang went to the New York Times with the story, ultimately resulting in a front page story with Hang holding leftover shot gun shells made of paper that was found littered all over the area. Shortly after the front page spread, ex-Governor Eliot Spitzer made a quick visit to Ithaca, contributing \$2.3 million to the clean-up project that cost \$4.8 million. In 2003, the EPA cleaned the entire area - except the factory.

"The site was remaining in limbo," said Hang. "I am the only person who opposed the Restore New York plan because I knew there wasn't enough money to clean it up. Ultimately, there were clean-up mandates, but they were never implemented. While the EPA did some site clean-up; they never finished the job."

Then, in 2006, a fire plagued the land and factory. Hang had an awful feeling that the site hadn't been properly cleaned up because he could still see plastic sheeting.

"I knew they (the EPA) hadn't come back," said Hang. "The day of the fire I ran over to the site and the fence had been knocked down. I hopped over the Mill Race and climbed up the hill to the heavily contaminated area. I could tell that a lot of remediation had been done. I could see the whole terrain had really changed, but then I was totally shocked. They hadn't cleaned up all of the pollution."

Hang said they had ripped off the dirt cover, exposing the slag underneath that was left over from a smoking operation. The lead levels went down, but were still significantly higher than acceptable. What was once 215,000 parts per million had gone down to 184,000 parts per million. Kids under five years old can easily absorb the lead, leaving a major threat to the residential area surrounding the Ithaca Falls land.

Wipe samples were taken from inside the old factory, proving there was lead that exceeds levels of 1,000 micrograms per 100 cubic centimeters. The lead was found on the walls, floors, window sills, and lighting fixtures. The state is only requiring that the site have a voluntary clean-up without any established guidelines. Originally, the requirements were that "the interior surface of the building be cleaned prior to demolition of the building." However, thanks to a vague letter written from the DEC to O'Brien and Gere a couple of weeks ago, the methodology behind the clean-up remains unclear. The CAG suggested that the lead and asbestos be removed inside big containment structures that are built using plastic sheeting.

"That way you remove it before you knock the building down," said Hang. "Dust is airborne when they knock down the building. The amount that is generated is mind boggling. That's what I think should be done. That's from 1988. That's why we're fighting very hard."

The CAG urges O'Brien and Gere to use large vacuum trucks to suck out the polluted dirt into the truck that has 32 filters. In the past, the first clean-up effort entailed removing the polluted dirt and placing the area with cocoa matting. The EPA had hydro-sealed that whole area to hold the clean dirt in place.

"This was one of the most sophisticated lead remediation projects in the country," said Hang. "We tried to get Ithaca Gun and Cornell to kick in money to clean because Cornell had owned the adjoining property, but we couldn't get them to do it. The city bought that adjoining property from Cornell for a dollar."

Therein lies the next problem.

Inlet Island,
Meet Ithaca Gun

Thanks to Freedom of Information, Hang has stock-piled documents, letters, and other government information that has everything to do with Ithaca Gun. Going through his documents two weeks ago, Hang came across a letter written in December 2000 to then-mayor Alan Cohen from the New York State Office of Parks, Recreation and Historic Preservation office, which indicated that the state would not accept the contaminated land unless it's cleaned up by the EPA:

"The New York State Office of Parks, Recreation and Historic Preservation has determined that it will not accept the contaminated replacement parcel until the remedial work promised by the EPA is concluded. The National Park Service (NPS) has concurred with that determination. The NPS has a deadline of one year for a municipality to complete its mitigation obligation. Because that deadline passed more than two years ago, it is extremely important that the City provide us with a plan of action and a timeline for the clean-up of the Ithaca Falls site by the Environmental Protection Agency. Hopefully, the city will be able to supply this information by February 28, 2001."

It's now July 2008 and the clean-up is still incomplete.

Why does this matter?

Well, in 2000 the city bought 10 acres of land from Cornell for a dollar because they wanted to redevelop Inlet Island, which was then park land. If you want to develop park land, you have to get substitute park land to replace it. Park land can't be developed indefinitely. The alienation and conversion has been completed because Inlet Island is no longer a park.

However, the problem is that the city owned land that was bought as substitute park land for Inlet Island development is the most heavily polluted area around Ithaca Gun. To make it worse, this area or the "island" is not part of the clean-up. Outlined in red on the outside boundaries of the proposed clean-up site, it's obvious on the map provided by Hang that this land will remain polluted until dealt with otherwise. The alienation and conversion will thus be incomplete if the city doesn't clean up the "island." The city is on the hook. Now, the city either needs to clean up the contaminated land or it has to find another substitute park land.

"Once you buy contaminated property, even for a dollar, you become the responsible party," said Hang. "The city was told not to take the property without a responsible party agreement because the city's consultant (at the time) knew the site was polluted. Everyone involved knew about the pollution on this site since the original document developed in 1988. Alan Cohen was in such a rush to get Inlet Island redeveloped that he just took the property for a dollar and the city was thus impaled in the clean-up liability clause. That's what we're (CAG) trying to do is to make sure all of the pollution problems are dealt with before the city gets screwed."

