MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
By: SARAH E. LIGHT (SL-9869)
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel.: (212) 637-2774

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

----------X

In re WESTWOOD CHEMICAL CORP.,	:	Chapter 7
Debtor.	:	Case No. 05-35298-cgm

----------X

UPDATED APPLICATION FOR PAYMENT OF ADMINISTRATIVE EXPENSES OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

A. Preliminary Statement

1. This updated request for payment of administrative expenses is filed by the United States at the request of the United States Environmental Protection Agency ("EPA"). The Attorney General is authorized to submit this request on behalf of the United States. This request for payment updates and supersedes the United States' prior request for payment, filed on July 19, 2005.

2. The administrative expenses described herein arise from post-petition actions by EPA pursuant to its response authorities contained in Section 104(a) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604(a), to address environmental contamination at the facility that Westwood Chemical Corporation ("Westwood") currently owns in Middletown, New York, at which Westwood previously manufactured chemicals. See Supplemental Declaration of Dilshad

240911

Perera, dated June 29, 2006 ("Perera Supp. Dec.").

B. Factual Background

3. Westwood is a New York corporation organized in 1973 under the name Comet Chemical Corp. Id. at ¶ 6.

4. Westwood owns real property at 46 Tower Road, Middletown, New York 10941 (the "Site"), in Orange County, which it operated to manufacture chemicals used in antiperspirants and substances used by municipal water suppliers until October 2004, when it shut down its operations as a result of financial difficulties. Id. at ¶ 7. During the height of its manufacturing operations, Westwood employed nearly one hundred people at the Site and operated two shifts over a 24-hour period. Id.

5. When it ceased operations, Westwood left production chemicals, finished product, and waste materials at the Site, including hazardous substances as defined in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and left the Site unsecured and open to potential trespassers and vandals. Id. at ¶ 8.

6. When Westwood ceased operations at the facility, containerized wastes were stored both outdoors and in indoor spaces that had no heat because utilities to the Site had been terminated. Id. at ¶ 9. These wastes were at risk of freezing, which created a potential for the rupture of the containers and release of the wastes. Id.

7. Westwood was placed in bankruptcy by an involuntary petition filed by creditors on January 28, 2005, under Chapter 7 of the bankruptcy laws, which was superseded by a voluntary petition filed on February 11, 2005. The cases were consolidated by Order dated April 11, 2005. Id. at ¶ 10.

8. On February 10, 2005, the Town of Wallkill conducted an inspection at the Site. Id. at ¶ 11. Upon noting several storage tanks and numerous containers with labels indicating corrosive contents, laboratory rooms with potentially shock-sensitive material, and the absence of utilities servicing the building, the Code Enforcement Officer for the Town notified the New York State Department of Environmental Conservation ("NYSDEC"). Id.

9. NYSDEC staff hired contractors to provide security at the Site, to move containers containing corrosive contents from outdoor staging areas to the warehouse portion of the Site, and to remove potentially shock-sensitive materials from the Site. Id. at ¶ 12. NYSDEC also arranged for repairs to the heating system and for temporary payment of utility service to the Site. Id.

10. On February 22, 2005, NYSDEC requested that EPA conduct a time-critical response action under CERCLA. Id. at ¶ 13. By verbal authorization on March 2, 2005, EPA provided interim funding of $200,000 to commence a CERCLA removal response action at the site. Id. EPA determined that hazardous substances at the Site had been released or threatened to be released into the environment, and that conditions at the Site presented an imminent and substantial endangerment to the public health, welfare or the environment. Id.

11. EPA commenced providing security at the Site as of March 3, 2005, and on March 8, 2005, mobilized to the Site and commenced stabilization and cleanup activities. Id. at ¶ 14.

12. As of the commencement of the EPA cleanup, there were present on the Site approximately 70 large storage tanks, 400 totes (1,000-liter waste containers), 2,000 lab-pack size containers, and 3,500 tons of solid material. Id. at ¶ 15. Due to the condition of the

tanks and containers at the Site, a number of releases occurred at the Site. Id.

13. Among the chemicals abandoned at the Site, EPA identified numerous hazardous substances (see 40 C.F.R. §§ 302.4(a) and (b)). Id. at ¶ 16. These include substances that are specifically listed at 40 C.F.R. Table 302.4, including hydrochloric acid, sulfuric acid, mercury, lead, chromium, copper and zinc, and other substances that are hazardous substances by virtue of their characteristics of ignitability, corrosivity, or toxicity as defined at 40 C.F.R. § 261.20 through § 261.24. Id. In addition, other substances identified at the Site, although not specifically listed as hazardous substances pursuant to CERCLA, pose a human health threat for dermal contact or inhalation because they become acidic when they absorb moisture from the air, in the lungs, or sweat on skin. Id. These include zirconium basic carbonate, zirconium oxychloride, and aluminum chlorohydrate. Id. During the course of the removal action, EPA identified additional hazardous substances at the Site.

14. The conditions at the Site meet the criteria for a CERCLA removal action as described in the National Contingency Plan at 40 C.F.R. § 300.415(b). Id. at ¶ 17.

15. In performing removal activities, among other activities, EPA provided 24-hour security for the Site; stabilized the Site by restaging wastes to safe locations; addressed numerous leaks or spills at the Site by transferring materials from leaking containers into secure containers for disposal; sampled liquid and solid wastes and investigated conditions at the Site; and disposed of the following materials from the Site: 38,775 gallons of wastewater containing hazardous wastes; 353,035 gallons of other wastewater; 21 drums (totaling 687 pounds) of laboratory chemical hazardous wastes; 23 drums (totaling 987 pounds) of other waste laboratory chemicals; 27 tons of hazardous wastes that had been contained in totes at the Site; 212 drums

(55-gallon capacity each) totaling 11,660 gallons of hazardous wastes; 126 drums (55-gallon capacity each) totaling 7,150 gallons of other wastes; and 1,680 tons of debris generated from polyethylene and fiberglass tank disassembly, polyvinyl chloride process lines, spent personal protective equipment, and dry in-process and raw chemicals. Id. at ¶ 18. Finally, EPA also segregated, staged, and shipped for recycling or reuse the following waste materials: 277 empty totes; 38,750 pounds of soda ash; and 199,600 pounds and 32,108 gallons of raw and in-process chemicals. Id.

16. The Initial Action Memorandum authorized a project ceiling for the CERCLA removal action of $1,950,000. Id. at ¶ 19 & Ex. A at 10. This included $1,585,000 of direct costs for EPA's cleanup contractor, $40,000 in direct costs for EPA's technical support contractor, plus a 20% ($325,000) contingency fund. Id.

17. In addition to the cleanup costs authorized to be paid to EPA contractors, the Initial Action Memorandum estimated internal EPA costs, including EPA staff payroll costs, of approximately $100,000, for a total of $2,050,000 in direct costs. Id. at ¶ 20 & Ex. A at 11. Consistent with EPA full cost accounting methodology, EPA applies an indirect cost rate of 30.30% on all direct costs, amounting to an estimated $621,150 (30.30% of $2,050,000) in indirect costs. Thus, for purposes of estimating potential EPA cost recovery, but still excluding certain potential EPA costs such as pre-judgment interest and enforcement costs, the Initial Action Memorandum estimated potential EPA costs at $2,671,150. Id. at ¶ 20 & Exh. A.

18. On October 31, 2005, a $2 million Statutory Exemption and Ceiling Increase Action Memorandum was approved by the Regional Administrator of EPA Region 2, which increased allocated funding for this cleanup and increased the authorized project ceiling to

$2,450,000, which increased the estimate of total costs, including EPA indirect costs, to $3,322,650. Id. at ¶ 21 & Exh. C. References in Exhibit C, the Ceiling Increase Action Memorandum, to "Attachment A," are references to the Initial Action Memorandum, attached hereto as Exhibit A.

19. EPA completed its on-Site CERCLA removal activities as of March 1, 2006. Id. at ¶ 22.

20. The total amount actually expended by EPA in CERCLA response costs relating to the Westwood Chemical Site through June 8, 2006 is $2,935,310.15. The total amount of EPA's expenditures is reflected in an accounting report prepared by EPA on June 8, 2006, called a "SCORPIOS Report." Id. at ¶ 23 & Exh. D.

21. A SCORPIOS Report is generated from EPA's accounting system, and reflects costs charged to a site and actually paid by EPA for the period covered by the Report. Costs that are incurred by EPA after the date of preparation of the Report, but that EPA has not actually paid, are thus not reflected in the Report. Id. at ¶ 24.

22. The SCORPIOS Report sets forth both EPA's direct and indirect costs. Direct costs include those costs paid out by EPA on a site-specific basis for EPA payroll, EPA expenses including travel, and costs of goods and services obtained by EPA from other federal agencies or pursuant to contracts with private vendors. Id. at ¶ 25.

23. The principal component of the direct costs at the Westwood Chemical site is the amount paid by EPA to Earth Tech, Inc. ("Earth Tech"). Earth Tech is EPA's emergency removal cleanup contractor. Earth Tech's function is to provide the direct goods and services required by EPA for site cleanup activities. The June 8, 2006 SCORPIOS Report shows

that through May 31, 2006, EPA had paid $2,119,644.46 to Earth Tech. Id. at ¶ 26 & Exh. D.

24. Indirect costs constitute the costs of running the "Superfund" program that are allocated to sites on a cost-accounting basis by EPA. Id. at ¶ 27. The indirect cost rate for EPA Region 2 for the period of time of the performance of the cleanup action at the Westwood Chemical site has been calculated at 30.30% of direct expenditures. Thus, the actual cost of cleanup of the Westwood site is computed as the total of (i) the direct out-of-pocket costs, plus (ii) 30.30% of those costs. Id.

25. A breakdown of the project's total costs are as follows: EPA incurred at least $86,776.02 for Regional Payroll Costs, $1,774.19 for Headquarters Payroll Costs, $28,482.56 for Regional Travel Costs and $1,636.54 for Headquarters Travel Costs; $2,119,644.46 for Emergency Removal Cleanup under the Earth Tech contract (which includes labor, transportation and disposal of hazardous substances, costs of utilities, supplies and equipment); $2,143.92 for Enforcement Support Services under the Toeroek Associates contract; $12,182.75 for Superfund Tech Assessment and Response Team under the Roy F. Weston contract; $91.80 for Miscellaneous Expenses; and $682,577.91 for Indirect Costs (30.30% of the Direct Costs for Fiscal Years 2005 and 2006, which were $2,252,732.24). Id. at ¶ 28 & Exh. D.

26. The June 8, 2006 SCORPIOS Report shows the total amount paid by EPA in cleaning the Westwood Chemical site to be $2,935,310.15. Id. at ¶ 29 & Exh. D. These figures reflect the most recent payment information, and are in line with the October 31, 2005 Ceiling Increase Action Memorandum, see supra ¶ 18, which increased the total estimated cost for cleanup at the Site to $3,322,650. Perera Supp. Decl., at ¶ 29.

C. EPA's Administrative Expense Claim

27. EPA is entitled to payment of administrative expenses based on the costs of EPA's response action at the Site. Post-petition conditions that cause environmental harm or threaten the public health or safety give rise to an administrative expense claim as "actual, necessary costs and expenses of preserving the estate." 11 U.S.C. § 503(b)(1)(A); In re Chateaugay Corp., 944 F.2d 997, 1009-10 (2d Cir. 1991) ("response costs for post-petition remedial action qualify as administrative expenses"); see also In re Duplan Corp., 212 F.3d 144, 155 (2d Cir. 2000) (citing, inter alia, Chateaugay); In re Wall Tube & Metal Products Co., 831 F.2d 118 (6th Cir. 1987). Moreover, post-petition response costs are entitled to administrative priority. 11 U.S.C. § 507(a)(1).

28. As discussed above, EPA has incurred response costs for post-petition actions at the Site to remediate conditions that cause environmental harm and/or threaten the public health or safety. Specifically, EPA expended post-petition response costs in the amount of $2,935,310.15. Westwood is liable under CERCLA because (a) Westwood owns the site and it owned and operated the Site at the time of disposal of hazardous substances there, (b) hazardous substances were released from the Site, and there were threats of additional release of hazardous substances from the Site; (c) the releases and threatened releases have caused the United States to incur response costs at the site, and (d) the Site is a facility within the meaning of CERCLA. 42 U.S.C. § 9607(a).

29. This request for administrative expenses reflects the known liability of the debtor to the United States. The United States reserves the right to amend this request to assert subsequently discovered liabilities. This request is without prejudice to any right under 11

U.S.C. § 553 to set off, against this claim, debts owed (if any) to the debtor by this or any other federal agency. This request is without prejudice to any right under 11 U.S.C. § 506(c).

CONCLUSION

30. Accordingly, the United States is entitled to an administrative expense claim of $2,935,310.15.

Dated: July 10, 2006
New York, New York

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney for
the Southern District of New York
Attorney for the United States
Environmental Protection Agency

By: __/s/_____
SARAH E. LIGHT (SL-9869)
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel: (212) 637-2774

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
By: SARAH E. LIGHT (SL-9869)
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel.: (212) 637-2774

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

----------X

In re WESTWOOD CHEMICAL CORP.,	:	Chapter 7
Debtor.	:	Case No. 05-35298-cgm

----------X

SUPPLEMENTAL DECLARATION OF DILSHAD PERERA
IN SUPPORT OF THE UNITED STATES'
APPLICATION FOR PAYMENT OF ADMINISTRATIVE EXPENSES

DILSHAD PERERA, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury as follows:

1. I hereby make the following supplemental declaration pursuant to 28 U.S.C. § 1746 based on my knowledge and experience gained from my professional work at the United States Environmental Protection Agency ("EPA") as an On-Scene Coordinator ("OSC") and specifically on the personal knowledge I have gained as the OSC for the Westwood Chemical Superfund Site located at 46 Tower Drive, Middletown, New York ("Site"), including my personal observations at the Site and my review of the records, reports, and data compilations for the Site made by EPA or its contractors in the ordinary course of regularly conducted business activity of EPA and its contractors. This declaration supplements my original declaration in support of EPA's claim for administrative expenses, dated July 19, 2005.

2. I have been employed by EPA since 1990 as an OSC in the Response and Prevention Branch of the Emergency and Remedial Response Division of EPA, Region 2, at 2890 Woodbridge Avenue, Edison, New Jersey 08837-3679. An OSC is the federal official with the responsibility and authority to coordinate and direct "removal" actions undertaken by EPA to remedy a release of hazardous substances, pollutants or contaminants, or threat of such release, into the environment, in order to prevent or abate an imminent and substantial endangerment to the public health or welfare or the environment. EPA is authorized to undertake removal actions pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604. Removal actions are carried out by EPA pursuant to CERCLA and to the applicable regulations codified at 40 C.F.R. Part 300 as the National Oil and Hazardous Substances Pollution Contingency Plan ("National Contingency Plan" or "NCP"). During my tenure with EPA, I have served as an OSC at numerous CERCLA removal action sites.

3. I was awarded a Bachelor of Science degree in biochemistry with a minor in chemistry from the University of Houston in 1987. From 1988 to 1990, I worked for ICF Consulting, an environmental assessment consulting firm, under a technical assistance contract with EPA. For more than fifteen years, since June 1990, I have been an OSC at EPA. Since joining EPA, I have taken numerous courses on technical issues and risk assessment and participated in seminars for the purpose of enhancing the skills required for my duties as an OSC. I have received training in regulations under the Occupational Safety and Health Act; Level A Protection; Advanced Air Sampling; Spill Prevention, Control and Countermeasures (SPCC); Rail Car Safety; and Radioactive Substances Training. I have also attended the EPA OSC

Academy.

4. As an OSC, I am responsible for coordinating and directing EPA's removal actions (see 40 C.F.R. § 300.5). Specifically, my responsibilities include the management of the technical and financial aspects of EPA's removal activities, including oversight of the activities performed by contractors retained by EPA to undertake the cleanup.

5. I have been the OSC for the Site since EPA commenced its removal activities in March 2005. In that capacity, I participated in EPA's selection of the removal action for the Site, which selection is embodied in EPA's Action Memorandum dated April 15, 2005 (the "Initial Action Memorandum"), a copy of which is attached to this Supplemental Declaration as Exhibit A. Also in my capacity as OSC, I provided periodic Pollution Reports, which report on the progress of the cleanup and the amounts of monies incurred by EPA through the date of such reports. Through this date, I have prepared eleven Pollution Reports denominated as Pollution Report numbers 1 through 11, and dated, respectively: April 1, 2005 (#1); April 15, 2005 (#2); May 6, 2005 (#3); May 26, 2005 (#4); June 17, 2005 (#5); June 30, 2005 (#6); August 19, 2005 (#7); September 1, 2005 (#8); October 4, 2005 (#9); January 26, 2006 (#10); and March 20, 2006 (#11), copies of which are attached to this Declaration as Exhibit B.

6. Westwood is a New York corporation organized in 1973 under the name Comet Chemical Corp.

7. Westwood owns real property at 46 Tower Road, Middletown, New York 10941 (the "Site"), in Orange County, which it operated to manufacture chemicals used in antiperspirants and substances used by municipal water suppliers until October 2004, when it shut down its operations as a result of financial difficulties. On information and belief, during

the height of its manufacturing operations, Westwood employed nearly one hundred people at the Site and operated two shifts over a 24-hour period.

