



**FORT DRUM  
ADMINISTRATIVE RECORD FILE  
INDEX OF DOCUMENTS**

**1.0 FACTUAL INFORMATION/DATA**

**1.3 POLREPs**

- P. 100001-100004 Pollution Report One (1), Removal Action, Fort Drum Site, Route 26, Fort Drum, Watertown, New York, prepared by Mr. Christopher A. Militscher, On-Scene Coordinator, Response and Prevention Branch, U.S. EPA, Region II, and Mr. Dwayne Harrington, On-Scene Coordinator, Response and Prevention Branch, U.S. EPA, Region II, Recipients: See Distribution List, August 24, 1987.
- P. 100005-100007 Pollution Report Two (2), Removal Action, Fort Drum Site, Route 26, Fort Drum, Watertown, New York, prepared by Mr. Christopher A. Militscher, On-Scene Coordinator, Response and Prevention Branch, U.S. EPA, Region II, and Mr. Dwayne Harrington, On-Scene Coordinator, Response and Prevention Branch, U.S. EPA, Region II, Recipients: See Distribution List, August 25, 1987.
- P. 100008-100010 Pollution Report Three (3), Removal Action, Fort Drum Site, Route 26, Fort Drum, Watertown, New York, prepared by Mr. Christopher A. Militscher, On-Scene Coordinator, Response and Prevention Branch, U.S. EPA, Region II, and Mr. Dwayne Harrington, On-Scene Coordinator, Response and Prevention Branch, U.S. EPA, Region II, Recipients: See Distribution List, August 26, 1987.
- P. 100011-100013 Pollution Report Four (4), Removal Action, Fort Drum Site, Route 26, Fort Drum, Watertown, New York, prepared by Mr. Christopher A. Militscher, On-Scene Coordinator, Response and Prevention Branch, U.S. EPA, Region II, and Mr. Dwayne Harrington, On-Scene Coordinator, Response and Prevention Branch, U.S. EPA, Region II, Recipients: See Distribution List, August 28, 1987.
- P. 100014-100016 Pollution Report Five (5), Removal Action, Fort Drum Site, Route 26, Fort Drum, Watertown, New York, prepared by Mr. Christopher A. Militscher, On-Scene Coordinator, Response and Prevention Branch, U.S. EPA, Region II, and Mr. Dwayne Harrington, On-Scene Coordinator, Response and Prevention Branch, U.S. EPA, Region II, Recipients: See Distribution List, August 31, 1987.

- P. 100017- Pollution Report Six (6) and Final, Removal Action, Fort Drum Site, U.S.  
100019 Army, Old Route 26, Fort Drum, Watertown, New York, prepared by Mr. Christopher A. Militscher, On-Scene Coordinator, Response and Prevention Branch, U.S. EPA, Region II, Recipients: See Distribution List, September 29, 1987.

## **2.0 DECISION DOCUMENTS**

### **2.2 Action Memoranda and Amendments**

- P. 200001- Preliminary Assessment and Request for Rapid Authorization of CERCLA  
200008 Removal Action Monies for the U.S. Army Fort Drum Site, Fort Drum, Jefferson Co., New York, to Mr. Stephen D. Luftig, Director, Emergency and Remedial Response Division, U.S. EPA, Region II, from Mr. Christopher A. Militscher, On-Scene Coordinator, Response and Prevention Branch, U.S. EPA, Region II, through Mr. Fred N. Rubel, Chief, Response and Prevention Branch, U.S. EPA, Region II, August 20, 1987.

## **3.0 PUBLIC PARTICIPATION**

### **3.6 Press Coverage**

- P. 300001- Newspaper Article: "Toxic Dumping at Fort Drum Target of Probe,  
300001 Indictments Possible in Ft. Drum, Dumping," prepared by Ms. Connie Bramstedt, The Syracuse Herald-Journal, March 2, 1988.
- P. 300002- Press Release, prepared by U.S. Department of Justice, March 2, 1988.  
300004
- P. 300005- Newspaper Article: "Fort Drum Man Accused of Toxic Dumping, Civilian  
300005 Allegedly Ordered Disposal of Paints in Pond," prepared by Mr. Tom Foster, The Post Standard, March 3, 1988.
- P. 300006- Newspaper Article: "Fort Drum Man Charged with Dumping Toxins,"  
300006 prepared by Mr. Tom Foster, The Post Standard, March 3, 1988.
- P. 300007- Newspaper Article: "Paint in Drum Pond Created Threats of Poison,  
300007 Explosion," prepared by Mr. David C. Shampine, The Watertown Daily News, March 3, 1988.

- P. 300008- Newspaper Article: "Fort Drum, River Sites Added to Updated Hazardous  
300008 List," prepared by Ms. Lu Feorino, The Watertown Daily News, March 3,  
1988.
- P. 300009- Memorandum to Editor, from Mr. Christopher A. Militscher, On-Scene  
300012 Coordinator, Response and Prevention Branch, U.S. EPA, Region II, re:  
Press release reprint, July 7, 1988. (Attached Press Release: "First EPA  
Conducted Superfund Cleanup at a DOD Facility," prepared by U.S. EPA,  
Region II, undated.)

U.S. ENVIRONMENTAL PROTECTION AGENCY

POLLUTION REPORT

DATE: August 24, 1987

Region II  
Response and Prevention Branch  
Edison, New Jersey 08837

(201) 548-8730 - Commercial & FTS  
24 Hour Emergency

TO: C. Daggett, EPA  
S. Luftig, EPA  
R. Salkie, EPA  
F. Rubel, EPA  
J. Marshall, EPA  
J. Czapora, EPA  
V. Petruzzello, EPA  
B. Adler, EPA  
W. Graff, EPA/OCI  
ERD, Washington, D.C.  
(E-Mail)  
USCG 9th District  
T. Balunis, USCG Buffalo  
N. Nosenchuck, NYSDEC  
J. Warneck, U.S. Army  
R. Hargrove, EPA  
J. Constantino, EPA  
TAT

POLREP NO.: One (1)  
INCIDENT NAME/SITE NO.: Fort Drum Site  
U.S. Army/X6  
POLLUTANT: Nitrocellulose and  
Enamel Based Paints  
CLASSIFICATION: Major  
SOURCE: Isolated Illegal  
Dumping of Paint Wastes  
LOCATION: Corner of Nauvoo School Road,  
Route 26, Fort Drum, Watertown,  
New York  
AMOUNT: Approximately 200 (5) Gallon  
Paint Cans  
WATER BODY: Indian River

1. SITUATION:

A. On July 9, 1987, Colonel Jimmy R. Moore, Garrison Commander for the U. S. Army, Fort Drum facility, requested the assistance of the USEPA for the clean-up of illegally dumped paint cans. The Army will be reimbursing EPA's CERCLA monies through an Interagency Agreement (IAG).

100001

B. EPA's Office of Criminal Investigation (OCI) and Environmental Services Division (ESD), Office of Regional Counsel (ORC) are involved in the criminal aspect of the alleged dumping by Department of Defense (DOD) civilian employees.

C. The preliminary assessment and action memorandum was approved on August 20, 1987.

D. On August 20, 1987, Mr. Robert Hargrove of the Environmental Impacts Branch received a \$50,000 initial procurement request from the Army to cover clean-up reimbursement.

E. The pond area is essentially dry and is approximately 50' x 100'. The southern portion of the pond shows evidence of earth mounds of buried paint cans, and exposed corroded paint can rims. There seems to be no evidence of stressed vegetation in the area as indicated by thick vegetation growth.

F. The pond is located approximately sixty (60) feet to a main gravel road (Nauvoo School Road). Vacant sheds and buildings are located to the SW and SE portions of the pond site. Office space in one of the buildings cannot be arranged for EPA's use as of now.

G. ERCS, TAT and EPA found that logistical problems (i.e. distance to paved roads) may initially delay mobilization activities. An office trailer and cellular phones may be required to remedy the situation with the inaccessible building. In addition, lodging accommodations in Watertown area are presenting problems for on-scene personnel.

