

# POTENTIAL RESPONSIBLE PARTY SEARCH AT THE CONKLIN DUMPS SITE

Conklin Dumps Site  
Town of Conklin

Site No. 704013  
Broome County



Final Report and  
Appendices A - F  
Prepared for:

TAMS Consultants, Inc.  
and  
NEW YORK STATE  
DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION  
50 Wolf Road, Albany, New York

Division of Environmental Enforcement

Prepared By:  
GRB Environmental Services, Inc.  
11 Penn Plaza, New York, N.Y.  
December 5, 1997

RECEIVED  
DEC 28 1997  
TAMS  
BLOOMFIELD, N.J.

**POTENTIAL RESPONSIBLE PARTY SEARCH  
AT THE CONKLIN DUMPS**

**TABLE OF CONTENTS**

<b><u>Section</u></b>	<b><u>Title</u></b>	<b><u>Page</u></b>
<b>1</b>	<b>INTRODUCTION</b>	<b>1-1</b>
1.1	Objectives	1-3
1.2	Site Description	1-3
1.3	Site History	1-4
1.4	Environmental Incidents	1-6
1.5	Enforcement Activities	1-6
1.6	Report Organization	1-7
<b>2</b>	<b>RECORD COMPILATION AND DOCUMENT INVENTORYING</b>	<b>2-1</b>
2.1	Database Development	2-1
2.2	Database Organized by Date	2-1
2.3	Database Organized by PRP	2-1
2.4	Database Organized by Bates Stamp Number	2-1
<b>3</b>	<b>PRP OWNERSHIP/OPERATOR LINKAGE TO CONKLIN DUMPS</b>	<b>3-1</b>
3.1	Ownership of the Site	3-1
3.2	Operation of the Site	3-1
<b>4</b>	<b>PRP TRANSPORTER LINKAGE TO CONKLIN DUMPS</b>	<b>4-1</b>
<b>5</b>	<b>PRP GENERATOR/ARRANGER LINKAGE TO CONKLIN DUMPS</b>	<b>5-1</b>
<b>6</b>	<b>SITE CONTAMINATION LINKAGE TO PRP's</b>	<b>6-1</b>
<b>7</b>	<b>PRP FINANCIAL DATA</b>	<b>7-1</b>
7.1	Binghamton Container (Chesapeake Corporation)	7-2
7.2	Jewel Tea Company	7-4
7.3	Magnetic Laboratories	7-8
7.3.1	Savin Corporation	7-8
7.3.2	Ricoh Corporation	7-9

# POTENTIAL RESPONSIBLE PARTY SEARCH AT THE CONKLIN DUMPS

## TABLE OF CONTENTS (Continued)

7.3.3	Ricoh Company Limited	7-9
7.4	GAF Corporation	7-11
7.5	Binghamton Agway	7-12
7.6	Malchak Salvage Company	7-13
7.7	Vindale Corporation	7-13
7.8	Suburban Sanitary Services	7-14
	Joe's Disposal	
	J.N. Giammarino Construction Company	
7.9	Conklin Disposal	7-14
 8	 <b>SUMMARY OF FINDINGS</b>	 <b>8-1</b>

## APPENDICES

Appendix A	Town of Conklin Landfills Remedial Investigation, O'Brien & Gere December 1988.
Appendix B	Record Of Decision, Conklin Dumps Site, March 1991.
Appendix C	Feasibility Study, Town of Conklin Landfills Site, Conklin, New York, O'Brien & Gere January 1991.
Appendix D	Conklin Dumps Revised Site Review and Update, NYS Department of Health, March 1994.
Appendix E	Town of Conklin, NYSDEC Order on Consent, June 4, 1987.
Appendix F	Conklin Dumps, EPA Region 2 NPL listings, May 1992.
Appendix G	Letter to Mr. Mark S. Gorgos from Mr. Michael J. O'Toole, Jr., NYSDEC Director, April 25, 1990.
Appendix H	Explanation of Significant Differences, Conklin Dumps Site, USEPA August 1992.
Appendix I	USEPA Close-Out Report, to Ms. Jeanne M. Fox, USEPA Regional Administrator, from Mr. Richard L. Caspe, USEPA Director, September 13, 1996.

## **POTENTIAL RESPONSIBLE PARTY SEARCH AT THE CONKLIN DUMPS**

### **TABLE OF CONTENTS** (Continued)

Appendix J	Letter to the Town of Conklin from Mr. Robert L. Marino, NYSDEC Chief, June 6, 1996.
Appendix K	USEPA Notice of Deletion of the Conklin Dumps Site from the National Priorities List, April 4, 1997.
Appendix L	Letter to Honorable John Guinan, Deputy County Executive, from Mr. Raymond E. Lupe, NYSDEC, April 4, 1985.
Appendix M	Letter to Mr. Mark S. Gorgos, from Mr. Michael J. O'Toole, Jr., NYSDEC Director, April 25, 1990.
Appendix N	User's Guide to Customized Program.
Appendix O	PRP Database Organized by Date.
Appendix P	PRP Database Organized by Possible PRP.
Appendix Q	PRP Database Organized by Bates Stamp Number.
Appendix R	Letter to Mr. Mark S. Gorgos, from Mr. Thomas R. Smith, attorney from the firm of Bond, Schoeneck & King representing the Town of Conklin, dated June 25, 1987.
Appendix S	Draft Report, Potentially Responsible Party Search, Conklin Dump Site, Camp Dresser & McKee Inc., September 29, 1986.
Appendix T	BECI Narrative Report, labeled Confidential - Not For Release.
Appendix U	NYSDEC Application for Septic Tank Cleaner and Industrial Waste Collector Registration prepared by Mr. George Malchak, dated October 23, 1980, with an attached NYSDEC response and a hand written list of firms.
Appendix V	Three Industrial Chemical Surveys from GAF Corporation, dated March 2, 1977.
Appendix W	Confidential Memorandum to Mr. David Markell, NYSDEC Director - Division of Environmental Enforcement, from Mr. Michael J. O'Toole,

# **POTENTIAL RESPONSIBLE PARTY SEARCH AT THE CONKLIN DUMPS**

## **TABLE OF CONTENTS (Continued)**

Jr., NYSDEC Director - Division of Hazardous Waste Remediation,  
dated November 2, 1989.

Appendix X	Memorandum to Captain Larry Johnson, BECI, from Mr. Joseph L. Slack, Director - Bureau of Eastern Remedial Action, dated January 8, 1990.
Appendix Y	New York Times Articles on Savin Announcing Purchase of Magnetic Laboratories
Appendix Z	PRP Financial Data
	Z-1 Binghamton Container (Chesapeake Corporation)
	Z-2 Jewel Tea Company
	Z-3 Magnetic Laboratories
	Z-4 GAF Corporation
	Z-5 Binghamton Agway
	Z-6 Malchak Salvage Company
	Z-7 Vindale Corporation

## **LIST OF FIGURES**

1-1	Site Location Map
1-2	Site Plan Conklin Dump

## **LIST OF TABLES**

6-1	Chemical Compounds Detected at the Conklin Dumps
6-2	PRP Wastes vs. Chemical Constituents Found at the Conklin Dumps
6-3	Chemical Compounds Detected in Private Wells
6-4	Chemical Compounds Detected in Conklin Dumps Leachate
6-5	Ground Water Quality Data

## SECTION 1

### INTRODUCTION

The Conklin Dumps (the Site) had been classified as a Class 2 Inactive Hazardous Waste Site in accordance with NYSDEC regulations (Site identification number 704013). The Site was listed on the National Priorities List (NPL) by the United States Environmental Protection Agency (USEPA) in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (EPA ID# NYD981486947). The Site consists of two former municipal landfills, Lower and Upper Landfills, situated in the Town of Conklin, Broome County, New York. The Site encompasses approximately 37 acres, with the Lower Landfill consisting of approximately 28.5 acres and the Upper Landfill consisting of approximately 8.5 acres. The landfill began operations in 1964 and closed in 1977. During its operational period the landfill received municipal solid waste where "industrial wastes may have been disposed at either or both landfills, although no written records of industrial waste disposal activities exist." (002081-002088, page 6. Refer to Appendix A, Town of Conklin Landfills Remedial Investigation, O'Brien & Gere December 1988).<sup>1</sup>

Landfilling operations over the 11 year period have resulted in groundwater contaminated with heavy metals and volatile organics and inorganics. Compounds identified include chloroethane, 1,2-dichloropropane and xylene (001784, Refer to Appendix B Record Of Decision Conklin Dumps Site, March 1991).<sup>2</sup>

A series of engineering reports were prepared in conformance with State and Federal guidelines to identify appropriate remedial actions. The major remedial components selected for the site, as reported in the Record of Decision (ROD), (001777 - 001816, Refer to Appendix B), consisted of the following:<sup>3</sup>

---

<sup>1</sup> Bates Nos. 002081-002088 Town of Conklin Landfills Remedial Investigation, O'Brien & Gere Dec. 1988, p. 6

<sup>2</sup> Bates No. 001784 Record of Decision, Refer to Appendix B

<sup>3</sup> Bates Nos. 001778-001779 Record of Decision, Refer to Appendix B

- Cutting the existing sides of the landfills to slopes of no greater than approximately 33%. The top surfaces of the landfills will be regraded to slopes of no less than 4% to provide for proper drainage.
- Installation of leachate collection wells and a leachate collection trench or toe drain at the Upper Landfill and leachate collection trench at the Lower Landfill to a depth sufficient to eliminate leachate seeps.
- Installation of multi-media caps over the landfill material. Water infiltrating through the vegetative and protective layers of the caps will be intercepted by the impermeable flexible membrane layer and conveyed away from the landfill material. The multi-media caps will be consistent with applicable regulations that require that when an impermeable flexible membrane liner (FML) is used in place of clay, the FML may have a permeability no greater than  $1 \times 10^{-12}$  cm/sec. The design requirements contained in the 6 NYCRR Part 360 standards will be incorporated into the cap design.
- Installation of a gravel gas venting layer with a filter fabric layer placed over the gravel. The FML will be placed over the gravel. The FML will be placed over the filter fabric, and another layer of filter fabric will be placed on top of the FML
- Seeding and mulching of the topsoil layer to prevent erosion and to provide for rapid growth of vegetation.
- Collection of the leachate followed by either its discharge to the Binghamton-Johnson City Sewage Treatment Plant for treatment, or its on-site treatment via an air stripping treatment plant and the discharge to Carlin Creek.
- Installation of fencing to further protect the integrity of the caps by restricting access to the Site. Periodic inspection of the caps and maintenance as necessary, will provide for long-term effectiveness and permanence of the alternative.
- Imposition of property deed restrictions, if necessary. The deed restrictions will include measures to prevent the installation of drinking water wells at the Site, and to restrict activities that could affect the integrity of the cap.
- Initiation of a monitoring program upon completion of the closure activities. The monitoring program will provide data to evaluate the effectiveness of the remedial effort and will act as an early warning system to protect private wells in the area.

