

C-2403 -69

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JOHN F. LYNCH  
J.S.C.

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MAY 5 1970

JOHN F. LYNCH  
J.S.C.

C-2403 -69

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION - HUDSON COUNTY  
DOCKET NO.

THOMAS E. DURKIN, JR.,  
Attorney for Plaintiff  
24 Branford Place  
Newark, New Jersey  
623-5142

P-66

PASSAIC VALLEY SEWERAGE  
COMMISSIONERS, a public  
corporation,

PLAINTIFF,

-vs-

CIVIL ACTION

COMPLAINT

CRUCIBLE STEEL CORPORATION  
OF AMERICA, STEELING WORKS,  
1000 South Fourth Street  
Harrison, New Jersey,

DEFENDANT

Plaintiff, Passaic Valley Sewerage Commissioners, a public corporation, having its principal office in the City of Newark, County of Essex, and State of New Jersey, says that:

1. Plaintiff is a body corporate and politic, created, organized and existing under and by virtue of the laws of the State of New Jersey.

2. Plaintiff is vested with full power and authority and is charged with the duty to prevent the pollution of the Passaic River and its tributaries, and has full power and authority to sue, which said powers and duties are defined, granted and imposed under the laws of the State of New Jersey.

as set forth in the Revised Statutes of New Jersey, 1937, Title 58, Chapter 14, as supplemented and amended.

3. Plaintiff further shows that pursuant to the power, and authority vested in it, under and by virtue of the statute aforesaid, the plaintiff, acting under contract with certain municipalities within the Passaic Valley Sewerage Commissioners' District, as defined by law, constructed a sewerage system and disposal works for the intercepting and disposal of sewage or other polluting matter, in order to free said river and its tributaries from pollution; and put said system into operation on or about the 2nd day of August, 1924, which said system of sewerage and disposal works has ever been and still is in operation, being operated by plaintiff.

Under certain of the provisions of said law, i.e., N.J.S.A. 58:14-7, it is provided:

"No sewage or other polluting matter shall be discharged directly or indirectly, into the waters of the Passaic River at any point between the Great Falls in the City of Paterson and the mouth of said river at Newark Bay, or into the waters of any of the tributaries of said river which empty into it between said points, and the Commissioners may enforce the provisions of this chapter over and throughout all municipalities which may, or the inhabitants of which may, directly or indirectly discharge sewage or other polluting matter into said waters. The Commissioners may institute in their corporate name such civil actions as may be deemed necessary or appropriate to enforce the provisions of this section, and the Superior Court is hereby vested with jurisdiction to enforce said provisions by such actions brought by the Commissioners. The Court may proceed in such actions in a summary manner or otherwise. As amended L. 1953, c. 54, p. 963, s. 32."

and in N.J.S.A. 58:14-8, it is provided:

"No sewage, waste matter, article or substance, liquid or solid, of any kind which creates odors, gases or fumes, due to the putrefaction of organic matter or the presence of chemicals, or results in the presence of oil or grease on the surface of the waters of the Passaic River, or its tributaries, shall be placed or discharged, or be permitted to be placed or discharged, into the waters of said river between the points designated in section 58:14-7 of this title, or into its tributaries so designated. Whoever, other than a municipal corporation, after not less than ten days' nor more than six months' notice by the Commissioners, violates the provisions of this section shall be liable to a

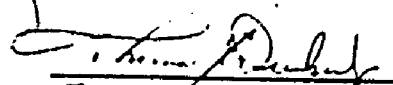


penalty of one hundred dollars, and a further penalty of twenty-five dollars a day for each day the offense is continued, to be sued for and recovered by and in the name of the Commissioners."

5. The Defendant, Crucible Steel Corporation of America, maintains an industry in the Town of Harrison, County of Hudson, and State of New Jersey. For some time past, and continuing up to this time, with no present indication of abatement thereof, said Defendant has allowed polluting material to be discharged into the Passaic River between the Great Falls in Paterson and the mouth of said river at Newark Bay, through a culvert owned by said Defendant. The said polluting material contains, among other things, oil, imparting to the river a disagreeable appearance and odor. The said polluting material has been and is now being discharged through the culvert owned by the Defendant in the manner aforesaid, and will continue to be so discharged unless the said Defendant, Crucible Steel Corporation of America, is enjoined and restrained by order and judgment of this court.

6. All of the foregoing has constituted and now constitutes pollution of a very serious character contrary to and in violation of the statute aforesaid.

WHEREFORE, Plaintiff demands judgment enjoining and restraining the Defendant, Crucible Steel Corporation of America, Spalding Works, 1000 South Fourth Street, Harrison, New Jersey, its officers, agents, servants and employees from allowing a discharge into the Passaic River, of any matter or substance, liquid or solid, prohibited by N.J.S.A. 58:14-7 and 58:14-8.

  
Thomas E. Durkin, Jr.,  
Attorney for Plaintiff



STATE OF NEW JERSEY

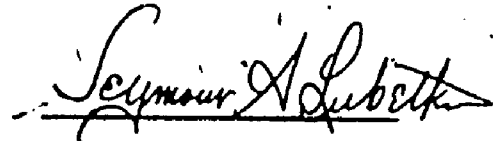
COUNTY OF ESSEX

VERIFICATION

Seymour A. Lubetkin, being of full age, duly sworn upon his oath, deposes and says:

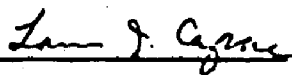
1. I am the Chief Engineer for the Passaic Valley Sewerage Commissioners and have been so employed for approximately fifteen years, next immediately preceding.

2. I have read the foregoing complaint and I am familiar with the contents thereof and know the same to be true.



Seymour A. Lubetkin,  
Chief Engineer

Sworn and subscribed  
before me, a Notary  
Public, in and for the  
County of Essex, State  
of New Jersey, on this  
10 day of  
April, 1970.



LOUIS J. CAPONE  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires Mar. 2, 1971

STATE OF NEW JERSEY

COUNTY OF ESSEX

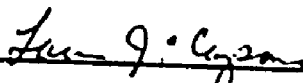
AFFIDAVIT

1. I, Seymour A. Lubetkin, am the Chief Engineer for the Passaic Valley Sewerage Commissioners and have been so employed for approximately fifteen years, next immediately preceding.
2. In my official capacity as Chief Engineer, I have received numerous reports from the Commissioners' River Inspectors reporting the discharge of prohibited matters into the Passaic River through a culvert owned by the Defendant, Crucible Steel Corporation of America, and on January 16, 1970, and again on February 4, 1970, by certified mail, I instructed the Defendant to cease and desist polluting.
3. The discharge of the complained of effluent is highly polluting to the Passaic River.



Seymour A. Lubetkin  
Chief Engineer

Sworn and subscribed before me,  
a Notary Public, in and for the  
County of Essex, State of New  
Jersey, on this 10th day of  
April, 1970.



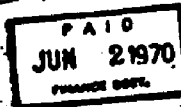
LOUIS J. CAPONE  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires May 2, 1971



Filing Fee \$20.00

REC'D

MAY 25 1970



FILED

MAY 25 1970

cc  
Mortimer L. Kurnoff  
Clerk

SIMON, DENSTMAN & NOONAN  
11 COMMERCE STREET  
NEWARK, N. J. 07102  
(201) 642-2686  
ATTORNEYS FOR Defendant

P-60  
SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION-HUDSON COUNTY  
DOCKET NO.

CC - 2403-69

PASSAIC VALLEY SEWERAGE  
COMMISSIONERS, a public  
corporation,

Plaintiff,

v.

Civil Action

CRUCIBLE STEEL CORPORATION  
OF AMERICA, SPALDING WORKS,  
1000 South Fourth Street,  
Harrison, New Jersey,

Defendant.

ANSWER

Defendant, Crucible, Inc., a corporation of the State of New Jersey, (denominated in the complaint as Crucible Steel Corporation of America, "Spalding Works"), whose Post Office address is 1000 So. Fourth Street, Harrison, County of Hudson and State of New Jersey, answering the complaint, says that:

1. Paragraph 1 is admitted.
2. Answering Paragraph 2, defendant admits that plaintiff is charged by statutes, in such case made and provided, with certain duties in respect to preventing pollution of the Passaic River and its tributaries, but for the true meaning and

purport thereof, and for the extent to which the same define and prescribe said duties reposed upon it, defendant refers plaintiff to the language of said statutes. Except as expressly herein admitted, Paragraph 2 is denied.

3. Answering Paragraph 3, defendant states that it does not have knowledge or information sufficient to form a belief concerning the allegations therein contained, respecting plaintiff's construction and operation of a sewage system and disposal works. Further answering said Paragraph, defendant contends that the provisions of N.J.S.A. 58:14-8, which prescribe the circumstances under which civil penalties are recoverable, are not applicable to this civil action, which is an action to secure an injunction.

4. Answering Paragraph 5, (the complaint containing no Paragraph numbered "4"), defendant denies that it does now or has in the past, discharged or allowed the discharge of polluting material into the Passaic River. It admits that it maintains an industry in the Town of Harrison, New Jersey. It admits that beneath the surface of the lands upon which it maintains said industry, there is, and for many years has been a drainage pipe which terminates and discharges into said river. All other allegations in said Paragraph not herein expressly mentioned, are denied.

5. Paragraph 6 is denied.

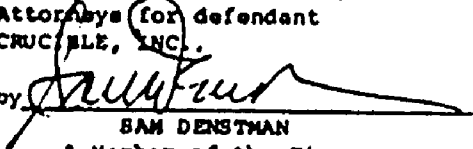
#### AFFIRMATIVE DEFENSE

Said drainage pipe alluded to in Paragraph 4 hereinabove also runs and extends beneath lands owned and used by others abutting upon and also near and in the general area of the premises on which defendant maintains its said industry. Said

drainage pipe is part of a storm sewer or storm drainage system. Said system also includes numerous manholes, situated not only on the premises occupied by defendant but also upon said other lands owned and used by others. Surface water is collected in said manholes and is conducted into said drainage pipe through many lateral pipes connected thereto and, ultimately, discharged therefrom into the Passaic River. Said lateral pipes run and operate not only beneath the premises occupied by defendant as aforesaid, but beneath the lands owned and used by many others. Defendant contends that if polluting material has been or is being discharged into said river through drainage pipes, as plaintiff alleges, then the discharge thereof is being caused or allowed by other users of said storm drainage system and not by plaintiff.