8. When it ceased operations, Westwood left production chemicals, finished product and waste materials at the Site, including hazardous substances as defined in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and left the Site unsecured and open to potential trespassers and vandals.

9. When Westwood ceased operations at the facility, containerized wastes were stored both outdoors and in indoor spaces that had no heat because utilities to the Site had been terminated. These wastes were at risk of freezing, which created a potential for the rupture of the containers and release of the wastes.

10. Westwood was placed in bankruptcy by an involuntary petition filed by creditors on January 28, 2005, under Chapter 7 of the bankruptcy laws, which was superseded by a voluntary petition filed on February 11, 2005. The cases were consolidated by Order dated April 11, 2005.

11. On February 10, 2005, the Town of Wallkill conducted an inspection at the Site. Upon noting several storage tanks and numerous containers with labels indicating corrosive contents, laboratory rooms with potentially shock-sensitive material, and the absence of utilities servicing the building, the Code Enforcement Officer for the Town notified the New York State Department of Environmental Conservation ("NYSDEC").

12. NYSDEC staff hired contractors to provide security at the Site, to move containers containing corrosive contents from outdoor staging areas to the warehouse portion of the Site, and to remove potentially shock-sensitive materials from the Site. NYSDEC also

arranged for repairs to the heating system and for temporary payment of utility service to the Site.

13. On February 22, 2005, NYSDEC requested that EPA conduct a time-critical response action under CERCLA. By verbal authorization on March 2, 2005, EPA provided interim funding of $200,000 to commence a CERCLA removal response action at the site. EPA determined that hazardous substances at the Site had been released or threatened to be released into the environment and that conditions at the Site presented an imminent and substantial endangerment to the public health or welfare or the environment.

14. EPA commenced providing security at the Site as of March 3, 2005 and, on March 8, 2005, mobilized to the Site and commenced stabilization and cleanup activities.

15. As of the commencement of the EPA cleanup, there were present on the Site approximately 70 large storage tanks, 400 totes (1,000-liter containers), 2,000 lab-pack size containers, and 3,500 tons of solid material. Due to the condition of the tanks and containers at the Site, a number of releases occurred at the Site.

16. Among the chemicals abandoned at the Site, EPA identified numerous hazardous substances (see 40 C.F.R. §§ 302.4(a) and (b)) during its Removal Site Evaluation. These include substances that are specifically listed at 40 C.F.R. Table 302.4, including hydrochloric acid, sulfuric acid, mercury, lead, chromium, copper and zinc, and other substances that are hazardous substances by virtue of their characteristics of ignitability, corrosivity or toxicity as defined at 40 C.F.R. § 261.20 through § 261.24. In addition, other substances identified at the Site, although not specifically listed as hazardous substances pursuant to CERCLA, posed a human health threat for dermal contact or inhalation because they become acidic when they absorb moisture from the air or in the lungs or sweat on skin. These include

zirconium basic carbonate, zirconium oxychloride, and aluminum chlorohydrate. During the course of the removal action, EPA identified additional hazardous substances at the Site.

17. The conditions at the Site met the criteria for a CERCLA removal action as described in the National Contingency Plan at 40 C.F.R. § 300.415(b).

18. In performing removal activities, among other activities, EPA provided 24-hour security for the Site; stabilized the Site by restaging wastes to safe locations; addressed numerous leaks or spills at the Site by transferring materials from leaking containers into secure containers for disposal; sampled liquid and solid wastes and investigated conditions at the Site; and disposed of the following materials from the Site: 38,775 gallons of wastewater containing hazardous wastes; 353,035 gallons of other wastewater; 21 drums (totaling 687 pounds) of laboratory chemical hazardous wastes; 23 drums (totaling 987 pounds) of other waste laboratory chemicals; 27 tons of hazardous wastes that had been contained in totes at the Site; 212 drums (55 gallon capacity each) totaling 11,660 gallons of hazardous wastes; 126 drums (55 gallon capacity each) totaling 7,150 gallons of other wastes; 1,680 tons of debris generated from polyethylene and fiberglass tank disassembly, polyvinyl chloride process lines, spent personal protective equipment, and dry in-process and raw chemicals. Finally, EPA also segregated, staged and shipped for recycling or reuse the following waste materials: 277 empty totes; 38,750 pounds of soda ash; and 199,600 pounds and 32,108 gallons of raw and in-process chemicals.

19. The Initial Action Memorandum authorized a project ceiling for the CERCLA removal action of $1,950,000. This included $1,585,000 of direct costs for EPA's cleanup contractor, $40,000 in direct costs for EPA's technical support contractor, plus a 20% ($325,000) contingency fund. See Exhibit A at 10.

20. In addition to the cleanup costs authorized to be paid to EPA contractors, the Initial Action Memorandum estimated internal EPA costs, including EPA staff payroll costs, of approximately $100,000. for a total of $2,050,000 in direct costs. Consistent with EPA full cost accounting methodology, EPA applies an indirect cost rate of 30.30% on all direct costs, amounting to an estimated $621,150 (30.30% of $2,050,000) in indirect costs. Thus, for purposes of estimating potential EPA cost recovery, but still excluding certain potential EPA costs such as pre-judgment interest and enforcement costs, the Initial Action Memorandum estimated potential EPA costs at $2,671,150. See Exhibit A at 11.

21. On October 31, 2005, a $2 million Statutory Exemption and Ceiling Increase Action Memorandum was approved by the Regional Administrator of EPA Region 2, which increased allocated funding for this cleanup and increased the authorized project ceiling to $2,450,000, which increased the estimate of total costs, including EPA indirect costs, to $3,322,650. This October 31, 2005 Ceiling Increase Action Memorandum is attached hereto as Exhibit C.

22. EPA completed its on-Site CERCLA removal activities as of March 1, 2006.

23. The total amount actually expended by EPA in CERCLA response costs relating to the Westwood Chemical Site through June 8, 2006 is $2,935,310.15. The total amount of EPA's expenditures is reflected in an accounting report prepared by EPA on June 8, 2006, called a "SCORPIOS Report." A copy of the June 8, 2006 SCORPIOS Report is attached hereto as Exhibit D.

24. A SCORPIOS Report is generated from EPA's accounting system, and reflects costs charged to a site and actually paid by EPA for the period covered by the Report.

Costs that are incurred by EPA after the date of preparation of the Report, but that EPA has not actually paid, are thus not reflected in the Report.

25. The SCORPIOS Report sets forth both EPA's direct and indirect costs. Direct costs include those costs paid out by EPA on a site-specific basis for EPA payroll, EPA expenses including travel, and costs of goods and services obtained by EPA from other federal agencies or pursuant to contracts with private vendors.

26. The principal component of the direct costs at the Westwood Chemical site is the amount paid by EPA to Earth Tech, Inc. ("Earth Tech"). Earth Tech is EPA's emergency removal cleanup contractor. Earth Tech's function is to provide the direct goods and services required by EPA for site cleanup activities. The June 8, 2006 SCORPIOS Report shows that through May 31, 2006, EPA had paid $2,119,644.46 to Earth Tech.

27. Indirect costs constitute the costs of running the "Superfund" program that are allocated to sites on a cost-accounting basis by EPA. The indirect cost rate for EPA Region 2 for the period of time of the performance of the cleanup action at the Westwood Chemical site has been calculated at 30.30% of direct expenditures. Thus, the actual cost of cleanup of the Westwood site is computed as the total of (i) the direct out-of-pocket costs, plus (ii) 30.30% of those costs.

28. A breakdown of the project's total costs are as follows: EPA incurred at least $86,776.02 for Regional Payroll Costs, $1,774.19 for Headquarters Payroll Costs, $28,482.56 for Regional Travel Costs and $1,636.54 for Headquarters Travel Costs; $2,119,644.46 for Emergency Removal Cleanup under the Earth Tech contract (which includes labor, transportation and disposal of hazardous substances, costs of utilities, supplies and equipment); $2,143.92 for

Enforcement Support Services under the Toerock Associates contract; $12,182.75 for Superfund Tech Assessment and Response Team under the Roy F. Weston contract; $91.80 for Miscellaneous Expenses; and $682,577.91 for Indirect Costs (30.30% of the Direct Costs for Fiscal Years 2005 and 2006, which were $2,252,732.24).

29. The June 8, 2006 SCORPIOS Report shows the total amount paid by EPA in cleaning the Westwood Chemical site to be $2,935,310.15. These figures reflect the most recent payment information, and are in line with the October 31, 2005 Ceiling Increase Action Memorandum which increased the total estimated cost for cleanup at the Site to $3,322,650.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: June 29, 2006
Edison, New Jersey

DILSHAD PERERA
On-Scene Coordinator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
EDISON, NEW JERSEY 08837

DATE: APR 15 2005

SUBJECT: Confirmation of Verbal Authorization and Request for a Ceiling Increase for a CERCLA Removal Action at the Westwood Chemical Corporation Site, City of Middletown, Town of Wallkill, Orange County, New York 10941 – **ACTION MEMORANDUM**

FROM: Dilshad J. Perera, On-Scene Coordinator
Response and Prevention Branch

TO: William McCabe, Acting Director
Emergency and Remedial Response Division

THRU: Bruce Sprague, Chief
Response and Prevention Branch

Site ID No.: WN

I. PURPOSE

The purpose of this Action Memorandum is to document the verbal authorization of $250,000 granted on March 2, 2005 by William McCabe, Acting Director, Emergency and Remedial Response Division ("ERRD") and to request a ceiling increase of $1,700,000 (bringing the Total Project Ceiling to $1,950,000) with which to continue a time-critical removal action to dispose of hazardous substances present at the Westwood Chemical Corporation Site ("Site") located at 146 Tower Drive, City of Middletown, Town of Wallkill, Orange County, New York 10941 (this Action Memorandum uses 146 Tower Drive which appears to be the official post office address although Westwood Chemical Corporation had regularly used 46 Tower Drive as its address).

On February 10, 2005, New York State Department of Environmental Conservation ("NYSDEC") responded to the Site as a result of a notification of abandoned chemicals at the Site by the Town of Wallkill Code Enforcement Officer. Operations at the Site had been discontinued in October 2004 due to financial problems of the Site owner and operator, Westwood Chemical Corp., and numerous chemicals had been abandoned at the Site as a result of the shutdown of operations. NYSDEC provided for Site security, arranged for the temporary restoration of power to the Site, began moving containers of

corrosives from an outdoor staging area to the warehouse portion of the building situated on the Site, and removed certain potentially shock sensitive materials from the Site. On February 22, 2005, NYSDEC requested that the U.S. Environmental Protection Agency ("EPA") conduct a time-critical removal action under the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. §§9601 et seq.

Pursuant to verbal authorization in the amount of $250,000 from the Acting Director, ERRD given on March 2, 2005, EPA commenced Site security as of March 3, 2005 and, on March 8, 2005, EPA mobilized to the Site and commenced Site stabilization and cleanup activities.

This Action Memorandum seeks funding for continued Site security and stabilization, for analysis of materials at the Site, and for transport and disposal of hazardous substances identified through such analysis. This Site is not on the National Priorities List ("NPL"), and there are no nationally significant or precedent-setting issues associated with this Site.

II. SITE CONDITIONS AND BACKGROUND

A. Site Description

1. Removal Site Evaluation

The Site is owned and was operated by Westwood Chemical Corporation ("Westwood"), a New York corporation organized in 1973 under the original name of Comet Chemical Corp.

Westwood manufactured two primary product lines at the Site: ingredients used in the cosmetic and toiletry industry and flocculent agents used by municipal water supplies.

The ingredients manufactured for the cosmetic and toiletry industry are an aluminum-zirconium chloride complex and aluminum chlorohydrate, both in liquid and powdered form. These compounds are hygroscopic and evolve hydrogen chloride when in contact with moisture. Aluminum chlorohydrate was manufactured by adding hydrochloric acid to aluminum ingots in a series of reactor vessels.

The flocculent agents manufactured at this Site also made use of aluminum chlorohydrate. The aluminum chlorohydrate was reacted with sulfuric acid, hydrochloric acid and carbonate salts of magnesium, calcium and sodium to form polyaluminum hydroxychlorosulfate.

These two processes generated approximately 8,000 gallons of waste water per day at their peak. After Westwood was notified by the local publicly owned treatment works ("POTW") that their discharge exceeded some of the discharge permit parameters

(aluminum, copper, pH, solids and nitrogen), Westwood ceased discharging to the sewer and began shipping the wastewater off-Site.

During the height of the manufacturing operations, Westwood employed more than one hundred people at the Site and operated two shifts over each 24-hour period. In or around late 2000 or early 2001, Westwood started to encounter financial difficulties.

Later, as a cost saving measure after Westwood began to encounter financial difficulties, wastewater was stored on Site in totes, unused storage tanks and secondary containment. At that time, according to two past employees interviewed by EPA, the utility company often cut off service to the Westwood facility on account of nonpayment of utility bills, and in addition, many of Westwood's vendors supplied raw materials only on a cash-on-delivery basis also on account of unpaid bills.

There are approximately 70 large storage tanks, 400 totes, 2,000 lab-pack size containers and 3,500 tons of solid material (primarily off-spec and finished hygroscopic substances) present on the Site.

Portions of the southern boundary of the Site along Tower Road, as well as the entire eastern boundary of the Site abutting an unnamed tributary of the Wallkill River are unfenced. Although the remainder of the Site is fenced, the unfenced portions would, in the absence of Site security, afford easy and unrestricted access to the Site and to the chemicals stored outside of the building.

Two known releases occurred at the Site during the period when Westwood was conducting business operations. In the mid 1980s, an explosion occurred in one of the reactor vessels for production of aluminum chlorohydrate. In 1989, a hydrochloric acid delivery over-filled the on-Site storage tank and the acid impacted the surrounding soil. In connection with the hydrochloric acid spill, NYSDEC directed Westwood to install three monitoring wells and to pay for the cost of monitoring by NYSDEC personnel.

On October 25, 2004, due to its financial difficulties, Westwood ceased operations and abandoned the facility. Westwood was put into bankruptcy by an involuntary petition filed by creditors on January 28, 2005 which was superseded by a voluntary petition under chapter 7 of the bankruptcy laws filed on February 11, 2005.

On February 10, 2005, the Town of Wallkill Code Enforcement Officer conducted an inspection at the Site. Upon noting several storage tanks and numerous totes with labels indicating corrosive contents, laboratory rooms with potentially shock sensitive material and the absence of utilities servicing the building; the Code Enforcement Officer notified NYSDEC. NYSDEC Spill Response staff hired contractors to provide Site security, to restage from outdoor staging areas to the warehouse portion of the building totes having labels indicating corrosive contents, and to remove potentially shock sensitive materials from the Site. NYSDEC also arranged with the bankruptcy trustee for temporary restoration of power at the Site.

By letter dated February 22, 2005, NYSDEC requested that EPA undertake a time-critical CERCLA removal action at the Site.

On March 01, 2005, EPA On-Scene Coordinators ('OSCs') conducted a Site visit and met with a NYSDEC Spill Responder. The NYSDEC official requested that EPA assume responsibility for Site security.

On March 02, 2005, the Acting Director ERRD gave verbal authorization of a project ceiling of $250,000 to initiate a removal action at the Site. EPA began immediately thereafter to provide Site security and, on March 8, 2005, EPA mobilized to the Site.

Due to the condition of the tanks and containers at the Site, many of which are stored outside in an uncontrolled unsecured location, a number of releases have occurred since EPA began the response action pursuant to the March 2, 2005, verbal authorization. On March 3, 2005, during a Site tour, the OSC observed that a liquid nitrogen tank was visibly and audibly venting. It was subsequently determined through the tank's vendor, that ice formation around a vent on the tank had prevented proper venting which, if it had been left unattended could have led to a catastrophic failure of the tank. Steps were taken to break the ice and vent the contents. On March 14, 2005, one of the PVC elbow joints at the bottom of a reactor vessel failed. The resulting leak was noted by Site personnel and fixed by installing a blank cap. On March 25, 2005, an interior metal tank, in apparently good condition, and containing suspected process waste water, began leaking from a metal pipe located between the gate valve and the tank and EPA responded by safely transferring the contents of that tank to a secure container. On April 1, 2005, there was a failure of secondary containment at multiple locations in the water treatment production tank farm. EPA responded by again safely transferring the contents to a secure container.

2. Physical Location

The Site is located at 146 Tower Drive, City of Middletown, Town of Wallkill, Orange County, New York 10941. Tower Drive is lined with both manufacturing facilities and commercial entities. Within 0.25 miles to the northwest of the Site, the area is characterized by mixed residential development with single family homes and apartments. Within 0.5 miles south of the Site there is a large concentration of retail stores.

The Site is located approximately 0.25 mile east of New York Route 17, a major north to south thoroughfare, and approximately 1.5 miles north of Intestate 84. A commuter rail line between New Jersey and New York is located approximately 0.5 miles to the west of the Site. Silver Lake is within 0.6 miles southwest of the Site. The Wallkill River is approximately 2 miles southeast of the Site. An unnamed tributary of the Wallkill River is immediately adjacent to the east of the Site.