The Potential Responsible Parties (PRPs) under 6 NYCRR Part 375 are required to pay for all investigative and remedial actions implemented at the Site. Based on Title 3 Inactive Hazardous Waste Disposal Sites Remediation Program State Assistance Contract of the 1986 Environmental Quality Bond Act, the NYSDEC would contribute 75% of the total expenditures, with the

remaining amount being paid by the Town of Conklin. When the Federal government is involved the State can apply for Federal funds in accordance with 40 CFR 35.6150, activities eligible for funding under Enforcement Cooperative Agreements.

## **1.1 OBJECTIVES**

The primary efforts of the Conklin Dumps search was directed at identifying the significant PRPs at the Site. The investigation was based on the documents provided by the NYSDEC and those obtained by GRB Environmental Services, Inc. The documentation obtained provides information allowing for an evaluation process which focuses on the three factors used to identify major PRPs. The three factors employed to identify the PRPs are: (1) ownership/operator, (2) generator, and (3) transporter. An entity is deemed a PRP if during the time of hazardous release, it was the generator of hazardous waste that was disposed at the Site. In addition, an entity is deemed a PRP if during the time of hazardous release it transported or arranged for transportation of the waste to the Site.

## **1.2 SITE DESCRIPTION**

The Site is located on a 619 acre parcel and encompasses approximately 37 acres consisting of two landfill areas, Upper and Lower, of approximately 8.5 and 28.5 acres respectively. The Site is located on Powers Road, 10 miles southeast of Binghamton, and approximately one mile north of the Kirkwood Interstate Route 81 (See figure 1-1). The two landfills are located within the perimeter of the Broome County Corporate Park (Industrial Park) in Broome County, New York, (See Figure 1-2).<sup>4</sup> (002089, Refer to Appendix C, Feasibility Study, Town of Conklin Landfills Site, Conklin, New York, O'Brien & Gere January 1991).

The Lower Landfill is approximately one-half mile east of the Susquehanna River 100 year flood plain, with a large portion being surrounded by a NYSDEC designated wetland, and the eastern perimeter is bordered by the Delaware & Hudson Railroad track. Access to the Lower Landfill is by a dirt road on the east side of County Route 322. The Upper Landfill is located on the west

---

<sup>4</sup> Bates No. 002089 Feasibility Study, Town of Conklin Landfills Site, Conklin, New York, O'Brien & Gere January 1991 (Refer to Appendix C)



side of County Route 322, across the entrance to the Lower Landfill (001747, Refer to Appendix D, Conklin Dumps Revised Site Review and Update, NYS Department of Health, March 1994).<sup>5</sup>

### 1.3 SITE HISTORY

The Conklin Dumps began operations in 1964 and closed in 1977. During its operational period, the landfill received municipal solid waste. Industrial wastes may have been disposed of at either or both landfills. A chronology of Site activities follows.

- 1964: Lower Landfill begins accepting waste.
- 1969: The Lower Landfill ceases accepting waste.
- 1969: The Upper Landfill begins accepting waste.
- 1977: The Upper Landfill ceases accepting waste.
- October 1983: Broome County Health Department requested sampling of six private water supplies (001747).<sup>6</sup>
- 1983 and 1985: Two phase hydrogeologic investigation conducted by the Broome County Industrial Development Agency (001747-001748).<sup>7</sup>
- October 1984: The NYS Department Of Health (NYSDOH) inspected the Site and collected water samples. As a result the NYSDOH recommended that public water be extended to the residents downgradient of the Site (001748).<sup>8</sup>
- June 1986: Work plan for a Remedial Investigation/Feasibility Study (RI/FS) was submitted to the NYSDEC, and initial field investigation completed.
- June 1, 1986: The Site nominated for inclusion on the NPL.
- June 1987: The Town of Conklin signs Order on Consent with the NYSDEC (Refer to Appendix E).

---

<sup>5</sup> Bates No. 001747 Conklin Dumps Revised Site Review and Update, NYS Department of Health, March 1994 (Refer to Appendix D)

<sup>6</sup> Bates No. 001747 Conklin Dumps Revised Site Review and Update, NYS Department of Health, March 1994 (Refer to Appendix E)

<sup>7</sup> Bates Nos. 001747-001748 Conklin Dumps Revised Site Review and Update, NYS Department of Health, March 1994 (Refer to Appendix E)

<sup>8</sup> Bates No. 001748 Conklin Dumps Revised Site Review and Update, NYS Department of Health, March 1994 (Refer to Appendix E)

- December 1988: Remedial Investigation report submitted for NYSDEC, NYSDOH and USEPA review and approval.
- March 30, 1989: The Site is listed on the NPL (001817-001818, Refer to Appendix F).<sup>9</sup>
- June 1989: Preliminary health assessment completed by the NYSDOH.
- April 25, 1990: NYSDEC classification of the Site as a Class 2 inactive hazardous waste site (001849-001850, Refer to Appendix G).<sup>10</sup>
- March 29, 1991: Record of Decision (ROD) signed by the USEPA (Refer to Attachment B).
- September 3, 1992: The USEPA modified the final remedy to consolidate waste materials and soil at the Lower Landfill with the Upper Landfill (001761-001771, Refer to Appendix H, Explanation of Significant Differences, Conklin Dumps Site, USEPA August 1992).<sup>11</sup>
- January 1993: Phase I activities (excavation, transport and placement of wastes from the Lower Landfill to the Upper Landfill) were initiated.
- July 1993: Phase I completed.
- September 1993: Complete remediation activities at the Lower Landfill.
- October 1993: Initiate Phase II activities (installation of a leachate collection system and landfill cap) at the Upper landfill.
- November 1994: Completion of Phase II<sup>12</sup>, (001772-001776, Refer to Appendix I, USEPA Close-Out Report, to Ms. Jeanne M. Fox, USEPA Regional Administrator, from Mr. Richard L. Caspe, USEPA Director, September 13, 1996).
- June 6, 1996: NYSDEC Conklin Dumps Site Classification from 2 to 4 (000736-000739, Refer to Appendix J).<sup>13</sup>
- April 7, 1997: USEPA Notice of Deletion of the Conklin Dumps site from the National Priorities List (001724- 001729, Refer to Appendix K).<sup>14</sup>

<sup>9</sup> Bates Nos. 001748 -001749 Conklin Dumps, EPA Region 2 NPL listings, May 1992. (Refer to Appendix F)

<sup>10</sup> Bates Nos. 001849-001850 Letter to Mr. Mark S. Gorgos from Mr. Michael J. O'Toole, Jr., NYSDEC Director, April 25, 1990. (Refer to Appendix G)

<sup>11</sup> Bates Nos. 001761-001771 Explanation of Significant Differences, Conklin Dumps Site, August 1992. (Refer to Appendix H)

<sup>12</sup> Bates No. 001773 USEPA Close-Out Report, to Ms. Jeanne M. Fox, USEPA Regional Administrator, from Mr. Richard L. Caspe, USEPA Director, September 13, 1996. (Refer to Appendix I)

<sup>13</sup> Bates Nos. 000736-000739 Letter to the Town of Conklin from Mr. Robert L. Marino, NYSDEC Chief, June 6, 1996. (Refer to Appendix J)

## 1.4 ENVIRONMENTAL INCIDENTS

Based on the hydrogeologic reports prepared in 1983 and 1985 the NYSDEC "...believe[d] that sufficient data exist[ed] to conclude that the Conklin Landfills pose a significant threat to the environment and should be reclassified from a Class (2a) to a Class (2) site." (000027-000028, Refer to Appendix L).<sup>15</sup>

The NYSDEC's Bureau of Environmental Conservation Investigation (BECI) review of the available information and search of the Right-To-Know (RTK) database found that GAF Corporation - Special Products Plant in Binghamton listed trichorethylene and trichlorethane as being used, and that these substances qualify as hazardous wastes. "The RTK form indicated that Malchak Garbage Service was its waste transporter and does not identify any landfills used for disposal. In separate interviews conducted by BECI, two former landfill employees stated that Malchak used the Conklin Landfill for disposal until the Town determined that Malchak was picking up waste from outside the Town boundaries, and bringing it (together with waste from within the Town) to the Conklin Dumps." (000016-000017, Refer to Appendix M).<sup>16</sup> Available documents suggests that Malchak disposed wastes from GAF Corporation at the site.

## 1.5 ENFORCEMENT ACTIVITIES

An Order on Consent between the NYSDEC and the Town of Conklin was signed in June 1987. The Site was listed on the USEPA NPL on March 30, 1989. The Site was classification by the NYSDEC as a Class 2 inactive hazardous waste site on April 25, 1990. A ROD had been signed between the USEPA and the Town of Conklin on March 29, 1991.

Based on the remedial activity performed, NYSDEC reclassified the Site from a Class 2 site to a Class 4 site on June 6, 1996 and the USEPA deleted the Site from the NPL on April 7, 1997.