SIMON, DENSTMAN & NOONAN,  
Attorneys for defendant  
CRUCIBLE, INC.

by

  
SAM DENSTMAN

A Member of the Firm

We hereby certify that the foregoing pleading was served within the time allowed by Rule 4:6-1 of the Civil Practice Rules.

SIMON, DENSTMAN & NOONAN,  
Attorneys for defendant  
CRUCIBLE, INC.

by

  
SAM DENSTMAN

A Member of the Firm

STATE OF NEW JERSEY

COUNTY OF ESSEX

SYLVIA SAROS, of full age, being duly sworn according to law upon her oath deposes and says:

1. I am a secretary in the law offices of Simon, Danstman & Noonan, Esqs., 11 Commerce Street, Newark, New Jersey.

2. On May 22, 1970, I served a copy of the within Answer upon Thomas E. Durkin, Jr., attorney for plaintiff, 24 Branford Place, Newark, New Jersey, by enclosing said copy in an envelope addressed to said attorney, and by depositing said envelope, with postage thereon pre-paid, in the United States mail, at 11 Commerce Street, Newark, New Jersey.

SUBSCRIBED AND SWORN TO

BEFORE ME THIS 22d DAY

OF MAY, 1970.

*Sylvia Saros*  
SYLVIA SAROS

*Joan E. Molnar*  
JOAN E. MOLNAR  
Notary Public of New Jersey  
My Commission Expires Mar. 31, 1975





RECD.  
JUN 8 1970

MIL-2  
JUN 11 1970

FILED

JUN 9 1970

*Martinez, J. Hernandez*  
Clerk

SIMON, DENSTMAN & NOONAN  
11 COMMERCE STREET  
NEWARK, N. J. 07102  
(201) 642-2656  
ATTORNEYS FOR Defendant

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION-HUDSON COUNTY  
DOCKET NO.

CC-2403-69

PASSAIC VALLEY SEWERAGE  
COMMISSIONERS, a public  
corporation,

Plaintiff,

v.

CRUCIBLE STEEL CORPORA-  
TION OF AMERICA, SPALDING  
WORKS, 1000 South Fourth  
Street, Harrison, New  
Jersey,

Defendant.

Civil Action

AFFIDAVIT

STATE OF NEW JERSEY :  
COUNTY OF HUDSON :

HENRY F. O'SHAUGHNESSY, being duly sworn, accord-  
ing to law upon his oath deposes and says:

1. I am Vice President of the Spaulding operation  
of defendant, Crucible, Inc. I am the General Manager of the  
manufacturing plant operated by said defendant in Harrison, N. J.  
I have held the mentioned office and job assignment with defendant  
for approximately six months or more. The events involved in the

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above captioned civil action occurred during this period. I have a B.S. degree in civil engineering and, prior to my employment with defendant, I had about 17 years of experience in the metal fabricating industry, primarily in the management field.

2. Defendant owns about 14 acres of land in Harrison, New Jersey, on which it conducts a steel rolling mill. These 14 acres are part of a larger industrial complex containing about 60 acres on which many others operate various types of industrial, manufacturing and service activities. I am informed that at one time defendant owned the entire complex, and that, from time to time, it conveyed portions of the tract to others, until it was left with the mentioned 14 acres.

3. At its Harrison plant, defendant fabricates sheet and coil steel into various products which meet the particular specifications of defendant's customers. Its manufacturing activity is not conducted at or near the bank of the Passaic River. Separating the plant and the river is a roadway about 50 feet wide and an open area about 75 feet wide.

4. On January 16, 1970, plaintiff gave written notice to defendant that a "polluting material such as oil" was being discharged from a box culvert located at the bank of the Passaic River "in front" of defendant's Harrison plant.

5. This culvert is the terminal point of a large underground storm drain pipe or main. According to available maps, this main is 1275 feet long; it is 8 feet 6 inches in diameter in some places, and 8 feet 8 inches in diameter at other places. Only a relatively short portion of this main runs beneath defendant's 14 acre tract. Before this main reaches defendant's lands, it runs a considerable distance beneath lands in the

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complex formerly owned by defendant but presently owned and used by others. After this main leaves defendant's property it runs beneath the above mentioned roadway and beneath the open area described above, a total distance of about 125 feet before it terminates at the river.

6. This main is part of a storm drainage system, which has been in existence for many years. It consists of about 16,588 feet of underground pipe. It is designed to collect surface water and to discharge it into the Passaic River. Other components in the system are manholes into which surface drainage runs, and laterals from the manholes which are connected to the main.

7. From the maps available it appears that there are 16 known laterals which run into this main. Four of these laterals run to the main from manholes on the 14 acre portion of the complex presently owned by defendant, and the other 12 run into the main from points outside the property owned by defendant and used by other occupants of the industrial complex.

8. After defendant received the notice from plaintiff dated January 16, 1970, I had a number of conversations with plaintiff's personnel. They described the "polluting material" referred to in their notice as a continuous flow of a fine oily substance that has the appearance of a fine number 2 type fuel oil, or a mineral oil, which had suspended in it a fine powdery or pulverized substance. Defendant has not been furnished with any specific or more accurate description of this substance. I was informed by plaintiff's chemist, Mr. Goldberg, that the samples taken by plaintiff at the outfall of the above mentioned main and submitted to him for analysis, did not contain sufficient quanti-

ties of this substance to permit him to identify it.

9. I am reasonably certain that the substance which plaintiff claims is running into the river from this main, is not any industrial waste which is incidental to defendant's fabricating activity at the Harrison plant. That operation produces two kinds of industrial waste: spent acid, both nitric acid and sulfuric acid, neither of which answers to the description of the "polluting substance" which plaintiff contends is being discharged into the river. The other waste product is rolling solution which may have oily characteristics but it does not resemble either fuel oil or mineral oil. Depending upon the process employed, this rolling solution, after use, is either blue-green or pink in color. Defendant is not discharging either type of waste into the subject drainage system. The defendant does not use fuel oil in its plant; it employs gas as heating fuel.

10. I am informed that from time to time during the summer months, defendant, as a dust abatement measure, has spread spent rolling oil upon the ground in its plant area. However, I am also informed that this practice has not been engaged in since the summer of 1969, and it certainly was not done during my entire tenure with defendant. Therefore, this practice, certainly cannot account for the presence of an oily polluting substance at the outfall of the drainage main as late as January 1970. If it should become necessary to employ dust abatement measures in the future, defendant will take precautions not to spread any substance used for this purpose in the area of drains.

11. When defendant received the abovementioned notice from plaintiff in January 1970, I caused to be made a careful systematic review and examination of defendant's operation at its

Harrison plant, with emphasis upon its method of handling possible contaminants. As a result of this examination and review the following was discovered and the indicated measures were taken:

(a) It was discovered that some of defendant's employees had been steam cleaning mobile equipment in the vicinity of some manholes. While it was not known that these manholes are connected by means of laterals to the subject drainage main, there being other drainage systems in the complex, this practice was discontinued to prevent any possibility that oil, removed from the equipment during the cleaning process, would be washed down the manholes and ultimately into this main.

(b) I directed that tighter control be exercised over spent acid discharge, notwithstanding that the claimed pollutant is not described as an acid.

(c) It was discovered that some of defendant's employees were dumping waste oil into a pit which had previously contained a fuel storage tank and this pit was near a surface drain. Although it was not known that this drain connects to the mentioned drainage main, this oil dumping practice was stopped.

(d) It was found that a pump employed in a hood annealing operation was discharging oil into a pit. This discharge was sealed off and the oil is now being collected in metal drums.

12. The following other occupants of the complex use the subject drainage main through one or more laterals which connect to the main from the portions of the complex which they occupy:

(a) Charles F. Guyon, Inc., which has 5 laterals that run into the main.

- (b) Miele Bros. Trucking Co., which uses 2 laterals.
- (c) Azco Steel Company, which has 1 lateral.
- (d) Gabest, Inc., which has 1 lateral.
- (e) Prince Packaging Products, Inc., which also has 1 lateral.

- (f) Joseph Supor Trucking Co., which has 2 laterals.

13. It may well be that in addition to the 4 connecting laterals on defendant's lands and the 12 laterals mentioned in the preceding paragraph, there are additional laterals which other occupants of the complex have constructed and connected to the subject drainage main. However, the 18 laterals specifically mentioned herein are the only ones shown on the maps available to this defendant and the only ones known to the defendant.

14. In addition to the specific measures mentioned in Paragraph 11, and since suit was instituted, Mr. Arthur Whinn, the Maintenance Superintendent of defendant's Harrison plant, installed filters in all of the known laterals that run into the drainage main. This was done in an effort to locate the source of any contaminants that might have been reaching the main. Thereafter, and recently, defendant discovered a slight trace of an oily substance on one of the filters. This substance was traced back to a basement machine shop on defendant's premises, where defendant found that oil was dripping from a grinding machine and was entering a drain apparently connected to the mentioned lateral. Up to this time, defendant had believed that this drain ran into a dry well storage area. Defendant is presently at work diverting this oil dripping away from this drain and expects to have this condition corrected in about a week or less.

15. In addition, on May 11, 1970, I met with re-

representatives of some of the other occupants of the complex who make use of this drainage system. At the time I explained the problem and received assurances from them that they will cooperate in preventing pollutants from entering the drainage system from the premises they occupy. I have received like assurances from all but one of those other occupants who were not able to send representatives to the meeting. The exception was Prince Packaging Products, Inc. I was not able to contact this company and I am not certain that it is any longer actively engaged in business within the complex.

16. I earnestly request that the court refrain from entering a pendente lite injunction against the defendant. On the basis of the knowledge presently available to it, defendant has taken all steps within its power to bring about an end to the condition about which plaintiff complains. If that condition continues despite defendant's efforts, it is because defendant, at present, does not know what is causing the condition. Detection of the cause is extremely difficult because up to the present time plaintiff has not collected a sufficient amount of the contaminant entering the river to permit its identification. If a pendente lite injunction were entered, defendant, at present, would not know what more it could do to comply with it. Defendant requires additional time to continue its investigation to locate the cause of the substance which plaintiff finds offensive, assuming that it has not already been found and corrected, or is not already in process of correction. It is proper in this connection to observe that no serious harm or injury will be sustained if injunctive relief is withheld at the present time. From what has been stated above, only minute quantities of the polluting

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substance are being discharged into the river from the drainage main.