2. ACTION TAKEN:

A. On August 24, 1987, at approximately 1200 hours, an initial site survey assessment and reconnaissance was made by EPA, TAT, ERCS and the Army. Representatives of these offices met on-site to discuss personnel and equipment specifically required for the clean-up operations. Logistically, the site is located in an extremely remote area, away from the main military facilities. Military personnel served as a guide in locating the site.

B. EPA obtained detailed maps from the Army, so as to facilitate quick and safe routes for heavy equipment transportation on-site.

F. EPA, ERCS, and TAT left the site at approximately 1330 hours in order to obtain equipment and other materials.

3. MEASURES WHICH COULD AVOID RELEASES OF SIMILAR NATURE  
(NARRATIVE AND PREVENTION CODE):

A. Unknown at this time.

4. FUTURE PLANS AND RECOMMENDATIONS:

A. EPA will continue to coordinate with the Army on mobilization activities planned for August 25, 1987.

B. ERCS has received an advance copy of DWO for August 25, 1987; this will enable them to plan for the appropriate equipment and personnel.

C. Problem with logistics will be worked out as mobilization continues. EPA will continue to try to get telephone capabilities at the site.

5. FINANCIAL ACCOUNTING:

A. Total Project Ceiling Authorized	\$ 112,000
B. Total Funds Authorized for Mitigation Contracts	83,970
C. Expenditures for Mitigation Contracts	
1.a. Amount obligated to DCN KCS 728	50,000
1.b. Estimated Expenditures as of 8/24/87	5,000
1.c. Balance Remaining	45,000
D. Unobligated Balance Remaining	33,970
E. Estimate of Total Expenditures to Date for all Mitigation Contracts	5,000
F. Other Extramurals Costs	
1.a. TAT salary/travel as of 8/24/87	510
G. Intramural Removal Costs	
1.a. EPA travel and salaries as of 8/24/87	630

H. Total Expenditures	6,140
% of \$2 Million	.003%
I. Percentage of Total Project Ceiling	5.5%

FURTHER  
POLREPS  
FINAL POLREP            FORTHCOMING X SUBMITTED BY Christopher A. Militscher  
Christopher A. Militscher/  
Dwayne Harrington  
Response and Prevention  
Branch

Date Released 9/2/87

U.S. ENVIRONMENTAL PROTECTION AGENCY

POLLUTION REPORT

DATE: August 25, 1987

Region II  
Response and Prevention Branch  
Edison, New Jersey 08837

(201) 548-8730 - Commercial & FTS  
24 Hour Emergency

TO: C. Daggett, EPA  
S. Luftig, EPA  
R. Salkie, EPA  
F. Rubel, EPA  
J. Marshall, EPA  
J. Czapor, EPA  
V. Petruzzello, EPA  
B. Adler, EPA  
W. Graff, EPA/OCI  
ERD, Washington, D.C.  
(E-Mail)  
USCG 9th District  
T. Balunis, USCG Buffalo  
N. Nosenchuck, NYSDEC  
J. Warneck, U.S. Army  
R. Hargrove, EPA  
J. Constantino, EPA  
TAT

POLREP NO.: Two (2)  
INCIDENT NAME/SITE NO.: Fort Drum Site  
U.S. Army/X6  
POLLUTANT: Nitrocellulose and  
Enamel Based Paints  
CLASSIFICATION: Major  
SOURCE: Isolated Illegal  
Dumping of Paint Can Wastes  
LOCATION: Corner of Nauvoo School Road and  
Route 26, Fort Drum, Watertown,  
New York  
AMOUNT: Approximately 200 (5) Gallon  
Paint Cans  
WATER BODY: Indian River

1. SITUATION:

A. Same as POLREP #1.

2. ACTION TAKEN:

A. EPA (OSC's)/TAT and eight (8) OHM employees arrived on-site. Decontamination zones and site safety meetings/ were held.

100005



Decon zones were delineated; the pond area was the hot zone, approximately eighty (80) feet towards a local road was the contamination reduction zone and the entry point and smoking areas were adjacent to local road. Laboratory trailer was set up for surface water/soil analyses. Office trailer was established in the contaminated reduction zone. A shower and eye wash system with a portable fire extinguisher was installed.

B. The backhoe was used to level pathways for easier entry/exit to and from the hot zone, as a result of a local drainage ditch that hindered backhoe maneuverability.

All decon zones were delineated with the use of the standard yellow hazardous waste indicator tape lines. Power at the site is presently being supplied by a small low-capacity generator.

C. Preliminary air monitoring was done in level C with the use of the HNU and explosimeter. All zones indicated background readings to 0.04 ppm. Photodocumentation of site set-up and decon set-up were taken.

A hazardous waste steel roll-off container system was established in the hot zone.

Appropriate Army officials were constantly kept abreast of daily site activities.

D. Some OHM personnel worked off-site to obtain equipment/supplies for water and electric hook-ups.

3. MEASURES WHICH COULD AVOID RELEASES OF SIMILAR NATURE  
(NARRATIVE AND PREVENTION CODE):

A. Unknown at the present time.

4. FUTURE PLANS AND RECOMMENDATIONS:

A. Awaiting water tanks, installation of phones, and higher voltage electrical outlet. EPA will continue to coordinate with the Army on mobilization activities planned for August 25, 1987.

B. Additional chemist required by ERCS to run atomic absorption unit. Authorized by EPA (OSC) for a period of two days.

C. Continue coordination efforts with U.S. Army on obtaining access to building for use as command post and electrical source.

5. FINANCIAL ACCOUNTING:

A. Total Project Ceiling Authorized	\$ 112,000
B. Total Funds Authorized for Mitigation Contracts	83,970
C. Expenditures for Mitigation Contracts	
1.a. Amount obligated to DCN KCS 728 as of 8/20/87	50,000
1.b. Estimated Expenditures as of 8/25/87	12,200
1.c. Balance Remaining	37,800
D. Unobligated Balance Remaining	33,970
E. Estimate of Total Expenditures to Date for all Mitigation Contracts	12,200
F. Other Extramurals Costs	
1.a. TAT Salary/Travel as of 8/25/87	1,870
G. Intramural Removal Costs	
1.a. EPA travel and salaries as of 8/25/87, including EPA-ESD	1,730
H. Total Expenditures % of \$2 Million	15,800
	.79%
I. Percentage of Total Project Ceiling	14%

FURTHER  
POLREPS  
FINAL POLREP \_\_\_\_\_ FORTHCOMING X SUBMITTED BY

*Christopher A. Militscher*  
Christopher A. Militscher/  
Dwayne Harrington  
Response and Prevention  
Branch

DATE RELEASED 9/8/87

100097

U.S. ENVIRONMENTAL PROTECTION AGENCY

POLLUTION REPORT

DATE: August 26, 1987

Region II  
Response and Prevention Branch  
Edison, New Jersey 08837

(201) 548-8730 - Commercial & FTS  
24 Hour Emergency

TO: C. Daggett, EPA  
S. Luftig, EPA  
R. Salkie, EPA  
F. Rubel, EPA  
J. Marshall, EPA  
J. Czapor, EPA  
V. Petruzzello, EPA  
B. Adler, EPA  
W. Graff, EPA/OCI  
ERD, Washington, D.C.  
(E-Mail)  
USCG 9th District  
T. Balunis, USCG Buffalo  
N. Nosenchuck, NYSDEC  
J. Warneck, U.S. Army  
R. Hargrove, EPA  
J. Constantino, EPA  
TAT

POLREP NO.: Three (3)  
INCIDENT NAME/SITE NO.: Fort Drum Site  
U.S. Army/X6  
POLLUTANT: Nitrocellulose and  
Enamel Based Paints  
CLASSIFICATION: Major  
SOURCE: Isolated Illegal  
Dumping of Paint Wastes  
LOCATION: Corner of Nauvoo School Road and  
Route 26, Fort Drum, Watertown,  
New York  
AMOUNT: Approximately 200 (5) Gallon  
Paint Cans  
WATER BODY: Indian River

1. SITUATION:

A. Same as POLREP #1.

2. ACTION TAKEN:

A. An increased preliminary site investigation covering a larger area was performed with the use of air monitoring instruments, i.e. HNU and explosimeter, and ground metal detectors.