---

<sup>14</sup> Bates Nos. 001724-001729 USEPA Notice of Deletion of the Conklin Dumps Site from the National Priorities List, April 4, 1997. (Refer to Appendix J)

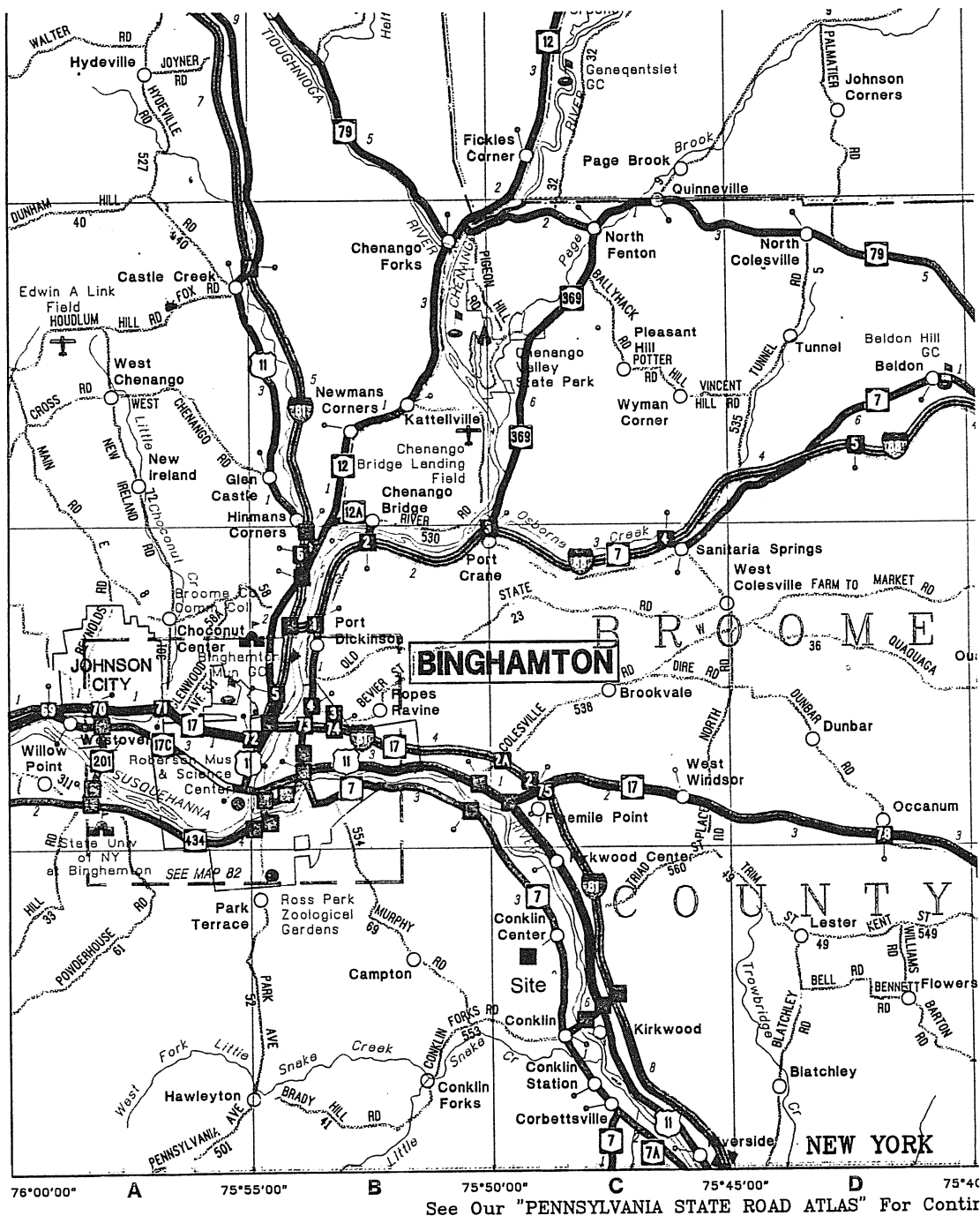
<sup>15</sup> Bates Nos. 000027-000028 Letter to Honorable John Guinan, Deputy County Executive, from Mr. Raymond E. Lupe, NYSDEC, April 4, 1985 (Refer to Appendix L)

<sup>16</sup> Bates Nos. 000016-000017 Letter to Mr. Mark S. Gorgos, from Mr. Michael J. O'Toole, NYSDEC Director, April 25, 1990. (Refer to Appendix M)

## 1.6 REPORT ORGANIZATION

This PRP search report is divided into six sections as follows:

- **Section 1 - Introduction:** The Introduction states the objectives of the report and provides detailed background information on site description, history, environmental incidents, and enforcement activities.
- **Section 2 - Records Compilation and Document Inventorying:** This section discusses the methods employed to review existing file data and the development of a database system in an organized manner documenting the PRPs. This section also discusses how to operate the database search functions and provides an operations manual as an appendix.
- **Section 3 - PRP Ownership/Operator Linkage to Conklin Dumps:** This section discusses PRP ownership and operator links to the Conklin Dumps.
- **Section 4 - PRP Generator/Arranger Linkage to Conklin Dumps:** This section discusses PRP generator links to the Conklin Dumps. Documents are reviewed in an effort to ascertain if any PRPs can be identified as hazardous waste generators through available information.
- **Section 5 - PRP Transporter Linkage to Conklin Dumps:** This section discusses PRP transporter links to the Conklin Dumps. Documents are reviewed in an effort to ascertain if any of the PRPs can be identified as waste transporters who delivered waste to the Site.
- **Section 6 - Site Contamination Linkage to PRP's:** This section identifies contaminants found at the landfill and links them to the individual PRP's who generated and disposed of the wastes at the landfill.
- **Section 7 - PRP Financial Data:** This section presents financial data on several PRPs.
- **Section 8 - Conclusions and Recommendations:** This section summarizes the findings, conclusions, and provides recommendations to further the potential to recover money for costs spent to date and environmental damages.



# Conklin Dumps PRP Search Report

Source : New York State Road Atlas  
Hagstrom, 1992

## Figure 1-1 Site Location Map

GRB Environmental Services, Inc.  
11/6/97



## **SECTION 2**

### **RECORD COMPILATION AND DOCUMENT INVENTORYING**

GRB Environmental Services, Inc. received two boxes of documents from NYSDEC. A preliminary scan by GRB representatives determined that due to the quantity of the documents received and the information presented in the documents, all documents were considered relevant and provided with a Bates Number. Typically, Bates Numbers were provided only on the initial page of letters and reports, and run from 000001 to 002367. The information was organized in two boxes labeled 1 and 2 in numerical order based on Bates Numbers. It is estimated that about 5,500 pages make-up the documents which were reviewed and incorporated into this report.

#### **2.1 DATABASE DEVELOPMENT**

A customized database was developed using Microsoft Access with a Windows-based application. The fields in the database includes: Bates ID #, Box #, Possible PRP, Source, Type of Document, Date, Author/Recipient, Subject, and Abstract. The database has been developed allowing for the searching and sorting of documents by the various fields, such as Bates #, Possible PRP, Date and so on. See Appendix N for a user's guide to this customized program.

#### **2.2 DATABASE ORGANIZED BY DATE**

Upon completion of the database entry, the documents were sorted by date, with the documents void of dates listed first. The dates on the documents provided begin with 4/13/65 and end at 10/2/97. The intent of this sorting was to review the flow of information and identify gaps in time which could indicate data gaps. See Appendix O for a printout of the database sorted by Date.

#### **2.3 DATABASE ORGANIZED BY PRP**

The documents in the database were sorted by Possible PRP and reviewed. The database was further sorted by specific Possible PRP (See Appendix P).

## **2.4    DATABASE ORGANIZED BY BATES STAMP NUMBER**

The documents in the database were sorted by Bates stamp number, and provides the location of the documents in the two boxes. See Appendix Q for a printout of the database sorted by Bates stamp number.



## SECTION 3

### PRP OWNERSHIP/OPERATOR LINKAGE TO CONKLIN DUMPS

#### 3.1 OWNERSHIP OF THE SITE

The Town of Conklin has owned the Site property from the time the landfill opened in 1964 until it ceased operation in 1977. Review of the available information indicates that activities at the Site included landfilling and gravel mining. The operations at the Site were all performed while the Town of Conklin owned the Site. As such, the only entity which could be considered a PRP based on ownership is the Town of Conklin.

#### 3.1 OPERATION OF THE SITE

According to the vast majority of documentation, including the regulatory documents reviewed, the Town of Conklin is identified as the operator of the Upper and Lower Landfills. Review of the documentation provided, located two documents which indicate that the Town of Conklin owned the Landfills but contracted out the operations.

In a unsigned letter to Mr. Mark S. Gorgos, from Mr. Thomas R. Smith, attorney from the firm of Bond, Schoeneck & King, representing the Town of Conklin, dated June 25, 1987, it is stated that "two individuals, Oscar Ulco, and James Giammarino, who had operated the Upper Landfill under contract to the Town..." (000066, Refer to Appendix R).<sup>1</sup>

Mr. Ulco operated the Upper Landfill from 1971 to 1976, with Mr. Giammarino operating it for one year, 1976 - 1977 (000066, Refer to Appendix R).<sup>2</sup> This information appears to contradict some of the record documents which indicate the landfill ceased receiving waste in 1975.

---

<sup>1</sup> Bates Nos. 000065-000067 Letter to Mr. Mark S. Gorgos, from Mr. Thomas R. Smith, attorney from the firm of Bond, Schoeneck & King representing the Town of Conklin, dated June 25, 1987. (Refer to Appendix R)

<sup>2</sup> Bates No. 000066 Letter to Mr. Mark S. Gorgos, from Mr. Thomas R. Smith, attorney from the firm of Bond, Schoeneck & King representing the Town of Conklin, dated June 25, 1987. (Refer to Appendix R)

However, operational dates were provided by the operators during their respective interviews (see Appendix R). One additional document, Draft Report, Potentially Responsible Party Search, Conklin Dump Site, Camp Dresser & McKee Inc., September 29, 1986 (001859-001948, Refer to Appendix S), indicated that the "Town of Conklin operated two separate landfills from 1964 to 1977," and the "Upper Landfill accepted wastes until it ceased operation in 1977, as ordered by the NYSDEC" (001862, Refer to Appendix S) .<sup>3</sup> The document has marks at those dates, with the word "check," which indicates that these dates may not have been accurate and may have been revised in the final document.

Other documents reference the 1975 date as the closure date, such as the BECI Narrative Report, labeled Confidential - Not For Release (000085-000093, Refer to Appendix T), where an interview was held on March 23, 1990, by the NYSDEC BECI with Mr. Graden Tampkins, Sewer Supervisor Town of Conklin. Mr. Tamkins indicated that the years Mr. Oscar Ulco and Mr. James Giammarino, Sr. worked as landfill operators were 1965-1973, and 1973-1975 respectively (000089, Refer to Appendix T).<sup>4</sup>

However, the closing date of landfill operations is identified as the end of 1977 based on depositions provided by the operators themselves (See Appendix R). This date is further substantiated by press releases in the local paper dated November 3, 1976 (001915 - See Appendix S) where it is announced that the Conklin Landfill will be operated by J.N. Giammarino of Binghamton for another year (i.e., until the end of 1977).

