

SCULLY Toxic Waste Dump Site – CLEAN-UP or COVER-UP?

Austin and Elizabeth Scully operated the S.O.S. Septic Tank Service and dump site situated at 204 Valley View Road, Town of New Hartford, New York, Oneida County since (at least) 1928. Upon the death of Austin Scully on July 7, 1960, his wife (Elizabeth) and their son Homer continued to operate this dump – dumping Polychlorinated Biphenyls [PCB's] over a period of decades.

PCBs are [persistent organic pollutants](#) entering the environment through both use and disposal. The environmental transport of PCBs is complex and nearly global in scale. The public, legal, and scientific concerns about PCBs arose from research indicating they were likely [carcinogens](#) having the potential to adversely impact the environment and therefore undesirable as commercial products. Despite active research spanning five decades, extensive regulatory actions, and an effective ban on their production since the 1970s, PCBs still persist in the environment and remain a focus of attention.^[2] (Source: http://en.wikipedia.org/wiki/Polychlorinated_biphenyl)

The Scully toxic waste dump site (over time) became a public nuisance and health hazard. Tons and tons of chemical contaminants were being dumped at the 204 Valley View Road site. Active underground fires produced acrid smoke and carried this downwind into the City of Utica and areas over the Utica Reservoirs. It has been well documented that the PCB's leached into the two streams (known as Sylvan Glen Creek) and according to New York State Health Department records entered into the City of Utica's Southern Reservoir.

This reservoir was the source of potable water for Town of New Hartford and City of Utica residents whose residential homes stretched from Parkway East toward Culver Avenue through the Sherman Hills area inclusive of Pleasant Street, Sylvan Glen Road, Beckwith Circle and upward from Tilden Avenue. Local government and State Officials attempted to downplay the seriousness of the carcinogenic agents flowing into the Southern Reservoir as evidenced in a 1994 Observer Dispatch article titled, "We've been very lucky at this site." O.D. Reporter Noelle Crombie stated, "State and city officials are downplaying the problems at a site contaminated by toxic pollutants." The question to be asked is, "why were these agencies downplaying the polluting effects of the Scully toxic waste dump site?"

The Scully's continued to dump toxic waste materials at the Valley View Road site until the Honorable E. Howard Ringrose; Justice of the Supreme Court, Oneida County signed an Order dated July 1961. In summary, the Honorable Judge Ringrose issued a permanent injunction of any and all dumping of whatever kind at the Scully dump site located at 204 Valley View Road. It is interesting to note that the Town of New Hartford was a party (Plaintiff) in the matter decided by Judge Ringrose. Judge Ringrose's July 1961 Order and Permanent Injunction was supported by Findings and Facts that were supported by first-hand sworn testimony regarding the seriousness of the Scully Toxic Waste Dump Site. Dr. Preston Clark who served as the Oneida County Health Commissioner during that time expressed grave concern over the PCB's entering the City of Utica's Southern Reservoir.

Lockheed-Martin (in a recent website news release) stated, “Scully ...disposed of industrial waste generated by a predecessor of Lockheed Martin in the late 1960s and early 1970s.”

(http://www.lockheedmartin.com/aboutus/energy_environment/community_solutions/New-Hartford.html) Clearly the continued dumping of toxic waste materials violated Judge Ringrose’s July 1961 Order and Permanent Injunction. Why was this allowed to happen? There is no doubt that Town Officials were aware of the Court Order as evidenced by the July 5, 1961 Town Board Minutes. It appears that town official chose to turn a “blind-eye” to the on-going dumping of toxic waste chemicals, including PCB’s. Additionally, Utica Daily Press news articles commented on the spreading of chemical wastes on roads throughout Oneida County, however, Scully reportedly could not remember exactly which roads his company dumped these chemicals.

