

# REUSE ASSESSMENT

Buckbee-Mears Co. Site, Cortland, New York

FINAL  
AUGUST 2012



## OVERVIEW

The Buckbee-Mears Co. Superfund Site (site), located in Cortland, New York, occupies approximately 74-acres between Kellogg Road and the New York, Susquehanna & Western Rail line. EPA has conducted a removal action to address uncontrolled releases of hazardous materials at the former electronics manufacturing plant. The EPA cleanup is complete and efforts are underway to reposition the site for reuse and redevelopment.

The EPA Superfund Redevelopment Initiative funded a reuse assessment to document cleanup status, clarify the site's suitability for reuse and to identify recommendations to address potential barriers to reuse. This handout summarizes reuse goals, site assets, reuse suitability and guidance regarding potential liability protections. For additional details, see the Buckbee-Mears Reuse Assessment presentation.

## REUSE GOALS

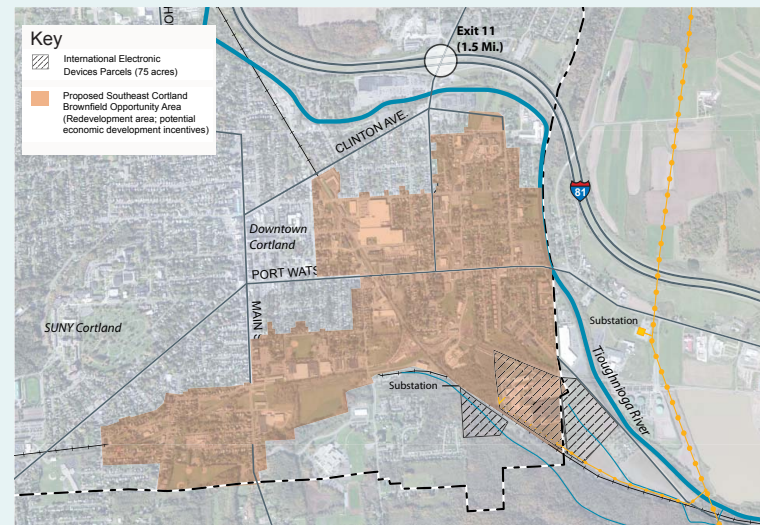
- Transfer site to a viable entity that can maintain site security and oversee redevelopment.
- Leverage site assets to facilitate redevelopment.
- Preserve prime industrial space at the site.
- Pursue multiple opportunities for revenue generation to diversify the economy.
- Consider phasing options for redevelopment.

## REDEVELOPMENT ASSETS

- 50-acre parcel zoned for industrial use; 24-acre parcel zoned for agricultural use (potential for re-zoning).
- Site structures include a 30,000 sq. ft. warehouse and 180,000 sq. ft. manufacturing building.
- Site infrastructure includes a security gate, an electric substation, an inactive rail spur and a waste water treatment plant.
- Access to interstate I-81, the New York, Susquehanna and Western Railway and the Hancock International Airport in Syracuse (30 miles).
- Local economic development incentives include proposed Brownfield Opportunity Area and Foreign Trade Zone designations.



