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A PROFESSIONAL CORPORATION

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201-538-4006

PRACTICE LIMITED TO LITIGATION AND ENVIRONMENTAL LAW

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* N. J. BAR ONLY

FAX COVER SHEET

FROM: Michael C. Caulfield, Esq.
Please send the annexed document to:

DATE: August 30, 1993

NAME:

COMPANY: NJDEPE - Hazardous Waste Enforcement Element

CITY AND STATE: Trenton, NJ

FAX NUMBER: 609-292-9938

CLIENT-MATTER NUMBER: 06114.19512

TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET: 5

MESSAGE: See Attached.

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FNA000021

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A PROFESSIONAL CORPORATION

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* N.J. & N.Y. BARS
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August 30, 1993

VIA FAX AND OVERNIGHT MAIL

Hazardous Waste Enforcement Element
New Jersey Department of Environmental
Protection and Energy
401 East State Street
CN-018
Trenton, New Jersey 08625-0018

Re: Norpak Corporation/Avon Drum
Confirmation Notification for
Discovery of Contamination
Incident No. 93-07-29-1151-52

To Whom It May Concern:

We are writing to notify you of a discharge pursuant to the requirement of the regulations governing discharges of petroleum and other hazardous substances, N.J.A.C. 7:1E-1.1 et seq. The discharge was reported to the New Jersey Department of Environmental Protection and Energy ("NJDEPE") on the Environmental Action Hotline on July 29, 1993. Operator No. 02 on the Environmental Action Hotline assigned Report No. 07-29-1151-52 to the notification.

In accordance with the regulatory requirements, N.J.A.C. 7:1E-5.8(b), the following information is provided:

FNA000022

1. **Name of individual reporting discharge**
Name: Michael C. Caulfield
Address: Porzio, Bromberg & Newman, P.C.
163 Madison Avenue
Morristown, New Jersey 07962-1997
Tel. No.: (201) 538-4006
2. **Name of industrial establishment.**
Norpak Corporation/Avon Drum
3. **Name, address and telephone number of each person in any responsible for discharge.**
Avon Drum
c/o Merv Nelkin
604-955 S. Springfield Avenue
Springfield, New Jersey 07081
(201) 379-9072
4. **Name, address and telephone number of each owner and operator of the facility at which discharge occurred.**
Property owner: Anthony A. Coraci
Norpak Corporation
70 Blanchard Street
Newark, New Jersey 07105
(201) 589-4200
Tenant operator: Merv Nelkin
Avon Drum
604-955 S. Springfield Avenue
Springfield, New Jersey 07081
(201) 379-9072
5. **Source of discharge**
The discharges appear to be ongoing at the site of Avon Drum's operations on Norpak's Foundry Street property. The discharges appear to be from leaking drums or from drums which have been emptied onto the ground.

New Jersey Department of Environmental
Protection and Energy
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PORZIO, BROMBERG & NEWMAN

6. Location of discharge.
Norpak Property
Avon Drum Site (approx. .5 acre)
Foundry Street and Roanoke Avenue
Lots 4 and 21, Block 5005
Newark, New Jersey
7. Type of hazardous substance discharged.
Unknown.
8. Quantity of hazardous substance discharged.
Unknown.
9. Date and time of discharge.
Appears to be ongoing in small quantities.
10. Detailed description of measures taken to contain, clean up and remove the discharge.
Norpak Corporation is in the course of complying with an Administrative Consent Order ("ACO") which applies to this portion, among others, of the property referenced in No. 6 above. In addition, Norpak is also complying with ECRA with regard to another portion of the same site. Avon Drum is a tenant on that site and, Norpak believes, continues to pollute the land.
11. Corrective actions or countermeasures taken.
Norpak is terminating Avon Drum's tenancy and is conducting a Remedial Investigation pursuant to the ACO mentioned above.
12. Additional preventative measures taken or proposed to minimize possibility of recurrence.
None.
13. Name of removal, disposal and/or cleanup firm, if applicable.
International Exploration

FNA000024

New Jersey Department of Environmental
Protection and Energy
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PORZIO, BROMBERG & NEWMAN

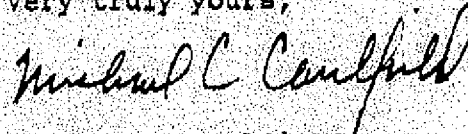
212 N. Main Street
Doylestown, PA 18901
(215) 345-5586
Contact: John Walker

14. Description of type, quantity and location of
samples taken.

None yet.

Should you require any additional information
concerning this matter, please contact me at the above-reference
telephone number.