Based on 1990 census data, the City of Middletown has a population of approximately 25,000, of whom approximately 75% are white, 12% African American, and 10% Native American. The per capita income is $45,000.

3. Site Characteristics

The Site includes two adjacent tax lots with a combined land area of approximately 9 acres. Approximately one half of this acreage is developed and the remaining portion is primarily an open field with a grove of trees on the southeastern edge. The developed portion of the Site includes a series of interconnected buildings (functioning as a single building) used for the company's operations, and also includes adjacent tank farms and parking lot and driveways.

The interconnected buildings were erected in stages and comprise a single continuous structure. Most parts of the building are one-story steel-framed structures with metal siding, with the remainder being a two-story stucco structure.

The two-story stucco structure, facing Tower Drive, contains executive offices and conference rooms as well as a small basement dedicated to QA/QC sample and QA/QC report storage. Adjoining the two-story structure is a single story office building that houses three laboratories, additional offices, an employee break-room and a Research & Development room. The steel-framed structures house production facilities including bulk storage tanks and, at the rear, warehouse space. Immediately adjacent to and outside of the building are the tank farms and reactor farms.

Raw materials and final products were sampled and analyzed on-Site by Westwood. Raw materials included hydrochloric acid, sulfuric acid, zirconium basic carbonate and zirconium oxychloride. The three laboratories located in the single story office complex served for QA/QC testing, research and development and general laboratory.

The production facility is divided into two major areas. The portion closest to the office area was dedicated to processing aluminum chlorohydrate into ingredients used in antiperspirant and flocculent agents. There are numerous tanks, primarily fiberglass, and several dryer units. Along the southeastern wall of the production area are two sets of tank/reactor farms; one for forming aluminum chlorohydrate for use in antiperspirants; the second for forming aluminum chlorohydrate and polyaluminum hydroxychlorosulfate used in municipal water supply flocculent agents. The rear portion of the production building is a warehouse area.

In around the year 2000, Westwood was planning to expand its antiperspirant ingredient production and, according to information provided to EPA by former Westwood employees, Westwood had already expended an estimated $2.5 million in purchasing stainless steel dryers, blowers and steel I-beams for this expansion. The expansion progressed only to the point of laying the foundation for a new building and in fabricating the secondary containment for an additional tank/reactor farm.

At the time of EPA's mobilization for this removal action, numerous totes and poly drums were still staged outdoors. As an initial stabilization effort, EPA, through its contractor, has restaged the totes and poly drums into the warehouse portion of the building.

4. Release or Threatened Release into the Environment of a Hazardous Substance, or Pollutant or Contaminant

The following hazardous substances have been identified by sampling analyses.

Hazardous Substance	Statutory Source for Designation as a Hazardous Substance
Hydrochloric Acid	CAA 122(r)
Sulfuric Acid	40 CFR Section 302

Though the following are not specifically listed as hazardous substances pursuant to CERCLA, they do pose a human health threat for dermal contact or inhalation since, due to their hygroscopic nature, they become acidic once the substances absorb moisture from the air or moisture in the lungs or sweat on skin.

Zirconium Basic Carbonate
Zirconium Oxychloride
Aluminum Chlorohydrate

5. NPL Status

At the present time, the Site is not on the NPL and there are no efforts underway to include the Site on the NPL.

B. Other Actions to Date

1. Previous Actions to date

NYSDEC through their contractors removed several containers of potentially shock sensitive material. NYSDEC also procured 24-hour Site security and arranged for the temporary restoration of power to the Site. NYSDEC also initiated the restaging of totes with corrosive labels from outdoor staging areas to inside the warehouse.

2. Current Actions

EPA initiated a removal action on March 3, 2005, by assuming the responsibility for the 24-hour Site security. EPA's Emergency and Remedial Response Service contractor mobilized to the Site on March 8, 2005, and responded by continuing the process, initiated by NYSDEC, of restaging the totes and also began inventorying the hazardous substances and other chemicals that had been abandoned at the Site.

C. State and Local Authorities' Roles

1. State and Local Actions to Date

There are no actions currently being undertaken by either the state or local agencies

2. Potential for Continued State/Local Response

EPA will coordinate its activities with NYSDEC and the local response community including the Town of Wallkill Code Enforcement Officer.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The conditions at the Site meet the criteria for a CERCLA removal action as described in 40 CFR Section 300.415(b) of the National Contingency Plan ('NCP'). Factors that support conducting a removal action at the Site include:

(i) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;
(ii) Actual or potential contamination of drinking water supplies or sensitive ecosystems;
(iii) Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release;
(iv) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;
(v) Threat of fire and explosion; and
(vi) Unavailability of other appropriate federal or state response mechanism to respond to the release.

A. Threats to Public Health or Welfare

(i) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants.

There are large bulk storage tanks of hydrochloric acid and sulfuric acid both inside and outside the facility. Should any of these bulk storage containers fail, nearby residents and employees of nearby businesses could potentially be exposed to acid fumes or come into direct contact with the corrosive material.

(ii) Actual or potential contamination of drinking water supplies or sensitive ecosystems

There are 10 municipal wells and intakes within 2.5 miles of the Site. In the event of the release of the hazardous substances present at the Site there is the potential for contamination of drinking water supplies or sensitive ecosystems. As noted in Section

II.A.1 above in this Action Memorandum, there was a 1989 release of hydrochloric acid at the Site which impacted the soils at the undeveloped portion of the Site.

(iii) Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release

With prolonged storage of the hazardous substances on Site, there is a potential for containers and bulk storage tanks to fail, particularly given the corrosive nature of the material manufactured at the Site as well as some of the raw materials purchased by Westwood. As noted in Section II.A.1 of this Action Memorandum, there have been several instances of container failure even over the last month.

(iv) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released

Much of the process lines are constructed of Poly Vinyl Chloride ("PVC") piping. With continued exposures to weather extremes from summer to winter, there is a potential for the PVC pipes to fail. As noted in Section II.A.1 of this Action Memorandum, on March 14, 2005, one of the PVC elbow joints at the bottom of a reactor vessel failed. The resulting leak was noted by Site personnel and fixed by installing a blank cap.

(v) Threat of fire and explosion

The three laboratory rooms and basement contain incompatible hazardous substances. The basement contains acids and bases and large quantities of cardboard boxes storing QA/QC reports. Should these substances come into contact; there is a potential for an exothermic reaction and there is combustible material to sustain a fire. The laboratory rooms in addition to having acids and bases, also contain flammable solvents.

(vi) The availability of other appropriate federal or state response mechanism to respond to the release

Based on information provided by the NYSDEC, they do not have the funding or resources to conduct a removal action to mitigate the threats posed by this Site.

B. <u>Threats to the Environment</u>

The primary threat to the environment is from the potential corrosive material being released. The corrosive nature of the material can adversely impact the vegetative cover. In addition, because the Site slopes to the east, there is a potential for material released at the Site to drain off the Site and impact the Wallkill River either directly or through the tributary adjacent to the eastern boundary of the Site.

IV. ENDANGERMENT DETERMINAION

Actual or threatened releases of hazardous substances from the Site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to the public health or welfare or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed Action Description

The proposed removal action would include:

- Sampling and disposal of wastewater and other materials stored in totes and bulk storage tanks.
- Consolidation of small containers followed by sampling and disposal.
- Lab-packing of small containers followed by disposal.
- Tank and process line removal and disposal.
- Cleaning of secondary containment.
- Decontaminating the production building.
- Sampling of other potentially hazardous material and disposal.

2. Contribution to Remedial Performance

The Site is not on the NPL. However, activities proposed would not be inconsistent with potential remedial actions.

3. Description of Alternative Technologies

Alternative technologies will be considered as long as the technology proves to be cost effective, timely and efficient.

4. Engineering Evaluation/Cost Analyses ("EE/CA")

Due to the time-critical nature of this Action Memorandum, an EE/CA will not be prepared.

5. Applicable and Relevant and Appropriate Requirements ("ARARs")

ARARs within the scope of this project, including RCRA regulations that pertain to the disposal of hazardous wastes, will be met to the extent practicable.

6. **Project Schedule**

This action has already been initiated through verbal authorization.

B. **Estimated Costs (rounded to nearest $1,000)**

Extramural Costs:	**Current**	**Proposed**
Regional Allowance Costs: (Total cleanup contractor costs include labor, equipment, materials and laboratory disposal analysis)	$ 200,000	$1,585,000
Other Extramural Costs not Funded From the Regional Allowance: Technical support	$ 0	$ 40,000
Subtotal, extramural costs	$ 200,000	$1,625,000
Extramural Costs Contingency (20%)	$ 0	$ 325,000
TOTAL EXTRAMURAL COSTS	$ 0	$1,950,000
TOTAL REMOVAL PROJECT CEILING	$ 200,000	$1,950,000

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED

Should action be delayed, hazardous substances presently located at the Site could be released and adversely impact human health and the environment. As described in Section II.A.1, above, in this Action Memorandum, there have been several releases at the Site in just the last month. EPA has been on Site and responded to each such release.

VII. OUTSTANDING POLICY ISSUES

None.

VIII. ENFORCEMENT

EPA will assess the extent to which remediation may be funded or reimbursed within Westwood's bankruptcy proceedings. In addition, EPA will seek to determine if there are any other financially viable potentially responsible parties ('PRPs') who might

reimburse the cost of the cleanup. However, due to the time-critical nature of this response, this Action Memorandum recommends funding for a fund-lead response action.

The total EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be $2,671,150.

This figure includes direct costs which include direct extramural costs and direct intramural costs. It also includes indirect costs which are calculated based on EPA's indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs (including Department of Justice costs), and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

Direct Extramural	$1,950,000
Direct Intramural	$ 100,000
Subtotal, Direct Costs	$2,050,000
Indirect Costs (Regional Indirect Cost Rate 30.30% x $2,050,000)	$ 621,150
Estimated EPA Costs Eligible for Cost Recovery	$2,671,150

IX. RECOMMENDATION

This decision document represents a confirmation of verbal authorization granted by William McCabe, Acting Division Director, ERRD approving a project ceiling of $250,000 and request for a ceiling increase of $1,700,000 for the selected removal action at the Westwood Chemical Corporation Site, located at 146 Tower Drive, Middletown, Orange County, New York 10941, developed in accordance with CERCLA, and not inconsistent with the NCP. This decision is based on the Administrative Record for the Site. Conditions at the Site meet the NCP Section 300.415(b)(2) criteria for a removal action.

This Action Memorandum, if approved, will authorize a total project ceiling of $1,950,000.

Please indicate your approval of the authorization of funding for the Westwood Chemical Corporation Site, as per the current Regional redelegation of authority, by signing below.

Approved: _____ Date: 4/15/05
William McCabe, Acting Director
Emergency and Remedial Response Division

Disapproved: _____ Date: _____
William McCabe, Acting Director
Emergency and Remedial Response Division

cc: (after approval is obtained)

B. Sprague, 2ERRD-RPB
J. Daloia, 2ERRD-RPB
R. Salkie, 2ERRD-RAB
J. Witkowski, 2ERRD-RAB
C. Clifford, 2ERRD-RPB
M. Mears, 2CD
P. Simon, 2ORC-NYCSFB
M. Mintzer, 2ORC-NYCSFB
T. Riverso, 2OPM-GCMB
K. Giaccobe, 2OPM-GCMB
T. Grier, 5204G
D. Farrar, NYSDEC
C. Kelley, RST
G. Zachos, 2ERRD-ACM

United States Environmental Protection Agency
Region II
POLLUTION REPORT

Date: Friday, April 01, 2005
From: Dilshad Perera, On Scene Coordinator

To: James Daloia, USEPA, Region 2, ERRD-RPB
Ray Basso, USEPA
Michael Mintzer, EPA
Paul John, NYSDEC
John Ward, Supervisor, Town of Wallkill
Eric Mosher, USEPA , Region 2, ERRD-RPB
Paul Simon, USEPA, Region 2 ORC-NYCSFB
Bill McCabe, ERRD
John O'Mara, NYSDEC

Subject: Westwood Chemical
46 Tower Road, Middletown, NY
Latitude: 41.46875
Longitude: -74.37728

POLREP No.:	1	**Site #:**	WN
Reporting Period:		**D.O. #:**	13
Start Date:	3/3/2005	**Response Authority:**	CERCLA
Mob Date:	3/8/2005	**Response Type:**	Time-Critical
Completion Date:		**NPL Status:**	Non NPL
CERCLIS ID #:		**Incident Category:**	Removal Action
RCRIS ID #:	NYD072715052	**Contract #**	EP-W-04-055

Site Description

Westwood Chemical Corporation located at 46 Tower Drive, City of Middletown, Town of Wallkill, Orange County, New York 10941, manufactured two distinct product lines. Their primary product line, accounting for approximately 80% of their business, was the manufacture of active ingredients used in antiperspirant. Their secondary line was the manufacture of flocculent agents used in municipal water treatment facilities.

According to past employees, the company was established in 1974, it is not clear if the original plant was located at 46 Tower Drive. At their peak, Westwood employed over 100 people and ran a 24 hour operation with two shifts.

Some time in late 2000 early 2001 the company started to encounter financial difficulties, culminating with filing Chapter 7 bankruptcy in January 2005. According to on employee, Westwood closed its doors on October 25, 2005.

As a result of the Assistant Code Enforcement Officer for the Town of Wallkill noting employees packing their belongings into their vehicles an inspection, along with Orange County Hazardous Materials Response Team, was conducted on February 10, 2005. Upon noting various bulk storage tanks, intermediate bulk containers (IBC) also referred to as totes, three onsite laboratory rooms and a basement with numerous laboratory sized containers including petroleum and organic ethers, the Assistant Code Enforcement Officer notified the New York State Department of Environmental

Conservation (NYSDEC). NYSDEC had the power restored through the bankruptcy trustee and through their spill contractor restaged toted and drums from outdoor storage yards to the warehouse portion of the building. NYSDEC also established 24-hour site security.

In a letter dated February 22, 2005, NYSDEC requested that the U.S. Environmental Protection Agency (EPA) conduct a time-critical removal action pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). On March 01, 2005, three On-Scene Coordinators (OSCs) from EPA Region II conducted a site walk through. As a result of the walk through, verbal authorization was sought and received on March 02, 2005 to transfer the site security services and continue with site stabilization activities.

There are 76 bulk storage tanks (some which are known to be empty and others yet have to be inspected to determine if they contain material), in excess of 400 totes (275 gallon capacity), in excess of 2,000 laboratory sized chemical containers and approximately 3,500 tones of solid (primarily finished and off-spec products; however, there are also raw materials) present on site. Many of the totes and bulk storage tanks are believed to contain wastewater from the manufacturing process.

Current Activities

On March 03, 2005, one of EPA Region II's Emergency and Rapid Response Services (ERRS) contractor was activated to assume the site security. On March 08, 2005, ERRS and EPA mobilized to the site to continue site stabilization activities initiated by NYSDEC.

The ERRS crew continued the restaging of the totes from the outdoor staging areas to the warehouse portion of the building. This phase of the activity has been completed.

On March 14, 2005 a Polyvinyl Chloride (PVC) elbow joint from one of the outdoor reactor vessels began leaking. The crew replaced the defective pipe with a blank flange to secure the release

On March 16 and 17, 2005 onsite interviews were conducted with two past employees of Westwood, a plant manager and an Environmental Safety Coordinator/R&D.

The US Coast Guard's Atlantic Strike Team (AST) was activated on March 21, 2005.

On March 23, 2005 an on-site meeting was held with local and State officials to brief the attendees with the course of action selected by EPA and describe current conditions and potential risks to nearby people and the environment. Discussions were also had regarding potential actions to be taken in the event of a release or injury to site personnel. The meeting was attended by the Assistant Code Enforcement Officer, local Fire Department, ambulance service, Orange County Hazardous Materials Team and NYSDEC.

ERRS crew began the process of packing up small sample containers and files found throughout the office spaces.

On March 25, 2005 one of the indoor metal reactor vessels believed to contain wastewater began leaking. The contents were transferred to an empty tank allocated to bulk wastewater from the totes.

The process of transferring the material contained inside the totes into empty bulk storage tanks was initiated on March 28, 2005.

On March 31, 2005, the Silver Lake Fire Department Chief and the Orange County Hazardous Material Team Chief visited the site to pickup site maps, inventory lists and MSDS sheets and to tour the current status of the site.

On April 01, 2005 several fractures in the secondary containment wall were noticed. The accumulated rainwater and possible wastewater was seeping from the fractures. The crew transferred the contents into a empty tank. Approximately 18,000 gallons were transferred

Next Steps
The continued transfer of material contained in totes to bulk storage containers

Boxing of files in the office space and packing of sample jars contained in the offices for later lab-packing.

Discrete sampling of totes and bulk storage tanks to determine if they will be categorized as Resource Conservation and Recovery Act (RCRA) hazardous waste will be undertaken. The reason being that through reviewing of analytical data of the wastewater conducted by Westwood, chromium and lead were present in the wastewater, though not at levels deemed RCRA hazardous waste. The Westwood, according to one employee, analyses of wastewater was performed after the storage tanks were filled; dilution might have taken place.

