



Revitalizing the Buckbee Mears Co. Site: The Condensed Version

Superfund Redevelopment
Initiative Series: Bringing
Industrial Reuse to Superfund
Sites

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This is not an official presentation of the US EPA

Former Buckbee-Mears Facility, Cortland, NY



SITE PLAN
1" = 60'
SCALE
FEET



Warehouse



Concrete Slab



Manufacturing Facility
(Building 5)

Before...



EPA Removal Action Undertaken...

Key

- Warehouse**
 - 30,000 s.f. metal building
 - No surface contamination identified
 - Structure in usable condition
- Building 4**
 - 12,000 s.f. breakroom/cafeteria
 - Extensive black mold damage throughout sheetrock and interior walls
- Building 5**
 - 180,000 s.f. former process building
 - Elevated levels of chromium identified in concrete slab/sub-slab soils
 - Extensive black mold damage throughout sheetrock and interior walls
- Concrete Slabs**
 - 110,000 s.f. concrete slab (4' above grade); left in place after building demolition/removal
 - Elevated levels of chromium identified in concrete slab and sub-slab soils
 - Surface sealed/covered with 2"- 4" of rubble
- Waste Water Treatment Plant**
 - 3 clarifiers, sludge dewatering unit, light frame building
 - No contamination identified
 - Significant repairs needed
- Parking Area**
 - 170,000 s.f. paved parking area with lighting
 - No contamination identified
- Ground Water Monitoring Wells**
 - Elevated levels of chromium and arsenic identified in 3 ground water monitoring wells (Slab 1, Building 5 and Parking Area)

Additional Features

- Fenceline
- Gated Access Point
- Rail Line
- Parcel Boundaries
- Municipal Boundary
- Surface Water



https://www.epaos.org/site/site_profile.aspx?site_id=3213

Redevelopment Challenges & Solutions

Barriers	Considerations	Solutions
Ownership	Former owner International Electronic Devices abandoned facility in 2005.	3 administrative settlements & foreclosure auction led to ownership transfer to realty group.
Encumbrances	EPA response lien + other liens City & County tax liens Bank of India mortgage lien.	Foreclosure cleared title.
Building interior / adaptive reuse	Configuration of interior walls, residual manufacturing equipment & extensive mold damage limited potential for reuse.	Remediation, demolition & removal of interior walls, equipment to create >205,000 sq/ft of flexible industrial space.
Slabs/subsurface soils	Residual contamination may remain in concrete slabs & subsurface soils.	Management plan to limit exposure to residual chromium in concrete & sub-slab soils.

Many Stakeholders

- *International Electronic Devices-USA, LLC (IED)* – former owner (bankrupt / India)
- *US EPA* – held CERCLA lien on property for unrecovered response costs (removal action).
- *State Bank of India (Bank)* – held mortgage on site property
- *City of Cortland (City)* – shared local taxing authority for site property; held tax lien. Provided site surveillance
- *County of Cortland (County)* – held tax lien on Town parcel
- *Cortland County Industrial Development Agency (IDA) / Business Development Corporation (BDC)* – local redevelopment & economic development agencies
- *Yaman Realty Services* – current owner/developer

Property Encumbrances

- EPA perfected a **\$8.3M** CERCLA §107(L) lien on site property as part of its efforts to recover its response costs.
- The State Bank of India held a mortgage on the site property valued at **~\$8.4M**.
- The Site properties were tax-delinquent for several years.
 - City owed **~\$1.2M** for unpaid real property taxes through 2011.
 - County owed **<\$6,000** for unpaid real prop. taxes through 2011.

Getting to “Unencumbered”

Several tools utilized (after the cleanup)...

- Reuse Assessment
- CERCLA §122(h) Agreement w/ Bank
- 2 MOAs with municipalities
- A lot of dialogue & trust
- Creativity

Reuse Assessments

Used strategically

- Aug. 2012 – Skeo Solutions finalizes Brochure & PP
- Key to understanding the Site & advancing the dialogue

4 others in NY (at that time):


- GM Massena Site (Massena, NY)
- Hudson River (2, Fort Edward, NY)
- Pfohl Brothers Landfill Site (Cheektowaga, NY)

<http://www2.epa.gov/superfund-redevelopment-initiative>

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 re-position the site for reuse and redevelopment.