Very truly yours,



Michael C. Caulfield

MCC\af
93W6838.312(6P)

FNA000025

Conus Chemical

Conus Chemical Company, Inc. (aka Berg Chemical), a New York Corporation, conducted a chemical repackaging/distribution business in buildings #4, #5 and #7 which are situated on the western portion of Lot 4. In September of 1984, Conus purchased the assets of Berg Chemical Company which included accounts, equipment and chemical inventory. Berg Chemical had operated a similar business in the Bronx, New York. The New York City Department of Environmental Protection performed a publicly funded cleanup at the Bronx site in July, 1984. Various chemicals were found improperly stored at the facility.

Norpak Corporation and Conus were both issued Directives by the Division of Hazardous Waste Management on April 16, 1987. The Directive indicated that hazardous substances were improperly stored in building #7. Some of these drums had discharged their contents. Both companies were directed to repack leaking containers, segregate materials on site by hazard class and compatibility, and engage a qualified contractor to submit a cleanup plan. No actions were taken to correct the noted problems.

Numerous incidents have occurred at Conus Chemical Company which have required responses by the Newark Office of Emergency Management and NJDEP, Bureau of Emergency Response. In June of 1987, a drum of benzyl chloride was emitting hydrogen chloride vapor through a pinhole leak. The drum had been previously owned by Berg Chemical. The BER used Spill Fund monies to hire a contractor who neutralized and contained the fuming drum. Efforts made by the Department to contact Conus personnel were unsuccessful.

Conus Chemical was evicted from Norpak's property on December 31, 1989. An inspection conducted by the DHWM, Bureau of Metro Enforcement noted discharges of hazardous substances throughout the inside and outside of the facility. Conus and Norpak were subsequently cited for violations under the Spill Act. On January 31, 1990 a fire occurred in an outside debris pile near building #8. The USEPA inspected the Conus facility and found approximately 1,000 drums and containers with acids, flammables, laboratory reagents, oxidizers, petroleum products and solvents improperly stored.

On February 9, 1990 the NJDEP officially referred the site to the USEPA for a CERCLA Removal Action. Consequently, Norpak Corporation granted EPA access to the site for a cleanup. Remedial activities commenced on February 19, 1990. The objective of the project was to remove any threat of fire and explosion, and eliminate the threat of direct contact with hazardous substances abandoned on site. The cleanup was completed by March 30, 1990. Further remedial activities at the site are now pending. Berg Chemical Co. Inc. and Conus Chemical are investigating site contamination through ECRA.

Coronet Chemical Company, Inc.

Coronet Chemical Company, Inc., EPA ID #NJDO46954715, manufactured metallic sodium dispersions and pigment concentrations used in the teflon industry. In addition, the company was developing a sodium dispersion to destroy PCBs. The company occupied building #9 located to the east of Conus

FMG000128

Chemical. Coronet Chemical stored some of their raw materials in building #4 which they subleased from Conus.

Coronet was originally registered as a hazardous waste generator and TSD facility on their initial RCRA Part A application submitted in August, 1980. Coronet reclaimed naphthalene and ether from spent teflon etching solution through settling and distillation processes. First, the solution was vacuumed into a distillation column and transferred into a holding tank as diethyleneglycoldimethylether. Once the settling process was completed, the ether went into a drying column containing activated aluminum and subsequently into a drum for resale. Still bottoms produced from the process, consisting of naphthalene (solid), were placed in five gallon pails and heated in a cooker. The clean naphthalene recovered from this process was used to make sodium dispersions. Waste generated by Coronet's operations included spill cleanup material (approximately one drum per year); solids from the distillation column (1/2 pound per year); and spent activated alumina. Non contact cooling water was discharged into the Passaic Valley Sewerage Authority.

This reclamation service was originally used by Atlantic Tubing, Paterson, NJ and Chem Plast, Wayne, NJ. However only Chem Plast was utilizing the services of Coronet in 1982. Due to the lack of business, TSD status was never developed.

RCRA inspections conducted by the Department in 1981 and 1982 noted numerous deficiencies at the facility. During one such inspection, a leaking drum of naphthalene was observed and waste materials had exceeded the 90 day storage limit for hazardous waste. Moreover, waste generated from the recovery process was disposed into a domestic dumpster on site. Other deficiencies reported as a result of the RCRA inspections included: No waste analyses, no closure plan, no operation records, no personnel training, and no manifests.

Coronet vacated the premises around 1986. The company abandoned drums containing flammable, reactive and explosive materials on site. In March of 1987, a drum containing metallic sodium caught fire and exploded.

Grignard Chemical Company, Inc.