The "island" over time has collected lead that has come down the hill from the Mill Race thanks to water runoff. According to Hang's documentation, the total concentration of volatiles and semi-volatiles aren't supposed to exceed 5,000. However, the volatiles as it stands today are phenomenally high. In one area of the Mill Race, the toluene level reaches 87,000 volatiles while another reaches 143,600 semi-volatiles, far exceeding the allowable 5,000.

"This is leaking into the Mill Race," said Hang. "Arguably they shouldn't be allowed to redevelop Inlet Island."

In an email addressed to Mayor Carolyn Peterson and copied to members of the CAG as well as Common Council member Maria Coles, Hang highlights the letter he found asking "how the city plans to remediate the contaminated parcel and when that would be completed?"

The future of the site

According to New York State law, you can get an allowance from the state to clean most of the pollution on the site. The law doesn't necessarily require that all of the pollution be cleaned up. You can try to keep the pollution under the foundation from coming in and polluting the air, thanks to air quality protection systems installed by the state.

Essentially, the state goes into the basement of a home or building, removes not all, but most of the asbestos, and drills a hole right through the foundation. Then they seal a perforated pipe with lots of holes, running the pipe up to the ceiling and out of the foundation into a box. Inside that box is a large fan that blows the air up and out. This system sucks the solvent from underneath the foundation and vents it outside so that contamination doesn't spread into the house, called sub slab depressurization. South Hill is peppered with homes that have these units to attempt at protecting indoor air quality. But who wants to live in a contaminated building that constantly needs to flush polluted air out?

As of last week, Hang said the CAG has continuously received documents from the DEC that contains crucial and unknown information that hasn't been dealt with previously. Thus, slowing the eventual downfall of Ithaca Gun.

"O'Brien and Gere don't have any final documents really," said Hang. "They don't want to pay certain fees until they know they're getting the money. They haven't really gotten any disbursements yet. All of these very complicated certifications have to be issued. It all involves bureaucratic complexity."

O'Brien and Gere is trying to hire an asbestos contractor as well as retaining a demolition contractor. Previously, demolition was due to begin July 31, but obviously that date has been pushed back. O'Brien and Gere have yet to hear back from the DEC as well as receiving specific certifications from the Department of State and the City of Ithaca. New information and complex certifications make it nearly impossible to do anything in July and August, said Hang.

Peter Grevelding, senior vice president of O'Brien and Gere Engineers, said the asbestos contractor will apply for variances. Hang opposed granting any variances to Rule 56, the state requirement to remove asbestos using "containment." There remains no plan to remove toxics prior to demolition. Instead, according to the CAG, the state proposed to allow the demolition of the building with an "effort to limit toxic dust migration 'off-site.'"

Ithaca Gun clean up is at a Track 4, the DEC's "least rigorous" clean up track. Track 4 could leave toxic contamination in place that exceeds allowable levels and clean up standards. Track 4 relies on institutional and engineering controls to safeguard the environment and public health only after the demolition of a polluted structure. The fear is that over time the controls could prove inadequate. According to members of the CAG, Track 4 remediation is a "poor substitute for a comprehensive 'source removal.'"

Grevelding was unaware of the "island" as well as identified petroleum saturated soils found in March 1999 in an area where electrical transformers were once located near the Mill Race. Restricted use, site-specific evaluation requires that contaminated soil must be covered by material that meets the requirements of soil cleanup for one foot of commercial and industrial uses. The "island" is currently covered by a blue plastic sheet, but covering the problem does not begin to solve it.

As for Steuteville's asbestos foot, Hang said that more toluene has been found in the shooting range seep in the basement. Hang said that the toluene is at such a high level that it's a separate phase from the water, much like when you mix oil and vinegar and the two separate. You get the same effect, said Hang, when you have toluene or trichloroethylene at such a high concentration that it creates a separate phase, meaning you have a massive amount of pollution.

"I can't look into a crystal ball and I'm not a scientist," said Travis. "I know that it's not going to be a pristine site. There's background contamination in any city. It's something that society lives with. If you consider the industrial paths of any city in the NE there are going to be things that are at very low levels. I think that's why the DEC guidelines have set levels that are not zero but are very close to it. They're set at levels that are known not to be harmful to public health. That can change of course, science is continuously changing. I anticipate receiving a site that's suitable for building residential housing. It would be awfully hard to sell condominiums if people weren't comfortable that the site is clean."

In 1988, Ithaca Gun owner Wally Diehl, CAG member Mark Finkelstein (who has a financial interest in Ithaca Gun), the city, the DEC and the EPA never thought that the pollution would go very far. However, the fact that the pollution could migrate to people's homes is a fact that makes demolishing the old polluted building too soon a hard pill to swallow.

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