Site Parcels Map



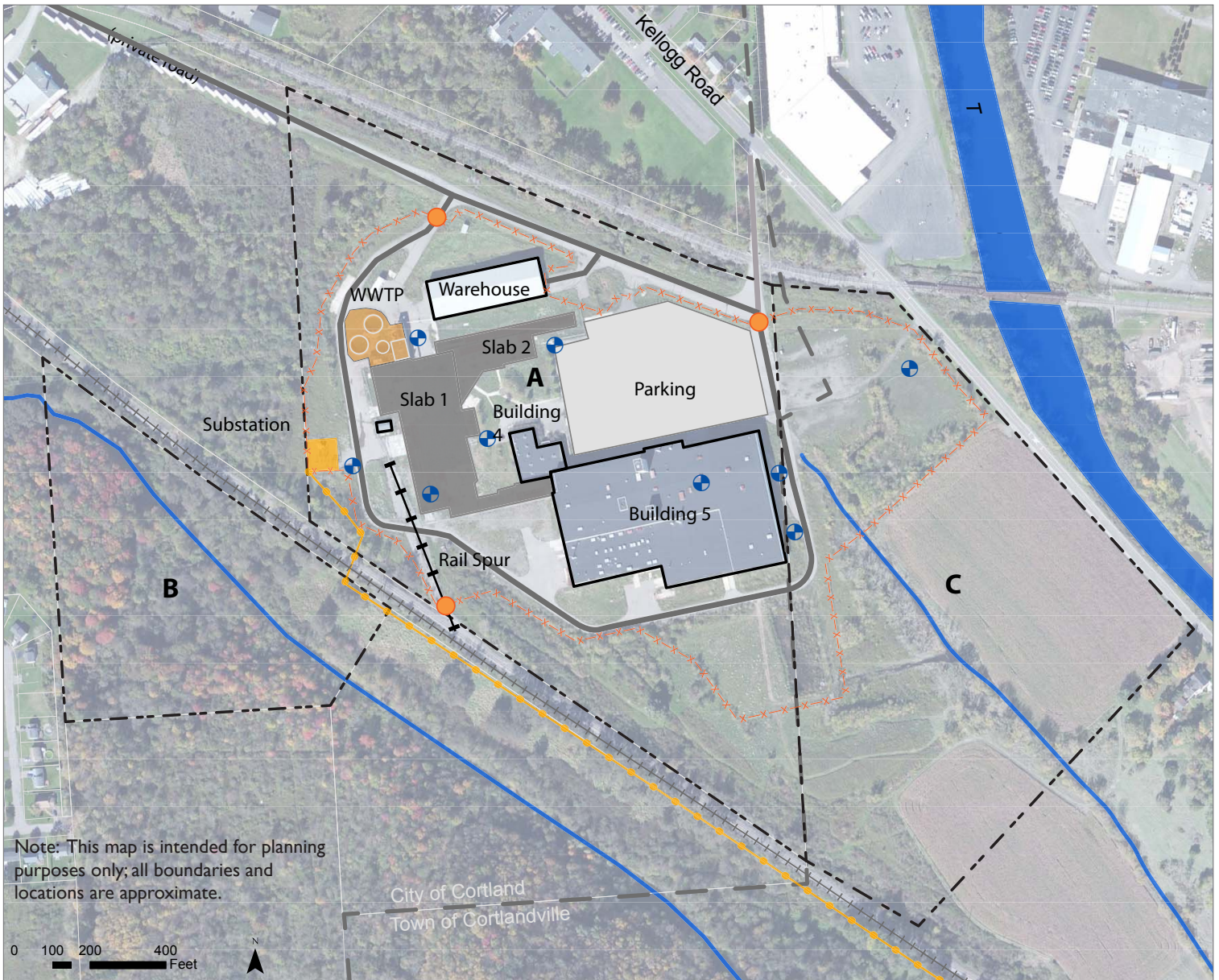
Assets and Infrastructure Map

## REDEVELOPMENT INCENTIVES

**Brownfield Opportunity Area:** The City of Cortland is seeking the New York Department of State's Brownfield Opportunity Area designation for a 527-acre area in southeast Cortland, including the 50-acre facility parcel at the site.

**Foreign Trade Zone Designation:** The Cortland County Business Development Corp. is seeking Foreign Trade Zone Designation (FTZ), which would allow for duty-free import and export of merchandise. Future FTZ enrollment of usage-driven sites could be expanded to the site.



# Site Features







## SITE FEATURES

Current site features are highlighted on the map above.