100008

B. The Army allowed the use of a building closest to Route 26 as an office work area, with a phone and also as a source of electricity.

C. ERCS laboratory trailer was moved out of the contamination reduction zone and closer to the Army building so as to obtain a constant use of electricity and also to be out of the contamination reduction zone to avoid sample contamination.

D. A water tank system was obtained for the site and excavation of soil began in order locate paint containers. A metal detector was also employed.

E. Excavation of the S.E. soil mounds was to about 12-18 inches. Approximately 35-40 (5) gallon paint cans, badly corroded and crushed with solidified contents, were found to date.

F. Distinct paint odor during excavation were constantly present and OVA readings ranged from 1-2 ppm in soils to 110 ppm inside paint cans. Intermediate readings were 6-9 ppm and 25-60 ppm around excavated cans.

G. Soil and paint samples were split sampled between ESD/OHM.

H. All surface corroded paint can rims were picked up around the dry pond area. These and all excavated cans were overpacked in seven (7) drums and sealed. Excavated soils were dumped in the roll-off and covered with canvas. The excavation area was covered with visqueen at the end of each day.

I. Laboratory setup of GC and atomic absorption unit continued.

### 3. FUTURE PLANS AND RECOMMENDATIONS:

A. Excavation to continue in main pond area and remainder of containers to be removed and secured.

B. Soil samples for enforcement case will be delivered to Edison EPA facility.

C. Characterization of wastes for disposal will begin and disposal options will be further defined and implemented.

D. Site stabilization activities are expected to be completed by 8/27/87.

5. FINANCIAL ACCOUNTING:

A.	Total Project Ceiling Authorized	\$ 112,000
B.	Total Funds Authorized for Mitigation Contracts	83,970
C.	Expenditures for Mitigation Contracts	
1.a.	Amount obligated to DCN KCS 728	50,000
1.b.	Estimated Expenditures as of 8/26/87	18,900
1.c.	Balance Remaining	31,100
D.	Unobligated Balance Remaining	33,970
E.	Estimate of Total Expenditures to Date for all Mitigation Contracts	18,900
F.	Other Extramural Costs	
1.a.	TAT salary/travel as of 8/26/87	2,530
G.	Intramural Removal Costs	
1.a.	EPA travel and salaries as of 8/26/87	2,680
H.	Total Expenditures % of \$2 Million	24,110 1.2%
I.	Percentage of Total Project Ceiling	21.5%

FURTHER  
POLREPS  
FINAL POLREP \_\_\_\_\_ FORTHCOMING X SUBMITTED BY Christopher A. Militscher  
Christopher A. Militscher/  
Dwayne Harrington  
Response and Prevention  
Branch

Date Released 9/2/87

100010

U.S. ENVIRONMENTAL PROTECTION AGENCY

POLLUTION REPORT

DATE: August 28, 1987

Region II  
Response and Prevention Branch  
Edison, New Jersey 08837

(201) 548-8730 - Commercial & FTS  
24 Hour Emergency

TO: C. Daggett, EPA  
S. Luftig, EPA  
R. Salkie, EPA  
F. Rubel, EPA  
J. Marshall, EPA  
J. Czapor, EPA  
V. Petruzzello, EPA  
B. Adler, EPA  
W. Graff, EPA/OCI  
ERD, Washington, D.C.  
(E-Mail)  
USCG 9th District  
T. Balunis, USCG Buffalo  
N. Nosenchuck, NYSDEC  
J. Warneck, U.S. Army  
R. Hargrove, EPA  
J. Constantino, EPA  
TAT

POLREP NO.: Four (4)  
INCIDENT NAME/SITE NO.: Fort Drum Site  
U.S. Army/X6  
POLLUTANT: Nitrocellulose and  
Enamel Based Paints  
CLASSIFICATION: Major  
SOURCE: Isolated Illegal  
Dumping of Paint Wastes  
LOCATION: Corner of Nauvoo School Road,  
Route 26, Fort Drum, Watertown,  
New York  
AMOUNT: Approximately 200 (5) Gallon  
Paint Cans  
WATER BODY: Indian River

1. SITUATION:

A. Same as POLREP #1.

2. ACTION TAKEN:

A. Paint cans excavated will be bulked for disposal.  
Instrumentation in mobile laboratory to be calibrated for  
metals analyses of soils and waste classification of  
bulkied paints.

100011

8. Initial operations requiring immediate site clean-up operations completed. Fifteen (15) cubic yards of soil removed. Col. Wagner, U.S. Army, Corps of Engineers, visited the site and inspected the clean-up progress.

- Mobile laboratory being calibrated for analyses of soils.

- Disposal arrangements are being made for the disposal of the liquid wastes at Thermalkem, South Carolina. Work continuing on arrangements for disposal of the soil.

- C. On August 29, 1987 ERCS clean-up crew (3 personnel) demobilized. Drainage ditch to pond areas ~~restored~~ restored by ~~EPA~~ and OHM.

- D. Waste characteristic profiles, authorization request forms, and hazardous waste manifests being completed.

Sampling analyses begun for paint and sediment samples.

3. MEASURES WHICH COULD AVOID RELEASES OF SIMILAR NATURE (NARRATIVE AND PREVENTION CODE):

A. Unknown at this time.

4. FUTURE PLANS AND RECOMMENDATIONS:

A. Continue laboratory analyses for VOA's and metals.

B. Expect to complete removal of stained soils and paint by August 30, 1987. Impacted area will be regraded as required by Action Memo.

C. OSC will continue to coordinate with TSD facilities for disposal and with the U.S. Army regarding clean-up activities.

5. FINANCIAL ACCOUNTING:

A. Total Project Ceiling Authorized \$ 112,000

B. Total Funds Authorized for Mitigation Contracts 83,970

C. Expenditures for Mitigation Contracts

1.a. Amount obligated to DCN KCS 728 50,000

1.b. Estimated Expenditures as of 8/29/87 32,990

1.c. Balance Remaining	17,010
D. Unobligated Balance Remaining	33,970
E. Estimate of Total Expenditures to Date for all Mitigation Contracts	32,910
F. Other Extramurals Costs	
1.a. TAT salary/travel as of 8/29/87	3,570
G. Intramural Removal Costs	
1.a. EPA travel and salaries as of 8/29/87	4,730
H. Total Expenditures % of \$2 Million	41,290 2.0%
I. Percentage of Total Project Ceiling	36.9%

FURTHER  
 POLREPS  
 FINAL POLREP \_\_\_\_\_ FORTHCOMING X SUBMITTED BY Christopher A. Militscher  
 Christopher A. Militscher/  
 Dwayne Harrington  
 Response and Prevention  
 Branch

DATE RELEASED

9/8/87

100013



U.S. ENVIRONMENTAL PROTECTION AGENCY

POLLUTION REPORT

DATE: August 31, 1987

Region II  
Response and Prevention Branch  
Edison, New Jersey 08837

(201) 548-8730 - Commercial & FTS  
24 Hour Emergency

TO: C. Daggett, EPA  
S. Luftig, EPA  
R. Salkie, EPA  
F. Rubel, EPA  
J. Marshall, EPA  
J. Czapor, EPA  
V. Petruzzello, EPA  
B. Adler, EPA  
W. Graff, EPA/OCI  
ERD, Washington. D.C.  
(E-Mail)  
USCG 9th District  
T. Balunis, USCG Buffalo  
N. Nosenchuck, NYSDEC  
J. Warneck, U.S. Army  
R. Hargrove, EPA  
J. Constantino, EPA  
TAT

POLREP NO.: Five (5)  
INCIDENT NAME/SITE NO.: Fort Drum Site  
U.S. Army/X6  
POLLUTANT: Nitrocellulose and  
Enamel Based Paints  
CLASSIFICATION: Major  
SOURCE: Isolated Illegal  
Dumping of Paint Wastes  
LOCATION: Corner of Nauvoo School Road,  
Route 26, Fort Drum, Watertown,  
New York  
AMOUNT: Approximately 200 (5) Gallon  
Paint Cans  
WATER BODY: Indian River

1. SITUATION:

A. Same as POLREP #1.

2. ACTION TAKEN:

A. August 30: Final clean-up of solid paint residues completed. Pond area re-bermed to original condition. Preliminary lab analysis shows potential high lead levels in pond sediments. Area resampled for further analysis and background.