The Observer Dispatch in a news article dated September 21, 1961 stated, “**Robert Morris, town attorney, said the developer, Peter Cragolin, 31 Taber Rd., posted a \$7,000 performance bond with the town and that it is up to him to maintain the road. The bond was posted Aug. 6. 1957. Fredericks [a resident of Taber Road] said conditions on the road had been bad "for five years." He said the road was oiled by Cragolin recently and the oil "just laid around in puddles. It ruined \$1,200 worth of rugs I have in my living room," Fredericks said.**” It should be noted that the Cragolins, developers of Tabor Road were neighbors to the Scullys. One has to wonder, if the oily substance as reported in the Observer Dispatch may have come from the Scully dump site?

Concerned Citizens filed several Freedom of Information Law (FOIL) requests for records from the New York State Department of Health. These records tell a much different story than that being told by town officials and State Agencies whose charter mandates the protection of our natural resources. NYS Dept. of Health Officials in an official document stated how bad the conditions were at the Scully Toxic Waste Dump Site.

On February 5, 2009, the New Hartford Town Board held a meeting, inviting representatives from Lockheed-Martin, New York State Department of Environmental Conservation and New York State Department of Health. However, Town Board officials did not feel it important enough to put forth a press release with the town’s official newspaper, alerting town residents that three representatives would be discussing the status of the Scully Toxic Waste Dumpsite. Concerned Citizens was there, as they are during each town board meeting and videotaped the entire proceeding. Town Supervisor Earle Reed, together with Lockheed-Martin, NYS DEC and NYS Dept. of Health made repeated overtures of the Scully Toxic Waste Dumpsite as nearing completion for residential development. It appears that statements made by public officials were politically motivated within several local, county and state agencies.

Ironically, on March 9, 2009, the Observer Dispatch published an article titled, “DEC finds vapor pollution levels up at some previously cleaned-up sites.” In fact, the DEC internet website (see below) states to the contrary:

[<http://www.dec.ny.gov/regulations/51715.html>]

This DEC website identified the S.O.S. Septic Tank Service # 633028 (Region 6) as currently active. How could the town's officials et al. entrusted with the public health and welfare of its citizenry falsely claim that the Scully Toxic Waste Dumpsite is nearing completion? Lockheed Martin has purportedly extensively tested for contaminants in soil, sediment and groundwater on the S.O.S. site and in the nearby Sylvan Glen Creek. According to their website, they installed a groundwater treatment system at the site in 1994 and operated a soil-vapor extraction system in the former S.O.S. refuse area from 1996 to 2002.

Concerned Citizens recently learned that Lockheed Martin is paying for a resident whose home is in close proximity to the Scully Toxic Waste Dump Site to live in a hotel because of toxic vapors which have plagued their home for several months. Also, it was learned that Lockheed-Martin acquired the former Cragolin Property which is adjacent to the Scully Toxic Waste Dump Site. Properties within a mile or more (to include residential properties situated on Cascade Drive) have also been impacted.

Concerned Citizens filed a New York State Freedom of Information Law (FOIL) request for any and all records maintained by any town official. One record obtained was an e-mail authored by Roger Cleveland, [former] town highway superintendent, dated March 3, 2008, subject: Former Scully SOS Septic Service Site, addressed to the following town officials, (1) Christine Krupa, town councilwoman; (2) Dave Reynolds, town councilman; (3) Earle Reed, town supervisor; (4) Robert Payne, town councilman; (5) Richard Woodland, town councilman; (6) Kurt Schwenzfeier, town planner and (7) John Meager, town engineer. **Mr. Cleveland's email** stated, "*remediation of this site will continue for another 50 years, or so.*"

What motive(s) do New Hartford town officials have in deceiving the public-at-large on matters pertaining to the Scully toxic waste dump site clean-up?

Concerned Citizens for Honest and Open Government has written blogs with much more information. We encourage town residents to visit (www.newhartfordnyonline.blogspot.com) and read what has not been made known to the public. Additional information received from recent NYS FOILs served on State and Federal Agencies will be made available as a public service, if requested.

We ask town residents to make demands from town, state and federal officials as to why there has been little information being disseminated by town officials and to further demand an investigation as to the laxness of the New York State Department of Environmental Conservation.

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