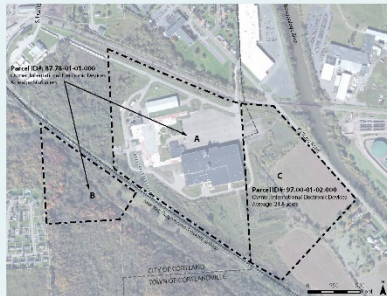
The EPA Superfund Redevelopment Initiative funded a reuse assessment to document cleanup status, clarify the site's suitability for reuse and to identify recommendations to address potential barriers to reuse. This handout summarizes reuse goals, site assets, reuse suitability and guidance regarding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

REUSE GOALS

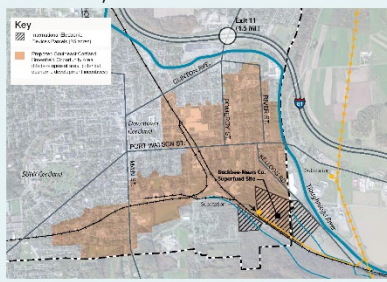
- Transfer site to a viable entity that can maintain site security and oversee redevelopment.
- Leverage site assets to facilitate redevelopment.
- Preserve prime industrial space at the site.
- Pursue multiple opportunities for revenue generation to diversify the economy.
- Consider phasing options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

Funded by the EPA Superfund Redevelopment Initiative

CERCLA §122(h) Settlement

August 2012 – EPA & Bank sign a Settlement Agreement

- Acknowledges competing liens
- Bank: Foreclose → sell Site (already foreclosure action in progress)
 - Note: Next time → only municipalities to foreclose*
- Bank paid \$150k for marketing/selling the Site, then \$ paid to City & County (taxes) → then formula for recovery of amts above that
- Bank: Pursue principals of the owner/operator co. in India → Pay EPA 25% of any funds the Bank collects.
- EPA: release CERCLA §107(I) lien & waive any windfall lien (CERCLA §107(r))

<http://www.gpo.gov/fdsys/pkg/FR-2012-09-25/html/2012-23587.htm>

Memorandum of Agreements (MOAs)

- Agreements w/ Municipalities
- Competing liens
- Non-NPL sites
- Locality forecloses → sell site → cost share b/t EPA & locality & X?
- EPA removes CERCLA lien / waives CERCLA windfall lien
- Removal of lien eliminates EPA's 1 year right of redemption (28 U.S.C. § 2410(c)) that would be applicable if EPA's lien foreclosed.
- Property can be sold free & clear of all liens + federal redemption claims.
- Buyer can immediately seek financing & invest in the property w/out waiting out the redemption period.
- NO 'no-action assurances'

Memorandum of Agreements (MOAs)

2012 MOAs w/ Cortland County & City of Cortland

- Process: Foreclosure → sold at auction → buyer invested \$ → ready for reuse!

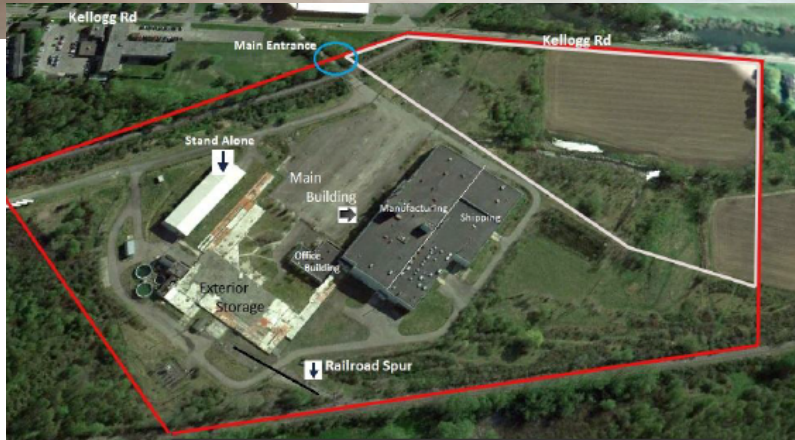
Others in R2 (NY & NJ)...

- St. Lawrence County (Sealand, 2016) - *site sold!*
- Jersey City, NJ (City Chemical, 2016) - *sale imminent*
 - Note: MOA with an IDA
- City of Buffalo (Marlette, 2015) - *site sold!*
- Broome County (E.H. Titchener, 2011) - *site sold!*
- Rensselaer County (Fort Orange, 2009) - *still hope...*

Very effective tool.

<https://www.federalregister.gov/articles/2012/08/03/2012-19046/proposed-cercla-administrative-cost-recovery-settlements-for-the-buckbee-mears-co-superfund-site-in>

Ready for Reuse...





Questions?

Comments?

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