Waste was disposed in the Lower Landfill from 1964 to 1969. The Lower Landfill "consists of three trenches where some industrial and chemical wastes may have been disposed" (001817, Refer to Appendix F).<sup>5</sup>

---

3 Bates No. 001862 Draft Report, Potentially Responsible Party Search, Conklin Dump Site, Camp Dresser & McKee Inc., September 29, 1986. (Refer to Appendix S)

4 Bates No. 000089 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

5 Bates No. 001817 Conklin Dumps, EPA Region 2 NPL listings, May 1992. (Refer to Appendix F)

Waste was disposed in the Upper Landfill from 1969 until it closed in 1977, where "most of the wastes disposed in this landfill were placed in six unlined cells. Additional waste material was piled on the cells" (001817, Refer to Appendix F).<sup>6</sup>

The total estimated volume of waste disposed of at the Site is estimated at 80,000 cubic meters (104,400 cubic yards), with the Lower Landfill containing 25,000 cubic meters (32,500 cubic yards) and the Upper Landfill containing 55,000 cubic meters (71,900 cubic yards) (002081-002088, Refer to Appendix A, p. 6).<sup>7</sup>

As such, the three entities which could be considered PRPs based on operation is the Town of Conklin, Mr. Oscar Ulco, and Mr. James Giammarino, Sr.. The BECI interview with Mr. Graden Tampkins, March 23, 1990, indicated that Mr. Oscar Ulco is deceased (000089).<sup>8</sup>

---

6 Bates No. 001817 Conklin Dumps, EPA Region 2 NPL listings, May 1992. (Refer to Appendix F)

7 Bates Nos. 002081-002088 Town of Conklin Landfills Remedial Investigation, O'Brien & Gere Dec. 1988, p. 6

8 Bates No. 000089 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

## SECTION 4

### PRP TRANSPORTER LINKAGE TO CONKLIN LANDFILL

A review of the Conklin PRP file revealed two documents which identified waste transporters and haulers to the Site. The first document is a PRP search conducted by Camp Dresser & McKee Inc., prepared under contract to the USEPA in September 29, 1986, titled: Draft Report, Potentially Responsible Party Search, Conklin Dump Site (See Appendix S). The second document is a NYSDEC BECI Narrative Report based on interviews of former operators, PRPs, and Conklin Town Officials that were conducted in March 1990 (See Appendix T).

The Draft Report, Potentially Responsible Party Search, Conklin Dump Site identified the following waste transporters as having hauled waste to the Site (001868, Refer to Appendix S):<sup>1</sup>

1. Conklin Disposal (Gary Partz)
2. Suburban Sanitary Services (Phone No. 607-775-3693)
3. Joe's Disposal Service (Phone No. 717-879-2984)
4. Malcheck (Malchak) (Phone No. 607-648-4827)

The NYSDEC BECI Narrative Report identified the same waste transporters as having hauled waste to the Site, with the addition of Frank Menta (000086, 000091 & 000093, Refer to Appendix T)<sup>2</sup> The only other waste transporter identified in the documents was Tri Cell, a firm picking up "trash" from Eureka Tent Factory in 1990 (PRP, refer to Section 5), (000090, Refer to Appendix T).<sup>3</sup> There was no documentation linking Tri Cell to any of the PRPs or the Conklin Dumps during the Site's operating period, and as such, is not considered a waste transporter PRP for the Site.

---

1 Bates No. 001868 Draft Report, Potentially Responsible Party Search, Conklin Dump Site, Camp Dresser & McKee Inc., September 29, 1986. (Refer to Appendix S)

2 Bates Nos. 000086, 000091 & 000093 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

3 Bates No. 000090 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

Of the five waste transporters identified in the documents, the only two for which there is any documentation linking them to the the Conklin Landfills are Suburban Sanitary and Malchak.

### **Suburban Sanitary**

According to a Mr. Webb, past property owner and landfill employee for the Conklin Landfill, when referring to Savin Corp. and Chesapeake Co.— formerly Binghamton Box (Container) Co. (PRP, refer to Section 5), identified Suburban Sanitary as the hauler (000093, Refer to Appendix T).<sup>4</sup> With respect to Chesapeake Co., the waste stream consisted of boxes, cardboard, glue, and inks/oils (000093, Refer to Appendix T).<sup>5</sup> In regard to Savin Corp. Mr. Webb indicated that “Liquids in barrels hauler was Suburban Sanitary (5 gal. pails, drums, strong smell) a lot of drums 6 or 12 per load once a week by hauler or own truck” (000093, Refer to Appendix T).<sup>6</sup>

### **Malchak**

Mr. Webb indicted that “...Malchak used to haul for Binghamton Container [PRP, refer to Section 5] and used the Conklin Landfill on several occasions,” and further indicated that “...Malchak used to pull a fast one by loading his containers  $\frac{3}{4}$  full with material from some other town,” and that “the town [Conklin] caught him doing this and barred him from using the landfill.” (000088, Refer to Appendix T)<sup>7</sup>

The barring of Malchak from using the Conklin Landfills was also mentioned by Mr. Guy Manning, Conklin Highway Superintendent and former landfill equipment operator, who indicated that “the town [Conklin] barred him [Malchak] from the dump after a while.” ( 000091, Refer to Appendix T).<sup>8</sup>

---

4 Bates No. 000090 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

5 Bates No. 000090 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

6 Bates No. 000090 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

7 Bates No. 000088 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

8 Bates No. 000091 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

An NYSDEC Application for Septic Tank Cleaner and Industrial Waste Collector Registration prepared by Mr. George Malchak, dated October 23, 1980, with an attached NYSDEC response and a handwritten list of firms, was located in the documents (000099-000103, See Appendix U).<sup>9</sup>

The NYSDEC response indicating deficiencies stated that "your warehouse requires a Part 360 Permit for storage: or you must transport directly from generator to disposal facility - in which case you will need appropriate signatures." (000099, Refer to Appendix U).<sup>10</sup> No other documentation pertaining to this application was located in the documents, and it is unknown if the application was approved and if any material was transported.

The handwritten list prepared by Mr. Malchak identified the following nine firms (000102-000103, Refer to Appendix U).<sup>11</sup>

1. Agway
2. NY Environmental Construction Inc.
3. Environmental Oil Inc.
4. Ashland Chemical Co.
5. Clean Harbors
6. Haz-O-Waste
7. Frontier Chemical Waste Process Inc.
8. Waste Conversion Inc.
9. GAF Corp.

---

<sup>9</sup> Bates Nos. 000099-000103 NYSDEC Application for Septic Tank Cleaner and Industrial Waste Collector Registration prepared by Mr. George Malchak, dated October 23, 1980, with an attached NYSDEC response and a hand written list of firms.

<sup>10</sup> Bates No. 000099 NYSDEC Application for Septic Tank Cleaner and Industrial Waste Collector Registration prepared by Mr. George Malchak, dated October 23, 1980, with an attached NYSDEC response and a hand written list of firms.

<sup>11</sup> Bates No. 000102-000103 NYSDEC Application for Septic Tank Cleaner and Industrial Waste Collector Registration prepared by Mr. George Malchak, dated October 23, 1980, with an attached NYSDEC response and a hand written list of firms.

Although the handwritten pages were attached to the NYSDEC Application for Septic Tank Cleaner and Industrial Waste Collector Registration prepared by Mr. George Malchak, it is unclear if they were part of the application. Based on the uncertainty of the source, and the fact that it is unknown if the application was approved and if any material was transported, no further consideration will be made to the firms listed from this reference.

The documents also include three Industrial Chemical Surveys from GAF Corporation (PRP, Refer to Section 5), dated March 2, 1977, with one indicating Malchak Garbage Service as the firm removing waste. (000029-000034, See Appendix V)<sup>12</sup> The Industrial Chemical Survey, associated with Malchak Garbage Service, does not list a landfill. The list of the substances of concern includes Trichlorethylene and Trichlorethane, with the statement: "The above data is for 1976 and is typical for previous years." (000030, Refer to Appendix V).<sup>13</sup>

The aforementioned information on Malchak contradicts Mr. George Malchak's statement during the March 1990 NYSDEC BECI interviews in which the narrative report indicated that "...he never hauled anything to the Conklin Landfill and had never been on the site." (000088, Refer to Appendix T)<sup>14</sup>

Based on the information presented, Suburban Sanitary is associated with transporting liquids in barrels and Malchak associated with being barred from the site for disposal activities. Malchak is also identified as being the firm removing trichlorethylene and trichlorethane waste from GAF. As such, these firms are considered PRPs.

### **Frank Menta**

Mr. Jamieson, Cheseapeake Manufacturing (PRP, Refer to Section 5), identified Frank Menta as

---

12 Bates Nos. 000029-000034 Three Industrial Chemical Surveys from GAF Corporation, dated March 2, 1977. (Refer to Appendix V)

13 Bates Nos. 000030 Three Industrial Chemical Surveys from GAF Corporation, dated March 2, 1977. (Refer to Appendix V)

14 Bates No. 000091 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

the company's waste hauler for a 25 - 30 year period, ending 3 or 4 years ago (1986 - 1987) (000086, Refer to Appendix T).<sup>15</sup> Mr. Jamieson further indicated that "...Frank Menta's bills showed that all waste from Chesapeake went to Broome County Landfill." (000086, Refer to Appendix T).<sup>16</sup> Without additional information, such as bills from Frank Menta indicating the disposal location and records from Broome County Landfill, or the Conklin Landfill, the inclusion of Frank Menta as a PRP cannot be made. It is interesting that none of the interviewed former Conklin employees named Frank Menta as a waste hauler, but the industry which was identified as disposing of waste at the Site identified Frank Menta as their waste disposal firm.

The remaining two waste transporters, Joe's Sanitary and Conklin Sanitary (Gary Partz) have been identified as transporting waste to the Site and as such would have a certain amount of accountability based on the type and amount of waste they transported to the Site.

---

<sup>15</sup> Bates No. 000086 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

<sup>16</sup> Bates No. 000086 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)



## SECTION 5

### PRP GENERATOR/ARRANGER LINKAGE TO CONKLIN DUMPS

A review of the Conklin PRP file revealed four documents which identified waste generators or companies who arranged wastes to be delivered to the Site. The first document reviewed was the PRP investigation conducted by Camp Dresser & McKee Inc. and report prepared under contract to the USEPA in September 29, 1986, titled: Draft Report, Potentially Responsible Party Search, Conklin Dump Site (Refer to Appendix S).

The second document was the NYSDEC BECI Narrative Report based on interviews of former operators, PRPs and Conklin Town Officials which were conducted in March 1990 (Refer to Appendix T).