A joint Site Health and Safety Audit will be conducted by EPA and ERRS during the week of April 4th.

www.epaosc.net/westwood

United States Environmental Protection Agency
Region II
POLLUTION REPORT

Date: Friday, April 15, 2005
From: Dilshad Perera, On Scene Coordinator

To: James Daloia, USEPA, Region 2, ERRD-RPB
Ray Basso, USEPA
Michael Mintzer, EPA
Paul John, NYSDEC
John Ward, Supervisor, Town of Wallkill
Eric Mosher, USEPA , Region 2, ERRD-RPB
Paul Simon, USEPA, Region 2 ORC-NYCSFB
Bill McCabe, ERRD
John O'Mara, NYSDEC

Subject: Westwood Chemical
46 Tower Road, Middletown, NY
Latitude: 41.46875
Longitude: -74.37728

POLREP No.:	2	**Site #:**	WN
Reporting Period:		**D.O. #:**	13
Start Date:	3/3/2005	**Response Authority:**	CERCLA
Mob Date:	3/8/2005	**Response Type:**	Time-Critical
Completion Date:		**NPL Status:**	Non NPL
CERCLIS ID #:		**Incident Category:**	Removal Action
RCRIS ID #:	NYD072715052	**Contract #**	EP-W-04-055

Site Description

See PolRep No.1

Clarification of POLREP #1

Note 1: Pollution Report No.1 stated that the Westwood Chemical Corp. bankruptcy had been filed in late 2004. However, an involuntary petition in chapter 7 was filed against Westwood Chemical Corp. on January 28, 2005, and a voluntary petition in chapter 7 was subsequently filed on February 11, 2005. By order dated April 11, 2005, the bankruptcy court consolidated these cases for purposes of administration.

Note 2: Westwood Chemical Corp. had apparently routinely used 46 Tower Road, Middletown, NY 10941 as their mailing address. However, the location of their facility is at 146 Tower Road, Middletown, NY 10941.

Current Activities

April 2nd through April 15th, 2005

EPA, through its Emergency and Rapid Response Services (ERRS) contractor continued the process of transferring the contents of the totes (intermediate bulk storage containers) into large bulk storage containers. The totes are in poor condition and transfer is necessary to prevent releases and to permit subsequent transfer of the liquid contents into tanker trucks for shipment for disposal. Due to questions of structural integrity of the on-site large bulk containers, two "baker tanks," each of 20,000-gallon capacity, have been brought to the site for the bulking of the contents of the totes. As of Friday April 15th, 2005, approximately 75% of the totes have been bulked, totaling approximately 86,000 gallons.

During the week of April 4th, 2005, a site Health and Safety Audit was conducted by EPA and ERRS personnel and the Site Health and Safety Plan (HASP) was finalized. Until the HASP had been finalized, Site cleanup personnel had been operating under an emergency response health and safety plan.

On April 15th, 2005 an Action Memorandum approving a ceiling increase for the continued response to the Westwood Chemical Corporation Site was signed. The new project ceiling is $1,950,000.

Next Steps

- The continued bulking of wastewater from tanks.
- The transport and disposal of wastewater transferred into on-site large bulk containers and baker tanks.
- Lab packing of small containers.
- The number of cleanup personnel will be increased to accommodate the lab-packing operation.

www.epaosc.net/westwood

United States Environmental Protection Agency
Region II
POLLUTION REPORT

Date: Friday, May 06, 2005
From: Dilshad Perera, On Scene Coordinator

To:
James Daloia, USEPA, Region 2, ERRD-RPB
Ray Basso, USEPA
Michael Mintzer, EPA
Paul John, NYSDEC
John Ward, Supervisor, Town of Wallkill
Eric Mosher, USEPA , Region 2, ERRD-RPB
Paul Simon, USEPA, Region 2 ORC-NYCSFB
Bill McCabe, ERRD
John O'Mara, NYSDEC

Subject: Westwood Chemical
46 Tower Road, Middletown, NY
Latitude: 41.46875
Longitude: -74.37728

POLREP No.:	3	**Site #:**	WN
Reporting Period:		**D.O. #:**	13
Start Date:	3/3/2005	**Response Authority:**	CERCLA
Mob Date:	3/8/2005	**Response Type:**	Time-Critical
Completion Date:		**NPL Status:**	Non NPL
CERCLIS ID #:		**Incident Category:**	Removal Action
RCRIS ID #:	NYD072715052	**Contract #**	EP-W-04-055

Site Description

See PolRep No.1

Current Activities

April 16th through May 6th

During this reporting period, 26 large bulk containers were sampled. Due to the limited space between the top of some of the tanks and the ceiling , the crew was unable to collect a representative sample form the top of the tank. In other cases, there was not a convenient opening on the top of the tanks to allow for sampling. Furthermore, there are no catwalks associated with any of the large bulk storage containers, hence a small opening was cut above the product layer to make it easier and safer to collect a representative sample of the contents.

During this reporting period, 55 samples were shipped for laboratory analyses. Approximately half the samples in addition to disposal analyses will also be analyzed for CERCLA parameters.

On April 26th, 2005, crew began the process of segregating the lab chemicals in the three on-site laboratories; Quality Control Laboratory, General Laboratory and R&D Laboratory. The intent is to dedicate each of the three labs to handle solid samples, liquid samples and laboratory reagents for further labpacking operations.

On April 26th, 2005, the crew noticed a slow drip emanating from the bottom hatch of EPA designated Tank 19 . This is the same tank that developed a leak from an elbow joint on March 15th, 2005. There are supposed to be 21 bolts securing the hatch; 5 of the bolts were missing and a few others were quite rusty. The crew replaced the missing and rusty nuts and bolts and tightened all remaining nuts and bolts. The drip has been secured. The released material was contained within the secondary containment area.

The transfer of tote contents has been completed, accounting for approximately 110,000 gallons. Many of the transferred totes in addition to liquidlayer had a solid or semi-solid layer, these totes have been set aside for future consolidation. The transferred contents are housed in 5 Frac Tanks and three on site tanks. Crew initiated PVC process lines identification and cutting operations.

On May 4th, 2005, a meeting was held on site with the trustee, the Chief Financial Officer of Westwood Chemical Corp. at the time of the Chapter 7 filing and Region II's Office of Regional Counsel. The meeting was to discuss potential resale value in some of the chemicals on site; EPA's proposed actions; and for the trustee to evaluate the quality of the property for future auction.

Next Steps

- The continued identification and cutting of PVC process lines.

- The transport and disposal of wastewater transferred into on-site large bulk containers and baker tanks.

- Lab packing of small containers.The number of cleanup personnel will be increased to accommodate the lab-packing operation.

- Disposal of debris such as the cut PVC process lines

- Shipping of empty totes for recycling

www.epaosc.net/westwood

United States Environmental Protection Agency
Region II
POLLUTION REPORT

Date: Thursday, May 26, 2005
From: Dilshad Perera, On Scene Coordinator

To: James Daloia, USEPA, Region 2, ERRD-RPB
Ray Basso, USEPA
Michael Mintzer, EPA
Paul John, NYSDEC
John Ward, Supervisor, Town of Wallkill
Eric Mosher, USEPA , Region 2, ERRD-RPB
Paul Simon, USEPA, Region 2 ORC-NYCSFB
Bill McCabe, ERRD
John O'Mara, NYSDEC

Subject: Westwood Chemical
46 Tower Road, Middletown, NY
Latitude: 41.46875
Longitude: -74.37728

POLREP No.:	4	**Site #:**	WN
Reporting Period:		**D.O. #:**	13
Start Date:	3/3/2005	**Response Authority:**	CERCLA
Mob Date:	3/8/2005	**Response Type:**	Time-Critical
Completion Date:		**NPL Status:**	Non NPL
CERCLIS ID #:		**Incident Category:**	Removal Action
RCRIS ID #:	NYD072715052	**Contract #**	EP-W-04-055

Current Activities

For the Period of May 7th through May 26th, 2005:

PVC process lines cutting continued

On May 12th, a small leak was detected from a 2" nipple connected to EPA designated Tank-027, situated in the exterior Antiperspirant Reactor farm. Between the tank and the nipple there are two valves. The crew ensured that both valves were turned off securely; however, the leak continued. Since the tank was full, approximately 14,000 gallons, it was decided to transfer the contents into Tanks 17 and 19. These tanks hold the same waste stream for the purpose for disposal.

Lab chemical identification, segregation and field characterization of unknowns continued.

Offsite disposal of RCRA empty totes was initiated.

Crew began consolidating the contents of small storage tanks into large bulk containers. This will make it more efficient for vacuum trucks to remove the contents and ship offsite disposal.

A buried PVC drain pipe was detected because of soil erosion above a section of the pipe. The

PVC drain pipe was investigated. The pipe had an outfall approximately 99 ft from the adjacent creek. The originating point appeared to be pointing towards the building. It was noted during the investigation that the drain pipe had collapsed under the driveway.

The site personnel will be demobilized from the site from May 30th through June 3rd. No site activity will take place during this period. However, 24-hour site security will be maintained. In addition, two crew members are scheduled to conduct a walk through midweek to ensure the stability of the storage tanks.

Planned Removal Actions
Disposal Of Wastewater

Issue Invitation For Bid (IFB)for the disposal of contents of the large bulk containers

www.epaosc.net/westwood

United States Environmental Protection Agency
Region II
POLLUTION REPORT

Date: Friday, June 17, 2005
From: Dilshad Perera, On Scene Coordinator

To: James Daloia, USEPA, Region 2, ERRD-RPB
Ray Basso, USEPA
Michael Mintzer, EPA
Paul John, NYSDEC
John Ward, Supervisor, Town of Wallkill
Eric Mosher, USEPA , Region 2, ERRD-RPB
Paul Simon, USEPA, Region 2 ORC-NYCSFB
Bill McCabe, ERRD
John O'Mara, NYSDEC

Subject: Westwood Chemical
46 Tower Road, Middletown, NY
Latitude: 41.46875
Longitude: -74.37728

POLREP No.:	5	**Site #:**	WN
Reporting Period:		**D.O. #:**	13
Start Date:	3/3/2005	**Response Authority:**	CERCLA
Mob Date:	3/8/2005	**Response Type:**	Time-Critical
Completion Date:		**NPL Status:**	Non NPL
CERCLIS ID #:		**Incident Category:**	Removal Action
RCRIS ID #:	NYD072715052	**Contract #**	EP-W-04-055

Site Description
See PolRep No.1

Current Activities

June 6th Through June 7th, 2005, The crew remobilized to the site after the Memorial Day break on June 6th, 2005, Upon the crews return to the site pudles of water were noted in the hallway separating the labs. It was determined that the drain pipe from the rooftop air conditioning condensers were clogged and the water was entering the duct work and dripping intothe hallway and the QA/QC laboratory. The malfunction was corrected and no further leaks detected.

On June 8th an additional 60 empty totes were shipped offsite for recycling, bringing the total number of empty totes shipped for recycling to 218.

On June 9th, wastewater shipments for offsite disposal was initiated. During this reporting period, a total of 14 tanker trailer, equating to 66,550 gallons have been shipped offsite for disposal. A total of 16 bulk tanks have been emptied. An electrical subcontractor was hired to disconnect the pumps, mixer motors, temperature probes, and dryers from the bulk containers since electrical supply was still connected and lines and circuits had to be traced which required licensed electrical contractors. The interior work is near completion.

During this reporting period, cutting of the empty and emptied poly tanks tanks ensued. 11 bulk containers have been cut up. The cut up pieces will be shipped off as non-RCRA hazardous debris in 30 cubic yard roll-offs.

Lab chemical identification, inventorying and consolidation continued.

Next Steps

- The issuance of an RFP for the disposal of non wastewater waste streams such as the in-process chemicals, off-spec product lines.
- Dismantling of the pumps, motors and temperature probes from the exterior tanks
- continue, lab chemical identification, inventorying and consolidation.
- continue offsite shipment for disposal of wastewater.
- continue cutting of the bulk tanks and shipping for offsite disposal.
- sampling for disposal of drummed material.

www.epaosc.net/westwood

United States Environmental Protection Agency
Region II
POLLUTION REPORT

Date: Thursday, June 30, 2005
From: Dilshad Perera, On Scene Coordinator

To:
James Daloia, USEPA, Region 2, ERRD-RPB
Ray Basso, USEPA
Michael Mintzer, EPA
Paul John, NYSDEC
John Ward, Supervisor, Town of Wallkill
Eric Mosher, USEPA , Region 2, ERRD-RPB
Paul Simon, USEPA, Region 2 ORC-NYCSFB
Bill McCabe, ERRD
John O'Mara, NYSDEC

Subject: Westwood Chemical
46 Tower Road, Middletown, NY
Latitude: 41.46875
Longitude: -74.37728

POLREP No.:	6	**Site #:**	WN
Reporting Period:		**D.O. #:**	13
Start Date:	3/3/2005	**Response Authority:**	CERCLA
Mob Date:	3/8/2005	**Response Type:**	Time-Critical
Completion Date:		**NPL Status:**	Non NPL
CERCLIS ID #:		**Incident Category:**	Removal Action
RCRIS ID #:	NYD072715052	**Contract #**	EP-W-04-055

Site Description

See PolRep No.1

Current Activities

Offsite shipments of wastewater continued. To date a total of approximately 158,000 gallons of wastewater has been shipped for offsite disposal.

Cutting-up fiberglass and poly tanks continued. To date a total of 14 tanks have been cutup.

Segregation, identification and consolidation of Lab chemicals continue

Dismantling of known electrical equipment attached to tanks has been completed.

On June 23, 2005, the RM and OSC toured the Summit Research Labs facility in Huguenot, NY to evaluate their operation in anticipation of shipping material for reuse, pending the bank's removal of the lien on the proposed material, to the Huguenot facility. The facility appeared to be operated responsibly. The tour also served as background information as to how the Westwood facility would have operated, since the two facilities manufactured antiperspirant active ingredients and flocculent agents.

A compliance check of Summit Research Labs was conducted on June 29, 2005. A non-financial record review was conducted by NYS on April 06, 2004; no violations were recorded. On July 19, 2001 a CEI investigation was conducted; no violations were recorded.

Two 30 cubic yard roll-offs containing debris, chiefly, cut-up tanks and process lines were shipped off site for disposal.
Liquidator for the bank toured the site on June 29, 2005.

Site will demobed for the July 4th break from July 1st through July 8th. Site operations will resume on July 11th. 24-Hour site security will be maintained during the demobe period.

On June 21, 2005, the ERRS ceiling was raised to $1,585,000

Next Steps

- The issuance of an RFP for the disposal of non-wastewater waste streams such as the in-process chemicals, off-spec product lines.
- continue, lab chemical identification, inventorying and consolidation.
- continue offsite shipment for disposal of wastewater.
- continue cutting of the bulk tanks and shipping for offsite disposal.
- sampling for disposal of drummed material.

www.epaosc.net/westwood

United States Environmental Protection Agency
Region II
POLLUTION REPORT

Date: Friday, August 19, 2005
From: Dilshad Perera, On Scene Coordinator

To: James Daloia, USEPA, Region 2, ERRD-RPB
Ray Basso, USEPA
Michael Mintzer, EPA
Paul John, NYSDEC
John Ward, Supervisor, Town of Wallkill
Eric Mosher, USEPA , Region 2, ERRD-RPB
Paul Simon, USEPA, Region 2 ORC-NYCSFB
Bill McCabe, ERRD
John O'Mara, NYSDEC

Subject: Westwood Chemical
46 Tower Road, Middletown, NY
Latitude: 41.46875
Longitude: -74.37728

POLREP No.:	7	**Site #:**	WN
Reporting Period:		**D.O. #:**	13
Start Date:	3/3/2005	**Response Authority:**	CERCLA
Mob Date:	3/8/2005	**Response Type:**	Time-Critical
Completion Date:		**NPL Status:**	Non NPL
CERCLIS ID #:		**Incident Category:**	Removal Action
RCRIS ID #:	NYD072715052	**Contract #**	EP-W-04-055

Site Description
PolRep No.1

Current Activities

July 11th, to August 19th

- Site activities resumed on July 11th after the July 4thbreak.
- On August 2nd, the US Bankruptcy Court, Southern District of New York, Poughkeepsie, NY, released the lien associated with the chemicals listed in the Inventory of Valued Assets, thereby allowing the EPA to ship the material for reuse rather than disposal.
- On August 8th, shipments of liquid in-process chemicals and off-spec dry chemicals

ensued. To date, approximately 25,000 gallons of liquid chemicals and 100 tons of dry chemicals have been shipped to Summit Research Labs, Huguenot, NY. Summit Research Labs manufactures similar product lines to that of Westwood during its operation.

- Disassembly of poly and fiberglass tanks continue. To date 36 tanks have been or are in the process of being disassembled.
- Transferring of residual waste found in tanks into poly lined drums ensued. There is limited volume of these waste streams and transport by tanker trailers would be in efficient.
- Consolidation of laboratory chemicals continue.
- Off-site shipment of wastewater continued. To date, approximately 335,000 gallons of wastewater has been shipped off-site for disposal.
- Roll-offs of disassembled poly and fiberglass tanks continue to be shipped off-site for disposal. To date, approximately 440 cubic yards have been shipped off-site for disposal.