### Structures

-  Existing Buildings
-  Concrete Slabs

### Additional Features

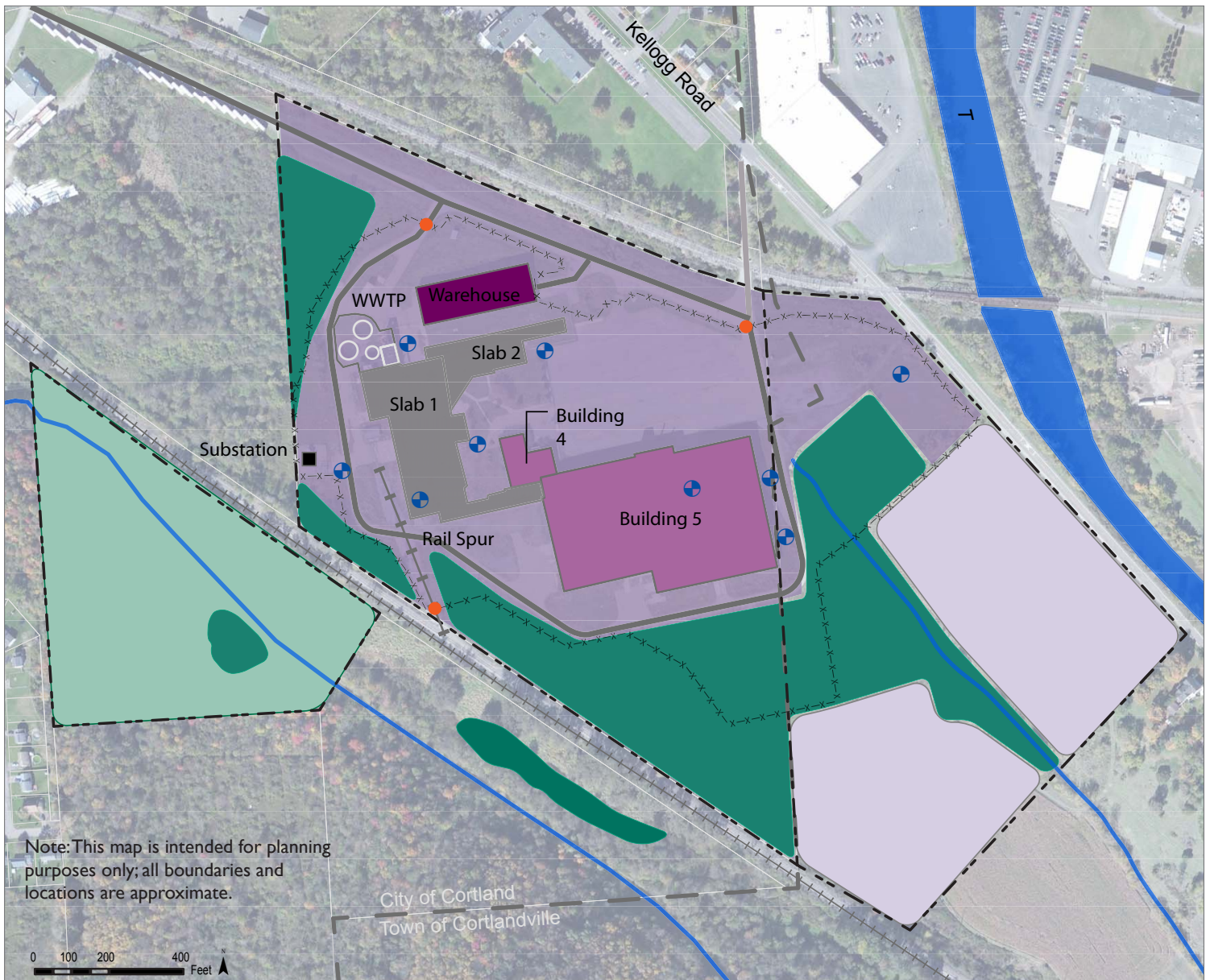
-  Ground Water Monitoring Wells
-  Parcel Boundaries
-  Municipal Boundary
-  Surface Water

### Infrastructure

-  Electric Substation
-  Electric Transmission Line
-  Rail Spur (inactive)
-  Railroad (New York, Susquehanna & Western Railway)
-  Waste Water Treatment Plant (inactive)
-  Parking Area
-  Security Fence
-  Gated Access Point
-  Access Road

*Known contamination:* The EPA Removal Action conducted between 2007 and 2009 addressed chromium contamination at the site, resulting in site conditions that are protective for commercial and industrial use. EPA's post-removal sampling conducted in 2009 identified chromium contamination in the concrete, sub-slab soils and ground water at, or under Building 5 and Slabs 1 and 2.

# Reuse Suitability



## REUSE ZONES

The map above highlights reuse zones based on removal actions, potential contamination, condition of structures and natural features.

- 1** Buildings suitable for commercial/industrial reuse (30,000 sq. ft. warehouse)
- 2** Buildings suitable for commercial/industrial reuse with considerations (200,000 sq. ft.; mold remediation and interior reconfiguration necessary to support reuse; excavation and sub-slab removal considerations)
- 3** Areas suitable for structural development on existing concrete slab (110,000 sq. ft.; excavation and sub-slab removal considerations)
- 4** Areas suitable for new development (27 acres; parking, circulation, utilities)

- 5** Areas suitable for new development with flood plain considerations (15 acres; crop land and flood plains; potentially suitable for industrial use)
- 6** Areas with limited access (11 acres; forested areas, steep slopes)
- 7** Areas suitable for open space (15 acres; wetlands and riparian areas)

*Anticipated use limitations:* ground water use and withdrawal limitations; residential use limitations; notifications that existing ground water monitoring wells should remain intact; notifications that slab removal or sub-slab excavation should only be undertaken in compliance with state and federal laws due to potential contamination.

