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# NEWS

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**RESPONSIBLE PARTIES AGREE TO PERFORM CLEANUP OF SUPERFUND SITE IN COLD SPRING, N.Y.**

NEW YORK, N.Y. -- U.S. Environmental Protection Agency (EPA) Region 2 Administrator, Constantine Sidamon-Eristoff, announced today that Gould Incorporated, of Eastlake, Ohio, the U.S. Army and Marathon Battery Company have agreed to undertake clean up work estimated at \$109 million at the Marathon Battery Company Superfund site in Cold Spring, N.Y.

Gould will be responsible for hiring a private contractor to perform the major phase of the site cleanup with EPA oversight under the terms of a proposed Consent Decree with the federal Government, which was lodged today in federal District Court in White Plains, New York by U.S. Attorney Otto G. Obermaier. As incorporated in the Consent Decree, the U.S. Army and Marathon Battery Company will finance part of the work. Superfund is the federal program to address the nation's worst hazardous waste sites.

According to EPA Regional Administrator Constantine Sidamon-Eristoff, "This proposed agreement represents one of the largest single settlements for a federal Superfund site in New York to date. The continued cooperation of the responsible parties means that the Superfund is spared virtually all of the expense of financing this hazardous waste site cleanup. In addition, this agreement will help extend the amount of money available for sites where responsible parties have not yet been identified or are unwilling to perform the site cleanups."

According to Paul K. Milmed, Chief of the Environmental Protection Unit at the U.S. Attorney's Office, the proposed Consent Decree, if approved by the Court, "will achieve the right result at the right time. The settling parties have agreed to perform and pay for the remedial work, with none of the protracted litigation that is frequently generated by Superfund cleanups of this size."

The lodging of the Consent Decree initiates a 30-day public comment period on the proposed Consent Decree. After Court

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review of the comments submitted and their responses, the agreement will become final.

EPA has divided the site into three areas: East Foundry Cove Marsh and Constitution Marsh (Area I); the 11-acre plant property, including the plant, a clay- and asphalt-lined underground vault containing dredged cadmium-contaminated sediment from Foundry Cove, and nearby residential yards (Area II); and East and West Foundry Coves and the portion of the Hudson River near the Village of Cold Spring pier (Area III).

This proposed agreement covers the cleanup of Areas I, III and the major portion of Area II of the site. The Marathon Battery Company is already in the process of completing the cleanup of the former battery plant building. This work is being partly financed by the other responsible parties. The nearby residential yards were remediated by EPA and the New York State Department of Environmental Conservation (NYSDEC). Since the Superfund program began, EPA Region 2, which covers New York, New Jersey, Puerto Rico and the U.S. Virgin Islands, has spent a total of \$407 million on National Priorities List (NPL) Superfund sites and non-NPL sites in the State. To date, as a result of regional enforcement efforts, private parties have contributed approximately \$755 million in Superfund settlements. At approximately 65% of the 85 Superfund sites in New York, private parties are now performing the work.

From October 1, 1991 to September 30, 1992 (Fiscal Year 1992), EPA will have spent approximately \$70 million on clean up activities related to NPL sites across the State and an additional \$8.2 million on emergency response actions at 23 acutely hazardous sites.

In the past fiscal year, enforcement actions on New York NPL sites have resulted in clean-up work with an estimated value of \$102.9 million.

#### PAST ACTIONS

In 1972-73, as part of a settlement agreement with the United States, the battery plant's present and former owners/operators dredged a portion of the channel in East Foundry Cove, removing about 90,000 square meters of cadmium-contaminated sediment. About 4,000 cubic meters of dredge material were dewatered in a diked enclosure constructed over a parking lot on the site property.

Sediments were allowed to settle, and the watery component was returned to Foundry Cove. Workers placed the dredge spoils in a clay and asphalt lined underground vault on the plant property. However, studies in Foundry Cove between 1976 and 1980 continued to detect high cadmium and nickel concentrations in the sediments.