The third document is a NYSDEC Confidential Memorandum to Mr. David Markell, NYSDEC Director - Division of Environmental Enforcement, from Mr. Michael J. O'Toole, Jr., NYSDEC Director - Division of Hazardous Waste Remediation, dated November 2, 1989 (See Appendix W).

The fourth document is a NYSDEC Memorandum to Captain Larry Johnson, BECI, from Mr. Joseph L. Slack, Director - Bureau of Eastern Remedial Action, dated January 8, 1990. (See Appendix X)

The Draft Report, Potentially Responsible Party Search, Conklin Dump Site identified the following waste generators as having disposed waste at the Site (001868, Refer to Appendix S):<sup>1</sup>

1. Binghamton Container
2. Vindale

---

<sup>1</sup> Bates No. 001868 Draft Report, Potentially Responsible Party Search, Conklin Dump Site, Camp Dresser & McKee Inc., September 29, 1986. (Refer to Appendix S)

The NYSDEC BECI Narrative Report identified the following waste generators as having disposed of waste at the Site: (000089, 000091, 000093, Refer to Appendix T)<sup>2</sup>

1. Chesapeake Co. - Formerly Binghamton Box (Container) Co.
2. Vindale Mobile Home Builders
3. Conklin Book Center
4. Dunn/Donnelly Book/Harper Row Book
5. Eureka Tent Co.
6. Savin Corp.
7. Jewell Tea Co.
8. Binghamton Agway

The NYSDEC Confidential Memorandum to Mr. David Markell, NYSDEC Director - Division of Environmental Enforcement, from Mr. Michael J. O'Toole, Jr., NYSDEC Director - Division of Hazardous Waste Remediation, dated November 2, 1989, identified the following "industries in the vicinity of the Dumps that have been identified by the bureau of Eastern Remedial Action" (000771 & 000772, Refer to Appendix W).<sup>3</sup>

1. Malchak Garbage Service (Addressed as a Transporter PRP, Section 4.)
2. Tri-City Barrel Corporation
3. GAF Corporation

The NYSDEC Memorandum to Captain Larry Johnson, BECI, from Mr. Joseph L. Slack, Director - Bureau of Eastern Remedial Action, dated January 8, 1990 indicated: "...the DHWR needs information linking either GAF Corporation, General Electric, or any of their haulers with disposal at the Conklin Dumps. The chemicals, methylene chloride and toluene have been

---

2 Bates Nos. 000089, 000090 & 000093 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

3 Bates Nos. 000771 & 000772 NYSDEC Confidential Memorandum to Mr. David Markell, NYSDEC Director - Division of Environmental Enforcement, from Mr. Michael J. O'Toole, Jr., NYSDEC Director - Division of Hazardous Waste Remediation, dated November 2, 1989. (Refer to Appendix W)

detected in high levels in the groundwater from the Upper Landfill and both GAF and GE use and dispose of these chemicals” (000769, Refer to Appendix X).<sup>4</sup>

#### **Chesapeake Co. - Formerly Binghamton Box (Container) Co.**

Mr. Webb, past property owner and landfill employee of the Conklin Landfill, identified Chesapeake Co.—formerly Binghamton Box (Container) Co., as an “industry” which used the landfill and generated a waste stream which included boxes, cardboard, glue, and inks/oils (000093, Refer to Appendix T).<sup>5</sup> Mr. Guy Manning, Town of Conklin Highway Superintendent from 1984-1990 and former landfill equipment operator, confirmed that the waste being disposed of by Binghamton Container Co. (Chesapeake) was “cardboard and glues in plastic jugs.” (000091, Refer to Appendix T).<sup>6</sup> Based on the nature of the wastes listed, and those not listed, which are typically associated with a facility that uses large machinery and equipment, such as waste oils, lubricants, degreasers, and other machinery fluids and cleaners, Chesapeake Co.—Formerly Binghamton Box (Container) Co. is considered a PRP.

#### **Vindale Mobile Home Builders**

Mr. Webb identified Vindale Mobile Home Builders as an “industry” which used the landfill and indicated that the waste stream included paint, epoxy, and resins (000093, Refer to Appendix T).<sup>7</sup> Mr. Webb also indicated that he “... believes that the bulk of the material that was in drums and pails came from Savin and Vindale” (000092, Refer to Appendix T).<sup>8</sup> Based on the nature of the wastes listed, and those not listed which are typically associated with a facility which uses large machinery and equipment, such as waste oils, lubricants, degreasers, and other machinery fluids and cleaners, Vindale Mobile Home Builders is considered a PRP.

---

4 Bates No. 000769 Memorandum to Captain Larry Johnson, BECI, from Mr. Joseph L. Slack, Director - Bureau of Eastern Remedial Action, dated January 8, 1990. (Refer to Appendix X)

5 Bates No. 000093 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

6 Bates No. 000091 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

7 Bates No. 000093 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

8 Bates No. 000092 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

The Narrative Report pertaining to Mr. Webb's discussion on Vindale Mobile Home Builders included a notation that the facility is now (1990) in Ohio (495 Northcutt Place, Dayton, Ohio 45414), as well as the term "defunk" in parenthesis. (000093, Refer to Appendix T)<sup>9</sup> Mr. Graden Tampkins, Sewer Supervisor Town of Conklin, also indicated that Vindale is located in Dayton Ohio (000089, Refer to Appendix T).<sup>10</sup>

### **Conklin Book Center**

No information as to the type of waste generated and disposed of at the Conklin Landfills by Conklin Book Center, was located in the documents. In the absence of additional information, Conklin Book Center is not considered a PRP based on the assumption that the typical activity associated with a "book center" is the selling and distribution of books not the production, and/or binding of books.

### **Dunn/Donnelly Book/Harper Row Book**

Mr. Webb identified Dunn/Donnelly Book/Harper Row Book as an "industry" which used the landfill and indicated that the waste stream included out of date books and papers storage (000093, Refer to Appendix T).<sup>11</sup> The Narrative Report pertaining to Mr. Webb's discussion on Dunn/Donnelly Book/Harper Row Book included the term "out of business" in parenthesis. (000093, Refer to Appendix T)<sup>12</sup> Based on the waste stream identified, and the notation "out of business," Dunn/Donnelly Book/Harper Row Book is not considered a PRP.

### **Eureka Tent Co.**

Mr. Tim Murey indicated that the "... tent company purchases all materials, clothes, canvases,

---

9 Bates No. 000093 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

10 Bates No. 000089 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

11 Bates No. 000093 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

12 Bates No. 000093 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

nylon, and vinyl products already finished and the company only sew the pieces together. The company is comparative to a garment company, because they cut out and sew together things to produce a finished product.” Mr. Murey also indicated that the firm has employed the same practice as in the past “... about the same but 25 years ago, they used a lot more cotton” (000090, Appendix T).<sup>13</sup>

With respect to the firm’s waste practice and waste products, Mr. Murey indicated “... they (Eureka Tent Co.) rarely took their own material to the dump, only when a major clean up was called for once or twice a year and that it would be cardboard, wood pallets, etc.” Mr. Murey indicated that “...they do have sewing machine oil, but that’s limited to about a gallon or two a year,” and he also indicated that “ ... the company uses mineral spirits to lube a mold machine and wipe off sewing machines, but it is very small quantities - less than a couple of drums a year” (000090, Appendix T).<sup>14</sup>

Based on the waste produced and the fact that they have disposed material at the Conklin Landfills, Eureka Tent Co. is considered a PRP.

### **Savin Corp.**

Mr. Webb identified Savin Corp. as an “industry” which used the landfill and indicated that the waste stream included “Liquids in barrels hauler was Suburban Sanitary (5 gal. pails, drums, strong smell) a lot of drums 6 or 12 per load once a week by hauler or own truck.” (000093, Refer to Appendix T).<sup>15</sup>

Mr. Jerry Ramsford, Director Loyistia Savin Corporation (9 West Broad Street, P.O. Box 10270, Stamford CT 06904), in discussions with NYSDEC BECI stated that “..Savin Corp. purchased three facilities from NESCO. Savin purchased Magnetic Labs Inc. (NESCO) December 8, 1979”

---

13 Bates No. 000090 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

14 Bates No. 000090 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

15 Bates No. 000093 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

(000087, Refer to Appendix T).<sup>16</sup>

BECI was told by the Town of Conklin Water Superintendent "...that NESCO (SAVIN) went on the Town of Conklin Water Bill roll as of 10/23/77." (000088, Refer to Appendix T)<sup>17</sup> When BECI informed Mr. Webb "...that NESCO/Magnetic Labs/SAVIN didn't occupy the Conklin Rd. site since 1977, (Mr. Webb) said that was after the dump closed," and Mr. Webb was then informed "that Jewell Tea Co. used to occupy the same facility. (Mr. Webb then said that it could have been Jewell Tea Co. that brought the drums in, instead of SAVIN." (000088, Refer to Appendix T)<sup>18</sup>

With respect to Magnetic Labs Inc. (NESCO), a BECI telephone discussion with Mr. Mike McKenzie, President of Magnetic Labs. Inc., indicated that "Mr. Norm Turner, who is the current (1990) owner of Ebonex Inc., had been the owner of Magnetic Labs Inc. of Hallsted, PA & Conklin and Conklin Industries of Oswego. The Conklin Avenue plant manufactured a line of cookware products and sold them under the brand name of NESCO," and "[t]here was a log (lot) of heavy metals plating in the operation." (000087, Refer to Appendix T)<sup>19</sup>

Mr. Turner indicated that "...his company NESCO acquired the facility on Conklin Ave. (formerly Jewell Tea co.) in 1977 and operated there as NESCO for about two years when SAVIN purchased his company. NESCO used Trichloethene and MK and the spent solvents were recycled in a distillation process at Hallstead, PA." (000087, Refer to Appendix T)<sup>20</sup> Mr. Turner also indicated that "... he did not know if any waste went to the Conklin Landfill. He did recall that the company waste was picked up by Suburban Sanitation." (000087, Refer to Appendix T)<sup>21</sup>

---

16 Bates No. 000087 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

17 Bates No. 000088 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

18 Bates No. 000088 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

19 Bates No. 000087 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

20 Bates No. 000087 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

21 Bates No. 000087 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

Magnetic Labs. Inc., (NESCO) purchased the facility on Conklin Avenue from Jewell Tea Co. in 1977. According to town records, Magnetic Labs. Inc., went on the Town of Conklin Water Bill roll on 10/23/77. Savin then purchased the facility from NESCO in 1979, all transactions taking place after the landfill closed. Therefore, based on this timeline, Magnetic Labs. Inc., is considered a PRP.