# REDEVELOPMENT CONSIDERATIONS

To support the disposition and reuse of the site, the site features and reuse suitability zones outlined on the previous pages can help to inform the prospective purchasers and local government partners about key site conditions and redevelopment opportunities. Reuse considerations and recommendations to address potential reuse barriers are highlighted below.

- **Removal Action:** EPA's removal action addressed potential human health risks, and the site remains protective for commercial and industrial uses.
- **Administrative Settlements:** International Electronic Devices-USA, LLC owns the two site parcels but abandoned the properties in 2005. EPA, the State Bank of India, City of Cortland and Cortland County will have finalized Administrative Settlements in advance of an anticipated foreclosure sale.
- **Phasing:** The site includes a 30,000 sq. foot warehouse that is ready for reuse in the near-term with an additional 200,000 sq. ft. building and 15 undeveloped acres that can be phased in over time.
- **Adaptive Reuse:** The reuse of Building 5 would require re-configuration of the interior and removal of mold from interior surfaces.
- **Concrete Slab and Sub-slab Soil Considerations:** Concrete slab disturbance may result in exposure to residual chromium in concrete and sub-slab soils; any concrete demolition debris would have to be sampled and properly disposed of at a Solid or Hazardous Waste Landfill, depending on sampling results.
- **Infrastructure Improvements:** Further evaluation is needed to identify feasibility and costs for improvement of waste water treatment plant and rail spur and for re-energizing the electric substation.
- **Zoning Considerations:** Coordination with the Town of Cortland Zoning Board is needed to identify potential for re-zoning the 24-acre parcel to industrial use; certain new industrial development would likely require flood plain development approvals from the Town and NYSDEC.

Electric substation (left); Building 5 (right); Warehouse (bottom)



Reuse Assessment Prepared by Skeo Solutions

# ACKNOWLEDGEMENTS

The following organizations and entities contributed to the findings of the reuse assessment:

- City of Cortland
- Cortland County
- Cortland Fire Department
- Town of Cortlandville
- Cortland County Industrial Development Agency/  
Business Development Corporation
- Thoma Development Consultants
- EPA Region 2

## LIABILITY PROTECTIONS

Prospective purchasers and local government entities that may be involved in the acquisition and redevelopment of the site should understand the associated liability issues. The 2002 Brownfield Amendments to the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) provided important protections to landowners who meet certain statutory criteria and comply with ongoing obligations at a site.

### **Bona Fide Prospective Purchasers (BFPPs) – CERCLA Sections 101(40) and 107(R)(1)**

In order to be considered a BFPP under the CERCLA, a prospective purchaser would need to ensure it meets the statute's requirements. A BFPP must also satisfy the criteria discussed in the "common elements" guidance, which includes 1) performing "all appropriate inquiries" prior to acquiring the property, 2) demonstrating "no affiliation" with a liable party and 3) satisfying ongoing long-term stewardship obligations.

For additional information on BFPP liability protections, see: [www.epa.gov/oecaerth/cleanup/revitalization/bfpp.html](http://www.epa.gov/oecaerth/cleanup/revitalization/bfpp.html)

### **Local Governments and Involuntary Acquisition – CERCLA Sections 101(20)(D) and 101(35)(A)(ii)**

CERCLA provides liability protection to state and local governments who acquire property by virtue of their function as a sovereign. This protection is known as the "involuntary acquisition" exemption and includes the following types of property transactions that lead to local government ownership: bankruptcy; tax-delinquency or tax-foreclosure; abandonment; or other circumstances in which the government entity involuntarily acquires title.

For additional information on liability protections for local governments, see:

[www.epa.gov/oecaerth/cleanup/revitalization/local-acquis.html](http://www.epa.gov/oecaerth/cleanup/revitalization/local-acquis.html)  
[www.epa.gov/oecaerth/resources/publications/cleanup/brownfields/local-gov-liab-acq-fs-rev.pdf](http://www.epa.gov/oecaerth/resources/publications/cleanup/brownfields/local-gov-liab-acq-fs-rev.pdf)

*Note: This information is for reference and does not constitute legal advice.*

## CONTACT INFORMATION

For additional information on the Buckbee-Mears site reuse assessment or planned foreclosure sale, please contact:

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