100014

✓ August 31: Four (4) drums of bulked liquid paint manifested and removed for disposal to ThermalkemX, South Carolina. Site visit by John Warneck, U.S. Army Engineering. Future plans and recommendations discussed.

Final lab analysis to be run today.

3. MEASURES WHICH COULD AVOID RELEASES OF SIMILAR NATURE (NARRATIVE AND PREVENTION CODE):

A. Unknown at this time.

4. FUTURE PLANS AND RECOMMENDATIONS:

A. Complete lab analysis, demobilize equipment and personnel for September 1, 1987. Complete arrangements for disposal of roll-off.

Provide analytical report for U. S. Army, Department of Engineering and Housing.

5. FINANCIAL ACCOUNTING:

A. Total Project Ceiling Authorized	\$ 112,000
B. Total Funds Authorized for Mitigation Contracts	83,970
C. Expenditures for Mitigation Contracts	
1.a. Amount obligated to DCN KCS 728	50,000
1.b. Estimated Expenditures as of 8/31/87	36,470
1.c. Balance Remaining	13,530
D. Unobligated Balance Remaining	33,970
E. Estimate of Total Expenditures to Date for all Mitigation Contracts	36,470
F. Other Extramurals Costs	
1.a. TAT salary/travel as of 8/31/87	3,570
G. Intramural Removal Costs	
1.a. EPA travel and salaries as of 8/31/87	7,000

H. Total Expenditures  
% of \$2 Million

47,040  
2.3%

I. Percentage of Total Project Ceiling

42%

FURTHER  
POLREPS  
FINAL POLREP \_\_\_\_\_ FORTHCOMING X SUBMITTED BY

*Christopher A. Militscher*  
Christopher A. Militscher/  
Dwayne Harrington  
Response and Prevention  
Branch

DATE RELEASED

9/8/87

100016

U.S. ENVIRONMENTAL PROTECTION AGENCY

POLLUTION REPORT

DATE: September 29, 1987

Region II

Response and Prevention Branch  
Edison, New Jersey 08837

201-548-8730 - Commercial & FTS  
24-Hour Emergency

POLREP NO.: Six (6) and Final  
INCIDENT/SITE NO.: Fort Drum Site, US Army/X6  
POLLUTANT: Nitrocellulose and enamel based paints  
CLASSIFICATION: Major  
SOURCE: Isolated illegal dumping of paint wastes  
LOCATION: Old Route 26, Fort Drum, Watertown, N.Y.  
AMOUNT: Approximately 75 5-gallon cans  
WATER BODY: Indian River and associated wetlands

TO: C. Daggett, EPA  
S. Luftig, EPA  
R. Salkie, EPA  
F. Rubel, EPA  
J. Marshall, EPA  
ERD, WH-548B (E-Mail)  
TAT  
J. Czapor, EPA  
V. Petruzzello, EPA  
L. Murphy, EPA  
E. Sullivan, NYSDEC  
T. Balinus, USCG Buffalo  
W. Graff, EPA/OCI  
R. Hargrove, EPA  
B. Sprague, EPA  
J. Consentino, EPA  
J. Warneck, US Army  
Ft. Drum

1. SITUATION:

A. Same as POLREP #1.

CAUSE CODE(S): 0 - Other (Illegal dumping)

2. ACTION TAKEN:

A. On September 22, 1987, the U.S. Coast Guard Marine Safety Office, Alexandria Bay and the U.S. Army Fort Drum facility sponsored an emergency response and spill contingency planning seminar. Approximately 15 to 20 people were in attendance, including representatives from New York State Department of Environmental Conservation (NYSDEC) Region VI, New York State Police Department, National Oceanic and Atmospheric Administration, and U.S.C.G. 9th District, Captain of the Port Buffalo. EPA was also represented by Mr. Robert Hargrove, Region II Federal Facilities Coordinator. EPA's presentation and follow-up discussions were well received.

B. At approximately 1330 hrs., EPA departed the seminar for the site to oversee the removal of the 15 cubic yard roll-off container of contaminated soil. At approximately 1530 hrs., the roll-off container was removed from the site by Tonawanda Tank Transport (NYD097644801) for ultimate disposal at Chemical Waste Management's facility in Emelle, Alabama (ALD000622464). EPA departed from the site at this time.

100017

3. MEASURES WHICH COULD AVOID RELEASES OF SIMILAR NATURES:

A. Unknown at this time.

4. FUTURE PLANS AND RECOMMENDATIONS:

A. OSC will continue to review items for certification of acceptable time and materials under the ERCS contract, including invoices. OSC will maintain cost documentation for this removal.

B. OSC will continue to coordinate with other EPA and U.S. Army officials on the reimbursement of CERCLA monies in accordance with the IAG.

C. OSC will prepare the OSC report with appropriate recommendations for any potential remedial actions to be initiated by the U.S. Army in the future for this area.

5. FINANCIAL ACCOUNTING:

A. Total Project Ceiling Authorized	\$ 112,000
B. Total Funds Authorized for Mitigation Contracts 8/20/87 Action Memo	\$ 83,970
C. Expenditures for Mitigation Contracts	
1.a. Amount obligated to DCN KCS 128	\$ 50,000
1.b. Estimated Expenditures as of 9/29/87	\$ 50,000
1.c. Balance Remaining	\$ -0-
2.a. Amount obligated to DCN KCS 731	\$ 30,000
2.b. Estimated expenditures as of 9/29/87	\$ 26,163
2.c. Balance Remaining	\$ 3,837
D. Unobligated Balance Remaining	\$ 3,970
E. Estimate of Total Expenditures to Date for all Mitigation Contracts	\$ 76,163
F. Other Extramurals Costs	
1.a. TAT salary/travel as of 9/29/87	\$ 5,510

G. Intramural Removal Costs

1.a. EPA travel and salaries as of 9/29/87 \$ 7,044

H. Total Expenditures  
% of \$2 Million

\$ 88,717  
4.4%

I. Percentage of Total Project Ceiling 79.2%

FINAL POLREP   X   FURTHER  
POLREPS  
FORTHCOMING            SUBMITTED BY Christopher A. Militscher  
Christopher A. Militscher  
On-Scene Coordinator  
Response & Prevention Branch

DATE OSC RELEASED: 10/19/87

## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

AUG 21 1987

REGION II

DATE:

SUBJECT:

Preliminary Assessment and Request for Rapid Authorization of  
CERCLA Removal Action Monies for the U.S. Army Fort Drum Site,  
Fort Drum, Jefferson Co., New York

FROM: Christopher A. Militscher, On-Scene Coordinator  
Response and Prevention Branch

TO: Stephen D. Luftig, Director  
Emergency and Remedial Response Division

THRU: Fred N. Rubel, Chief  
Response and Prevention Branch

I. EXECUTIVE SUMMARY

On July 9, 1987, Colonel Jimmy R. Moore, Garrison Commander for the U.S. Department of the Army Fort Drum facility, requested that the U.S. Environmental Protection Agency (EPA) conduct a CERCLA removal action at the paint storage area which is located at Fort Drum, New York (10<sup>th</sup> Mountain Division, Light Infantry). The written request was made following an EPA Resource Conservation and Recovery Act (RCRA) criminal investigation and inspection on March 11, 1987.

According to information received by this office, the criminal investigation was initiated as a result of improper disposal practices by Department of Defense (DOD) civilian employees. The U.S. Department of the Army and EPA's Office of Criminal Investigations are conducting this investigation in order to determine who was responsible for the 1985 alledged dumping of up to 200 five gallon cans of highly toxic marine paint in a pond area at this military facility.