17. It has occurred to defendant that the claimed condition may be halted if the subject drainage system is closed. However, I am informed that defendant has no legal right to take such action because when defendant, from time to time, conveyed portions of its lands to others in the complex, it conferred upon them, by way of easements, the right to use this system for drainage purposes. Equally important, if storm and surface waters were not permitted to escape through this system, there would be danger of flooding not only on defendant's premises, but in other areas of the complex served by the system. It is to be expected that resulting flood waters would contain considerable contaminants, would run off into the river and would create a danger of a much greater degree of pollution than the small amount presently claimed by plaintiff.

18. Defendant assures the Court that the present withholding of injunctive relief will not result in any relaxation of its efforts to continue its monitoring of the system and its efforts to locate and control or correct the source of the claimed pollution, assuming that correction has not already been effected or is not in process.

SUBSCRIBED AND SWORN TO :

BEFORE ME THIS 5<sup>th</sup> DAY :

OF June 1970 :

  
HENRY F. O'SHAUGHNESSY

 :

Notary Public of New Jersey.  
T. E. SULLIVAN  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires March 12, 1973





5/7 E, 1970

SIMON, DENSTMAN & NOONAN  
11 COMMERCE STREET  
NEWARK, N. J. 07102  
(201) 642-2896

ATTORNEYS FOR Defendant and Third Party Plaintiff

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION-HUDSON COUNTY  
DOCKET NO.

PASSAIC VALLEY SEWERAGE COMMISSIONERS, :  
a public corporation, :  
Plaintiff, :

v. :

CRUCIBLE, INC., a New Jersey corpora- :  
tion, (originally designated in the :  
complaint herein as "Crucible Steel :  
Corporation of America, Spalding :  
Works"), :  
Defendant and Third Party :  
Plaintiff, :

v. :

CHARLES F. GUYON, INC., MIELE BROS. :  
TRUCKING CO., AZCO STEEL COMPANY, :  
GABEST, INC., PRINCE PACKAGING PRO- :  
DUCTS, INC., JOSEPH SUPOR TRUCKING CO., :  
HARRIS and SONS STEEL COMPANY, HARRI- :  
SON WAREHOUSE COMPANY, ROSE RIBBON and :  
CARBON MANUFACTURING CO. INC., ADMIRAL :  
STEEL EQUIPMENT CO. INC., SUPER STEEL :  
INDUSTRIES, INC., corporations, and :  
MILES A. GALIN, :  
Third Party Defendants. :

Civil Action

THIRD PARTY COMPLAINT

Third Party Plaintiff, Crucible, Inc., a New Jersey  
corporation, whose Post Office address is 1000 So. 4th Street,

Harrison, County of Hudson and State of New Jersey, complaining against the Third Party Defendants, says that:

1. Third Party Plaintiff operates a steel manufacturing plant upon lands owned by it in a portion of a large industrial complex in Harrison, Hudson County, New Jersey. Said complex, which contains in excess of 60 acres of land, is commonly known and designated as 1000 So. 4th Street, Harrison, New Jersey.

2. Heretofore, Third Party Plaintiff was the owner of said entire industrial complex. From time to time in the past, it conveyed to others portions of the lands and buildings comprising said complex until Third Party Plaintiff was left with and now retains 14 acres of land in said complex. The Third Party Defendants occupy various portions of the complex thus conveyed by Third Party Plaintiff, as the grantees of Third Party Plaintiff, or as the successors in interest of said grantees, or as the tenant of said grantees or their successors in interest. The Third Party Defendants conduct in and upon said lands thus conveyed various types of manufacturing, industrial and service industries.

3. At present there is, and at all times in the past material hereto, there has been an underground storm drainage system which lies beneath the lands retained and presently owned by Third Party Plaintiff, and the lands conveyed by Third Party Plaintiff to others, which latter lands are presently owned and/or occupied by the Third Party Defendants. Said storm drainage system consists of a long pipe which serves as a central drainage main and which empties into the Passaic River; numerous manholes located on the premises of Third Party Plaintiff, and on the premises of the Third Party Defendants, which collect surface water; and a number of underground lateral pipes which run beneath the lands of Third Party Plaintiff and the premises of the Third Party

30

Defendants, and which convey water collected in said manholes into said central drainage main and ultimately into the Passaic River.

4. Third Party Plaintiff has knowledge of 16 such lateral pipes. Four of said laterals run beneath Third Party Plaintiff's lands. Twelve of said laterals run beneath the lands owned or occupied by the Third Party Defendants. There may be additional laterals which run beneath the lands owned or occupied by the Third Party Defendants, but Third Party Plaintiff has no present knowledge of their existence or location.

5. Plaintiff, Passaic Valley Sewerage Commissioners, has filed a complaint against the Third Party Plaintiff in this action which alleges that Third Party Plaintiff has allowed and has continued to allow a polluting substance to enter the Passaic River through said drainage main. In said complaint, plaintiff, Passaic Valley Sewerage Commissioners, seeks a final judgment, which, if granted, would enjoin Third Party Plaintiff from allowing any substance prohibited by N.J.S.A. 58:14-7 and N.J.S.A. 58:14-8 to enter said river through said central drainage main. A copy of said complaint is annexed hereto, however, without intention on the part of Third Party Plaintiff to adopt as true the allegations thereof.

6. Third Party Plaintiff has made efforts to prevent the emission of any polluting substance into the Passaic River through said central drainage main. As a result of such efforts, Third Party Plaintiff believes that it is not responsible for such emission which plaintiff, Passaic Valley Sewerage Commissioners, alleges still continues. Third Party Plaintiff further believes that any alleged polluting substance claimed by plaintiff,

Passaic Valley Sewerage Commissioners, to be entering the Passaic River, from the river outfall of said central drainage main, may be entering said drainage system at a place or places on lands owned or occupied by one or more of the Third Party Defendants.

7. In addition to a final judgment containing an injunction as hereinabove described, plaintiff, Passaic Valley Sewerage Commissioners, has made application to the Court in this action, for an injunction preventing the discharge of polluting materials into the Passaic River pending entry of final judgment in this action. Any injunction granted in this action, whether final or pendente lite, will, or may limit, curtail, prevent or otherwise affect the use of said entire storm drainage system.

8. The Third Party Defendants have or may have legal rights in said storm drainage system, and in the use thereof, which rights have or may have been derived from certain easements created in various deeds of conveyance, wherein and whereby Third Party Plaintiff conveyed to others portions of the herein described industrial complex, or which were created in various agreements to which said Third Party Plaintiff was a party. Such rights, if any, are subordinate to the right of the public that no polluting substance should be discharged from said storm drainage system into the Passaic River.

9. Any Order or Judgment made in this civil action, pertaining to said central drainage system, will or may affect the aforementioned rights, if any, of the Third Party Defendants. Therefore, the Third Party Defendants, are necessary and indispensable parties to this action.

WHEREFORE, Third Party Plaintiff demands judgment against the Third Party Defendants:

A. Adjudging and declaring the rights, if any, of Third Party Defendants in and to said central drainage system.

B. Adjudging and declaring that the rights of Third Party Plaintiff and the rights, if any, of the Third Party defendants in and to said central drainage system, and to the use thereof, are subordinate to the right of plaintiff, Passaic Valley Sewerage Commission, and of the public, that no polluting substance should be discharged into the Passaic River through said storm drainage system.

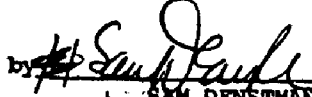
C. Adjudging and declaring that any Order or Judgment entered in this civil action and made in the public interest, which may curtail, limit, restrict, prevent or otherwise affect the use of said storm drainage system, shall be binding upon the Third Party Defendants and shall not give rise to any cause of action or claim in favor of the Third Party Defendants against the Third Party Plaintiff, for damages, compensation, or other relief of any kind whatsoever in law or in equity.

D. Enjoining and restraining any Third Party Defendant or defendants who may be causing or allowing any polluting substance to enter said drainage system from so doing.

E. If it shall be ordered or adjudged herein that said drainage system must be closed, enjoining and restraining all of the Third Party Defendants from causing or allowing any substance of any kind whatsoever to enter said drainage system.

F. For costs of suit.

SIMON, DENSTMAN & NOONAN,  
Attorneys for Defendant and  
Third Party Plaintiff,

By   
SAM DENSTMAN,  
A Member of the Firm.

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STATE OF NEW JERSEY :  
COUNTY OF E S S E X :

SYLVIA SAROS, of full age, being duly sworn according to law, on her oath deposes and says:

1. I am a secretary in the law offices of Simon, Denstman and Noonan, 11 Commerce Street, Newark, New Jersey.

2. On July 8, 1970, I mailed a copy of the within Notice of Motion upon Thomas E. Durkin, Jr. Esq., attorney for plaintiff, by enclosing said copy in an envelope addressed to said attorney at his office, 24 Branford Place, Newark, New Jersey, and by depositing said envelope, with postage thereon prepaid, in the United States mail at 11 Commerce Street, Newark, New Jersey.

SUBSCRIBED AND SWORN TO :  
BEFORE ME THIS 8th DAY :  
OF JULY, 1970. :

*Sylvia Saros*  
SYLVIA SAROS

*Joan E. Molnar*  
JOAN E. MOLNAR  
Notary Public of New Jersey  
My Comm. Expires Mar. 31, 1975.

We hereby certify that a clear carbon copy of the within Notice of Motion has been filed with the Chancery Division of the Superior Court in Hudson County.

SIMON, DENSTMAN & NOONAN,  
Attorneys for Defendant,  
Crucible, Inc.

by *Sam Denstman*  
SAM DENSTMAN,  
A Member of the Firm.





Jan 21, 1971

SIMON, DENSTMAN & NOONAN  
11 COMMERCE STREET  
NEWARK, N. J. 07102  
(201) 642-2856  
ATTORNEYS FOR CRUCIBLE, INC.