Next Steps

- Issuance and awarding of disposal bids for the drummed waste.
- Cleaning of building; there is a significant mount of spilt material around the storage vessels. Due to long term exposure to the spilt material, the concrete floor is pitted in many areas.

www.epaosc.net/westwood

United States Environmental Protection Agency
Region II
POLLUTION REPORT

Date: Thursday, September 01, 2005
From: Dilshad Perera, On Scene Coordinator

To: James Daloia, USEPA, Region 2, ERRD-RPB
Ray Basso, USEPA
Michael Mintzer, EPA
Paul John, NYSDEC
John Ward, Supervisor, Town of Wallkill
Eric Mosher, USEPA , Region 2, ERRD-RPB
Paul Simon, USEPA, Region 2 ORC-NYCSFB
Bill McCabe, ERRD
John O'Mara, NYSDEC

Subject: Westwood Chemical
46 Tower Road, Middletown, NY
Latitude: 41.46875
Longitude: -74.37728

POLREP No.:	8	**Site #:**	WN
Reporting Period:		**D.O. #:**	13
Start Date:	3/3/2005	**Response Authority:**	CERCLA
Mob Date:	3/8/2005	**Response Type:**	Time-Critical
Completion Date:		**NPL Status:**	Non NPL
CERCLIS ID #:		**Incident Category:**	Removal Action
RCRIS ID #:	NYD072715052	**Contract #**	EP-W-04-055

Site Description
See PolRep No.1

Current Activities

August 21st to September 2nd

- On August 18th, consolidation of laboratory chemicals was completed. 8 drums (55-gal) of liquid lab chemicals, 1 drum (55-gal) drum of hydrochloric acid and 1 drum (55-gal) of sulfuric acid have been generated from the lab chemical consolidation. These drums await shipments for offsite disposal. In addition, 25 drums (55-gal) of dry lab chemicals, mostly QA/QC samples, were generated; this waste stream has already been shipped offsite for disposal in roll-off along with disassembled tanks. Lab packing of the remaining lab chemicals that could not be consolidated will ensue upon awarding of disposal subcontract.

- On August 23rd, shipments of reusable material to Summit Research Labs were completed. Approximately 32,000 gallons of liquid in process chemicals and nearly 100 tons of dry off-spec materials have been shipped. There is still a possibility for the partially spent aluminum ingots inside the reactor being accepted by Summit Research Labs.

- Between August 23rd and August 30th, soil samples were collected throughout the stressed vegetative areas as well as perimeter samples around the stressed areas to a depth of 1 foot. In addition subsurface soil samples were collected beneath the southwestern parking lot; location of the seep. 84 total soil samples were submitted for analyses, consisting of inorganic metals, zirconium, chlorides and soil pH. The pavement consists of three distinct layers of asphalt (historical). It appears the seep originated from the building and traveled in between the two top layers of asphalt.

- On August 25th, 775 bags (50lbs/each) totaling 38,750lbs, was shipped to Waste Technology Services, Inc. (a chemical broker) for reuse. The transportation was provided by Waste Technology Services, Inc.

- On August 29th, shipments for offsite disposal of totes containing gelatinous like substances which failed Resource Conservation and Recovery Act (RCRA)'s Toxic Characteristic Leaching Procedure (TCLP) for selenium ensued. To date 18 tons of totes bearing the RCRA hazardous waste code of D010 has been shipped; the remaining 9 tons of totes will shipped on September 1st remain to be shipped.

- Disassembly of poly and fiberglass tanks continues. To date 40 tanks have been or are in the process of being disassembled.

- Roll-offs of disassembled poly and fiberglass tanks continues to be shipped off-site for disposal. To date, approximately 580 cubic yards have been shipped off-site for disposal

- Transferring of residual waste found in tanks into poly lined drums continued.

- Between September 2nd and September 9th, the site will be demobilized for the Labor Day weekend break. 24-hr site security will be maintained. Site activities will resume on September 12th

- On August 29, the $325,000 in contingencies line item of the Action Memorandum was converted to Regional Allowance line item, bringing the total for mitigation contracting to $1,910,000.

Next Steps

- Issuance and awarding of disposal bids for the drummed waste.

- Cleaning of building; there is a significant mount of spilled material around the storage vessels. Due to long term exposure to the spilt material, the concrete floor is pitted in many areas.

www.epaosc.net/westwood

United States Environmental Protection Agency
Region II
POLLUTION REPORT

Date: Tuesday, October 04, 2005
From: Dilshad Perera, On Scene Coordinator

To: James Daloia, USEPA, Region 2, ERRD-RPB
Ray Basso, USEPA
Michael Mintzer, EPA
Paul John, NYSDEC
John Ward, Supervisor, Town of Wallkill
Eric Mosher, USEPA , Region 2, ERRD-RPB
Paul Simon, USEPA, Region 2 ORC-NYCSFB
Bill McCabe, ERRD
John O'Mara, NYSDEC

Subject: Westwood Chemical
46 Tower Road, Middletown, NY
Latitude: 41.46875
Longitude: -74.37728

POLREP No.:	9	**Site #:**	WN
Reporting Period:		**D.O. #:**	13
Start Date:	3/3/2005	**Response Authority:**	CERCLA
Mob Date:	3/8/2005	**Response Type:**	Time-Critical
Completion Date:		**NPL Status:**	Non NPL
CERCLIS ID #:		**Incident Category:**	Removal Action
RCRIS ID #:	NYD072710502	**Contract #**	EP-W-04-055

Site Description

See PolRep No.1

Current Activities

September 9th Through September 30th, 2005

NOTE: The CERCLA ID Number was incorrectly identified as NYD072715052 in Pollution Reports 1 through 8; the correct CERCLA ID Number is NYD072710502.

- The crew remobilized to the site after the Labor Day break on September 12th, 2005.
- The dismantling of fiberglass and poly tanks continue; to date all but two interior tanks have been dismantled.
- The dismantling of exterior tanks ensued. Prior to the disassembly, the partially spent aluminum ingots that still remained inside the reactor vessels were removed. The removed

aluminum ingots as well as several pallets of unused ingots were transferred to Summit Research Labs at their own expense; approximately, 2.25 tons of ingots were transferred.

- Off-site shipments in roll-offs of disassembled tanks and solid material including gels from decanted totes continue; to date, approximately 920 cubic yards have been shipped offsite for disposal.

- Analytical results from the soil sampling event in late August have been received.

- Cleaning of dryers ensued. The stainless steel dryers will not be removed. At the advice of liquidators, the dryers were not disassmebled for cleaning purposes.

- All disposal bids for remaining waste streams, except for labpack disposal, have been received. The labpack disposal bid is due the week of October 3rd.

Next Steps

- Date interpritation of analytical results from soil samples collected in late August.

- Interior building cleaning.

www.epaosc.net/westwood

United States Environmental Protection Agency
Region II
POLLUTION REPORT

Date: Thursday, January 26, 2006
From: Dilshad Perera, On Scene Coordinator

To: James Daloia, USEPA, Region 2, ERRD-RPB
Ray Basso, USEPA
Michael Mintzer, EPA
Paul John, NYSDEC
John Ward, Supervisor, Town of Wallkill
Eric Mosher, USEPA , Region 2, ERRD-RPB
Paul Simon, USEPA, Region 2 ORC-NYCSFB
Bill McCabe, ERRD
John O'Mara, NYSDEC

Subject: Westwood Chemical
46 Tower Road, Middletown, NY
Latitude: 41.46875
Longitude: -74.37728

POLREP No.:	10	**Site #:**	WN
Reporting Period:		**D.O. #:**	13
Start Date:	3/3/2005	**Response Authority:**	CERCLA
Mob Date:	3/8/2005	**Response Type:**	Time-Critical
Completion Date:		**NPL Status:**	Non NPL
CERCLIS ID #:		**Incident Category:**	Removal Action
RCRIS ID #:	NYD072710502	**Contract #**	EP-W-04-055

Site Description

See PolRep No.1

Current Activities

September 30th Through December 14th, 2005

As of November 17th, 2005 EPA had completed the removal from the Site of the hazardous substances and other waste materials as contemplated by the Action Memoranda dated April 15, 2005 and October 31, 2005, and had shipped such materials off-Site for disposal.

Summary of the wastes shipped are as follows:
- **Wastewater:** 353,035 gallons shipped via 73 tanker trailers 6,000 gallon capacity each) to Onyx Greentree, Kersey, PA for disposal.
- **Silver Bearing Wastewater:**38,775 gallons shipped via 8 tanker trailers (6,000 gallon capacity each) to Chambers Works DuPont, Deepwater, NJ. This waste stream was shipped as hazardous waste as D011, RCRA Toxicity

Characteristic for silver.
• **Labpacks:** 23 drums totaling 987 pounds were shipped to Cycle Chem, Lewisberry, PA for disposal. 21 drums totaling 687 pounds were shipped as RCRA designated hazardous waste. Examples of some of the RCRA codes include Characteristic of Ignitibility, Corrosivity and Reactivity, Toxicity Characteristics for arsenic, barium, lead and mercury.
• **Selenium Totes:** 27 tons of gel like material found in some of the totes that were designated as RCRA Toxicity Characteristic for Selenium were shipped to Max Environmental Technologies, Yukon, PA for disposal.
• **RCRA Hazardous Containers:** 212 drums (55 gallon capacity each) totaling 11,660 gallons of RCRA designated hazardous waste were shipped to: Environmental Enterprises, Inc., Cincinnati, OH; EQ Detroit, Inc., Detroit, MI; Michigan Disposal Waste Treatment Plant, Belleville, MI; and Petro-Chem Processing, Inc., Detroit, MI for disposal.
• **Debris Roll-Offs:** 1,680 tons of debris generated from polyethylene and fiberglass tank disassembly, Polyvinyl chloride process lines, spent Personal Protective Equipment, dry in-process and raw chemicals were shipped to Onyx Greentree, Kersey, PA for disposal.
Empty Totes: 277 empty totes were shipped to Recycling Inc. East, South Plainfield, NJ for recycling of the polyethylene bladder and metal cage.
• **Soda Ash:** 38,750 pounds were shipped to Chemical Distributors, Inc., Buffalo, NY for reuse.
Reusable In-Process and Raw Chemicals: 199,600 pounds and 32,108 gallons of raw and in-process chemicals were shipped to Summit Research Labs, Huguenot, NY for re-use.
• **Non-RCRA Hazardous Waste:** 126 drums (55 gallon capacity each) totaling 7,150 gallons were shipped to General Environmental Management, Cleveland, OH for disposal.

See Disposal Tracking See Disposal Tracking document for a detailed accounting of the disposition of waste generated at this site. During the course of the removal action 73 polyethylene and fiberglass tanks were disassembled, chopped up and placed into debris roll-offs that were sent for disposal as discussed above. Four glass lined steel tanks; (3 of which were approximately 10,000 gallon capacity and 1 was approximately 100 gallon capacity) were not disassembled; however, they were thoroughly rinsed out with a pressure washer to remove residual material. All rinse water generated from this operation was consolidated into the frac tanks and disposed of as part of the wastewater waste stream. Three dryers, referred to as #8, #15 and #14 dryers (the number designates the diameter of the dryer as measured in feet) were cleaned with a pressure washer, with the rinse water collected and disposed of with the wastewater discussed above (EPA had determined that pressure cleaning would remove from these dryers contaminants that could pose a threat and EPA had been advised that these dryers could not be disassembled, cleaned and reassembled by EPA in an economically feasible manner).

All building walls and floors were pressure washed to remove settled aluminum chlorohydrate and aluminum zirconium chlorohydrex powder. The rinse water from this operation was collected and disposed of with the wastewater discussed above.

All hazardous substances shipped offsite for disposal were sampled for proper disposal characterization. Prior to shipment for treatment and disposal, EPA consolidated waste water into 5 frac tanks (21,000 gallon capacity each) that it brought to the Site. As each frac tank was filled, and prior to arranging for transport to an offsite disposal facility, a sample was submitted for analysis to ensure that the wastewater waste stream met the profile established for disposal. As the wastewater stream diminished, the frac tanks were cleaned and returned to the rental facility.

On October 28, 2005, analytical results were received for the wastewater that had been contained in two of the frac tanks (FT-4 and FT-5). Both exceeded RCRA Toxicity Characteristic for silver. The waste stream was shipped offsite for disposal at an approved RCRA facility (second bullet above). EPA believes that certain of the totes at the Site were the source of the silver in this waste stream.

As part of the removal action, EPA conducted soil sampling at 58 locations and conducted water sampling at the three monitoring wells that were installed in the late 1980s. Some of the soil samples were composited with one another based on proximity of the locations. In total, 89 soil samples were submitted for analyses: these include discrete and composite samples taken at the surface, 6 inch and 1 foot intervals. The sampling was concentrated in the non-vegetative areas to the west of the production building where there appeared to be obvious discharge areas, and south eastern paved parking area, where gelatinous seep was noted in late winter through early summer. Since there had been no indications that Westwood used large quantities of organic raw material in its manufacturing process. The analytical parameters selected were heavy metals, soil pH, chlorides and Zirconium. The analytical results are below the New York State Department Environmental Conservation (NYSDEC), Division of Environmental Remediation's (DER) Technical and Administrative Guidance Memorandum (TAGM) 4046, Table 4 - Heavy Metals. However, since extensive areas of dead vegetation have been noted, the data and accompanying map has been forwarded to a scientist within US EPA's Environmental Response Team (ERT) and US EPA, Region II's Pre-Remedial program as well as NYSDEC-DER for final evaluation and recommendations.

On October 31, 2005, a $2 Million Statutory Exemption and Ceiling Increase Action Memorandum was approved by the Regional Administrator of EPA Region 2, approving a Total Project Ceiling of $2,450,000. The increase in

funds authorized by the October 31 decision document had been recommended by EPA Region 2's Response and Prevention Branch in the event that analysis of the soil data is to lead to a future decision to address soils at the Site. On November 21, 2005 a site tour was conducted by the on-scene coordinator ("OSC") and the Earth-Tech response manager. Persons present at the tour included counsel to the bankruptcy trustee, a representative from each of New York State Department of Health and NYSDEC-DER, as well as personnel from EPA's Office of Regional Counsel and from the United States Attorneys Office. The purpose of the tour was to describe the status in which EPA was leaving the Site at the conclusion of the removal action. In addition to describing the work performed and the types of data available, the OSC identified locations of the soil sampling activities and noted that EPA was still awaiting determination from the EPA scientist concerning recommendations as to possible soil action.

On November 22, 2005 a site tour was conducted by EPA for the Assistant Building Inspector, Town of Wallkill. EPA informed him that the water lines have been purged using air, and that EPA was discontinuing further site security.

In November 2005, the OSC reviewed the soil data with members of EPA's Environmental Response Team ("ERT") to determine whether further soil action was warranted for ecological protectiveness. ERT's determination was that the lack of vegetation cover in parts of the site was attributable to the low pH and high chloride content in the soils. ERT recommended that although no soil removal was necessary, that it would be advisable to elevate the soil pH to near neutral and add organic material to the soil to enhance vegetative growth. The OSC agreed with this recommendation.

As part of its activities to demobilize from the Site, the OSC, after consultation with the trustee in bankruptcy and counsel for the trustee, met on-Site on December 14th, 2006 with a licensed sprinkler system contractor in order to attempt to drain the sprinkler system lines and prevent the freezing and possible bursting of the lines, since the building would be unheated after EPA's demobilization. The contractor was unable to close the on-Site valve to the sprinkler system which appeared to be frozen in the on position. Upon the contractor's recommendation, EPA contacted the Wallkill Water Company which sent a technician who turned off the valve at the street (Enterprise Place). The contractor estimated that the sprinkler system lines likely contained more than 1,000 gallons of water but that there was no practical way to empty those lines at that time.

Next Steps

EPA plans to return to the Site starting in late January 2006 to begin to buffer the soils and add organics in areas of the Site that may have been impacted

by acidic or other waste streams, and that exhibit stressed vegetation. EPA anticipates that this final phase of the removal action will address approximaltely 65,000 square feet of soils, will take several weeks, and will be completed by February 2006.

www.epaosc.net/westwood

United States Environmental Protection Agency
Region II
POLLUTION REPORT

Date: Monday, March 20, 2006
From: Dilshad Perera, On Scene Coordinator

To: James Daloia, USEPA, Region 2, ERRD-RPB
Ray Basso, USEPA
Michael Mintzer, EPA
Paul John, NYSDEC
John Ward, Supervisor, Town of Wallkill
Eric Mosher, USEPA , Region 2, ERRD-RPB
Paul Simon, USEPA, Region 2 ORC-NYCSFB
Bill McCabe, ERRD
John O'Mara, NYSDEC

Subject: Westwood Chemical
46 Tower Road, Middletown, NY
Latitude: 41.46875
Longitude: -74.37728

POLREP No.:	11	**Site #:**	WN
Reporting Period:		**D.O. #:**	13
Start Date:	3/3/2005	**Response Authority:**	CERCLA
Mob Date:	3/8/2005	**Response Type:**	Time-Critical
Completion Date:		**NPL Status:**	Non NPL
CERCLIS ID #:		**Incident Category:**	Removal Action
RCRIS ID #:	NYD072710502	**Contract #**	EP-W-04-055

Site Description

See POLREP 1

Current Activities

Final Pollution Report

As of March 1st, 2006, EPA had completed all on-Site removal response activities at the Westwood Chemical Corporation Site.