Area I Cleanup: EPA selected a remedy for cleaning up East Foundry Cove Marsh and Constitution Marsh in 1986. The remedy requires: (1) dredging contaminated sediments from East Foundry

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Cove Marsh; (2) chemically binding the sediment and properly disposing of the watery component; (3) disposing of the treated sediments off-site; (4) restoring the marsh by adding clean fill and clay and replanting the restored area; and (5) diverting storm sewers. Long-term sediment and water monitoring will be performed in East Foundry Cove Marsh and Constitution Marsh. A public awareness program and site access restrictions also will be undertaken. EPA completed the engineering design for this remedy in early 1992.

Area II Cleanup: In 1989, EPA selected a remedy for cleaning up Area II that features: (1) decontaminating the inside surfaces and contents of the former battery plant to remove cadmium dust; (2) excavating the cadmium-contaminated soil on the plant grounds and neighboring yards; (3) excavating the on-site vault containing dredge spoils from the 1973 dredging; (4) binding, as needed, the excavated soil, dust, and vault sediments and disposing of them off-site at an EPA-approved facility; (5) backfilling excavated areas with clean fill; (6) excavating the hot spots of VOC-contaminated soil, and cleaning and replacing the treated soil on-site; (7) placing ground water use controls on and monitoring the aquifer until it is cleaned.

EPA began engineering design work on the residential yards in 1989, and it is anticipated that remediation of the yards will be completed in early 1993. In late 1990, the responsible parties completed the pilot study for cleaning up the plant. The decontamination of the plant interior was completed in 1992. The design for treatment of the soil on the plant grounds was completed in early 1992.

Area III Cleanup: In 1989, EPA selected a remedy for this area that involves dredging 1-foot of sediments from East Foundry Cove and the Cold Spring pier area, treatment and disposal of the sediments off-site. EPA will continue to monitor West Foundry Cove. The engineering design for the area was completed in early 1992.

Areas I, II and III will be cleaned up at the same time under the terms of this proposed Consent Decree after it is entered by the Court.

Site access restrictions in place have reduced the potential for exposure to hazardous materials at the Marathon Battery Company Superfund site while the remedial design was being finalized and until the remaining final cleanup activities are completed.

#### **SITE DESCRIPTION**

The 60-acre Marathon Battery Company site includes a former nickel-cadmium battery plant and 11 surrounding acres, the Hudson River near the Village of Cold Spring pier, and a series of river backwater areas known as Foundry Cove and Constitution Marsh. The battery plant operated from 1953 to 1979, producing military and commercial nickel-cadmium batteries. During this time, the plant changed ownership several times, finally operating as the Marathon Battery Company from 1969 to 1979. Before 1965, the

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plant's wastewater treatment system discharged into the Hudson River at the Cold Spring pier through the use of the municipal sewer system, except during periods of overload or system shutdown, when the wastewater was discharged directly into East Foundry Cove.

In 1965, New York State Department of Health concluded that the new sewage system being designed for Cold Spring could not handle the plant's industrial discharge, and the operators began disposing of the wastewater in East Foundry Cove Marsh. Although the Marathon Battery Company and other potentially responsible parties dredged parts of Foundry Cove and surrounding areas in 1972 and 1973, studies of the wetlands still revealed high levels of cadmium and nickel in the late 1970s.

In 1980, the battery plant was sold to Merchandise Dynamics, Inc. for use as a warehouse to store books. All business activities at the site ceased in 1986. The decontaminated books are currently being removed and recycled as part of the plant cleanup. The surrounding area is residential and includes two historic districts.

The New York State Department of Environmental Conservation found high levels of heavy metals, including cadmium, zinc, nickel, and cobalt both inside and outside the plant. Trichloroethylene was detected in the groundwater underlying the site. A state-supervised sampling program conducted in 1984 and 1985 revealed widespread heavy metal contamination of the sediments and marsh soils of Foundry Cove. The highest levels were found in East Foundry Cove Marsh at the outfall from which the battery plant's process wastes were discharged. Cadmium was found in soils along on the fence line between the former battery plant and neighboring backyards. Tidal action has been slowly flushing remaining cadmium deposits from the wetlands into the Hudson River.

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