The March 11, 1987, inspection and sampling effort performed by EPA's Environmental Services Division (ESD) was made at the request of EPA's Hazardous Waste Compliance Branch. Following these activities, an inspection report was prepared by ESD which included analytical results of five samples taken at the site. Based upon the analyses performed and other information obtained by ESD, the contents of some of the paint cans have apparently been released to the environment.

The contents of the paint cans have been determined to be several types of flammable liquids and can be classified as ignitable wastes under RCRA. In addition, substantial concentrations

of heavy metals are present such as chromium and lead. The major constituents of the nitrocellulose base and gray enamel paints include toluene, ethyl benzene, and isobutyl acetate. On the basis of my review of this report, which constitutes the basis of a preliminary assessment, this memorandum seeks your authorization of \$112,000 to provide immediate cleanup activities, other mitigation measures, and proper disposal of the hazardous substances.

The reimbursement of CERCLA monies for this proposed action will be detailed in an Interagency Agreement (IAG) between EPA and the U.S. Department of the Army. Mr. Robert Hargrove, the EPA Region II Federal Facilities Coordinator, is the contact person assigned to the development of the IAG in coordination with EPA's Finance and Administrative Management Branch.

## II. THREAT

Based upon the ESD's RCRA inspection report, the analytical results indicate that the pond, and possibly the sediments, have been contaminated with hazardous substances and RCRA hazardous wastes. Chromium and lead were found in concentrations in the pond to exceed RCRA toxicity leachability criteria. The paints contain flammable liquids which exhibit flashpoint characteristics which exceed ignitibility criteria under RCRA. EPA has received and reviewed copies of the Material Safety Data sheets for these substances. The paint cans were removed from a nearby shed and placed in a pond which is believed to be only 2-3 feet deep and approximately 50' x 100' in area. One paint can container within an overpack was found to be floating on the surface during the March inspection. Some paint residues were found along the bank of the pond. However, most of the paint cans are believed to be intact either on the bottom of the pond or buried just beneath the surface.

The primary threat to the environment is the continued release and spread of hazardous substances and contaminants to surface waters and, potentially, the groundwater. Toluene, ethylbenzene, chromium, and lead are all listed EPA priority pollutants. Furthermore, there is also a threat of fire and explosion from the extremely volatile constituents, such as nitrocellulose. Fort Drum personnel have indicated that deer and other wildlife use the pond as a source of drinking water. A continued release to the environment could cause the introduction of contaminants into the food chain.



The site is not on the National Priorities List (NPL). Fort Drum is currently involved in the initiation of a remedial investigation/ feasibility study (RI/FS) for other areas of the facility. The proposed action is not expected to effect this investigation or adversely affect any long-term remedial actions which may be made at a future date. The removal of the paint cans will eliminate the source of contamination. The treatment of the pond water by an activated carbon unit will help to prevent migration of the contaminants to the groundwater. The excavation of contaminated soils and pond sediments will also reduce the spread of heavy metals through the food chain and the environment. Thus, these short-term mitigative clean-up measures will likely lessen the scope any long-term remedial measures to cleanup groundwater.

### III. PROPOSED PROJECT

At the request of the U.S. Department of the Army, the proposed project is to mitigate the release and spread of contaminants to the environment by providing safe and cost effective removal and disposal of hazardous substances from the pond and its surrounding area.

The scope of work for this removal action includes the following actions proposed to be taken by EPA:

1. Mobilize equipment and personnel on-site and establish the command post and the hot zone and decontamination areas. A site safety plan will be developed and implemented.
2. The pond water will be drained through an activated carbon absorption unit and temporarily stored on-site in pools until being safely discharged on-site. A sufficient quantity of water will be removed in order to facilitate the locating of the paint cans.
3. Block or divert obvious surface water recharge sources (if any) to prevent the pond area from immediately refilling.
4. Locate by visual means and with a metal detector the paint cans and temporarily store on site in 85-gallon overpack drums. Where appropriate, ice will be used to keep materials cool. A dragline may be employed to facilitate the removal of paint cans if they are found to be inaccessible.

5. If required by a RCRA approved disposal facility, samples will be taken and analyzed for compatibility and other appropriate disposal characteristics.
6. Pond sediments from contaminated areas will be removed to an approximate depth of 1 foot and placed in sealed roll-off containers and disposed of at a RCRA approved facility. Post-removal sediment samples will be taken to determine if additional removal is necessary.
7. Pond water will be sampled and analyzed for priority pollutants, including heavy metals, and RCRA characteristics. If determined to be appropriate, pond water will be either discharged on-site after activated carbon treatment or disposed of at an appropriate wastewater treatment facility.
8. Spent carbon will be properly disposed of at an approved RCRA facility, if required.
9. The site will be regraded to pre-removal conditions and natural drainage to the pond will be restored.
10. Decontaminate equipment and demobilize equipment and personnel from site.

Other activities included during this clean-up will include air monitoring activities, photodocumentation, and cost accounting. The proposed cleanup operations and initial field activities are expected to take two to four weeks to complete. Depending upon disposal options and analytical results from sampling, limited equipment and personnel may be required to return to the site for loading, transportation, and disposal activities. The total removal action is not expected to exceed 6 months in duration.

Listed below are the estimated project costs for the proposed action, which include mitigation contracting for clean-up operations, sampling and analysis, and transportation and disposal of materials at a RCRA approved facility. In addition, EPA and TAT costs including travel and per diem are provided.

ESTIMATED PROJECT COSTS:

- A. Mitigation Contracting
  1. Equipment (including 2 sealed roll-offs, decon and equip-

ment trailers, activated carbon treatment unit,  
2 passenger vehicles, front end loader w/backhoe,  
metal detector, pumps, steam jenny, barrel pump,  
mobile lab w/fume hood and GC, storage pools,  
response van, cascade system, non-spark tools,  
stake bed trucks, air monitoring equipment  
(explosimeter/HNu), 50kw generator, LEVEL B  
& C personal protective gear, hip-waders,  
shovels, etc. + Mobilization and demobilization  
charges)

\$ 35,800

2. Labor (including response manager, organic  
chemist, level 2 lab. tech., level 2 equip.  
operator, (2) clean-up tech II,  
field clerk and electrical technician) Max.  
Equivalent: (10) 10-hour work days or 100 work  
hours

\$ 27,840

3. Materials including field purchases (20  
overpack drums, duct tape, visqueen, carbon,  
filters, etc.)

\$ 4,000

SUBTOTAL:

\$ 67,640

B. Laboratory analysis for 3 sets of composite  
samples including RCRA characteristics,  
priority pollutants (pond water and soil  
only) and compatibility

\$ 3,500

C. Disposal including transportation

\$ 5,200

SUBTOTAL:

\$ 76,340

10% Contingency (Contract Mitigation Costs)

\$ 7,630  
83,970

D. Intramural EPA Costs (including total of  
250 work hours, travel, and per diem)

\$ 7,800

E. Extramural TAT Costs (One PL-2 for technical  
and administrative support including 120 work  
hours, travel, and per diem)

\$ 5,200

SUBTOTAL:

\$ 96,970

Other Costs (15% Contingency of above costs)

\$ 14,545

EST. TOTAL:

\$111,515

EST. ROUNDED TOTAL:

\$112,000

This figure represents the estimated total for the site clean-up. It could be reduced significantly or even be increased depending upon the depth to which the paint cans are buried, the extent of contamination, and the Government's ability to properly dispose of the materials through an existing U.S. Department of the Army hazardous waste contract.

#### PROJECT SCHEDULE

Site work is expected to take 2 weeks to complete. Because the type of hazardous substances are known, it may be possible to reduce analytical time following field activities. The use of a mobile laboratory unit is expected to expedite analyses in the field. All disposal activities will be conducted in accordance with EPA's CERCLA Off-site Disposal Policy and other applicable regulations.

Wherever practicable, EPA will seek to use existing U.S. Department of the Army support services (e.g., office space) to minimize the costs previously outlined in this memorandum.