- **Site Soils:** As described in POLREP 10, EPA determined that pH levels in certain Site soils with low pH, and which exhibited vegetative stress, be elevated to near neutral by addition of lime in order to enhance vegetative growth and to control potential erosion. On January 17, 2006, EPA mobilized to the Site with its emergency removal cleanup contractor, Earth Tech, Inc to buffer approximately 65,000 square feet of Site soils. As of March 1st, pH in the impacted soil has been elevated to near neutral, starter fertilizer applied, area seeded with contractor mix and straw spread over the area tilled.

- **Disposal Activity:** For summary of disposal activities at the Westwood Chemical Corporation please see POLREP 10 or the Disposal Tracking document for an itemized accounting of waste disposal.

- **Other:**

  Sprinkler system: As described in POLREP 10, the water source for the Site sprinkler system was turned off so as to prevent bursting of pipes and flooding of the Site due to anticipated freezing conditions that would prevail in the Site building when the heat was turned off upon the conclusion of EPA's on-Site activities. On January 17, 2006, EPA noted a sprinkler head in the compressor room had failed and was leaking water. EPA drained residual water in the sprinkler line by opening a valve. On February 21, 2006, EPA observed water leaking from cracks in sprinkler pipes inside the building. EPA notified the Wallkill Water and Sewer Company who returned to the Site on February 27, 2006 to once again close the main gate valve in the street outside of the building.

  Elevator: EPA noted that the passenger elevator in the building at the Site had appeared to have slipped from the second floor by approximately 18 inches. EPA placarded elevator doors in each of the levels with "Do Not Enter." On February 23, 2006, EPA provided a tour of the facility to a lieutenant with the Silver Lakes Fire Department and notified him of the faulty elevator. EPA also advised the trustee in bankruptcy of this condition.

- EPA Demobilization: EPA demobilized from the site as of the close of the business day March 01, 2006.

Next Steps

EPA on-Site CERCLA removal activities have been completed as of the close of business day, March 01, 2006

www.epaosc.net/westwood

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

DATE: OCT 31 2005

SUBJECT: Request for a $2 Million Statutory Exemption and Ceiling Increase for a CERCLA Removal Action at the Westwood Chemical Corporation Site, City of Middletown, Town of Wallkill, Orange County, New York – **ACTION MEMORANDUM**

FROM: Dilshad J. Perera, On-Scene Coordinator
Response and Prevention Branch

TO: Alan J. Steinberg
Regional Administrator

THRU: George Pavlou, Director
Emergency and Remedial Response Division

Site ID No.: WN

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of a $2-Million Statutory Exemption and ceiling increase of $500,000, bringing the Total Project Ceiling to $2,450,000 with which to continue a time critical removal action to dispose of hazardous substances present at the Westwood Chemical Corporation site located at 146 Tower Drive, City of Middletown, Town of Wallkill, Orange County, New York 10941 ("Site").

On February 22, 2005, New York State Department of Environmental Conservation ("NYSDEC") requested that the U.S. Environmental Protection Agency ("EPA") conduct a time-critical removal action under the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. §§9601 et seq., at the Site, an abandoned facility that had formerly been operated by the bankrupt Westwood Chemical Corporation for antiperspirant active ingredient and water treatment agent manufacturing.

Pursuant to verbal authorization in the amount of $250,000 given on March 2, 2005 by the Acting Director, Emergency and Remedial Response Division (ERRD), EPA responded to the Site to provide Site security and initiate stabilization and cleanup activities. Subsequently on April 15, 2005, a ceiling increase and confirmation of verbal authorization Action Memorandum (annexed as Attachment A) was approved by the Acting Director, ERRD allocating $1,950,000 for the project ceiling for the continued response.

II. SITE CONDITIONS AND BACKGROUND

A. Site Description

1. Removal Site Evaluation

For a discussion of the original Site evaluation, see Attachment A, Section II.A.1.

During the course of the ongoing removal action, EPA identified and responded to the following:

- 77 intermediate and large bulk containers were inventoried. Approximately 260,000 gallons of process waste water and 2,600 gallons of corrosive liquids which had been contained in these bulk storage containers were consolidated and transported for disposal.
- Approximately 400 Totes (intermediate bulk containers) were identified on the Site containing liquid or solid wastes as follows:
    - Liquid wastes consisting of either or both of process waste water and/or corrosive liquids in excess of 70,000 gallons; or
    - Solid wastes consisting of approximately 27 tons of gel-like materials at the bottom of the totes, determined to be hazardous wastes as defined by the Resource Conservation and Recovery Act (RCRA) with the characteristic of "toxicity" (D010) for selenium.

  These wastes were transported for disposal.
- Approximately 450 fiber drums of dry materials that had been staged in the warehouse portion of the building at the Site, including goods that were in the process of being manufactured, or goods that had been completed and were off-specification, constituents of which materials included aluminum chlorohydrate and/or aluminum zirconium chlorohydrex, were transported for disposal.
- In excess of 1,200 laboratory containers including:
    - laboratory reagents and spent analytical waste from three on-Site laboratories, and other material generated in an on-Site research and development laboratory; and
    - Quality assurance and quality control ("QA/QC") samples of raw material and finished product from a small basement used for storage of QA/QC materials.

  Most of these materials have been transported for disposal.

The following materials or issues still need to be addressed:

- Lab-packs. Although most of the original laboratory chemicals have been consolidated and shipped off-Site for disposal in this removal action, there are laboratory chemicals remaining at the Site that still need to be consolidated, lab-packed and disposed. The classifications in this group include corrosives, ignitables and toxics. Lab-packing and consolidation of these materials has been done in this removal action, as an interim measure, so that the materials could later be safely transported for disposal.
- Fiberglass tanks formerly used in manufacturing processes at the Site are contaminated with remnants of raw materials, or materials that were product in the course of manufacture, and these materials have now become wastes. Some of these tanks have not yet been fully addressed. The remaining fiberglass tanks should be cut up and the resulting waste stream shipped for disposal.
- Contamination which may contain hazardous substances is present on walls and floors of facility and on dryers and associated motors and equipment at the facility.
- Wastewater will be generated from decontamination of building walls and floors and from decontamination of dryers and associated motors and equipment, and will need to be containerized and sent for disposal.
- Soils at the facility have been sampled and sent for analysis. ERRD is awaiting the interpretation of the soil data to determine whether soils at the facility need to be addressed.

2. Physical Location

See Attachment A, Section II.A.2.

3. Site Characteristics

See Attachment A, Section II.A.3.

4. Release or Threatened Release into the Environment of a Hazardous Substance, or Pollutant or Contaminant

The following hazardous substances have been identified by sampling analyses.

Hazardous Substance	Statutory Source for Designation as a Hazardous Substance
Hydrochloric Acid	CWA § 311(b)(2), CAA § 112
Sulfuric Acid	CWA § 311(b)(2)

Potassium Cyanide	CWA § 311(b)(2), RCRA § 3001
Arsenic Trioxide	CWA § 311(b)(2), RCRA § 3001
Selenium Compound	CWA § 307(a), CAA § 112

In addition, the following materials, present at the site, pose a human health threat for dermal contact or inhalation since, due to their hygroscopic nature, they become acidic once the substances absorb moisture from the air or moisture in the lungs or sweat on skin: zirconium basic carbonate; zirconium oxychloride; aluminum chlorohydrate; aluminum zirconium chlorohydrex. If released or exposed to water or other liquid, the materials could become hazardous waste with the characteristic of corrosivity.

5. NPL Status

At the present time, the Site is not on the NPL and there are no efforts underway to include the Site on the NPL.

B. Other Actions to Date

1. Previous Actions to date

NYSDEC through their contractors removed several containers of potentially shock-sensitive material. NYSDEC also procured 24-hour site security and arranged for the temporary restoration of power to the Site. NYSDEC also initiated the restaging of totes with corrosive labels from outdoor staging areas to inside the warehouse.

2. Current Actions

EPA initiated a removal action on March 3, 2005, by assuming the responsibility for 24-hour site security. EPA mobilized its Emergency and Rapid Response Service contractor to the Site on March 8, 2005, and continued the process of restaging the totes initiated by NYSDEC, and began the process of inventorying the hazardous substances and other chemicals that had been abandoned at the Site.

To date the following tasks have been accomplished:

- Approximately 335,000 gallons of process wastewater has been shipped off-Site for disposal.
- Approximately 1,200 tons of contaminated debris and solid material has been shipped off-Site for disposal.
- Approximately 27 tons of selenium-bearing hazardous waste has been shipped off-Site for disposal.
- Approximately 32,000 gallons and 200,000 pounds of material have been shipped off-Site for reuse.
- Approximately 65 poly and fiberglass bulk storage containers has been disassembled and shipped off-Site for disposal.

C. State and Local Authorities' Roles

1. State and Local Actions to Date

There are no actions currently being undertaken by either the state or local agencies.

2. Potential for Continued State/Local Response

EPA will continue to coordinate its activities with NYSDEC and with the local response community, including the Town of Wallkill through its Assistant Building Inspector.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The conditions at the Site meet the criteria for a CERCLA removal action as described in the National Contingency Plan ("NCP") at 40 CFR § 300.415(b). Factors that support conducting a removal action at the Site include:

(i) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;
(ii) Actual or potential contamination of drinking water supplies or sensitive ecosystems;
(iii) Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release;
(iv) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;
(v) Threat of fire and explosion; and
(vi) Unavailability of other appropriate federal or state response mechanism to respond to the release.

A. Threats to Public Health or Welfare

(i) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants.

See discussion in Attachment A, Section III.A.(i).

There are several waste streams that have yet to be shipped off-Site for disposal. These waste streams include corrosives, ignitables and toxics. Unless these materials are addressed by EPA, there would be a potential of direct human contact with these materials by persons coming on to the Site. Also if these materials were to be left at the Site, they would be subject to heat and cold in the absence of electrical power at the Site, and subject also to rain, wind and other weather conditions through failure of building components, with the likelihood of eventual failure of the containers and the release of their contents, potentially posing a threat to the public.

(ii) Actual or potential contamination of drinking water supplies or sensitive ecosystems

See discussion in Attachment A, Section III.A.(ii).

(iii) Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release

With prolonged storage of the hazardous substances on the Site, there is a potential for containers to fail (see Attachment A, Section II.A.I) particularly given the corrosive nature of the material manufactured at the Site as well as of some of the raw materials purchased by Westwood Chemical Corporation.

(iv) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released

See discussion in Attachment A, Section III.A.(iv).

(v) Threat of fire and explosion

See discussion in Attachment A, Section III.A.(v).

There are still flammable waste streams on the Site in the form of lab-pack containers.

(vi) The availability of other appropriate federal or state response mechanism to respond to the release

Based on information provided to by the NYSDEC to EPA, NYSDEC does not have the funding or resources available to conduct a removal action to mitigate the threats posed by this Site.

B. Threats to the Environment

The primary threat to the environment is from the release or threatened release of the corrosive materials present at the Site. Because the Site slopes to the east, materials released from the Site could drain off and impact the Wallkill River, either directly or through the tributary which is immediately adjacent to the east of the Site. In addition, the corrosive materials could adversely impact the vegetative cover both on the Site and off the Site.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances from the Site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to the public health or welfare or the environment.

V. EXEMPTION FROM STATUTORY LIMITS

1. There is an immediate risk to public health or welfare or the environment

Several of the waste streams remain on-Site and should be transported and disposed of. These include:

- Lab-packs. Although most of the original laboratory chemicals were consolidated and shipped off-Site for disposal, there are laboratory chemicals remaining at the Site that remain to be consolidated, lab-packed and disposed. The classifications in this group include corrosives, ignitables and toxics. Lab-packing and consolidation of these materials was done in the removal action as an interim measure in order to afford safe transport and disposal.
- Fiberglass tanks formerly used in the manufacturing processes at the Site are contaminated with remnants of raw materials, or materials that were product in the course of manufacture and that now are wastes. Some of these tanks have not yet been fully addressed. They should be addressed by cutting up the remaining fiberglass tanks and shipping the resulting waste stream for disposal.
- Contamination present on walls and floors of the facility and on dryers and associated motors and equipment at the facility.
- Wastewater which will be generated from decontamination of building walls and floors and from decontamination of dryers and associated motors and equipment, which will need to be containerized and sent for disposal.
- Soils at the facility have been sampled and sent for analysis. ERRD is awaiting the interpretation of the soil data to determine whether soils at the facility need to be addressed.

In the event the removal action terminates without removing these items, there will a potential for exposure to the public through unrestricted access to the Site, and through release of materials due to eventual failure of containers at the Site.

2. Continued response actions are immediately required to prevent, limit, or mitigate an emergency

As noted in the original Action Memorandum (see Attachment A) as well as in the Pollution Reports issued during the course of the current activities, numerous releases have occurred at the facility during the performance of the removal action as a result of the general state of disrepair of the facility and of additional damage caused by lack of utilities during the winter months following the shutdown of the facility in October 2004. As also described in the original Action Memorandum and the Pollution Reports, secondary containment in the exterior reactor farms developed cracks resulting in the release of material into the environment. In addition, piping associated with the tanks cracked in the extreme cold and released contents from the tanks. Should the removal action terminate without removing the last of the waste-streams, there is a potential for the containers to fail through continued degradation or through environmental factors,

such as changes in temperature. Water entering the building from the leaking roof could transport contamination at the facility into the environment.

VI. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed Action Description

The proposed removal action has included:

- Sampling of potentially hazardous substances in bulk storage tanks.
- Sampling of wastewater stored in totes and bulk storage tanks.
- Consolidation of small containers followed by sampling.
- Lab-packing of small containers.
- Tank and process-line removal.
- Cleaning of secondary containment.
- Decontaminating the production building.
- Sampling of additional materials potentially containing hazardous substances.
- Disposal off-Site, in accordance with CERCLA § 121(d)(3) and 40 CFR § 300.440 (regulation concerning off-site disposal), of materials that contain or may contain hazardous substances.

As discussed in Section V.1, above, contamination still remains at the Site, and additional actions are required, for which additional funding is sought, in order to properly complete this removal action.

2. Contribution to Remedial Performance

The Site is not on the NPL; however, activities proposed would not be inconsistent with potential remedial actions.

3. Description of Alternative Technologies

Alternative technologies will continue to be considered as long as the technology proves to be cost effective, timely and efficient.

4. Engineering Evaluation/Cost Analyses ("EE/CA")

Due to the time-critical nature of this Action Memorandum, an EE/CA will not be prepared.

5. Applicable and Relevant and Appropriate Requirements ("ARARs")

ARARs within the scope of this project, including RCRA regulations that pertain to the disposal of hazardous wastes, will be met to the extent practicable.

6. **Project Schedule**

This action was initiated through verbal authorization and was continued pursuant to the authorization contained in the Action Memorandum dated April 15, 2005 (Attachment A). It is currently anticipated that this removal action could be completed shortly.

B. **Estimated Costs (rounded to nearest $1,000)**

Extramural Costs:	Current Costs	Proposed Increase	Proposed Costs
Regional Allowance Costs: (Total cleanup contractor costs include labor, equipment, materials and laboratory disposal analysis)	$1,910,000	$ 450,000	$2,360,000
Other Extramural Costs not Funded From the Regional Allowance:			
Technical support	$ 40,000	$ 50,000	$ 90,000
Subtotal, extramural costs	$1,950,000	$ 0	$2,450,000
Extramural Costs Contingency (20%)	$ 0	$ 0	$ 0
TOTAL EXTRAMURAL COSTS	$1,950,000	$ 500,000	$2,450,000
TOTAL REMOVAL PROJECT CEILING	$1,950,000	$ 500,000	$2,450,000

VII. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED

Should action be delayed, hazardous substances presently located at the Site could be released and adversely impact human health and the environment. As described in Section II.A.1, above, there have been several releases at the Site since EPA commenced this removal action in March of 2005. EPA has been on the Site and responded to each such release.

VIII. OUTSTANDING POLICY ISSUES

None.

IX. ENFORCEMENT

EPA will assess the extent to which this removal action may be funded or reimbursed within Westwood's bankruptcy proceedings. In addition, EPA will seek to determine if there are any other financially viable Potentially Responsible Parties ("PRPs") who might reimburse the cost of the cleanup. However, due to the time-critical nature of this response, this Action Memorandum recommends funding for a fund-lead response action.

The total EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be $3,322,650.

This figure includes EPA's direct costs which include direct extramural costs and direct intramural costs. The figure also includes indirect costs. Indirect costs are calculated, consistent with EPA's full cost accounting methodology effective October 2, 2000, by multiplying the currently estimated indirect cost rate for Region 2 by the amount of the estimated direct costs of this removal action. The figure does not include pre-judgment interest, does not take into account enforcement costs, including Department of Justice costs, and may be adjusted during the course of the removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

Direct Extramural	$2,450,000
Direct Intramural	$ 100,000
Subtotal, Direct Costs	$2,550,000
Indirect Costs (Anticipated Regional Indirect Cost Rate 30.30% x $2,550,000)	$ 772,650
Estimated EPA Costs Eligible for Cost Recovery	$3,322,650

X. RECOMMENDATION

This decision document represents a request for Statutory $2 Million Exemption and ceiling increase for the current removal action at the Westwood Chemical Corporation Site, located at 146 Tower Drive, Middletown, Orange County, New York, developed in accordance with CERCLA, and not inconsistent with the NCP. This decision is based on the Administrative Record for the Site. Conditions at the Site meet the NCP Section 300.415(b)(2) criteria for a removal action.