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION-HUDSON COUNTY  
DOCKET NO.

PASSAIC VALLEY SEWERAGE  
COMMISSIONERS, a public  
corporation,

Plaintiff,

v.

CRUCIBLE, INC., a New Jer-  
sey corporation,

Defendant and Third  
Party Plaintiff,

v.

CHARLES F. GUYON, INC.,  
et al,

Third Party Defendants.

Civil Action

AFFIDAVIT

STATE OF NEW JERSEY :  
COUNTY OF HUDSON : s s

ARTHUR WHINN, being duly sworn according  
to law, upon his oath deposes and says:

1. I am employed at present by the defen-  
dant, Crucible, Inc., as its maintenance superintendent. I have  
held this position with Crucible, Inc., for approximately 3 years  
and for about 27 years prior to my present job assignment I have  
held various supervisory positions with my employer. The work  
done by my employer to locate and abate the pollution which is

involved in this case, has been largely done under my personal supervision. In this connection I have worked closely with Mr. William Bradley.

CORRECTIVE WORK ON CRUCIBLE'S PREMISES

2. The pollution about which plaintiff complains is a flow of fine oil which enters the Passaic River from the outfall of a large underground drainage system in an industrial complex in Harrison, New Jersey, a part of which is owned and occupied by my employer. There have also been occasional emissions of acid into the river from this drainage system.

3. To abate the acid problem Crucible, Inc., on about December 10, 1970, completed the installation of an acid holding reservoir and presently it discharges spent acid from its plant operations into this reservoir. There, spent acid is neutralized by mixing it with large quantities of water from plant operations. I am informed that since the installation of this reservoir ~~PH~~ readings of samples of the effluent taken at the river outfall of the drainage system have been satisfactory.

4. Commencing in about January 1970, the following measures were taken by Crucible, Inc., to abate the flow of oil to the river from Crucible's premises:

(a) The prohibition of steam cleaning of equipment in the neighborhood of manholes that might connect to the drainage system.

(b) The cessation of dumping of waste oil into a pit near a surface drain.

(c) The sealing off of an oil discharge from a pump employed in Crucible's hood annealing operation.

(d) The re-routing of a drain line from a

roll-grinding operation away from a surface drain and into a holding reservoir.

5. As a result of these measures, which were completed by about the summer of 1970, I believe that no oil enters the river through the drainage system from Crubile's premises.

THE GUYON LATERAL NO. 1

6. Although Crucible eliminated the emission of oil from its own premises, thereafter samples of effluent taken at the river outfall continued to contain, at times, visible quantities of oil. As a result Mr. Bradley conducted an investigation in which I participated, in areas of the subject industrial complex, occupied by the Third Party Defendants. This investigation revealed that oil was entering the central main of the drainage system through a lateral pipe which has been identified as Guyon Lateral No. 1 in earlier proceedings had in this action. This lateral, as it is shown on a survey previously exhibited to the Court, joins the central drainage main about 150 feet west of the easterly boundary line of the industrial complex and extends underground in a generally southerly direction beneath the property of the Third Party Defendant, Charles F. Guyon, Inc. Other underground pipes running beneath the lands of Guyon and other Third Party Defendants, tie in to this lateral. So far as we have been able to determine these other Third Party Defendants are Harris & Sons Steel Company, Harrison Warehouse Company and Rose Ribbon and Carbon Manufacturing Co. Inc.

7. We have in the past found oil at different points in these connecting pipes and fairly consistently at the place where the Guyon No. 1 lateral joins the central drainage main. Extensive efforts, detailed in Mr. Bradley's af-

fidavit, were made by Crucible to discover the source of this oil. If the source could be found it was thought that the oil condition could have been eliminated at its source. However, the investigation detailed in Mr. Bradley's affidavit did not reveal the source.

8. After corrective measures as described in Paragraph 4 above were taken by Crucible, the sole remaining cause of oil pollution from within the industrial complex, to the best of my knowledge, is the oil which has been seen in the Guyon No. 1 lateral, and its connecting pipes. Because Crucible had not succeeded in locating the source of this oil, the only other means of abating it was to plug the Guyon No. 1 lateral at the place where it joins the central drainage main.

9. After a number of prior efforts to do so, Crucible installed a temporary plug in the Guyon No. 1 lateral on about November 30, 1970. This temporary plug consisted essentially of a hard rubber balloon inflated to about a 20 inch diameter to which there is connected a 100 foot tube with a stem valve at its end to permit the air in the balloon to be removed. A temporary rather than a permanent plug was used because Crucible desired to determine whether closing the Guyon No. 1 lateral would cause any back-up of water or flooding in the complex.

10. This plug remained in place until January 7, 1971. While it was in place I saw no flooding in the complex, and received no reports of flooding from anyone there, notwithstanding that during the first week in January 1971, there was, on several occasions, heavy precipitation in the area in the form of rain and snow.

11. While the temporary plug was in place, samples of effluent taken at the river outfall of the drainage

system, which samples I have seen, were clear of visible oil and I believe that Mr. Bradley's analyses of these samples indicate the same finding. Thus, the temporary closing of Guyon No. 1 lateral, in connection with other corrective measures completed by Crucible, resulted in an acceptable effluent.

12. However, the temporary closing of this lateral is not the long term answer to the oil problem. Temporary plugs are relatively fragile and eventually break down. On January 7, 1971, I was present when a representative of the plaintiff Commissioners took a sample of the effluent. It appeared oily. Thereafter, and on the same day, I examined the Guyon No. 1 lateral and observed that the temporary plug placed there on November 24, 1970, had loosened and that water was being discharged into the central drainage main from this lateral. It was too dark inside the drainage main, the place where I made my examination, to determine whether this water was oily, but the water which was discharging into the river at this time, was oily.

13. What is required is the permanent closure of the Guyon No. 1 lateral with a plug made of durable materials that will not loosen or disintegrate. Such a permanent plug would not have a release device upon it, as the air release device that was part of the temporary plug. This solution falls short of discovering what causes oil to enter the Guyon No. 1 lateral and the elimination of that cause. Crucible has expended considerable time, effort and money attempting, without success, to discover the cause. It can do nothing more except to install a permanent plug and it should be authorized to do so. If any other occupants of the complex object to this course of action, the Court ought to direct them, and especially the Third Party

Defendants, Guyon, Harris, Harrison Warehouse and Rose Ribbon and Carbon Manufacturing Company to locate and abate the cause themselves within a limited time. Upon their failure to do so, the Court should order permanent closure of the lateral. Crucible was able to eliminate the emission of oil attributable to its own operations because it has an intimate knowledge of those operations and it took the pains to effect correction. It does not have a like intimate knowledge of the operations of other occupants of the complex which would permit it to go further. I suggest to the Court that it is unfair to further tax the energies, resources and personnel of Crucible with the location of the cause and clean-up of oil pollution that has its origin on the property of others.

#### CLEAN-UP OF RIVER BANK

14. Plaintiff contends that oil has accumulated from the bank of the river at and near the outfall of the central drainage main and that this condition could be corrected. Representatives of Crucible and plaintiff have previously discussed methods of treating this situation and it was suggested that the bank of the river in the mentioned area should be covered in some manner with stones, sand, earth fill, or the like. Crucible undertook to investigate the feasibility and cost of work of this kind and is agreeable to going forward with it provided that other Third Party Defendants, including the Town of Harrison, who make use of the central drainage system, should share the cost.

15. Crucible received oral estimates from 3 contractors for the described work. None of these contractors would present flat figure estimates. All of them insisted upon

quoting estimates on an exclusive time and material basis. On the basis of one such estimate presented by one of these contractors, Spinella, I estimate that the total cost for the work proposed by Spinella would have been approximately \$44,000. I was not able to judge the approximate cost of the work on the basis of the proposals made by the remaining 2 contractors.

16. Crucible has also discussed with a fourth contractor, Joseph Nesto & Sons, two different alternative methods of treating the condition of the bank of the river. It believes that either of these methods would be feasible. Nesto suggested lining the bank with bags containing mixtures of sand and cement. This mixture would solidify when wet, and after solidification, a like covering of sand fill could be placed on the banks. Alternatively, Nesto proposed lining the bank with large stones and filling in this lining with sand and gravel. Either of these methods, according to Nesto, would cost approximately \$20,000. A written estimate has been requested of Nesto several times but at present it has not been received. Nesto did not estimate the time necessary to complete a project of this kind and as best as I can judge, it would take 3 or more weeks, tide and weather permitting. It would not be feasible to commence this work until oil pollution from within the complex is permanently abated. There is no sense in lining the bank of the river, if, thereafter, oil would come out of the drainage system and would be deposited on the new covering materials. This means that a permanent correction of the condition found at the Guyon No. 1 lateral should be accomplished before work on the bank of the river is undertaken.

17. The bank of the river and the land

immediately adjacent to it, are owned by the Third Party Defendant, Public Service Electric & Gas Company. Before work on the river bank can go forward, it will be necessary for Public Service Electric & Gas Company to consent to such work and also to consent to entry upon its lands to perform that work. The consent will have to cover the bringing of heavy equipment, materials and personnel upon the property of this Third Party Defendant. If such consent is not forthcoming, the work on the bank of the river cannot go forward.

COSTS

18. In addition to the approximate \$20,000 verbal estimate quoted by the Nesto Company, Crucible has expended for labor costs for work performed by its own personnel, in connection with the subject pollution problem, as of December 28, 1970, \$4,251. This expense covers a total of 576 man hours devoted by Crucible personnel, including supervisory labor, to the project. 401 1/2 man hours were devoted by Crucible to work performed on its own premises and 174 1/2 man hours were devoted to work performed on the premises of other complex occupants. Of the \$4,251 in labor costs, Crucible has allocated \$2,905.50 for work performed on its own premises, and \$1,345.50 to work performed on the premises of other complex occupants. Annexed hereto, made a part hereof and marked Schedule A is a detailed breakdown of the aforementioned labor charges. In addition, Crucible, during 1970, has paid or owes Mr. Bradley for his services, a total of \$3,138. Annexed hereto, made a part hereof and marked Schedule B is a breakdown of Mr. Bradley's charges.