#### IV. ENFORCEMENT

The proposed action is not expected to entail major funding and merits prompt action. The U.S. Department of the Army and EPA's Office Criminal Investigation has identified a Potentially Responsible Party (PRP) under an ongoing criminal investigation. The Response and Prevention Branch will provide appropriate photodocumentation and other information on the proposed action in support of the potential legal actions to be taken against the PRP. An ESD staff person has been requested to be on-site during the cleanup operations in order to ensure proper monitoring activities under the criminal investigation.

The Site Compliance Branch, Office of Regional Counsel, and other EPA offices have been notified of this proposed action. Because this action may entail a civil action at a later date by the Government, EPA parallel proceedings and protocols will be followed.

#### V. RECOMMENDATION

It is recommended that you approve this proposed action as detailed above. This site meets the criteria for a removal action under 40 CFR Part 300.65 (b)(2)(i), (ii), (iii), (iv), and (vi) of the National Oil and Hazardous Substances Pollution Contingency Plan. Your authority to approve this request was established by Deputy Administrator Alvin Alm's April 16, 1984, Delegation 14-1-A as

redelegated to you by Acting Regional Administrator Richard T. Dewling's Order RII 1200.6 of August 29, 1984. This CERCLA removal action is expected to result in a total clean-up, and, therefore, is consistent with Section 104(b)(2) of CERCLA, as amended by SARA, in that it would accomplish the efficient performance of long-term remedial measures in the short-term.

As previously stated, the U.S. Department of the Army Fort Drum is currently initiating a remedial investigation/feasibility study (RI/FS) for the entire Fort Drum facility. This proposed response action will be coordinated and conducted in a manner which will not adversely affect and will be consistent with this ongoing investigation. Any possible contamination to the groundwater and subsequent remedial actions is anticipated to be addressed via the RI/FS.

Please alert us verbally upon your approval of this expedited request.

Approved: Richard Salkie Date: 8/20/87  
for Stephen D. Luftig, Director

Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_

cc: (After approval is obtained)  
C. Daggett, 2RA  
W. Muszynski, 2DRA  
H. Barrack, 2OPM  
J. Marshall, 2OEP  
C. Simon, 2AWM  
B. Metzger, 2ESD  
R. Salkie, 2ERR-DD  
F. Rubel, 2ERR-RP  
B. Sprague, 2ERR-RP  
G. Zachos, 2ERR-RP  
J. Czapor, 2ERR-SC  
B. Adler, 2ORC-ARC  
G. Pavlou, 2ERR-NYCRA  
V. Pitruzzello, 2ERR-PS  
R. Hargrove, 2PM-EI  
R. Gherardi, 2PM-FIN  
R. Mueller, PM-214F (Express Mail)  
T. Fields, WH-548B  
P. McKechnie, 2IG

200007

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Please alert us verbally upon your approval of this expedited request.

Approved: Richard Salkie  
Stephen D. Luftig, Director

Date: 8/20/87

Disapproved: \_\_\_\_\_

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R. Salkie, 2ERR-DD  
F. Rubel, 2ERR-RP  
B. Sprague, 2ERR-RP  
G. Zachos, 2ERR-RP  
J. Czapor, 2ERR-SC  
B. Adler, 2ORC-ARC  
G. Pavlou, 2ERR-NYCRA  
V. Pitruzzello, 2ERR-PS  
R. Hargrove, 2PM-EI  
R. Gherardi, 2PM-FIN  
R. Mueller, PM-214F (Express Mail)  
T. Fields, WH-548B  
P. McKechnie, 2IG

bcc: K. Moyik, 2ERR-PS  
L. Guarneiri, WH-548B  
R. Eisner, 2PM-FAM  
W. Graff, EPA-OIC  
L. Murphy, 2ORC-WTS

200008

# Toxic dumping at Fort Drum target of probe

## Indictments possible in Ft. Drum dumping

By **Connie Bramstedt**  
Staff Writer

A federal grand jury in Syracuse today was poised to return dozens of indictments related to a toxic dump site discovered last year on a training field at Fort Drum.

The U.S. Environmental Protection Agency and the Army last summer removed hundreds of containers of paints or solvents that contained toxic substances from a training site on the 107,000-acre Army base near Watertown. The base covers the northeast corner of Jefferson County and northwest corner of Lewis County.

Fort Drum is the headquarters for the 10th Mountain Division. It serves as a major training center for reserve units from Central New York and throughout the Northeast.

An estimated 300 five-gallon containers were found dumped in a lagoon near a tank trail in the northern part of the base in March 1987. The discovery initiated an investigation by the EPA, the Department of Defense and the Justice Department.

Sources this week said the investigation could result in an indictment today charging dozens of counts of environmental crimes, including several felony charges.

Sources last year said the material may have been buried as early as 1985 and that as many as six civilian employees of the base may have been exposed to the waste.

Federal authorities initially believed civilian workers illegally dumped a quantity of hazardous waste into the lagoon.

When the investigation began, Assistant U.S. Attorney Craig A. Benedict said that charges could be filed under the Resource Conservation and Recovery Act — legis-

lation that requires the reporting of toxic dumping — and the Clean Water Act.

The waste was completely removed from the site between Aug. 24 and Sept. 1 last year, said Kim Helper, a spokeswoman for the EPA in New York City.

Helper said the waste was transferred to a hazardous waste landfill.

Shari Lawrence, a spokeswoman at Fort Drum, would not say who

was believed to have placed the drums in the lagoon.

"That's what's under investigation," Lawrence said.

The lagoon was located in a large training area 100 yards east of a tank trail that runs between Antwerp and Fargo, communities on opposite sides of the northern section of the base. The road crosses the firing range that occupies much of the northern part of the installation.

### NEWSPAPER CLIPPING

PAPER: Syracuse  
Herald-Journal,  
Syracuse, NY

DATE: March 2, 1988

FILE: 88-II-8-34

87(s)-II-2-1

Project # 90W

300001



*United States Attorney  
Northern District of New York*

March 2, 1988

369 Federal Building  
100 South Clinton Street  
Syracuse, New York 13260

315/423-5165  
FTS/950-5165

PRESS RELEASE

Frederick J. Scullin, Jr., United States Attorney for the Northern District of New York, announced today that a federal Grand Jury sitting in Syracuse, New York, returned a 43-Count Indictment against David James Carr, 36, 410 Broadway Ave., East, Watertown, New York, for the disposal of toxic and hazardous waste on the grounds at Fort Drum, New York. Carr, a civilian Range Maintenance Foreman at Fort Drum, is alleged in the Indictment to have directed civilian workers under his control to take numerous canisters of waste paint and throw them into a small pond at the "Range Forward" area of the base. During this disposal, many of the canisters broke open discharging their content into the water and adjacent soil.

Carr later directed that other waste paints be abandoned in a field near the pond. According to the Indictment no authorities were notified of the release of these hazardous substances.

The 43-Count Indictment charges Carr with violations of the Resource Conservation & Recovery Act, 42 U.S.C. § 6928, which



makes it a felony to dispose of hazardous waste without a permit. Also charged were violations of the Comprehensive Environmental Response Compensation and Liability Act also known as the Superfund Act, 42 U.S.C. § 9603, which makes it a crime to fail notify the proper environmental authorities after the release of a hazardous substance. The last set of charges in the Indictment allege violations of the Clean Water Act, 33 U.S.C. § 1311 (a) and 1319(c)(1), which makes it a crime to discharge any pollutant into waters of the United States.

If convicted on all counts, Carr faces a maximum possible term of incarceration of 59 years and a penalty of \$1,145,000.00, and a minimum required fine of \$92,500.00.

Chemical analysis of the hazardous waste reveal that the materials stored in each canister had very low flash points making them hazardous by the characteristic of ignitability. Certain flash points were less than 50°F. In addition, this hazardous waste contained EPA designated priority toxic pollutants. Chemical constituents of the hazardous waste included Toluene, Arsenic, Xylene, Ethylbenzene, Isobutyl Acetate, Lead, Chromium, and Zinc.

Representatives of the United States Environmental Protection Agency working in conjunction with the United States Department of the Army have already performed a cleanup of the drums in question having removed approximately 270 canisters to a properly permitted hazardous waste storage facility.