On March 23, 1979, SAVIN Corporation announced in the Wall Street Journal that it had reached an understanding with Magnetic Laboratories to purchase it for about \$14 million (See Appendix Y). SAVIN completed its acquisition of Magnetic Laboratories on January 3, 1980 based on a Wall Street Journal article (See Appendix Y).

#### **Jewell Tea Co.**

Mr. Guy Manning indicated that he observed "... 5 gallon and 1 gallon containers of paints brought into the landfill by Jewell Tea Co. in their own trucks. Some of these pails were full, some partially full and others empty." (000091, Refer to Appendix T)<sup>22</sup> This appears to be confirmed by Mr. Webb's statements referenced in above section on Savin Corp. "Jewell Tea Co. was a warehouse operation and distributor for a general line of household products," and "occupied the facility on Conklin Avenue that was later occupied by NESCO (Savin.)." (000091, Refer to Appendix T)<sup>23</sup> Jewell Tea Co. is considered a PRP, and for further information on NESCO and Savin refer to the aforementioned section on Savin Corp in this report.

#### **Binghamton Agway**

Binghamton Agway was identified as disposing of its wastes into the landfill on February 20, 1969 based on a review of the landfill ledger (see Appendix T, 00089). It is not know how many more times Agway used the landfill. Tables 6-1 and 6-2 in Section 6 of this report identify

---

22 Bates No. 000091 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

23 Bates No. 000091 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

contaminants found at the Conklin Dumps and wastes generated by the PRP's. Chemicals and wastes generated by Agway include chemicals, gasoline, kerosene, diesel fuel, and agricultural chemicals. Wastes found at the landfill (i.e., volatile organic compounds, xylene, benzene, toluene, and metals) match those generated by Agway in Binghamton.

Binghamton Agway is considered a PRP based on the fact that they were documented as having disposed of material at the Conklin Landfill (000087, Refer to Appendix T)<sup>24</sup> and the waste generated by them matches waste found at the landfill.

### **Tri-City Barrel Corporation**

No information as to the type of waste generated and disposed of at the Conklin Landfills by Tri-City Barrel Corporation was located in the documents. In the absence of additional information, Tri-City Barrel Corporation is not considered a PRP at this time.

### **GAF Corporation**

The documents also include three Industrial Chemical Surveys from GAF Corporation (PRP, refer to Section 5), dated March 2, 1977, with one indicating Malchak Garbage Service as the firm removing waste. (000029-000034, See Appendix V)<sup>25</sup> The Industrial Chemical Survey, associated with Malchak Garbage Service, does not list a landfill. The list of the substances of concern includes trichlorethylene and trichlorethane, with the statement: "The above data is for 1976 and is typical for previous years." (000030, Refer to Appendix V)<sup>26</sup>

The aforementioned information on Malchak contradicts Mr. George Malchak's statement during the March 1990 NYSDEC BECI interviews in which the narrative report indicated that "...he

---

24 Bates No. 000087 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

25 Bates Nos. 000029-000034 Three Industrial Chemical Surveys from GAF Corporation, dated March 2, 1977. (Refer to Appendix V)



never hauled anything to the Conklin Landfill and had never been on the site.” (000088, Refer to Appendix T)<sup>27</sup>

Section 6 of this report discusses wastes found at the landfill and waste generated by the PRP's. Of the 17 volatile organic compounds found at the landfill, seven, or 41% were generated at the GAF facilities. See Section 6 for more detail.

Based on the information presented and the fact that: (1) Malchak has been associated with the disposal of waste at the Site, (2) Malchak was ultimately barred from the site for questionable disposal practices, and (3) identified by GAF as the firm removing the trichlorethylene and trichlorethane waste from the GAF facility— GAF can be considered a PRP. Furthermore, the documents identify Malchak as a hauler of GAF wastes in the Binghamton area where GAF had more than one facility.

#### **General Electric (GE)**

No information as to the waste generated by GE, their disposal firm, or their disposal practices as it relates to the Conklin Landfills, was located in the documents. In the absence of additional information, General Electric is not considered a PRP at this time.

---

26 Bates Nos. 000030 Three Industrial Chemical Surveys from GAF Corporation, dated March 2, 1977. (Refer to Appendix V)

27 Bates No. 000091 BECI Narrative Report, labeled Confidential - Not For Release (Refer to Appendix T)

## 6 SITE CONTAMINATION LINKAGE TO PRP'S

Several of the PRP's facility operations and associated waste match the waste type found at the landfill. In general, there are two hazardous waste types found at the Conklin Dumps, metals and volatile organic compounds (VOC's). Table 6-1 identifies the chemical constituents found at the landfill based on data found in the Remedial Investigation (See Appendix A - Tables 3, 4, 6, and 8 in RI). Table 6-2 identifies the waste streams and associated chemicals for each PRP. Information on PRP waste streams and chemical constituents are based on file documents. A review of Tables 6-1 and 6-2 indicate that wastes generated and disposed by the PRP's match those found at the site. In other words, wastes found at the Conklin Dumps matches wastes generated by the PRP's. An example is presented below.

GAF Corporation completed three industrial chemical surveys which identified 48 chemical compounds/mixtures/products used at its Binghamton area facilities (See Appendix V). This same set of documents prepared by GAF identified Malchak Garbage Service as the waste hauler who disposed wastes at the Conklin Dumps. Of the 17 volatile organic compounds found at the Conklin Dumps, GAF Corporation handled 7, or 41% (chloroform, methylene chloride, toluene, chlorobenzene, xylene, trichloroethylene, and 2-Butanone).

Wastes generated by the Chesapeake Company included glues, inks, solvent cleaners (which are DNAPL compounds). Waste found at the landfill include volatile organic compounds of which, DNAPL is identified.

Vindale Mobile Home Builders generated paint, epoxy, and resin wastes. Paint contains volatile organic compounds which were found at the landfill.

Jewel Tea Company generated paint wastes which contain volatile organic compounds (VOC). VOC's are found at the Conklin Dumps.

Agway companies manufacture and/or distribute chemicals, gasoline, kerosene, diesel fuel, agricultural chemicals, and farm products. Wastes from these goods include volatile organic compounds, xylene, benzene, toluene, and metals. These same wastes are found in the Conklin Dumps.

Tables 6-3, 6-4, and 6-5 identify contaminants found in private wells, landfill leachate, and groundwater at the site, respectively. A review of these data tables demonstrate that volatile organic compounds disposed at the Conklin Dumps were identified in the private wells, landfill leachate, and groundwater. Hence, contaminants found at the Conklin Dumps are linked to the PRP's.

**TABLE 6-1**  
**CHEMICAL COMPOUNDS DETECTED AT THE CONKLIN DUMPS**

METAL COMPOUNDS	VOLATILE ORGANIC COMPOUNDS
Iron Manganese Cadmium Arsenic Mercury Copper	Trichloroethene Tetrachloroethene 1,1-Dichloroethane 1,2-Dichloroethene Ethylbenzene Benzene Vinyl Chloride Toluene Methylene Chloride Xylene Chloroethane Chloromethane 1,1,1-Trichloroethane 1,2-Dichloropropane Chlorobenzene 2-Butanone (aka MEK) Bromomethane

**TABLE 6-2**  
**PRP WASTES vs. CHEMICAL CONSTITUENTS FOUND AT THE CONKLIN DUMPS**

PRP NAME	PRP WASTE TYPE GENERATED	CHEMICAL CONSTITUENTS DETECTED AT CONKLIN DUMPS
Chesapeake Company	Glue, inks, oils, solvent cleaners (DNAPL compounds)	Volatile organic compounds, DNAPL compounds
Vindale Mobile Home Builders	Paint, epoxy, resins	Volatile organic compounds
Savin Corporation/ Magnetic Laboratories	Liquids in barrels, metal plating sludge, spent solvents (DNAPL compounds)	Volatile organic compounds, metals, trichloroethane, MEK (2-Butanone), DNAPL Compounds
Jewel Tea Company	Paints	Volatile organic compounds
Binghamton Agway	Chemicals, gasoline, kerosene, diesel fuel, agricultural chemicals	Volatile organic compounds, xylene, benzene, toluene, metals
GAF Corporation	Organic chemicals, film coating solutions, metal plating sludge, paint thinners	Chloroform, trichloroethene, toluene, methylene chloride, 2-Butanone (MEK), chlorobenzene, xylene, copper

DNAPL = Dense Non Aqueous Phased Liquids

**TABLE 6-3**  
**CHEMICAL COMPOUNDS DETECTED IN PRIVATE WELLS**

CONTAMINANT (ug/l)	WELL OWNER/ NUMBER		
	D. HAMM 13	TOWN HALL 14	L. BROWN 17
Chloroform	2	13	-
1,2-Dichloropropane	-	1	-
Bromodichloromethane	-	9	-
Carbon Tetrachloride	-	2	-
Trichloroethene	-	-	9

Note : All compounds detected are volatile organic compounds.

**TABLE 6-4**  
**CHEMICAL COMPOUNDS DETECTED IN CONKLIN DUMPS LEACHATE (ug/l)**

Contaminants	Lower Landfill				Upper Landfill							
	Leachate Well No. / Date				Leachate Well No. / Date							
	13 8/8/83	13 8/20/83	15 8/8/83	15 8/20/83	14 8/8/83	14 8/19/83	14 2/13/86	14 Jan-88	16 Aug-83	16 Jan-88	16 Jan-88	16 Jan-88
Concentration are reported in ug/l												
Chloromethane						2						1
Chloroethane					19	15						
Methylene Chloride		2	2	4	1600	2100	150		4			
1,1-Dichloroethane					62	80						
1,2-Dichloroethane					6	10						
1,1,1-Trichloroethane	2	2										2
1,2-Dichloropropane			45	20	150	350						
Benzene	2				40	47	33	32	7			
Tetrachloroethene					5	4						
Toluene	17	13		1	1100	1200	1200	1400	8			
Chlorobenzene	2	2					150	150				
Ethylbenzene	8	5			34	59	89	140	23			1
Total Xylenes	26	7				160	190	300	40			3

**TABLE 6-5**  
**GROUND WATER QUALITY DATA**

Contaminants	Monitoring Well Number (Concentrations reported in ug/l)						
	2	3	7	8	11*	18	38
Mehtylene Chloride	4				32		
Bromomethane					2		
Vinyl Chloride					16		
Chloroethane					170		
1,1-Dichloroethane					150		
1,2-Dichloroethene					4		
1,2-Dichloroethane					3		
1,1,1-Trichloroethene					9		
1,2-Dichloropropane					43		
Trichloroethene					2		
Benzene	2	1	6	2	3		
Toluene					110	2J	2
Total Xylene					11	3J	
2-Butanone						3J	