Grignard Chemical Company, Inc., EPA ID #NJDO02201093, occupied building #7 located on the west side of Lot 4. The company conducted operations at this location between 1975 and 1984 which included the manufacturing of chemical preparations such as metal preservatives and cleaners.

On August 18, 1980 Grignard Chemical filed a Notice of Hazardous Waste Activity and subsequently a RCRA Part A application on November 19, 1980. The company's president, Emil G. Grignard, requested to delist the TSD facility to generator only status on September 21, 1981. The request was approved on March 3, 1983, after the Department had issued a Notice of Violation (NOV) in November 1982. The NOV cited Grignard Chemical for failure to submit an annual report required of TSD facilities. No other enforcement actions are known to have been taken against Grignard.

Waste generated by Grignard Chemical are generally unknown. However, in a letter to the USEPA, Grignard stated that they use chlorinated hydrocarbons. Also a Department memo dated February 1, 1982 indicated that Grignard received a shipment of transformer oil containing 135 ppm polychlorinated biphenyls (PCBs). According to the Industrial Waste Survey, Grignard generated one 30 gallon drum of solid waste every three weeks.

SM-003-87B

Let's protect our earth



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF HAZARDOUS WASTE MANAGEMENT

John J. Trela, Ph.D., Acting Director
2 Babcock Place
West Orange, N.J. 0705
201-669-3960

APR 16 1987

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Norpack
70 Blanchard Street
Newark, NJ 07105

RE: DWM #8
Conus I

Dear Sir:

Members of the New Jersey Department of Environmental Protection, Division of Hazardous Waste Management have determined that conditions at and around Block 5005, Lot 17, 185 Foundry Street (aka 96 Roanoke Ave), Newark, County of Essex, New Jersey constitute a danger to the public health and environment and are violative of the laws of the State of New Jersey. Enclosed please find a Directive requiring your immediate response with regard to this matter.

Should you have any questions, please contact Arnold Schiff at (201) 669-3989

Very truly yours,

Ronald T. Corcory
Acting Assistant Director
Enforcement - Division of Hazardous
Waste Management

F04:F024:as
Enclosure

PS Form 3811, July 1983

RECIPIENT: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. Show to whom, date and address of delivery.

2. Restricted Delivery. *5/4*

3. Article Addressed to:
*✓ Norpack
70 Blanchard Street
Newark, NJ 07105*

4. Type of Service: <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail	Article Number <i>#P-592-098-794</i>
--	---

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Addressee
X [Signature]

6. Signature - Agent
X

7. Date of Delivery
APR 23 1987

8. Addressee's Address (ONLY if requested and fee paid)

DOMESTIC RETURN RECEIPT

SM-003-87B

Let's protect our earth



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION DIVISION OF HAZARDOUS WASTE MANAGEMENT

John J. Trela, Ph.D., Acting Director
2 Babcock Place
West Orange, N.J. 07052
201 - 669 - 3960

CONUS CHEMICAL COMPANY INC. : DIRECTIVE
NORPACK :
: :
: :

RESPONDENTS

This Directive is issued to the above captioned Respondents pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (hereinafter "the Department" or "NJDEP") by N.J.S.A. 13:1D-1 et seq. and the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., and duly delegated to the Assistant Director for Enforcement of the Division of Hazardous Waste Management pursuant to N.J.S.A. 13:1B-4.

FINDINGS

- 1) Conus Chemical Company Inc. is located at Block 5005, Lot 17, 185 Foundry Street (aka 96 Roanoke Avenue), Newark City, County of Essex, State of New Jersey (hereinafter the "site").
- 2) Norpak (hereinafter " respondent") is the owner of the site.
- 3) Conus Chemical Company Inc. (hereinafter "Conus" or "Respondent") is the tenant at the site.
- 4) Most if not all of the hazardous substances referenced below were transported to the site from Berg Chemical, 920 E. 132 ST., Bronx, New York. James Richards currently president of Conus was the president of Berg Chemical in 1984. Berg was the subject of a publicly funded cleanup by the New York City Department of Environmental Protection.
- 5) In building number 7 are numerous hazardous substances (including but not limited to nitric acid, sulfuric acid, ferric chloride, sodium hydroxide, chloroform, toluene, phenol, formaldehyde, methylene chloride, arsenic trioxide and ether) which are stored

In a haphazard and dangerous manner.