19. Crucible requests that the Court should require the other complex occupants to reimburse it for said \$1,345.50 labor charge, and for a pro-rata share of the \$3,138 paid or owed to Mr. Bradley. In addition, Crucible requests

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that the Court should order the other complex occupants to contribute to the cost of the bank clean-up in such amounts as the Court finds equitable and just.

SUBSCRIBED AND SWORN TO :

BEFORE ME THIS 25<sup>TH</sup> DAY :

OF January 1971 :

  
ARTHUR WHINN

 :

Notary Public of New Jersey.

T. E. SULLIVAN  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires March 12, 1973



April 27, 1971

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION-HUDSON COUNTY  
DOCKET NO.

PASSAIC VALLEY SEWERAGE  
COMMISSIONERS, a public  
corporation,

Plaintiff,

v.

CRUCIBLE, INC., a New Jer-  
sey corporation,

Defendant and Third  
Party Plaintiff,

v.

CHARLES F. GUYON, INC.,  
et al,

Third Party Defen-  
dants.

Civil Action

AFFIDAVIT

STATE OF NEW JERSEY :  
COUNTY OF BERGEN : s s

WILLIAM R. BRADLEY, being duly sworn ac-  
cording to law, upon his oath deposes and says:

1. I am an environmental health consult-  
ant. My professional qualifications were set forth in testimony  
given by me in a Court hearing heretofore had in this case. At  
the request of Crucible, Inc., I have, since about June 1970,  
been engaged in efforts to locate the source of and to abate the  
pollution which is the subject matter of this action.

2. Among other things, my work involved  
the examination and analysis of samples of the effluent taken  
from the subject drainage system at the place where it empties  
into the Passaic River, and at different points in that system  
within the subject industrial complex.

3. Samples were taken at points in the drainage system within Crucible's premises and oil was found in two of these samples taken on July 15 and August 7, 1970. This indicated that probably oil from within Crucible's plant was entering the drainage system. Steps were taken by Crucible to eliminate this oil and after August 7, 1970, no oil was found in the water samples taken from the system at points within Crucible's property. To the best of my knowledge, no oil presently enters the drainage system, as a result of any operations conducted by Crucible on its own property.

4. Occasionally, samples were taken at the river outfall of the system, had a PH analysis on the acid side. This condition was traced to Crucible's operations and steps, described in Mr. Whinn's affidavit, were taken to correct this situation. The work of correction was completed in early December 1970, and since then, the PH analysis of samples has been good.

5. One of the points checked in the system was the place where the Guyon No. 1 lateral joins the main drainage line. Oil was seen in water samples taken at this point on July 1 and 17, and August 12 and 21, 1970. Only 2 samples taken at this point during this period, on July 15 and July 27, 1970, did not, on examination, contain oil. In addition, a fiberglass filter was kept in the Guyon No. 1 lateral between September 11 and 15, 1970. This filter collected an extremely heavy concentration of oil. Thereafter, an inspection made on October 16, 1970, at various points in the Guyon No. 1 lateral, and in other pipes connected to it, revealed the presence of oil and oil sludge in the lateral and in these pipes. On November 9, 1970, another filter was placed in this lateral and again oil was collected upon

9. Given the steps taken by Crucible to prevent entry of oil into the drainage system from its own premises; given the frequent presence of oil in the Guyon No. 1 lateral; given the absence of oil in river outfall samples while a temporary plug in the Guyon No. 1 lateral was operative; given the reappearance of oil at the outfall subsequent to the displacement of the temporary plug in the Guyon No. 1 lateral, as described in Mr. Whinn's affidavit, it is my opinion that at present, the oil from this lateral is the only oil that enters the river from within the complex.

10. Because it has not been possible to determine how oil enters the Guyon No. 1 lateral, I recommend that this lateral be closed permanently. Experience with the temporary plug suggests that closure will not cause flooding. Based upon all of the information available to me, I believe that if this lateral is closed, no more oil will enter the river from the complex and through the drainage system. I believe that thereafter the only oil that will be encountered will be oil in the Passaic River itself that is washed in and out of the mouth of the drainage main by the action of the tides. In this last connection I note that on August 12, 1970, we found oil present in the river itself upstream from the outfall of the system.

11. I urge the Court to direct the permanent closing of the Guyon No. 1 lateral.

SUBSCRIBED AND SWORN TO :  
BEFORE ME THIS 26<sup>th</sup> DAY :  
OF January 1971 :

Joan E. Malnar :

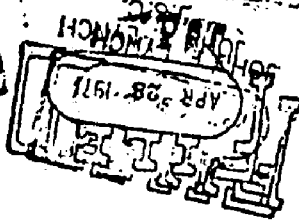
A Notary Public of N. J.

William R. Bradley  
WILLIAM R. BRADLEY

16.



REC'D  
PR 90 1971



DOCKETED  
APR 30 1971  
DS

RECEIVED  
APR 28 1971  
JOHN F. LYNCH  
J.S.C.

SIMON, DENSTMAN & NOONAN  
11 COMMERCE STREET  
NEWARK, N. J. 07102  
(201) 642-2656  
ATTORNEYS FOR CRUCIBLE, INC.

ALICE  
CHANCERY DIV.  
HUDSON COUNTY  
CLERK

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION-HUDSON COUNTY  
DOCKET NO. C-2403-69

PASSAIC VALLEY SEWERAGE  
COMMISSIONERS, a public  
corporation,

Plaintiff,

vs.

CRUCIBLE, INC.,

Defendant  
and Third Party  
Plaintiff,

vs.

CHARLES F. GUYON, INC.,  
et als,

Third Party  
Defendants.

Civil Action

AFFIDAVIT

STATE OF NEW JERSEY :  
: ss.:  
COUNTY OF ESSEX :

WILLIAM R. BRADLEY, of full age, being duly sworn  
according to law upon his oath deposes and says:

1. I make this affidavit for use by the Court on the  
May 14, 1971 continued hearing date in the above-entitled civil  
action, and in supplementation of my testimony and my affidavit  
of January 26, 1971, previously given and filed herein. I regret

that I will not be able to personally appear in court on May 14, 1971. Except for May 23, 24 and 25, 1971, I expect to be out of the country throughout May, 1971.

4  
OIL

2. Pursuant to an order made herein by the Court on March 2, 1971, the Guyon No. 1 lateral was permanently closed on March 11, 1971. This lateral had been previously identified, in my January 26, 1971 affidavit, as the then sole source of oil entering the subject central drainage main from the industrial complex which the main serves.

3. In my opinion, the closure of the Guyon No. 1 lateral has resulted in the abatement of oil pollution from inside the complex. Since that lateral was plugged, no visible oil was seen entering the central main from any other lateral. While some oil, probably residual oil, was visible at the river outfall of the main for a short time after the plug was inserted, none has been observed there recently.

4. On April 19 and 20, 1971, silt was observed entering the river from the outfall of the drainage main. I believe that this is a favorable sign as far as abatement of oil pollution is concerned.

5. Where an underground drainage system collects surface water, as does the system involved in this case, it will usually collect silt, as well, from the surface of the ground drained by the system. In the subject system, a probable secondary source of silt accumulation, is silt carried in the river and deposited in the central main of the system by the ebb and flow of the tide. Normally, this silt, which is not a polluting substance, gradually will be washed out of the drainage system



and into the river by the water that passes through the system. This has not happened in the past, so far as the subject system is concerned, because the silt that has accumulated there was apparently mixed with oil that bound it to the interior of the central main. The recently observed movement of the silt indicates not only that oil is not entering the central main, but also, that silt which has accumulated in the main has been or is in the process of being washed clean of oil. Before this movement of silt was observed, it was anticipated that accumulated silt in the drainage main, because it was infiltrated with oil, would have to be removed at some very considerable expense. However, recent movement of the silt indicates that this costly cleaning process may not be necessary. I recommend that the condition of the silt in the central main be kept under observation and that for the time being a judgment as to the necessity for cleaning of the main be withheld.

6. The closure of the Guyon No. 1 lateral has had another beneficial effect. The oil residue on the bank of the river in the vicinity of the outfall of the central main has diminished tremendously. In places on the bank where earth and stones were black with oil, I have observed brown mud and clean stones. This has resulted because no additional oil has been deposited on the bank and the action of the tides is cleaning away the oil that was there from before. I believe that the oil residue on the bank will wash away with the action of the tides. However, it may be necessary to add a coating of sand to the bank if the tides do not accomplish an appropriate clean-up of the bank within a reasonable time. I recommend that the bank condition be kept under future observation and that a judgment as

to the necessity for additional clean-up work there be withheld for the present.

#### ACID

7. Intermittently, samples of effluent taken from the river outfall of the system, had been on the acid side (below the 5-6 PH range). Crucible sought to correct this condition by installing two baffles in the drainage main, which had the effect of creating two holding reservoirs, in which it was hoped that acid would be diluted with water, to the end that acceptable PH readings would be obtained. This was done in the early part of December, 1970.

8. Thereafter, water samples taken at the outfall had the following PH analyses:

<u>DATE</u>	<u>PH</u>
December 16, 1970	6.2
28	6.2
January 6, 1971	6.2
7	6.5
12	6.5
20	3.6
21	6.3
February 4, 1971	5.1
9	3.6
March 22, 1971	6.0
23	4.8
April 5, 1971	3.2
7	6.6

9. As appears from the foregoing analyses, the baffle system generally worked reasonably well for more than a month after it was installed, but that more recently PH analyses have fluctuated.

10. Consequently and because plaintiff has expressed dissatisfaction, I recommended an entirely new acid neutralization system for Crucible, that will involve "in plant" treatment of acid waste and ultimate discharge of treated effluent, not into the river by way of the subject drainage system, but into plaintiff's sanitary sewer line. This system is described, and a time table for its installation, is included in my letter of April 13, 1971 to Mr. S. A. Lubetkin, plaintiff's chief engineer. A copy of my letter is annexed hereto. Mr. Lubetkin has accepted this proposed acid treatment system.

11. As of April 20, 1971, the following has been done to further the installation of the new system:

(a) The design work for the system is practically complete.

(b) The pre-treatment tank is on hand, ready for installation.