This Action Memorandum, if approved, will authorize a total project ceiling is $2,450,000 with the additional $500,000 being provided from the FY-2006 Regional Advice of Allowance.

Please indicate your approval of the authorization of funding for the Westwood Chemical Corporation Site, as per the current Regional redelegation of authority, by signing below.

Approved: Alan J. Steinberg Date: 11-01-05
Alan J. Steinberg
Regional Administrator

Disapproved: _____ Date: _____
Alan J. Steinberg
Regional Administrator

Attachment:

cc: (after approval is obtained)

B. Sprague, 2ERRD-RPB
J. Daloia, 2ERRD-RPB
R. Salkie, 2ERRD-RAB
J. Witkowski, 2ERRD-RAB
C. Clifford, 2ERRD-RPB
M. Mears, 2CD
T. Lieber, 2ORC-NYCSFB
M. Mintzer, 2ORC-NYCSFB
T. Riverso, 2OPM-GCMB
K. Giaccobe, 2OPM-GCMB
T. Grier, 5204G
D. Farrar, NYSDEC
C. Kelley, RST
G. Zachos, 2ERRD-ACM

Certified By Financial Management Office

Table of Contents

WESTWOOD CHEMICAL CORPORATION, MIDDLETOWN, NY SITE ID = 02 WN

All Costs Through 05/31/2006

NARRATIVE COST SUMMARY ..... Section 1

ITEMIZED COST SUMMARY ..... Section 2

REGIONAL PAYROLL COSTS ..... Section 3

HEADQUARTERS PAYROLL COSTS ..... Section 4

REGIONAL TRAVEL COSTS ..... Section 5

HEADQUARTERS TRAVEL COSTS ..... Section 6

EMERGENCY REMOVAL CLEANUP (ERC) CONTRACT

EARTH TECH, INC. (EPW04055) ..... Section 7

ENFORCEMENT SUPPORT SERVICES (ESS) CONTRACT

TOEROEK ASSOCIATES, INC. (EPS20403) ..... Section 8

SUPERFUND TECH ASSESSMENT AND RESPONSE TEAM

ROY F WESTON, INC. (68-W0-0113) ..... Section 9

MISCELLANEOUS (MIS) COSTS ..... Section 10

EPA INDIRECT COSTS SUMMARY ..... Section 11

EPA INDIRECT COSTS ..... Section 12

Certified By Financial Management Office

Narrative Cost Summary

WESTWOOD CHEMICAL CORPORATION, MIDDLETOWN, NY SITE ID = 02 WN

All Costs Through 05/31/2006

1. The United States Environmental Protection Agency has incurred at least $86,776.02 for Regional Payroll Costs.

2. The United States Environmental Protection Agency has incurred at least $1,774.19 for Headquarters Payroll Costs.

3. The United States Environmental Protection Agency has incurred at least $28,482.56 for Regional Travel Costs.

4. The United States Environmental Protection Agency has incurred at least $1,636.54 for Headquarters Travel Costs.

5. The United States Environmental Protection Agency has incurred costs of at least $2,119,644.46 for EMERGENCY REMOVAL CLEANUP (ERC) CONTRACT contract expenditures. The total represents the amount spent under the EARTH TECH, INC. contract.

6. The United States Environmental Protection Agency has incurred costs of at least $2,143.92 for ENFORCEMENT SUPPORT SERVICES (ESS) CONTRACT contract expenditures. The total represents the amount spent under the TOEROEK ASSOCIATES, INC. contract.

7. The United States Environmental Protection Agency has incurred costs of at least $12,182.75 for SUPERFUND TECH ASSESSMENT AND RESPONSE TEAM contract expenditures. The total represents the amount spent under the ROY F WESTON, INC. contract.

8. The United States Environmental Protection Agency has incurred costs of at least $91.80 for Miscellaneous Expenses.

9. The United States Environmental Protection Agency has incurred at least $682,577.91 for Indirect Costs.

Total Site Costs: $2,935,310.15

Certified By Financial Management Office

Itemized Cost Summary

WESTWOOD CHEMICAL CORPORATION, MIDDLETOWN, NY SITE ID = 02 WN

All Costs Through 05/31/2006

REGIONAL PAYROLL COSTS	$86,776.02
HEADQUARTERS PAYROLL COSTS	$1,774.19
REGIONAL TRAVEL COSTS	$28,482.56
HEADQUARTERS TRAVEL COSTS	$1,636.54
EMERGENCY REMOVAL CLEANUP (ERC) CONTRACT	
EARTH TECH, INC. (EPW04055)	$2,119,644.46
ENFORCEMENT SUPPORT SERVICES (ESS) CONTRACT	
TOEROEK ASSOCIATES, INC. (EPS20403)	$2,143.92
SUPERFUND TECH ASSESSMENT AND RESPONSE TEAM	
ROY F WESTON, INC. (68-W0-0113)	$12,182.75
MISCELLANEOUS COSTS (MIS)	$91.80
EPA INDIRECT COSTS	$682,577.91
Total Site Costs:	$2,935,310.15

Certified By Financial Management Office

Regional Payroll Costs

WESTWOOD CHEMICAL CORPORATION, MIDDLETOWN, NY SITE ID = 02 WN

All Costs Through 05/31/2006

Employee Name	Fiscal Year	Pay Period	Payroll Hours	Payroll Costs
BECHTEL, JEFFREY	2005	13	40.00	2,390.47
			40.00	$2,390.47
COAKLEY, ROY W.	2005	16	0.75	40.58
			0.75	$40.58
D'ONOFRIO, CHRIS A.	2005	14	13.00	570.79
		15	40.00	1,756.32
			53.00	$2,327.11
HUHN, IRMGARD P.	2005	13	8.00	447.99
		14	4.50	252.02
		15	4.00	223.99
		16	3.00	168.12
		18	6.00	336.02
			25.50	$1,428.14
LIEBER, THOMAS K.	2005	13	1.75	137.68
		14	1.75	137.68
		15	4.75	373.69
		22	1.50	118.01
		23	0.75	59.01
	2006	03	1.00	77.16
		11	0.50	41.96
		12	0.25	20.98
		16	1.75	146.86
		17	0.50	41.95
			14.50	$1,154.98
MATARAZZO, MICHAEL M.	2005	15	34.00	1,641.73
			34.00	$1,641.73
MINTZER, MICHAEL A.	2005	12	9.00	670.64
		13	15.50	1,155.00
		14	26.00	1,937.41
		15	33.75	2,514.92
		16	40.25	2,999.26
		17	28.00	2,086.46

Certified By Financial Management Office

Regional Payroll Costs

WESTWOOD CHEMICAL CORPORATION, MIDDLETOWN, NY SITE ID = 02 WN

All Costs Through 05/31/2006

Employee Name	Fiscal Year	Pay Period	Payroll Hours	Payroll Costs
MINTZER, MICHAEL A.	2005	18	29.25	2,179.59
		19	27.25	2,030.56
		20	31.50	2,347.26
		21	10.75	801.05
		22	11.75	875.55
		23	10.00	745.15
		25	6.50	505.64
		26	8.25	631.19
		27	1.25	91.37
	2006	02	5.50	402.09
		03	36.00	2,631.87
		04	2.00	146.22
		05	11.50	840.72
		06	1.75	127.97
		07	2.75	210.84
		08	3.50	268.50
		09	2.00	159.24
		10	6.25	497.65
		11	7.25	577.25
		12	18.00	1,433.21
		13	10.00	796.24
		14	3.75	298.58
		15	18.50	1,473.00
		16	9.75	776.32
		17	10.75	855.94
			438.25	$33,066.69
PERERA, DILSHAD J.	2005	13	40.00	2,287.83
		14	80.00	5,071.94
		16	40.00	2,304.98
		25	72.00	5,171.03
	2006	03	100.00	5,683.93
		04	108.00	5,785.67
		05	66.00	3,598.97
		09	32.00	1,951.78
		10	72.00	4,391.47
		11	40.00	2,439.73

Certified By Financial Management Office

Regional Payroll Costs

WESTWOOD CHEMICAL CORPORATION, MIDDLETOWN, NY SITE ID = 02 WN

All Costs Through 05/31/2006

Employee Name	Fiscal Year	Pay Period	Payroll Hours	Payroll Costs
PERERA, DILSHAD J.	2006	12	88.00	5,291.43
			738.00	$43,978.76
POWELL, SHERI D.	2006	10	16.50	474.86
		11	2.00	57.55
			18.50	$532.41
TRUONO-WIGGETT, MARISSA	2005	19	2.00	105.12
			2.00	$105.12
VELEZ, JO-ANN	2006	11	2.00	110.03
			2.00	$110.03
Total Regional Payroll Costs			1,366.50	$86,776.02

Certified By Financial Management Office

Headquarters Payroll Costs

WESTWOOD CHEMICAL CORPORATION, MIDDLETOWN, NY SITE ID = 02 WN

All Costs Through 05/31/2006

Employee Name	Fiscal Year	Pay Period	Payroll Hours	Payroll Costs
BUSSEY, DONALD T.	2005	22	36.00	1,774.19
			36.00	$1,774.19
Total Headquarters Payroll Costs			36.00	$1,774.19

Certified By Financial Management Office

Regional Travel Costs

WESTWOOD CHEMICAL CORPORATION, MIDDLETOWN, NY SITE ID = 02 WN

All Costs Through 05/31/2006

Traveler/Vendor Name	Travel Number	Treasury Schedule	Treasury Schedule Date	Travel Costs
D'ONOFRIO, CHRIS A.	TM0304951	05094	04/06/2005	165.84
	TM0308590	05104	04/18/2005	445.58
				$611.42
MATARAZZO, MICHAEL M.	TM0307733	05111	04/25/2005	422.28
				$422.28
MINTZER, MICHAEL A.	TM0316688	05130	05/12/2005	59.75
	TM0318954	05131	05/13/2005	56.25
	TM0378588	05334	12/02/2005	151.03
	TM0413692	06109	04/21/2006	88.95
				$355.98
PERERA, DILSHAD J.	TM0301974	05082	03/25/2005	561.92
	TM0301976	05101	04/13/2005	1,089.42
	TM0302008	05118	05/02/2005	835.42
	TM0302011	05122	05/04/2005	1,069.92
	TM0317554	05131	05/13/2005	561.92
	TM0317568	05160	06/13/2005	1,038.84
	TM0325672	05174	06/27/2005	475.99
	TM0301976	05179	06/30/2005	34.42
	TM0302008	05179	06/30/2005	34.42
	TM0325673	05195	07/18/2005	1,549.34
	TM0334618	05195	07/18/2005	777.92
	TM0341259	05215	08/05/2005	1,620.70
	TM0341261	05228	08/18/2005	1,595.23
	TM0341262	05236	08/26/2005	1,788.39
	TM0341264	05262	09/21/2005	1,295.08
	TM0354300	05271	09/30/2005	886.33

Certified By Financial Management Office

Regional Travel Costs

WESTWOOD CHEMICAL CORPORATION, MIDDLETOWN, NY SITE ID = 02 WN

All Costs Through 05/31/2006

Traveler/Vendor Name	Travel Number	Treasury Schedule	Treasury Schedule Date	Travel Costs
PERERA, DILSHAD J.	TM0354315	05291	10/20/2005	1,403.78
	TM0365766	05291	10/20/2005	1,512.75
	TM0369561	05342	12/12/2005	1,606.78
	TM0373602	05342	12/12/2005	1,560.35
	TM0383183	05349	12/19/2005	1,248.33
	TM0386416	06061	03/06/2006	2,163.75
	TM0397710	06082	03/27/2006	2,381.88
				$27,092.88
Total Regional Travel Costs				$28,482.56

Certified By Financial Management Office

Headquarters Travel Costs

WESTWOOD CHEMICAL CORPORATION, MIDDLETOWN, NY SITE ID = 02 WN

All Costs Through 05/31/2006

Traveler/Vendor Name	Travel Number	Treasury Schedule	Treasury Schedule Date	Travel Costs
BUSSEY, DONALD T.	TM0337574	05206	07/27/2005	1,636.54
				$1,636.54
Total Headquarters Travel Costs				$1,636.54

Certified By Financial Management Office

Contract Costs

WESTWOOD CHEMICAL CORPORATION, MIDDLETOWN, NY SITE ID = 02 WN

All Costs Through 05/31/2006

EMERGENCY REMOVAL CLEANUP (ERC) CONTRACT

Contractor Name: EARTH TECH, INC.

EPA Contract Number: EPW04055

Delivery Order Information	DO #	Start Date	End Date
	13	03/05/2005	04/28/2006

Project Officer(s): PERERA, DILSHAD
VOGELSANG, NORMAN

Dates of Service: From: 03/05/2005 To: 03/03/2006

Summary of Service:

Total Costs: $2,119,644.46

Voucher Number	Voucher Date	Voucher Amount	Treasury Schedule Number	and Date	Site Amount
84210-01	04/20/2005	64,713.40	05459	05/17/2005	64,713.40
84210-02	05/17/2005	94,778.77	05507	06/13/2005	94,778.77
84210-03	07/05/2005	156,553.65	05596	07/29/2005	156,553.65
84210-04	07/29/2005	180,596.17	05646	08/24/2005	180,596.17
84210-05	08/19/2005	99,275.64	05689	09/14/2005	99,275.64
84210-06	09/29/2005	651,107.43	06046	10/26/2005	651,107.43
84210-07	12/28/2005	169,010.77	06232	01/25/2006	169,010.77
84210-08	01/10/2006	158,242.49	06248	02/06/2006	158,242.49
84210-09	01/25/2006	235,640.97	06289	02/21/2006	235,640.97
84210-10	02/09/2006	98,703.60	06318	03/07/2006	98,703.60
84210-11	02/14/2006	58,820.55	06324	03/10/2006	58,820.55
84210-12	03/23/2006	129,881.34	06402	04/19/2006	129,881.34
84210-13	04/20/2006	10,609.30	06454	05/17/2006	10,609.30
84210-14	05/05/2006	11,710.38	06481	05/31/2006	11,710.38
				Total:	$2,119,644.46

Certified By Financial Management Office

Contract Costs

WESTWOOD CHEMICAL CORPORATION, MIDDLETOWN, NY SITE ID = 02 WN

All Costs Through 05/31/2006

ENFORCEMENT SUPPORT SERVICES (ESS) CONTRACT

Contractor Name: TOEROEK ASSOCIATES, INC.

EPA Contract Number: EPS20403

Delivery Order Information

DO #	Start Date	End Date
2008	07/26/2005	09/09/2005

Project Officer(s): GRACIANO, RICHARD

Dates of Service: From: 07/26/2005 To: 09/09/2005

Summary of Service:

Total Costs: $2,143.92

Voucher Number	Voucher Date	Voucher Amount	Treasury Schedule Number and Date	Site Amount
1	09/14/2005	11,753.04	06010 10/11/2005	2,143.92
			Total:	$2,143.92

Certified By Financial Management Office

Contract Costs

WESTWOOD CHEMICAL CORPORATION, MIDDLETOWN, NY SITE ID = 02 WN

All Costs Through 05/31/2006

SUPERFUND TECH ASSESSMENT AND RESPONSE TEAM

Contractor Name: ROY F WESTON, INC.