Investigation of this case has been conducted by Special Agents of the United States Environmental Protection Agency and the Defense Criminal Investigative Service and prosecuted by Assistant U.S. Attorney Craig A. Benedict.

# Fort Drum Man Accused of Toxic Dumping

## Civilian Allegedly Ordered Disposal of Paints in Pond

By TOM FOSTER

A federal grand jury returned a 43-count indictment Wednesday against a civilian maintenance foreman at Fort Drum, charging that he ordered dumping of toxic waste paint in a pond and adjacent field at the Army post near Watertown.

David James Carr, 36, of 410 Broadway Ave. East, Watertown, faces a maximum penalty of 59 years in jail and more than a \$1.1 million fine if he is convicted on all counts, according to U.S. Attorney Frederick J. Scullin Jr. The charges call for a minimum fine of \$92,500 if he is convicted.

The federal government alleges that Carr ordered four other civilian workers to dump numerous five-gallon drums of paint into a small pond at a remote portion of a target range on the northern part of

the 107,000-acre post. The paint, which primarily was used to paint targets, contained toxic substances including toluene and arsenic. The paint also posed a hazard because it ignites at low temperatures.

The pond, which sustains some aquatic life and serves as a water supply for deer, is situated about 100 yards east of a tank trail that connects Antwerp and Fargo, communities on opposite sides of the post.

The EPA has recommended that Army officials drill monitoring wells to determine if an aquifer under the pond was contaminated by the dumping, which is believed to have taken place over a two-day period between June 1985 and December 1986.

O.H. Materials of Findlay, Ohio, was hired to clean up the site from Aug. 24 to Sept. 1 of last year at a cost of about \$90,000, according to Kim Helper of the Environmental Protection Agency. About 270 canisters have been transferred to an approved hazardous waste storage facility at another location.

Carr, who is still on the job, declined comment on

the specifics of the case, citing Army policy that any statements to the media must come from the post Public Affairs Office.

"I am a dutiful Fort Drum employee," he said in referring questions to official Army spokesmen. "I only do what I'm told to do."

Carr has retained Bond, Schoeneck & King lawyers Samuel P. Militello and George H. Lowe. Lowe served as U.S. attorney for the Northern District of New York before Scullin.

"Mr. Carr intends to plead not guilty and to vigorously contest the charges," Lowe said. "He did not commit a crime."

Carr was scheduled to be arraigned March 11 before U.S. Magistrate Gus DiBianco.

Assistant U.S. Attorney Craig A. Benedict, who is prosecuting the case, said no other Fort Drum officials are facing charges.

"Fort Drum had excellent environmental procedures in place which were not utilized," Benedict said.

The paint had been in storage until Fort Drum officials decided it was no longer wanted. At that point it became hazardous waste because of its contents, and should have been disposed of according to environmental regulations, Benedict said.

Shari Lawrence, a spokesperson for Fort Drum, said the Army plans no immediate action against Carr because of the indictment. He continues to work as a maintenance foreman on the firing range.

Carr is charged with violations of the Resource Conservation and Recovery Act, which makes it a felony to dispose of hazardous waste without a permit; the Superfund Act, which makes it a crime to fail to notify authorities that dumping occurred; and the Clean Water Act, which makes it a crime to discharge hazardous substances into U.S. waters.

In addition to being the home of the 9,200-soldier 10th Mountain Division, Fort Drum serves as a major training site for active and reserve units throughout the Northeast.

### NEWSPAPER CLIPPING

PAPER: The Post  
Standard,  
Syracuse, NY

DATE: March 3, 1988

FILE: 88-II-8-35

87(s) - II-2-1

Project # 9010

300005

# Fort Drum Man Charged with Dumping Toxins

By TOM FOSTER

A federal grand jury returned a 43-count indictment Wednesday against a civilian maintenance foreman at Fort Drum, charging that he ordered dumping of toxic waste paint in a pond and adjacent field at the Army post near Watertown.

David James Carr, 36, of 410 Broadway Ave. E., Watertown, faces a maximum penalty of 59 years in jail and more than a \$1.1 million fine if he is convicted on all counts, according to U.S. Attorney Frederick J. Scullin Jr. The charges call for a minimum fine of \$92,500 if he is convicted.

The federal government alleges that Carr ordered four other civilian workers to dump many five-gallon drums of paint into a small pond at a remote portion of a target range on the northern part of

the 107,000-acre post. The paint, which primarily was used to paint targets, contained toxic substances including toluene and arsenic. The paint also posed a hazard because it ignites at low temperatures.

The pond, which sustains some aquatic life and serves as a water supply for deer, is situated about 100 yards east of a tank trail that connects Antwerp and Fargo, communities on opposite sides of the post.

The EPA has recommended that Army officials drill monitoring wells to determine if an aquifer under the pond was contaminated by the dumping, which is believed to have taken place over a two-day period between June 1985 and December 1986.

O.H. Materials of Findlay, Ohio, was hired to clean up the site from Aug. 24 to Sept. 1 of last year at a

cost of about \$90,000, according to Kim Helper of the Environmental Protection Agency. About 270 canisters have been transferred to an approved hazardous waste storage facility at another location.

Carr, who is still on the job, declined comment.

Carr has retained Bond, Schoenbeck & King lawyers Samuel P. Militello and George H. Lowe. Lowe served as U.S. attorney for the Northern District of New York before Scullin.

"Mr. Carr intends to plead not guilty and to vigorously contest the charges," Lowe said.

Carr was scheduled to be arraigned March 11 before U.S. Magistrate Gus DiBianco.

Assistant U.S. Attorney Craig A. Benedict, who is prosecuting the case, said no other Fort Drum officials are facing charges.

## NEWSPAPER CLIPPING

PAPER: The Post  
Standard,  
Syracuse, NY

DATE: March 3, 1988

FILE: 88-II-6-36

87(5)-II-2-1

Project # 90W

300006

# Paint in Drum Pond Created Threats of Poison, Explosion

By David C. Champagne  
Times Staff Writer

The alleged dumping of waste paint into a pond on Fort Drum ago created a potentially explosive situation and may have poisoned wildlife, according to an assistant U.S. attorney involved in the case.

David James Carr, 36, of 410 Broadway Ave. E., faces arraignment March 11 on a 43-count federal indictment returned by a grand jury in Syracuse Wednesday afternoon. He is charged with four felony counts under the Resource Conservation and Recovery Act, and 39 misdemeanors under the Clean Water Act and the Comprehensive Environmental Response Compensation and Liability Act, also known as the Superfund Act.

Assistant U.S. Atty. Craig A. Benedict, Syracuse, who has visited the dump site and has been involved in the investigation almost since its inception March 10, 1987, said he does not know the motive for the dumping.

"We found no evidence" that Carr was acting under another person's orders, Mr. Benedict said. "That issue was pursued quite thoroughly. He was interviewed and he did not disclose that. I am confident nobody in the Army directed him to dump in that manner."

The prosecutor added, "I can't understand any individual dumping paint into a pond. Even a child knows you don't do that."

He said wildlife, particularly deer, was using the pond, and was thus consuming arsenic, toluene, xylene, ethyl benzene, isobutyl acetate, lead, chromium and zinc. Spokesmen for the Department of Environmental Conservation said there are "too many variables" to consider the effect upon persons consuming the meat of the affected animals.

One DEC official doubted deer would have continued drinking the tainted water.

Mr. Benedict also said some of the contaminants have a flash point — the temperature at which exposed vapors ignite — which is so low that "they

would not have just ignited, but could have caused a dangerous explosion."

In the case, which is being assigned to U.S. District Judge Howard G. Munson, Carr faces maximums of 59 years in prison, \$1.1 million in penalties and \$92,500 in fines if convicted of all the charges.

Carr has been employed at Fort Drum about nine years, and remains in the position he filled at the time of the alleged dumping, civilian range maintenance foreman. Fort Drum has not taken any disciplinary action against him.

Contacted by The Times at his home Wednesday afternoon, Carr declined comment. He was asked specifically if he wanted to give his side of the story, and then if he was acting under orders when the dumping was done.