(c) The final neutralization tank is on hand. This tank is approximately forty feet long and eight feet in diameter. Among other things it will have to be moved by crane to the place of installation, and installed in the ground, in an excavation to be made for that purpose. Bids for this work have been requested.

(d) The stainless steel pump and stainless steel piping are on order and Crucible expects to receive them soon.

(e) Acquisition of PH monitoring equipment is in process.

Sworn and Subscribed to  
before me this 27<sup>th</sup> day  
of April 1971

*Joan E. McIner*  
A NOTARY PUBLIC OF NEW JERSEY.

JOAN E. MCINER

*William R Bradley*  
WILLIAM R. BRADLEY

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**Hot Industries**

**Crucible Inc.**  
**Spaulding Operation**

1000 South Fourth St.  
Harrison, NJ 07029  
201/465-5700

April 13, 1971

Mr. S. A. Lubetkin, Chief Engineer  
Passaic Valley Sewerage Commissioners  
790 Broad Street  
Newark, New Jersey 07102

Dear Mr. Lubetkin:

Water Pollution Control Program  
Crucible - Harrison, New Jersey .

As you know, we have been continuing our studies in an effort to locate and eliminate acid effluent from production operations into the Passaic River. This status report is to say that we have located what we believe to be all acid sources and have developed a program for elimination of acid wastes into the river.

For some time our program of dilution of infrequent rinse water volumes that were acid in nature did not prove successful to the point that we felt it "fool proof." For example, not always were we able to control production operations on odd shifts; dumping or sludging of the effluent, if you will, did not occur. These occasions were when line employees by-passed our dilution system and would discharge twenty-five or more gallons of fifteen percent acid directly into effluent channels.

Now we have redesigned the effluent system from the operations using a weak acid bath for a part of metal tempering to the point that we will have pre-neutralization, pH monitoring, pumping to final neutralization, and through again pH monitoring before discharge into the sanitary sewer system at a point 5pH or better. This program involves the following that is now reported to you:

April 13, 1971

1. Pre-treatment Tank

This 335-gallon open pre-treatment tank is now on hand and is to be installed shortly. It will receive rinse water effluent that is on the acid side as the central receiver, and this tank will be used for pre-treatment with sodium hydroxide solution adjusted by pH monitoring.

2. A 50-gallon stainless steel pump with motor, together with necessary stainless steel piping, has been ordered and delivery is expected within fifteen days, in order to accommodate the pre-neutralization facility.
3. Running a pre-treatment acid effluent line across production areas, involving some floor excavation, into a large capacity final neutralization tank.
4. Installation of a final neutralization tank, of the capacity of a railroad oil tank car, into an excavated area at the side of the main operating building, to be equipped with floor control baffle and for use with limestone.
5. Final monitoring of pH station installation and connection to sanitary sewerage line.

The above captioned program we hope will have your approval, and the timing of this program as expeditiously as can now be set down is as follows:

- |   |         |
|---|---------|
| A. Delivery of the acid pump and piping   | 15 Days |
| B. Installation of pre-treatment tank and sodium hydroxide system                   | 30 Days |
| C. Receipt of pH monitoring equipment   | 30 Days |
| D. Excavation for large limestone treatment tank                                    | 45 Days |
| E. Installation and preparation of tank, as it has now been received and is on hand | 60 Days |
| F. Connection of sanitary sewerage line with final treatment                        |         |

Complete shortly  
after July 15, 1971.

Mr. S. A. Lubetkin  
PVSC

-3-

April 13, 1971

This program has been reviewed by Crucible management and is submitted for your consideration.

Respectfully submitted,

*Wm. R. Bradley* (11/2/71)

Wm. R. Bradley  
William R. Bradley and Associates  
Tenafly, New Jersey

WRB/erl

cc: Mr. S. Denstman  
Mr. J. Devaney  
Mr. H. F. O'Shaughnessy  
Mr. R. M. Lamborn  
Mr. A. Whinn

Coltec Industries



Coltec Industries Inc  
430 Park Avenue  
New York, NY 10022-3597

John R. Mayo  
Assistant General Counsel  
212/940-9639

October 25, 1996

Mr. Lance Richman, P.G.  
Emergency and Remedial Response  
Division  
United States Environmental  
Protection Agency  
290 Broadway, 19th Floor  
New York, New York 10007-1866

Re: Response to Request for Information Under 42 U.S.C.  
9601, Diamond Alkali Superfund Site, Passaic River  
Study Area

Dear Mr. Richman:

Please accept this correspondence as the response of Coltec Industries Inc ("Coltec") to the USEPA's request for information pursuant to Section 104 of CERCLA pertaining to the Diamond Alkali Superfund Site, Passaic River Study Area (the "Site"). Enclosed also please find the signed, notarized "Certification of Answers to Request for Information." Please note that in addition to conducting a search for relevant documents and interviewing former employees of Crucible Steel that worked at this facility, I have specifically requested that Crucible Materials Corporation ("CMC") conduct a similar investigation to determine if they have responsive information. (the corporate relationship between Crucible Steel, CMC and Coltec is addressed in response to question (1) below). As of the date of this letter, Coltec has not received a written response from CMC regarding the outcome of its investigation for responsive information.

In preparing these responses, interviews were conducted with: Charles Kurcina who was Vice President and General Manager of the facility from December 1971 through May 1973 (current address: Pittsburgh, Pennsylvania - phone: (412) 643-4978); Willard E. Soper, Jr. who was General Foreman of Heat Treat and held various other positions from June 1954 through May 1973 (current address: 104 Larned Road, Summit, New Jersey - phone: (908) 277-4260. Additionally, contact was made with Alan Simon who was Manager, Technical Services at the facility from November 1948 through May 1973. Since the initial contact with Mr. Simon Coltec has been unable to reach Mr. Simon. A telephone interview will be scheduled and this response will be supplemented in the event that said interview reveals additional responsive information.

846200001



Coltec responds to the information requests as follows:

Question No. 1 - This facility was operational in the early 1900's and eventually operated under the name Crucible Steel. Colt Industries Inc (now "Coltec") purchased Crucible Steel in 1968. This facility operated as one of the Crucible Steel Divisions of Coltec until this facility was closed in May of 1973. Coltec sold all interests in Crucible Steel to Crucible Materials Corporation in 1985.

Question No. 2 (a) - No.

(b) - No.

Question No. 3 - Of the materials listed in Question 3, the Crucible Steel Facility at 1000 South Fourth Street used the following:

(a) Chromium: to the extent that it was a constituent in the steel that was manufactured at the facility.

(b) Nickel: to the extent that it was a constituent in the steel that was manufactured at the facility.

(c) Molten lead was used in quenching baths as part of the steel manufacturing process.

Based upon current knowledge, Crucible did not use any of the other materials listed in Question 3 at this facility.

Question No. 4 (a) - Molten lead was used in quenching baths as part of the steel manufacturing process. Nickel and chromium were constituents of the steel (See 3(a) and (b) above).

(b) (i) See above.

(ii) During the quenching process lead would vaporize and as the vapors cooled lead oxide would be formed. The lead oxide was disposed of as solid waste (plant trash) off-site.

(iii) Some of the steel would go through acid treatment or pickling which would result in some dissolution of chrome, iron and nickel. The amount of chrome, iron and nickel which dissolved during the acid treatment/pickling process was minute in quantity. Following the acid treatment/pickling process the steel was run through a water rinse phase. During the water rinse phase small quantities of the chrome, iron and nickel dissolved during the acid treatment/pickling phase may have been released into the rinse water. It is believed that the rinse water was periodically discharged to the sanitary sewer system. Up until

approximately 1970 the rinsewater was discharged to the sanitary sewer with no neutralization. After approximately 1970 until facility closure the rinsewater was neutralized prior to discharge. The facility employees interviewed had no specific knowledge regarding disposal of the liquids in the acid treatment/pickling baths.

Question No. 5 -

(a) Maintenance Department - Charley Menzo, Arthur Wynn (no current addresses available for these employees).

(b) None recalled.

(c) None recalled. However raw acids were stored in stainless steel tanks at the facility.

(i) None recalled (no drums)

(ii) See (5)(c)(i) above.

(d) As indicated above, neutralization of rinse water was started in approximately 1970, and continued until the facility was closed in May 1973.

Question No. 6 (a)

(i) It is believed that the wastewater went to a sanitary sewer system, but the Passaic River Commission raised questions in the late 1960's or in 1970 whether the discharge went directly to the Passaic River. No records regarding these allegations have been located.

(ii) Yes, after 1970 (See above).

(iii) See above.

(iv) None available.

(b)(i),(ii) See 6(a)(i) above.

(c) (i) The employees interviewed have no recollection.

(ii), (iii), (iv) See (c)(i) above.

(d) No diagrams are available.

(e) See above, no other information available. As indicated above, the Passaic River Commission may have files responsive to this question.

Question No. 7 (a) Unable to estimate, no records available.

(b) Unknown.

(c) No records available. As indicated above, the Passaic River Commission may have files responsive to this question.

Question No. 8 (a) No, none recalled.

(b) None available.

Question No. 9 (a) No flooding is known to have occurred.

Question No. 10 - No available records. As indicated above, the Passaic River Commission may have files responsive to this question.

Question No. 11 - No such documents have been located.

Question No. 12 (a) Mr. Soper recalls that some air sampling was conducted, but no results are available. No other sampling is known to have occurred.

Question No. 13 (a) - See introductory paragraph and response to question (i) above. Upon closure of the facility it was sold to Spiegel Trucking, Inc. of Harrison, New Jersey. This transaction took place in March 1974. Documentation regarding this transaction has just been received from off-site storage. This response will be supplemented in the event that review of said documents reveals additional responsive information.