Notes : J = estimated value, \* maximum concentration reported



## SECTION 7

### PRP FINANCIAL DATA

GRB has obtained recent financial data from the following business and financial databases in an effort to establish the financial positions of the PRPs:

- Standards & Poor's Stock Reports-New York Stock Exchange
- Moody's Industrial Manual
- American Business Information
- The Value Line Investment Survey
- Standard Corporations Description
- America's Corporate Families and International Affiliates
- D&B Million Dollar Directory
- Directory of Corporate Affiliations (US Private Companies)
- Capital Changes Reporter
- Center for Business Research, Long Island University, C.W. Post Campus

Based upon information obtained and reviewed, the following companies appear to be PRPs at the Conklin Landfill:

1. Binghamton Container (Chesapeake Corporation)\*
2. Jewell Tea Company (Jewell Companies / American Stores Company )\*
3. Magnetic Laboratories (Savin Corporation / Ricoh Corporation / Ricoh Company Limited)\*
4. GAF Corporation\*
5. Binghamton Agway (Agway Incorporated)\*
6. Malchak Salvage Company\*
7. Vindale Corporation
8. Suburban Sanitary Services (607) 775-3693
9. Joe's Disposal (717) 879-2984
10. Conklin Disposal

## 11. J.N. Giammarino Construction Company (607) 724-0840

Of the eleven PRPs identified, GRB was able to obtain financial data on seven companies (marked with \*). Three additional companies are known to still be operational: Suburban Sanitary Services, Joe's Disposal, and J. N. Giammarino Construction Company. Financial data on these companies was not available, however, they have been in business for over two decades and therefore are likely to be financially stable. The following subsections provide a discussion on each of the seven PRPs whose financial position data has been obtained.

### 7.1 BINGHAMTON CONTAINER (CHESAPEAKE CORPORATION)

Binghamton Container Company was acquired by Chesapeake Corporation in December 1967, three years after the Conklin Landfill began operations (See Appendix Z-1, Moddy's Industrial Manual History on Chesapeake Corp.). Therefore, Chesapeake Corporation is the successor to Binghamton Container. Chesapeake Corporation incorporated in Virginia on October 25, 1918.

Chesapeake Corporation is a packaging and paper company, whose primary business consists of the manufacture and sale of packaging, tissue, and craft products. The company is traded over the New York Stock Exchange, NYSE Symbol CSK. In May of 1997, it sold its craft products and corrugated box operations to St. Laurent Paperboard Inc. of Toronto, Canada, for approximately \$500 million US dollars.

At year end 1996, the company had plants in 16 States, Canada, Mexico, and France. Within New York, the company has plants at the following locations (See Appendix Z-1, Moody's Industrial Manual - Property):

- Binghamton
- Greenwich
- North Tonawanda
- Buffalo
- Le Roy
- Scotia

As of December 31, 1996, the company employed 6,914 people. Selected corporate officers include the following:

Chairman/CEO/President	J. C. Fox
Chief Operating Officer	Paul A. Dresser, Jr.
General Counsel	J. P. Causey, Jr.
Chief Financial Officer	William T. Tolley

The address of the Corporate office is:

Chesapeake Corporation  
 1021 East Cary Street  
 Richmond, VA 23218-2350  
 Phone: (804) 697-1000  
 Fax: (804) 697-1199

Outside auditors are Coopers & Lybrand, L.L.P.

Revenues over the last five years, is presented below:

	Fiscal Year Ending December 31					
	1997	1996	1995	1994	1993	1992
Revenues (Millions \$)						
1Q	294.5	277.7	291.1	212	209	210
2Q	264.3	276.6	315.1	236.9	236.4	229
3Q		309.3	330.8	266.9	238.3	236
4Q		295	296.7	274.7	201	213
Yr.		1,159	1,234	990.5	885	888

Source: Standard & Poor's Stock Report, 10/6/97

Reported revenues from 1991 to 1987 are as follows:

1991 (\$841 Million)  
 1990 (\$841 Million)  
 1989 (\$813 Million)

1988 (\$711 Million)

1987 (\$676 Million)

Total assets have risen from \$591 million in 1987 to \$1.29 Billion in 1996.

A review of Moody's Industrial Manual financial data provides the following information on gross revenues and total assets:

Year/Financial Data	1996	1995	1994
Net Sales	\$1,158,600,000	\$1,233,700,000	\$990,500,000
Total Assets	\$1,290,200,000	\$1,146,300,000	-

Data obtained from American Business Information states that Chesapeake Corporation employs between 5,000 and 9,999 people, has a "very good" credit rating, and has sales in excess of \$1 billion. Lines of business include the following:

<u>SIC Code</u>	<u>Line of Business</u>
2621-01	Paper-Manufacturing
2421-98	Sawmills & Planing Mills-General
2435-01	Plywood & Veneer (manufacturers)
2436-98	Softwood Veneer & Plywood (manufacturers)
2611-02	Pulp & Paper Products (manufacturers)
2631-02	Mills-Paperboard
2653-01	Corrugated & Solid Fiber Boxes (manufacturers)

## **7.2 JEWEL TEA COMPANY**

Jewel Tea Company, Inc. incorporated in New York on January 14, 1916, is the successor to Jewel Tea Co. of Illinois, incorporated in 1904. Jewel Companies, Inc. is the successor of Jewel Tea Company, Inc. On November 16, 1984, Jewel Companies, Inc., merged into American Stores Company (See Appendix Z-2 - Capital Changes Reports). American Stores Company

paid \$1.1 billion in cash and securities for Jewel Companies. Therefore, American Stores Company is the successor to Jewel Tea Company, Inc. (See Appendix Z-2).

The primary business of American Stores is retail sale of food and drug merchandise. The company's principal food operations are Acme Markets, Jewel Food Stores, Lucky Stores, and Jewel Osco Southwest. Their principal drug stores are Osco Drugs and Sav-On-Drug Stores. At year end 1996, the company operated 577 supermarkets, 399 combination stores, and 719 drug stores. Subsidiaries include the following:

- Jewel Companies, Inc.
  - Acme Markets, Inc.
  - Jewel Food Stores, Inc.
- American Drug Stores, Inc. dba
  - Osco Drug
  - Sav-On
  - RxAmerica, Inc.
- Health 'n' Home Corporation
- The Open Pharmacy Network, Inc.
- American Food and Drug, Inc.
  - Jewel Osco Southwest, Inc.
  - Lucky Stores, Inc.
  - American Stores Properties, Inc.
- American Stores Realty Corp.
- Skaggs Telecommunications Service, Inc.
- American Procurement and Logistics Company
- ASC Services, Inc.
- Kap's Kitchen and Pantry, Inc.

The company employs 127,000 people and is headquartered at:

709 East South Temple,  
Salt Lake City, UT 84102  
Phone (801) 539-0112

The Corporate officers include the following selected individuals:

Chairman and CEO	Victor L. Lund
Chief Operating Officer	David L. Maher
Chief Financial Officer	Teresa Beck
Chief Legal Officer	Kathleen E. McDermott
Senior Vice President	Jack Lent

Outside auditors are Ernst & Young L.L.P. American Stores is traded over the New York Stock Exchange under the NYSE symbol ASC. Gross quarterly revenues and total assets as reported by Standard & Poor's Stock Reports is as follows:

**Gross Quarterly Revenues From 1992 to 1997**

		Fiscal Year Ending January 31				
		1997	1996	1995	1994	1993
Revenue (millions \$)						
1Q	\$ 4,580	\$ 4,362	\$ 4,610	\$ 4,668	\$ 4,920	\$ 5,410
2Q		\$ 4,495	\$ 4,669	\$ 4,693	\$ 4,700	\$ 5,260
3Q		\$ 4,361	\$ 4,432	\$ 4,532	\$ 4,570	\$ 4,940
4Q		\$ 5,091	\$ 4,647	\$ 4,871	\$ 4,850	\$ 5,220
Year		\$ 18,309	\$ 18,355	\$ 18,763	\$ 19,050	\$ 20,820

Gross revenues reported for early years are as follows:

1991	\$22,156,000,000
1990	\$22,004,000,000
1989	\$18,478,000,000
1988	\$14,272,000,000
1987	\$14,022,000,000

Total assets as reported by Standard & Poor's Stock Reports since 1987 is as follows:

1996 \$7,363,000,000  
 1995 \$7,032,000,000  
 1994 \$6,927,000,000  
 1993 \$6,545,000,000  
 1992 \$6,955,000,000  
 1991 \$7,245,000,000  
 1990 \$7,398,000,000  
 1989 \$7,010,000,000  
 1988 \$3,650,000,000  
 1987 \$3,590,000,000

Financial data published in the August 15, 1997 Value Line Investment Survey provides the following information on Gross Sales and Net Profit:

	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
Financial Data Reported in millions \$												
Sales	\$ 14,272	\$ 18,478	\$ 22,004	\$ 22,156	\$ 20,823	\$ 19,051	\$ 18,763	\$ 18,355	\$ 18,309	\$ 18,678	\$ 19,600	\$ 20,500
Net Profit	\$ 146.6	\$ 80.6	\$ 115.6	\$ 176.8	\$ 189.4	\$ 220.4	\$ 262.1	\$ 282.4	\$ 316.8	\$ 347.3	\$ 380.0	\$ 435.0

Standard Corporations Descriptions reported the following earnings and financials:

<u>Year Ending</u>	<u>Net Sales</u>	<u>Net Income</u>	<u>Total Assets</u>
Feb. 1, 1997	\$18,678,000,000	\$287,000,000	\$7,881,000,000
Feb. 3, 1996	\$18,309,000,000	\$317,000,000	\$7,363,000,000
Jan. 28, 1995	\$18,355,000,000	\$345,000,000	-

Moody's Industrial Manual provides the following financial and earning data:

<u>Year Ending</u>	<u>Net Sales</u>	<u>Net Income</u>	<u>Total Assets</u>
Feb. 1, 1997	\$18,678,129,000	\$287,221,000	\$7,881,405,000
Feb. 3, 1996	\$18,308,894,000	\$316,809,000	\$7,362,964,000
Jan 28, 1995	\$18,355,126,000	\$345,184,000	-

American Stores Company, successor to Jewel Tea Company, is in strong financial position.