- 6) There are approximately 100 fifty-five gallon drums and over 1000 various size packages.
- 7) Some containers have leaked and are leaking at the present time. The hazardous substances are being stored without regard to compatibility and some containers are unlabeled and are stored in precarious positions. The conditions existing at the site constitute an imminent threat to health and safety of the public and the environment.
- 8) Pursuant to N.J.S.A. 58:23.11f(b)(2)(e), the Department may remove or arrange for the removal of any hazardous substances which is stored in a container from which its discharge is imminent as a result of contact with a hazardous substance which has already been discharged and such additional discharge would create a substantial risk to the public and the environment.
- 9) Pursuant to N.J.S.A. 58:23.11f(b)(2)(f) the Department may remove or arrange for the removal of any hazardous substance which is highly toxic and among other things, stored in a container from which its discharge is imminent due to the precarious location and such discharge would create a substantial risk of imminent damage to public health or safety or imminent and severe damage to the environment.
- 10) In Order to protect the public health and environment it is necessary to implement a remedial action program to correct the problems presented by the storage and the discharge of hazardous substances at the aforementioned site.
- 11) Pursuant to N.J.S.A. 58: 10-23.11(f), whenever any hazardous substance is discharged, the Department may in its discretion act to remove or arrange for the removal of such discharge or may direct the discharger to remove or arrange for the removal of such discharge.
- 12) The Department has determined that the Respondent(s) are responsible for the discharge of hazardous substances at the above referenced site.
- 13) The Department has determined that the Respondent(s) are responsible for hazardous substances stored in building 6 from which their discharge is imminent due to the precarious location of the containers. Discharge of these hazardous substances would create a substantial risk of imminent damage to public health or safety and/or imminent and substantial damage to the environment.
- 14) Pursuant to N.J.S.A. 58:10-23.11g(c), Respondents are strictly liable, jointly and severally without regard to fault, for all costs of the cleanup and removal of the hazardous substances discharged at the above referenced site.

DIRECTIVE

NOW, THEREFORE, RESPONDENTS ARE HEREBY DIRECTED TO:

- 15) Immediately inspect all containers and overpack materials that are leaking or are in danger of leaking.
- 16) Immediately identify and segregate by hazard class and compatibility all materials.
- 17) Immediately make an inventory of all materials (including but not limited to hazardous substances) and make a determination pursuant to N.J.A.C. 7:26 8.5(a) if waste generated is a hazardous waste.
- 18) Immediately arrange for disposal of any air reactive or shock sensitive materials.
- 19) Immediately make arrangements to protect all containers.
- 20) Immediately engage a qualified clean-up contractor and submit a clean-up plan within fourteen (14) calendar day of receipt of this directive.
- 21) Pursuant to N.J.S.A. 7:1E-3, the contractor(s) secured must be listed with the Department's "Discharge cleanup organization".
- 22) Notify the Department at least three (3) calendar days prior to the initiation of any remedial action.
- 23) All notification in paragraph 22 shall be made to:

New Jersey Department of Environmental Protection
Division of Hazardous Waste Management
Metro Field Office
2 Babcock Place
West Orange, N.J. 07052
Attention: Dave Beeman
(201) 669-3960

- 24) Submit all plans, reports and data and copies of manifests which are to be submitted to the Department to:

New Jersey Department of Environmental Protection
Division of Hazardous Waste Management
Metro Field Office
2 Babcock Place
West Orange, N.J. 07052
Attention: Arnold Schiff
(201) 669-3960

NOTICE

If Respondents fail to notify the Department that they will perform the actions set forth in the paragraphs above within seven (7) calendar days after receipt of this Directive, the Department may perform the work using public funds. The Respondent's agreement to perform the actions set forth above must be memorialized in an Administrative Consent Order with financial assurances.

In addition, should the Respondents fail to perform the above actions, the Department will commence suit against the Respondent seeking reimbursement for all costs incurred. Further, failure to comply with this Directive will increase Respondent's liability to the Department to an amount equal to three (3) times the above specified cost of conducting the remedial actions and will cause a lien to be placed upon all of the Respondent's real and personal property pursuant to Section 7 of the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11f, including a first priority lien on the property subject to the cleanup and removal.

RESERVATION OF RIGHTS

The Department reserves the right to require the Respondents to take or arrange for the taking of any and all additional remedial actions which the Department determines to be necessary to protect public health and safety or the environment, and to seek full reimbursement and treble damages for all costs incurred in taking such additional remedial actions if the Respondents fail to comply with such a directive. Finally, the Department reserves all rights and remedies under the Spill Compensation and Control Act in addition to those referred to above.

Respondents are advised that the discharge referenced in this Directive may also constitute violations of the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. and that Respondents may therefore be subject to the penalties prescribed for violations of the Water Pollution Control Act. The Department reserves all rights and remedies under said Act or any other applicable statute or regulation.

DATE: *April 16, 87*

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: *Ronald T. Corcory*
Ronald T. Corcory
Assistant Director - Enforcement
Division of Hazardous Waste Management

RTC:F024:as