"As a dutiful employee at Fort Drum, I only follow orders from my superiors," he said both times.

With that, he referred questions to the Fort Drum public affairs office and to his attorneys, George H. Lowe, Syracuse, and Samuel P. Militello, Watertown, both with the firm of Bond, Schoeneck & King. Mr. Lowe is the former U.S. attorney for the Northern District of New York.

"There is no question but that we will try the case," Mr. Lowe said this morning, but he and Mr. Militello declined further comment.

The site is at "Range Forward," a firing range east of a tank trail in the northern portion of the military reservation.

The dumping occurred over a two-day period sometime between June 23, 1985, and December 1986, over the protests of some of Carr's subordinates, who were ordered to do it, Mr. Benedict said. At least 270 canisters of paint were discarded in or near the pond, he said, but indictments were brought only for those canisters which deteriorated, releasing their contents into the water.

Special agents of the U.S. Environmental Protection Agency and the Defense Criminal Investigative Service opened the investigation after receiving a complaint from a "concerned citizen," he said.

NEWSPAPER CLIPPING

PAPER: Watertown  
Daily News,  
Watertown, NY

DATE: March 3, 1988

FILE: 88-II-8-37

87(5)-II-2-1

Agent #906

300007

# Fort Drum, River Sites Added To Updated Hazardous List

By Lu Feorino  
Times Staff Writer

Unspent ammo is buried on Fort Drum, poisons are in the St. Lawrence River and toxins are stored near the Black River in the City of Watertown, according to the state Department of Environmental Conservation's most recent hazardous list.

In DEC's annual update of inactive hazardous waste disposal sites, four sites have been added, bringing the total to 20 locations in St. Lawrence, Jefferson and Lewis counties, one site was shifted to a more serious rating and three were removed from the list.

According to the report, the additions are:

■ Fort Drum in Jefferson County — for a landfill at Great Bend Road and Oneida Avenue, covering about 45 acres and used from 1940 to 1973, containing unused ammunition, the pesticide DDT, petroleum, oil, paints and solvents. The Army has conducted a "limited site investigation," and the Environmental Protection Agency is ranking the

site in a proposal to include it on the National Priorities List for cleanup.

The site is in addition to the hazardous waste site discovered containing paints and lacquer near the post firing range. Wednesday, a federal grand jury indicted David J. Carr, Watertown, for allegedly illegally disposing of the materials.

■ Grasse and St. Lawrence rivers — from Massena to the St. Lawrence-Franklin county border, for polychlorinated biphenyls, polynuclear aromatic hydrocarbons, aluminum, iron and nickel. DEC is negotiating with General Motors, Reynolds Metals and Alcoa to establish the plants' responsibility for the contaminants and the cleanup.

■ Abe Cooper Surplus Co., Factory Street, Watertown — for PCBs and heavy metal-contaminated soil. The site, within 500 feet of the Black River, contains 100 to 200 drums, some containing unidentified materials.

An investigation is being conducted by consultants for the estate of Abe Cooper.

■ SMI/Caelter Industries, Purdy

Avenue, Watertown, also known as the Sicard Division of Caelter Industries — for PCBs, oil and solvents. Watertown Savings Bank, which foreclosed on the property, and Wept Warehouse, which bought it, are financing a cleanup, which started last month.

Of the new sites, the rivers and Fort Drum were classified as having a "significant threat to the public health or environment, action required." Investigators said more information is needed on the Abe Cooper and Sicard sites before they can be properly classified.

The Alcoa wastewater and waste oil lagoons were moved up from a more-data-needed status to significant threat classification. The lagoons contain PCBs, solvents, phenols, acids, cyanides and fluorides.

Removed from the list were St. Joe Zinc Co. sites in Fowler, Edwards and Balmat because mine tailings didn't have enough lead to be considered hazardous wastes, said Darrell M. Sweredoski.

Sites that remain on the list from last year are:

■ St. Lawrence County: Alcoa, Massena, six sites; General Motors Central Foundry, Massena; Reynolds Metals, Massena, two sites; North Lawrence Oil Dump, Lawrence, and Sealand Restoration, Lisbon.

■ Jefferson County: New York Air Brake, Watertown, and DEC Brownville Pesticide building.

■ Lewis County: Paine Jones, Lowville; AMF Inc., Lowville, and Croghan landfill.

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300008

7/7/88

Dear Editor:

We would appreciate it if you could reprint this press release for your readers. We apologize for the delay, however, we wanted to ensure that the criminal case was completed by the Government before issuing this statement. In addition, we wished to be certain that this indeed was the FIRST case where EPA actually performed a cleanup at a DoD facility. Should you require any additional information or could possibly utilize color photographs of the cleanup, please feel free to call Mr. Christopher Militscher at (201) 321-6647, or you may address written inquiries or copies of your periodicals to:

Thank you.

U.S. Environmental Protection Agency  
Region II Edison Field Office  
Woodbridge Avenue, Bldg. 209  
Edison, New Jersey

08837

Attn: Mr. Militscher

Thank you.

300009

## FIRST EPA CONDUCTED SUPERFUND CLEANUP AT A DOD FACILITY,

The first ever U.S. Environmental Protection Agency (EPA) Superfund cleanup at a Department of Defense (DOD) facility was performed during September of 1987 at Fort Drum. The facility is located in Watertown, New York. EPA Region II was requested by the U.S. Army, through EPA's Office of Criminal Investigation (OCI), to conduct a CERCLA (Superfund) Removal Action utilizing its Emergency Response Cleanup Services (ERCS) contractor in support of a joint EPA/DOD Resource Conservation and Recovery Act (RCRA) criminal investigation.

An Interagency Agreement (IAG) was developed between EPA and the Army to address the scope of work for the cleanup and the reimbursement of CERCLA monies. Mr. Robert W. Hargrove, Federal Facilities Coordinator for Region II, coordinated the development of the IAG and work plan negotiations with the Army. The enforcement investigation was led and coordinated by Mr. William E. Graff, Special Agent for OCI. The sampling efforts to support the enforcement case was headed by Mr. Joseph Cosentino of Region II's Environmental Services Division (ESD).

The cleanup involved the illegal dumping and burial of over 70 containers of hazardous waste paints containing heavy metals, priority pollutants, and other Federally-regulated waste constituents in a pond and wetlands area used by wildlife. The cleanup was performed over a one month period by O.H. Materials Corp. and the Removal Action was overseen by Mr. Christopher A. Militscher, On-Scene Coordinator for Region II's Response and Prevention Branch.



-4-

Continued

The hazardous wastes which were removed from the site were sent to EPA approved RCRA facilities in Rock Hill, South Carolina and Emelle, Alabama for treatment and disposal. A mobile laboratory was utilized on-site during the cleanup to expedite sample analyses for disposal characteristics.

In addition to those previously cited, numerous EPA and DOD officials representing both management and professional staff supported this successful action. The criminal case culminated in a 43 count indictment under CERCLA, RCRA, and the Clean Water Act against a civilian employee with the DOD. Below are listed many of these individuals outside of EPA Region II:

EPA Headquarters

Lisa Guarneiri, Emergency Response Division  
John Albers, Procurement and Contracts Management Division

EPA NEIC-OCI

Joseph Cunningham, Special Agent in Charge  
Scott Guiliano, Special Agent

U.S. Army Fort Drum

Colonel James R. Moore, Garrison Commander  
Lt. Colonel Harold W. Wagner, Jr., Director DEH  
Curt Williams, DEH Environmental Coordinator  
Brent Moss, DEH  
John Warneck, DEH

U.S. Department of Defense

Paul E. Bouffard, Special Agent, Defense Criminal Investigative Service

Also, Mr. Gary Roseman, Response Manager for O.H. Materials should be cited for his hard work and efforts during the cleanup.

Continued

This cooperative effort between EPA and another Federal agency has significant implications for future emergency cleanups at Federally-owned or operated sites. For more information, contact Mr. Hargrove at (212) 264-6723 or Mr. Militscher at (201) 321-6647.