### **7.3    MAGNETIC LABORATORIES**

As discussed earlier, Magnetic Laboratories was purchased by Savin Corporation in March 1979. The purchase made Savin the successor to Magnetic Laboratories. Savin Corporation is reported in the Million Dollar Directory to be a subsidiary of Ricoh Corporation. GRB researched Ricoh Corporation in the Million Dollar Directory and found that it is a subsidiary of Ricoh Company Limited of Japan (See Appendix Z-3).

#### **7.3.1    Savin Corporation**

Savin Corporation was founded in 1959 and is headquartered at 33 Ludlow Street, Stamford, CT 06902-6911, phone (203) 967-5000. Its line of business is reported to be facsimile equipment, photocopying supplies, facsimile equipment, office supplies, photocopying machines, business machines and equipment, office forms and supplies, and office machine rentals. Associated SIC codes for this line of business are 5044, 5065, 5112, 5999, 5943, and 7359.

Corporate officers include the following:

Chairman of the Board	Hisao Yuasa
Vice President	William B. Horn
Vice president	Daniel J. Piccoli



Savin employs 774 people and its reported earnings were \$68,700,000. Savin Corporation appears to be in strong financial position.

### **7.3.2 Ricoh Corporation**

Ricoh Corporation is headquartered at 5 Dedrick Place, Caldwell, NJ 07006-6304, phone (973) 882-2000. The company was founded in 1962 and employs 2,800 people. Its bank is Bank of Tokyo-Mitsubishi, Ltd of New York, NY. Its line of business is reported to be photocopying machines; facsimile equipment; printers, computers; disk drives; and photographic cameras, projectors, equipment, and supplies. Associated SIC codes for this line of business are 5044, 5065, 5045, 5043, 3861, and 3661.

Selected Corporate officers are the following:

Chairman of the Board/CEO	Hisashi Kubo
President/COO	Eric L Steenburgh
Executive Vice President	Akio Miyazaki
Sr. VP Treasurer	Etsuo Kobayashi
Sec/General Counsel	Robert D Polucki

Recent reported earnings were \$248,000,000. Ricoh Corporation appears to be in strong financial position.

### **7.3.3 Ricoh Company Limited**

Ricoh Co. Ltd., is incorporated in Japan and is publicly traded on the OTH exchange under the ticker symbol RICOY. The company is headquartered at 15-5, 1-Chome Minami-Aoyama, Minato-Ku, Tokyo 197, Japan FF, phone 0334793111. Its D-U-N-S number is 69-054-9118. The company's line of business is photographic equipment and supplies (SIC 3861); telephone

and telegraph apparatus (SIC 3661); computer peripheral equipment (SIC 3577); and office machines (SIC 3579). The company employs 50,000 people worldwide.

Selected corporate officers are as follows:

President	Hiroshi Hamada
Vice President	Kenji Hiruma
Vice President	Hisashi Kubo
Managing Director	Takao Nawate
Managing Director	Kazuhiro Sakai
Managing Director	Tatsuo Hirakawa
Statutory Auditor	Akio Miyazaki

There are common officers between Ricoh Corporation and Ricoh Company Limited as follows: Hisashi Kubo is Chairman of the Board at Ricoh Corporation in New Jersey and Vice President at Ricoh Company Limited in Japan. Akio Miyazaki is Executive Vice President at Ricoh Corporation in New Jersey and Statutory Auditor at Ricoh Company Limited in Japan.

Arthur Anderson & Company audited the consolidated balance sheets of Ricoh Co. Ltd. and consolidated subsidiaries as of March 31, 1994 and 1995. The following financial data is an outcome of that audit:

#### Five Year Summary

Date	Sales (\$)	Net Income (\$)
1995	\$ 1,020,296,000	\$ 18,593,000
1994	\$ 968,318,000	\$ 9,520,000
1993	\$ 1,021,915,000	\$ 5,015,000
1992	\$ 1,017,417,000	\$ 2,041,000
1991	\$ 1,003,263,000	\$ 13,557,000
Growth Rate	0.40%	8.20%

The company's total assets are reported to be as follows:

1992	\$1,235,779,000
1993	\$1,228,959,000
1994	\$1,238,275,000
1995	\$1,320,617,000

As of 1995, Ricoh Company Limited was in strong financial position and there is no reason to believe that this has changed.

#### **7.4 GAF CORPORATION**

GAF Corporation is headquartered at 1361 Alps Road, Wayne, NJ 07470-3700, phone (973) 628-3000. The company employs 4,814 people and was founded in 1929. The company's bank is Chase Manhattan Bank NA, Inc. located in New York, NY (See Appendix Z-4).

The company's line of business and associated SIC codes are as follows:

<u>SIC</u>	<u>Lines of Business</u>
2869-98	Industrial Organic Chemicals NEC (mfrs)
2431-03	Building Materials -Manufacturers
2813-01	Gas-Ind & Medical-Cylinder & Bulk-(mfrs)
2819-98	Industrial Inorganic Chemicals NEC (mfrs)
2821-01	Plastics-Raw Materials/Powder/Resin (mfrs)
2843-98	Surface Active Agents (mfrs)
2873-01	Fertilizers-Manufacturers
2879-98	Pesticides & Agricultural Chemicals NEC (mfrs)
2899-05	Chemicals-Manufacturers
2952-98	Asphalt Felts & Coatings (mfrs)
3089-02	Plastics and Plastic Products (mfrs)
3229-05	Glassware-Manufacturers

3295-98	Minerals/Earths-Ground or Treated (mfrs)
3399-04	Metal Specialties-Manufacturers
4832-01	Radio Stations and Broadcasting Companies
5039-99	Construction Materials NEC (wholesale)
5169-16	Chemicals (wholesale)

Reported earnings are as follows:

American Business Information	Over \$1 Billion
D&B Million Dollar Directory	\$1.1 Billion
America's Corp Family & International Affiliates	\$1 Billion

GAF Corporation appears to be in a good financial position.

## 7.5 **BINGHAMTON AGWAY**

Binghamton Agway was an Agway Inc. company located in Binghamton, New York. Agway Inc. is headquartered at 333 Buttermilk Drive, De Witt, New York 13214-1803, phone (315) 449-7061, fax (315) 449-6281. The reported D-U-N-S number is 00-224-9159. The company was founded in 1964 and employs 9,000 people. Agway Inc.'s line of business is livestock feeds; agricultural chemicals; farm supplies; animal feeds; seeds and bulbs; fertilizers and agricultural chemicals; petroleum products; gasoline; kerosene; diesel fuel; fluid milk; ice cream and frozen desserts. The associated SIC codes with its lines of business are 2048, 2879, 5191, 5172, 2026, and 2024 (See Appendix Z-5).

Selected corporate officers include:

Chairman of the Board	Ralph H Heffner
Vice Chairman	Robert L Marshall
President & CEO	Donald P Cardarelli
Sr. VP Services	David H Hayes (General Counsel)
Sr. VP Finance	Peter J O'Neil

Vice President	Robert A Fischer
Vice President	Kevin S Fuess
Vice President	Robert D Sears
Board Member	Keith H Carlisle
Board Member	Gary Van Slyke

The company's bank is Chase Manhattan Bank NA, Inc. located at 395 N. Service Road, Melville, NY 11747 (212-552-6123) and its outside accountants are Coopers & Lybrand LLP located at One Lincoln Center, Syracuse, NY 13202 (315-474-8541).

Reported earnings are as follows:

D&B Million Dollar Directory	\$2 Billion
Directory of Corporate Affiliations	\$1,700,000,000

Agway appears to be in a strong financial position.

#### **7.6 MALCHAK SALVAGE COMPANY**

Malchak Salvage Company is located at 360 Castle Creek Road, Castle Creek, NY 13744, phone (607) 648-4827. This privately held company is owned by Mr. George Malchak. The company's reported line of business today is recycling centers (wholesale), SIC Code 5093-12. The company employs between 10 and 19 people and has an estimated annual sales volume between \$2.5 and \$5 million. Its 1997 credit rating is labeled as "good". Malchak company has been in business for over two decades, therefore, its financial stability is likely to be relatively fair (See Appendix Z-6).

#### **7.7 VINDALE CORPORATION**

Vindale Mobile Homes was reportedly located in Dayton, Ohio. GRB's research identified a company named Vindale Corporation which incorporated in Ohio in 1965. The Capital Changes

Report (see Appendix Z-7) noted that Vindale Corporation incorporated in Ohio in 1965 and merged with another company on December 3, 1981. However, the company which Vindale merged with is not identified. GRB viewed numerous reference sources [D&B Million Dollar Directory, Moody's Industrial Manual, Standard & Poors Stock Reports (OTC, NYSE, ASE), and American Business Information] and found no information on Vindale Corporation or Vindale Mobile Homes.

## **7.8 SUBURBAN SANITARY SERVICES**

### **JOE'S DISPOSAL**

### **J.N. GIAMMARINO CONSTRUCTION COMPANY**

Financial data was not available for these privately held companies. However, these companies have been operating for over two decades. Based on previous PRP reports prepared by GRB where gross income of small disposal firms were identified, likely gross income of these companies varies between \$500,000 and \$2 million annually. These companies can be reached by phone at:

J. N. Giammarino Construction Company	(607) 724-0840
Suburban Sanitary Services	(607) 775-3693
Joe's Disposal Service	(717) 879-2984

## **7.9 CONKLIN DISPOSAL**

No information could be found regarding Conklin Disposal. Various business directories (D&B Million Dollar Directory, Moody's Industrial Manual, Standard & Poor's Stock Reports (OTC, NYSE, ASE), American Business Information) were researched and several calls were placed to area operators seeking information or a telephone number. It is believed that Conklin Disposal is no longer operational.

## SECTION 8

### SUMMARY OF FINDINGS

The evidence contained in available documents and appended to this report, identifies the following entities as PRPs:

- Suburban Sanitary Services\*\*
- Joe's Disposal\*\*
- Conklin Disposal (believed to be defunct)
- Malchak Salvage Company\*\*
- J. N. Giammarino\*\*
- Binghamton Container (Chesapeake Company)\*
- Jewel Tea Company (Jewel Companies/American Stores Company)\*
- Magnetic Laboratories (Savin Corporation / Ricoh Corporation / Ricoh Company Limited)\*
- GAF Corporation\*
- Vindale Mobile Homes (Vindale Corporation)

Several of the listed PRPs (those marked with an "\*\*") are in very strong financial position with annual sales in excess of \$1 billion. The remaining operational PRPs (\*) are much smaller and have annual revenues of less than \$5 million.