Question No. 14 (a) Coltec Industries Inc

(b) John W. Guffey, Jr.  
President and Chairman of the Board  
Coltec Industries Inc  
3 Coliseum Centre  
2550 West Tyvola Road  
Charlotte, NC 28217

(c) Pennsylvania

- agent for service of process in Pennsylvania:

c/o CT Corporation System  
3 Gateway Center  
16th Floor - West Wing  
Pittsburgh, PA 15222

- agent for service of process in New Jersey:

The Corporation Trust Company  
Bear Tavern Road  
West Trenton, NJ 08628

- (d) Copy enclosed
- (e) See attached list
- (f) See item (e)
- (g) See item (e)
- (h) See item (e)
- (i) Coltec Industries Inc is a public company listed on the New York Stock Exchange

Question No. 15 - The following employee of Coltec answered this "Request for Information":

John R. Mayo  
Assistant General Counsel  
Coltec Industries Inc  
430 Park Avenue  
New York, New York 10022  
(212) 940-9639

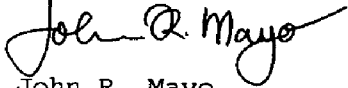
The following employee of Coltec assisted in answering this "Request for Information":

Donald E. O'Keefe  
Assistant General Counsel  
Coltec Industries Inc  
430 Park Avenue  
New York, New York 10022  
(212) 940-0573

As indicated above, Coltec is continuing its investigation into this matter and will supplement its responses hereto as required by CERCLA.

Please do not hesitate to call with any questions or comments regarding the above.

Very truly yours,

  
John R. Mayo

JRM:vm

cc: Robert J. Tubbs, Esq.  
Christopher B. Sheehey, Esq.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of New York :

County of New York :

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that my company is under a continuing obligation to supplement its response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or the company's response thereto should become known or available to the company.

John R. Mayo  
NAME (print or type)

Assistant General Counsel  
TITLE (print or type)

John R. Mayo  
SIGNATURE

Sworn to before me this 25<sup>th</sup>  
day of October, 1996

Veronica McCartan  
Notary Public

VERONICA McCARTAN  
Notary Public, State of New York  
No. 31-7794225  
Qualified in New York County 1998  
Commission Expires Aug 31, 1998

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Documents Responsive to Question 14

**846200008**

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Microfilm Number \_\_\_\_\_

Filed with the Department of State on NOV 26 1991

Entry Number 629,585

Bender K. White  
Acting Secretary of the Commonwealth

ARTICLES OF AMENDMENT-DOMESTIC BUSINESS CORPORATION  
DSCR-15-1910 (Rev. 87)

In compliance with the requirements of 15 Pa.C.S. § 1915 (relating to articles of amendment), the undersigned business corporation, desiring to amend its Articles, hereby states that:

The name of the corporation is: Coltec Industries Inc

The (a) address of this corporation's current registered office in this Commonwealth or (b) commercial registered office provider and the county of venue is (the Department is hereby authorized to correct the following address to conform to the records of the Department):

c/o CT Corporation System, Oliver Bldg, Mellon Square, Pittsburgh, PA 15222 Allegheny  
Number and Street City State Zip County

Name of Commercial Registered Office Provider \_\_\_\_\_  
County

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

The statute by or under which it was incorporated is: Act of the General Assembly approved May 5, 1933  
(P.L. 364) as amended

The original date of its incorporation is: March 12, 1976

(Check, and if appropriate complete, one of the following):

☒ The amendment shall be effective upon filing these Articles of Amendment in the Department of State.

☐ The amendment shall be effective on: \_\_\_\_\_

(Check one of the following):

☒ The amendment was adopted by the shareholders pursuant to 15 Pa.C.S. § 1914(a) and (b).

☐ The amendment was adopted by the board of directors pursuant to 15 Pa.C.S. § 1914 (c).

(Check, and if appropriate complete, one of the following):

☐ The amendment adopted by the corporation, set forth in full, is as follows:

☒ The amendment adopted by the corporation as set forth in full in Exhibit A, attached hereto and made a part hereof.

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DSCB:15-1915 (Rev 89)-2

3. (Check if the amendment restates the Articles):

☒ The restated Articles of Incorporation supersede the original Articles and all amendments thereto.

IN TESTIMONY WHEREOF, the undersigned corporation has caused these Articles of Amendment to be signed by a duly authorized officer thereof this 25th day of November, 1991.

Coltec Industries Inc.

(Name of Corporation)

BY: Donald E. O'Keefe

Donald E. O'Keefe

(Signature)

TITLE: Assistant Secretary

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11-6-1086

AMENDED AND RESTATED ARTICLES OF INCORPORATION  
OF  
COLTEC INDUSTRIES INC

ARTICLE FIRST

The name of the corporation (herein called the "Corporation") is:

Coltec Industries Inc

ARTICLE SECOND

The location and post office address of its registered office in this Commonwealth is c/o CT Corporation System, Oliver Building, Mellon Square, Pittsburgh, Pennsylvania 15222.

ARTICLE THIRD

The Corporation is organized under the provisions of the Pennsylvania Business Corporation Law of 1988 (the "BCL") for the following purposes, which shall be construed independently of each other:

- (a) To carry on in all its branches a general manufacturing business in ferrous, non-ferrous and alloyed metals and any other materials;
- (b) To buy, sell, lease, mine, manufacture, produce, extract, manage, operate, hold and deal in and with real and personal property of every kind and description;
- (c) To engage in merchantile manufacturing, processing, research, development, trading and service businesses of any kind and character; and
- (d) To invest in, and to aid by loans, by making guarantees and in any other manner, any business enterprises affiliated with this Corporation, or in which this Corporation has any direct or indirect interest or with which this Corporation does business, or the business of which is a direct or indirect benefit to this Corporation.

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The Corporation shall also have as its purpose the engaging in all lawful business for which the Corporation may be incorporated.

The term for which the Corporation is to exist is perpetual.

#### ARTICLE FOURTH

The aggregate number of shares which the Corporation shall have authority to issue 102,500,000 of which 2,500,000 shares shall be Preferred Stock, par value \$.01 per share, issuable in one or more series, and 100,000,000 shares shall be Common Stock, par value \$.01 per share.

The Board of Directors shall have the full authority permitted by law to fix by resolution full, limited, multiple or fractional, or no voting rights, and such designations, preferences, qualifications, privileges, limitations, restrictions, options, conversion rights, and other special or relative rights of any class or any series of any class that may be desired.

#### ARTICLE FIFTH

The shareholders of the Corporation shall not have the right to cumulate their votes for the election of directors of the Corporation.

#### ARTICLE SIXTH

Any action required or permitted to be taken at any annual or special meeting of shareholders may be taken only upon the vote of the shareholders at an annual or special meeting duly noticed and called, as provided in the By-laws of the Corporation, and may not be taken by a written consent of the shareholders.

Special meetings of the shareholders of the Corporation for any purpose or purposes may be called at any time by the the Chairman of the Board of Directors or by a majority of the members of the Board of Directors. Special meetings of shareholders of the Corporation may not be called by any other Person or Persons.

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ARTICLE SEVENTH

(A) Director Liability

A director shall not, as such, be personally liable for monetary damages for any action taken, or any failure to take any action, unless the director has breached or failed to perform the duties of his office under Subchapter 17B of the BCL, as the same may be amended from time to time, and the breach or failure to perform constitutes self-dealing, willful misconduct or recklessness. The provisions of this Section (A) shall not apply to the responsibility or liability of a director pursuant to any criminal statute, or the liability of a director for the payment of taxes pursuant to local, state or Federal law.

(B) Indemnification

The Corporation shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, whether formal or informal, and whether brought by or in the right of the Corporation or otherwise, by reason of the fact that he was a director, officer or employee of the Corporation (and may indemnify any person who was an agent of the Corporation), or a person serving at the request of the Corporation as a director, officer, partner, fiduciary or trustee of another corporation, partnership, joint venture, trust, employee benefit plan or other enterprise, to the fullest extent permitted by law, including without limitation indemnification against expenses (including attorneys' fees and disbursements), damages, punitive damages, judgments, penalties, fines and amounts paid in settlement actually and reasonably incurred by such person in connection with such proceeding, unless the act or failure to act giving rise to the claim for indemnification is finally determined by a court to have constituted willful misconduct or recklessness.

The Corporation shall pay the expenses (including attorneys' fees and disbursements) actually and reasonably incurred in defending a civil or criminal action, suit or proceeding on behalf of any person entitled to indemnification under the paragraph appearing immediately prior hereto in advance of the final disposition of such

proceeding upon receipt of an undertaking by or on behalf of such person to repay such amount if it shall ultimately be determined that he is not entitled to be indemnified by the Corporation, and may pay such expenses in advance on behalf of any agent on receipt of a similar undertaking. The financial ability of such person to make such repayment shall not be a prerequisite to the making of an advance.

For purposes of this Section (B) (i) the Corporation shall be deemed to have requested an officer, director, employee or agent to serve as fiduciary with respect to an employee benefit plan where the performance by such person of duties to the Corporation also imposes duties on, or otherwise involves services by, such person as a fiduciary with respect to the plan, (ii) excise taxes assessed with respect to any transaction with an employee benefit plan shall be deemed "fines" and (iii) action taken or omitted by such person with respect to an employee benefit plan in the performance of duties of a purpose reasonably believed to be in the interest of the participants and beneficiaries of the plan shall be deemed to be for a purpose which is not opposed to the best interests of the Corporation.

To further effect, satisfy or secure the indemnification obligation provided herein or otherwise, the Corporation may maintain insurance, obtain a letter of credit, act as self-insurer, create a reserve, trust, escrow, cash collateral or other fund or account, enter into indemnification agreements, pledge or grant a security interest in any assets or properties of the Corporation, or use any other mechanism or arrangement whatsoever in such amounts, at such costs, and upon such other terms and conditions as the Board of Directors shall deem appropriate.

All rights of indemnification under this Section (B) shall be deemed a contract between the Corporation and the person entitled to indemnification under this Section (B) pursuant to which the Corporation and each such person intend to be legally bound. Any repeal, amendment or modification hereof shall be prospective only and shall not limit, but may expand, any rights or obligations in respect of any proceeding whether commenced prior to or after such change to the extent such proceeding pertains to actions or failures to act occurring prior to such change.

The indemnification, as authorized by this Section (B), shall not be deemed exclusive of any other rights to which those seeking indemnification or advancement of expenses may be entitled under any statute, agreement, vote of shareholders, or disinterested directors or otherwise, both as to action in an official capacity and as to action in any other capacity while holding such office. The indemnification and advancement of expenses provided by, or granted pursuant to, this Section (B) shall continue as to a person who has ceased to be an officer, director, employee or agent in respect of matters arising prior to such time, and shall inure to the benefit of the heirs, executors and administrators of such person.