EPA Contract Number: 68-W0-0113

Project Officer(s): ENG, HELEN

Dates of Service: From: 06/01/2005 To: 08/31/2005

Summary of Service:

Total Costs: $12,182.75

Voucher Number	Voucher Date	Voucher Amount	Treasury Schedule Number	and Date	Site Amount	Annual Allocation
72-LOT0009	07/18/2005	376,054.23	05628	08/12/2005	409.54	170.62
73-LOT0009	08/11/2005	205,695.92	05669	09/07/2005	-65.45	-27.27
74-LOT0009	09/08/2005	300,843.38	06003	10/04/2005	6,784.69	2,826.53
75LOT0009	10/13/2005	376,054.23	06069	11/09/2005	710.97	296.19
76-LOT0009	11/09/2005	175,745.61	06123	12/05/2005	503.57	209.79
76-LOT0010	11/09/2005	13,830.95	06123	12/05/2005	256.65	106.92
				Total:	$8,599.97	$3,582.78

Certified By Financial Management Office

Contract Costs

WESTWOOD CHEMICAL CORPORATION, MIDDLETOWN, NY SITE ID = 02 WN

All Costs Through 05/31/2006

SUPERFUND TECH ASSESSMENT AND RESPONSE TEAM

Contractor Name:	ROY F WESTON, INC.
EPA Contract Number:	68-W0-0113
Project Officer(s):	ENG, HELEN
Dates of Service:	From: 06/01/2005 To: 08/31/2005
Summary of Service:	
Total Costs:	$12,182.75

Voucher Number	Schedule Number	Rate Type	Annual Allocation Rate
72-LOT0009	05628	Class	0.416604
73-LOT0009	05669	Class	0.416604
74-LOT0009	06003	Class	0.416604
75LOT0009	06069	Class	0.416604
76-LOT0009	06123	Class	0.416604
76-LOT0010	06123	Class	0.416604

Certified By Financial Management Office

Financial Cost Summary for the Contract Lab Program

WESTWOOD CHEMICAL CORPORATION, MIDDLETOWN, NY SITE ID = 02 WN

All Costs Through 05/31/2006

CONTRACT LAB PROGRAM (CLP) COSTS

Certified By Financial Management Office

Miscellaneous (MIS) Costs

WESTWOOD CHEMICAL CORPORATION, MIDDLETOWN, NY SITE ID = 02 WN

All Costs Through 05/31/2006

Miscellaneous (MIS) Costs

Total Costs: $91.80

Procurement Number	Voucher Number	Voucher Date	Voucher Amount	Treasury Schedule Number	and Date	Site Amount	Description
CHOICE POINT							
280886NBLX	AB000118470:	06/07/2005	369.60	05179	06/30/2005	45.80	On-line Database
280886NBLX	AB000121710(	05/31/2005	398.50	05202	07/25/2005	46.00	On-line Database
			Vendor Total:			**$91.80**	
			Total Miscellaneous Costs:			**$91.80**	

Certified By Financial Management Office

EPA Indirect Costs

WESTWOOD CHEMICAL CORPORATION, MIDDLETOWN, NY SITE ID = 02 WN

All Costs Through 05/31/2006

Fiscal Year	Direct Costs	Indirect Rate(%)	Indirect Costs
2005	661,438.61	30.30%	200,415.97
2006	1,591,293.63	30.30%	482,161.94
	2,252,732.24		
Total EPA Indirect Costs			$682,577.91

Certified By Financial Management Office

EPA Indirect Costs

WESTWOOD CHEMICAL CORPORATION, MIDDLETOWN, NY SITE ID = 02 WN

All Costs Through 05/31/2006

PAYROLL DIRECT COSTS

Employee Name	Fiscal Year	Pay Period	Payroll Costs	Ind. Rate (%)	Indirect Costs
BECHTEL, JEFFREY	2005	13	2,390.47	30.30%	724.31
			2,390.47		$724.31
BUSSEY, DONALD T.	2005	22	1,774.19	30.30%	537.58
			1,774.19		$537.58
COAKLEY, ROY W.	2005	16	40.58	30.30%	12.30
			40.58		$12.30
D'ONOFRIO, CHRIS A.	2005	14	570.79	30.30%	172.95
		15	1,756.32	30.30%	532.16
			2,327.11		$705.11
HUHN, IRMGARD P.	2005	13	447.99	30.30%	135.74
		14	252.02	30.30%	76.36
		15	223.99	30.30%	67.87
		16	168.12	30.30%	50.94
		18	336.02	30.30%	101.81
			1,428.14		$432.72
LIEBER, THOMAS K.	2005	13	98.35	30.30%	29.80
			39.33	30.30%	11.92
		14	137.68	30.30%	41.72
		15	157.33	30.30%	47.67
			216.36	30.30%	65.56
		22	118.01	30.30%	35.76
		23	59.01	30.30%	17.88
			826.07		$250.31

Certified By Financial Management Office

EPA Indirect Costs

WESTWOOD CHEMICAL CORPORATION, MIDDLETOWN, NY SITE ID = 02 WN

All Costs Through 05/31/2006

PAYROLL DIRECT COSTS

Employee Name	Fiscal Year	Pay Period	Payroll Costs	Ind. Rate (%)	Indirect Costs
MATARAZZO, MICHAEL M.	2005	15	1,641.73	30.30%	497.44
			1,641.73		$497.44
MINTZER, MICHAEL A.	2005	12	670.64	30.30%	203.20
		13	1,155.00	30.30%	349.97
		14	1,937.41	30.30%	587.04
		15	1,751.15	30.30%	530.60
			763.77	30.30%	231.42
		16	596.13	30.30%	180.63
			2,403.13	30.30%	728.15
		17	689.28	30.30%	208.85
			1,397.18	30.30%	423.35
		18	875.56	30.30%	265.29
			1,304.03	30.30%	395.12
		19	447.11	30.30%	135.47
			1,583.45	30.30%	479.79
		20	875.57	30.30%	265.30
			223.54	30.30%	67.73
			1,248.15	30.30%	378.19
		21	484.35	30.30%	146.76
			298.08	30.30%	90.32
			18.62	30.30%	5.64
		22	242.17	30.30%	73.38
			502.99	30.30%	152.41
			130.39	30.30%	39.51
		23	149.02	30.30%	45.15
			596.13	30.30%	180.63
		25	194.47	30.30%	58.92
			77.81	30.30%	23.58
			233.36	30.30%	70.71
		26	153.02	30.30%	46.37
			478.17	30.30%	144.89

Certified By Financial Management Office

EPA Indirect Costs

WESTWOOD CHEMICAL CORPORATION, MIDDLETOWN, NY SITE ID = 02 WN

All Costs Through 05/31/2006

PAYROLL DIRECT COSTS

Employee Name	Fiscal Year	Pay Period	Payroll Costs	Ind. Rate (%)	Indirect Costs
MINTZER, MICHAEL A.	2005	27	91.37	30.30%	27.69
			21,571.05		$6,536.06
PERERA, DILSHAD J.	2005	13	2,287.83	30.30%	693.21
		14	5,071.94	30.30%	1,536.80
		16	2,304.98	30.30%	698.41
		25	5,171.03	30.30%	1,566.82
			14,835.78		$4,495.24
TRUONO-WIGGETT, MARISSA	2005	19	105.12	30.30%	31.85
			105.12		$31.85
Total Fiscal Year 2005 Payroll Direct Costs:			46,940.24		$14,222.92

TRAVEL DIRECT COSTS

Traveler/Vendor Name	Travel Number	Treasury Schedule Date	Travel Costs	Ind. Rate (%)	Indirect Costs
BUSSEY, DONALD T.	TM0337574	07/27/2005	1,636.54	30.30%	495.89
			1,636.54		$495.89
D'ONOFRIO, CHRIS A.	TM0304951	04/06/2005	165.84	30.30%	50.25
	TM0308590	04/18/2005	445.58	30.30%	135.01
			611.42		$185.26
MATARAZZO, MICHAEL M.	TM0307733	04/25/2005	422.28	30.30%	127.95
			422.28		$127.95
MINTZER, MICHAEL A.	TM0316688	05/12/2005	59.75	30.30%	18.10

Certified By Financial Management Office

EPA Indirect Costs

WESTWOOD CHEMICAL CORPORATION, MIDDLETOWN, NY SITE ID = 02 WN

All Costs Through 05/31/2006

TRAVEL DIRECT COSTS

Traveler/Vendor Name	Travel Number	Treasury Schedule Date	Travel Costs	Ind. Rate (%)	Indirect Costs
MINTZER, MICHAEL A.	TM0318954	05/13/2005	56.25	30.30%	17.04
			116.00		$35.14
PERERA, DILSHAD J.	TM0301974	03/25/2005	561.92	30.30%	170.26
	TM0301976	04/13/2005	1,089.42	30.30%	330.10
	TM0302008	05/02/2005	835.42	30.30%	253.13
	TM0302011	05/04/2005	1,069.92	30.30%	324.19
	TM0317554	05/13/2005	561.92	30.30%	170.26
	TM0317568	06/13/2005	1,038.84	30.30%	314.77
	TM0325672	06/27/2005	475.99	30.30%	144.23
	TM0302008	06/30/2005	34.42	30.30%	10.43
	TM0301976	06/30/2005	34.42	30.30%	10.43
	TM0334618	07/18/2005	777.92	30.30%	235.71
	TM0325673	07/18/2005	1,549.34	30.30%	469.45
	TM0341259	08/05/2005	1,620.70	30.30%	491.07
	TM0341261	08/18/2005	1,595.23	30.30%	483.36
	TM0341262	08/26/2005	1,788.39	30.30%	541.88
	TM0341264	09/21/2005	1,295.08	30.30%	392.41
	TM0354300	09/30/2005	886.33	30.30%	268.56
			15,215.26		$4,610.24
Total Fiscal Year 2005 Travel Direct Costs:			18,001.50		$5,454.48

OTHER DIRECT COSTS

Contract, IAG, SCA, Misc.NO	Voucher Number	Treasury Schedule Date	Site Amount	Annual/SMO Allocation Costs	Ind. Rate (%)	Indirect Costs
280886NBLX	AB0001184703	06/30/2005	45.80	0.00	30.30%	13.88
	AB0001217100	07/25/2005	46.00	0.00	30.30%	13.94
			91.80	0.00		$27.82

Certified By Financial Management Office

EPA Indirect Costs

WESTWOOD CHEMICAL CORPORATION, MIDDLETOWN, NY SITE ID = 02 WN

All Costs Through 05/31/2006

OTHER DIRECT COSTS

Contract, IAG, SCA, Misc.NO	Voucher Number	Treasury Schedule Date	Site Amount	Annual/SMO Allocation Costs	Ind. Rate (%)	Indirect Costs
68-W0-0113	72-LOT0009	08/12/2005	409.54	170.62	30.30%	175.79
	73-LOT0009	09/07/2005	-65.45	-27.27	30.30%	-28.09
			344.09	143.35		$147.70
EPW04055	84210-01	05/17/2005	64,713.40	0.00	30.30%	19,608.16
	84210-02	06/13/2005	94,778.77	0.00	30.30%	28,717.97
	84210-03	07/29/2005	156,553.65	0.00	30.30%	47,435.76
	84210-04	08/24/2005	180,596.17	0.00	30.30%	54,720.64
	84210-05	09/14/2005	99,275.64	0.00	30.30%	30,080.52
			595,917.63	0.00		$180,563.05
Total Fiscal Year 2005 Other Direct Costs:			596,353.52	143.35		$180,738.57
Total Fiscal Year 2005:			661,438.61			$200,415.97

PAYROLL DIRECT COSTS

Employee Name	Fiscal Year	Pay Period	Payroll Costs	Ind. Rate (%)	Indirect Costs
LIEBER, THOMAS K.	2006	03	77.16	30.30%	23.38
		11	41.96	30.30%	12.71
		12	20.98	30.30%	6.36
		16	146.86	30.30%	44.50
		17	41.95	30.30%	12.71
			328.91		$99.66
MINTZER, MICHAEL A.	2006	02	73.10	30.30%	22.15
			328.99	30.30%	99.68
		03	2,558.76	30.30%	775.30
			73.11	30.30%	22.15
		04	146.22	30.30%	44.30

Certified By Financial Management Office

EPA Indirect Costs

WESTWOOD CHEMICAL CORPORATION, MIDDLETOWN, NY SITE ID = 02 WN

All Costs Through 05/31/2006

PAYROLL DIRECT COSTS

Employee Name	Fiscal Year	Pay Period	Payroll Costs	Ind. Rate (%)	Indirect Costs
MINTZER, MICHAEL A.	2006	05	109.65	30.30%	33.22
			182.76	30.30%	55.38
			548.31	30.30%	166.14
		06	73.13	30.30%	22.16
			54.84	30.30%	16.62
		07	210.84	30.30%	63.88
		08	268.50	30.30%	81.36
		09	159.24	30.30%	48.25
		10	398.13	30.30%	120.63
			99.52	30.30%	30.15
		11	258.77	30.30%	78.41
			318.48	30.30%	96.50
		12	298.58	30.30%	90.47
			1,134.63	30.30%	343.79
		13	119.44	30.30%	36.19
			676.80	30.30%	205.07
		14	199.06	30.30%	60.32
			99.52	30.30%	30.15
		15	1,333.66	30.30%	404.10
			139.34	30.30%	42.22
		16	776.32	30.30%	235.22
		17	19.91	30.30%	6.03
			836.03	30.30%	253.32
			11,495.64		$3,483.16
PERERA, DILSHAD J.	2006	03	5,683.93	30.30%	1,722.23
		04	5,785.67	30.30%	1,753.06
		05	3,598.97	30.30%	1,090.49
		09	1,951.78	30.30%	591.39
		10	4,391.47	30.30%	1,330.62
		11	2,439.73	30.30%	739.24

Certified By Financial Management Office

EPA Indirect Costs

WESTWOOD CHEMICAL CORPORATION, MIDDLETOWN, NY SITE ID = 02 WN

All Costs Through 05/31/2006

PAYROLL DIRECT COSTS

Employee Name	Fiscal Year	Pay Period	Payroll Costs	Ind. Rate (%)	Indirect Costs
PERERA, DILSHAD J.	2006	12	5,291.43	30.30%	1,603.30
			29,142.98		$8,830.33
POWELL, SHERI D.	2006	10	474.86	30.30%	143.88
		11	57.55	30.30%	17.44
			532.41		$161.32
VELEZ, JO-ANN	2006	11	110.03	30.30%	33.34
			110.03		$33.34
Total Fiscal Year 2006 Payroll Direct Costs:			41,609.97		$12,607.81

TRAVEL DIRECT COSTS

Traveler/Vendor Name	Travel Number	Treasury Schedule Date	Travel Costs	Ind. Rate (%)	Indirect Costs
MINTZER, MICHAEL A.	TM0378588	12/02/2005	151.03	30.30%	45.76
	TM0413692	04/21/2006	88.95	30.30%	26.95
			239.98		$72.71
PERERA, DILSHAD J.	TM0365766	10/20/2005	1,512.75	30.30%	458.36
	TM0354315	10/20/2005	1,403.78	30.30%	425.34
	TM0373602	12/12/2005	1,560.35	30.30%	472.78
	TM0369561	12/12/2005	1,606.78	30.30%	486.85
	TM0383183	12/19/2005	1,248.33	30.30%	378.24
	TM0386416	03/06/2006	2,163.75	30.30%	655.62

Certified By Financial Management Office

EPA Indirect Costs

WESTWOOD CHEMICAL CORPORATION, MIDDLETOWN, NY SITE ID = 02 WN

All Costs Through 05/31/2006

TRAVEL DIRECT COSTS

Traveler/Vendor Name	Travel Number	Treasury Schedule Date	Travel Costs	Ind. Rate (%)	Indirect Costs
PERERA, DILSHAD J.	TM0397710	03/27/2006	2,381.88	30.30%	721.71
			11,877.62		$3,598.90
Total Fiscal Year 2006 Travel Direct Costs:			12,117.60		$3,671.61

OTHER DIRECT COSTS

Contract, IAG, SCA, Misc.NO	Voucher Number	Treasury Schedule Date	Site Amount	Annual/SMO Allocation Costs	Ind. Rate (%)	Indirect Costs
68-W0-0113	74-LOT0009	10/04/2005	3,806.05	1,585.62	30.30%	1,633.68
			2,978.64	1,240.91	30.30%	1,278.52
	75LOT0009	11/09/2005	101.56	42.31	30.30%	43.59
			609.41	253.88	30.30%	261.58
	76-LOT0009	12/05/2005	209.86	87.43	30.30%	90.08
			293.71	122.36	30.30%	126.07
	76-LOT0010	12/05/2005	256.65	106.92	30.30%	110.16
			8,255.88	3,439.43		$3,543.68
EPS20403	1	10/11/2005	2,143.92	0.00	30.30%	649.61
			2,143.92	0.00		$649.61
EPW04055	84210-06	10/26/2005	651,107.43	0.00	30.30%	197,285.55
	84210-07	01/25/2006	169,010.77	0.00	30.30%	51,210.26
	84210-08	02/06/2006	158,242.49	0.00	30.30%	47,947.47
	84210-09	02/21/2006	64,881.80	0.00	30.30%	19,659.19
			4,001.66	0.00	30.30%	1,212.50
			166,757.51	0.00	30.30%	50,527.53
	84210-10	03/07/2006	40,507.83	0.00	30.30%	12,273.87
			58,195.77	0.00	30.30%	17,633.32
	84210-11	03/10/2006	58,820.55	0.00	30.30%	17,822.63
	84210-12	04/19/2006	11,179.45	0.00	30.30%	3,387.37

Certified By Financial Management Office

EPA Indirect Costs

WESTWOOD CHEMICAL CORPORATION, MIDDLETOWN, NY SITE ID = 02 WN

All Costs Through 05/31/2006

OTHER DIRECT COSTS

Contract, IAG, SCA, Misc.NO	Voucher Number	Treasury Schedule Date	Site Amount	Annual/SMO Allocation Costs	Ind. Rate (%)	Indirect Costs
EPW04055	84210-12	04/19/2006	1,377.11	0.00	30.30%	417.26
			117,324.78	0.00	30.30%	35,549.41
	84210-13	05/17/2006	10,609.30	0.00	30.30%	3,214.62
	84210-14	05/31/2006	11,710.38	0.00	30.30%	3,548.25
			1,523,726.83	0.00		$461,689.23
Total Fiscal Year 2006 Other Direct Costs:			1,534,126.63	3,439.43		$465,882.52
Total Fiscal Year 2006:			1,591,293.63			$482,161.94
Total EPA Indirect Costs						$682,577.91