#### ARTICLE EIGHTH

Subchapter 25E and Subchapters 25G through 25J of the BCL shall not be applicable to the Corporation.

Subchapter 25F and all other provisions of the BCL which have not been rendered inapplicable to the Corporation by the first paragraph of this Article Eighth shall be applicable to the Corporation.

#### ARTICLE NINTH

These Amended and Restated Articles of Incorporation may be amended in any manner now or hereafter prescribed by statute, and all rights conferred upon shareholders herein are granted subject to this reservation.

NOV 19 1993

Microfilm Number \_\_\_\_\_

Filed with the Department of State on \_\_\_\_\_

Entity Number 639585

Secretary of the Commonwealth

## STATEMENT OF CHANGE OF REGISTERED OFFICE BY AGENT

DSCB:16-106 (Rev 90)

In compliance with the requirements of 15 Pa.C.S. § 108 (relating to change in location or status of registered office provided by agent), the undersigned person who maintains the registered office of an association and who desires to change the following with respect to such agency hereby states that:

1. The name of the association represented by the undersigned person is: \_\_\_\_\_

COLTEC INDUSTRIES INC.

2. The address of the present registered office in this Commonwealth of the above-named association is:

c/o C T Corporation System, Oliver Bldg., Mellon Square, Pittsburgh, Pa. 15222 Allegheny  
 Number and Street City State Zip County

3. (If the registered office address is to be changed, complete the following):

The registered office in this Commonwealth of the above-named association shall be provided by:

c/o C T Corporation System, Allegheny County  
 as a commercial registered office provider

4. The name of the person in care of the foregoing office is: N/A

The person named immediately above this paragraph has been designated in fact as the agent in care of the registered office in the Commonwealth of Pennsylvania of the association named in paragraph 1 of this statement.

5. (Check one or more of the following, as appropriate):

\_\_\_\_ This statement reflects a change in the name of the agent.

☒ The change in registered office set forth in this statement reflects the removal of the place of business of the agent to a new location.

\_\_\_\_ The status of the agent as the provider of the registered office of the above-named association has been terminated.

IN TESTIMONY WHEREOF, the undersigned person has caused this Statement of Change of Registered Office by Agent to be signed this 15th day of November, 19 93.

C T CORPORATION SYSTEM

BY: Kenneth J. Uva

Kenneth J. Uva

TITLE: Vice-President

Vice-President

PA Dept of State

NOV 19 93

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DEC 27 1993

Microfilm Number

Filed with the Department of State on

Entry Number 629585

*P. B. K. L. L. L.*

Secretary of the Commonwealth

**ARTICLES OF MERGER-DOMESTIC BUSINESS CORPORATION**  
SECT 15-1020 (a)-(c)

In compliance with the requirements of 15 Pa.C.S. § 1929 relating to articles of merger or consolidation, the undersigned business corporations, desiring to effect a merger, hereby state that:

1. The name of the corporation surviving the merger is Coltec Industries Inc

2. Check and complete one of the following:  
☒ The surviving corporation is a domestic business corporation and the (a) address of its current registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue in this Department is hereby authorized to correct the following information to conform to the records of the Department:

(a) Number and Street: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ County: Allegheny

(b) c/o: CT Corporation System, \_\_\_\_\_ County: \_\_\_\_\_  
Name of Commercial Registered Office Provider

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

☐ The surviving corporation is a qualified foreign business corporation incorporated under the laws of \_\_\_\_\_ and the (a) address of its current registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue in this Department is hereby authorized to correct the following information to conform to the records of the Department:

(a) Number and Street: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ County: \_\_\_\_\_

(b) c/o: \_\_\_\_\_ County: \_\_\_\_\_  
Name of Commercial Registered Office Provider

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

☐ The surviving corporation is a nonqualified foreign business corporation incorporated under the laws of \_\_\_\_\_ and the address of its principal office under the laws of such country jurisdiction is:

Number and Street: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ County: \_\_\_\_\_

3. The name and the address of the registered office in this Commonwealth or name of its commercial registered office provider and the county of venue of each other domestic business corporation and qualified foreign business corporation which is a party to the plan of merger are as follows:

Name of Corporation: \_\_\_\_\_ Address of Registered Office or Name of Commercial Registered Office Provider: NONE County: \_\_\_\_\_

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PAID DEPT OF STATE

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DECR: 15-1920 (Rev. 5-2)

1. Check, and if appropriate complete, one of the following:

— The plan of merger shall be effective upon filing these Articles of Merger in the Department of State.

2. The plan of merger shall be effective on: December 11, 1991 4:30 P.M.  
Date Hour

3. The manner in which the plan of merger was adopted by each domestic corporation is as follows:

Name of Corporation

Coltec Industries Inc.

Method of Adoption

Approved by action of the board of directors of the  
corporation pursuant to 15 Pa. C.S. Paragraph  
1924(b)(2)

Strike out this paragraph if no foreign corporation is a party to the merger. The plan was authorized, adopted or approved, as the case may be, by the foreign business corporation for each of the foreign business corporations party to the plan in accordance with the laws of the jurisdiction in which it is incorporated.

4. Check, and if appropriate complete, one of the following:

— The plan of merger is set forth in full in Exhibit A attached hereto and made a part hereof.

— Pursuant to 15 Pa.C.S. § 1801 (relating to adoption of certain provisions from filed plan and 18.2 provisions, if any, of the plan of merger that amend or constitute the operative Articles of Incorporation of the surviving corporation as in effect subsequent to the effective date of the plan are set forth in full in Exhibit A attached hereto and made a part hereof. The full text of the plan of merger is on file at the principal place of business of the surviving corporation, the address of which is:

Name and Street

City

State

Zip

Country

IN TESTIMONY WHEREOF, the undersigned corporation or each undersigned corporation has caused these Articles of Merger to be signed by a duly authorized officer thereof this 11 day of December 1991.

Coltec Industries Inc.

(Name of Corporation)

[Signature]

(Signature)

TITLE: Senior Vice President and Secretary

CFP, INC.

(Name of Corporation)

[Signature]

(Signature)

TITLE: President

CFP, INC.  
(Name of Corporation)

[Signature]

TITLE: Vice President

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EXHIBIT A

Plan of Merger

CPFI Inc and CFFM Inc, each a Delaware corporation, hereby merge into and with Coltec Industries Inc, a Pennsylvania corporation ("Coltec"), the surviving corporation, pursuant to Subchapter C. of Chapter 2 of the Pennsylvania Business Corporation Law of 1988. The issued and outstanding shares of CPFI Inc and CFFM Inc shall not be converted or exchanged but shall be cancelled and surrendered, and no shares of the surviving corporation shall be issued in exchange therefor. The issued and outstanding shares of the surviving corporation shall not be changed.

(1) At the Effective Time of the Merger, the Restated Articles of Incorporation and the by-laws of Coltec, as in effect at the Effective Time of the Merger, shall continue as the Restated Articles of Incorporation and the by-laws, respectively, of the Surviving Corporation until amended as provided by law, and the directors and the officers of Coltec at the Effective Time of the Merger shall be the directors and the officers, respectively, of the Surviving Corporation until their respective successors are duly selected or appointed and qualified in the manner provided by the Restated Articles of Incorporation and by-laws of the Surviving Corporation or as otherwise provided by law.

(2) Each share of Common Stock of CPFI Inc which is owned by CFI Holdings Inc and each share of Common Stock of CFFM Inc which is owned by CPFI Inc and which is outstanding immediately prior to the Effective Time of the Merger shall, by virtue of the Merger and without any action on the part of Coltec, cease to exist;

(3) Each share of Common Stock, par value \$.01 per share, of Coltec outstanding at the Effective Time of the Merger shall remain issued and outstanding as one validly issued, fully paid and nonassessable share of Common Stock, par value \$.01 per share, of the Surviving Corporation;

(4) At and after the Effective Time of the Merger, transfer of the shares of Common Stock of CPFI Inc and CFFM Inc outstanding prior to the Effective Time of the Merger shall not be made on the stock transfer books of said corporations, and all certificates for such shares shall forthwith be cancelled;

(5) At the Effective Time of the Merger, the Surviving Corporation shall possess all the assets and property of every description, and every interest therein, wherever located, and all the rights, privileges, immunities, powers, franchises and authority, of a public as well as a private nature, of each of

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the Constituent Corporations, and all obligations belonging to or due any of them, shall be vested in the Surviving Corporation without further act or deed, and title to any real estate or any interest therein in any of the Constituent Corporations shall not revert or in any way be impaired by reason of the Merger; and

(6) As of the Effective Time of the Merger the assets and liabilities of Coltec and CFPI Inc and CPEM Inc shall be taken up or continued, as the case may be, on the books of the Surviving Corporation in amounts determined in accordance with generally accepted accounting principles by the Board of Directors of the Surviving Corporation;

(7) The Effective Time of the Merger shall be December 31, 1993 at 4:30 p.m.

COLTEC INDUSTRIES INC

By [Signature]  
Senior Vice President

ATTEST:

By [Signature]  
Assistant Secretary

CFPI INC

By [Signature]  
President

ATTEST:

By [Signature]  
Secretary

CPEM INC

By [Signature]  
Vice President

ATTEST:

By [Signature]  
Assistant Secretary

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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE

FEBRUARY 23, 1996

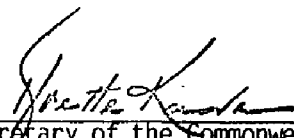
TO ALL WHOM THESE PRESENTS SHALL COME, GREETING:

COLTEC INDUSTRIES INC

I, Yvette Kane, Secretary of the Commonwealth of Pennsylvania do hereby certify that the foregoing and annexed is a true and correct photocopy of Articles of Amendment restating the Articles of Incorporation in their entirety and all amendments which appear of record in this department.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the Secretary's Office to be affixed, the day and year above written.

  
Secretary of the Commonwealth  
PHEG

COLTEC INDUSTRIES INC AND SUBSIDIARIES

RECORD OWNERS

	State of Incorporation	Percentage of Voting Securities Owned
1. Coltec Industries Inc	Pennsylvania	---
2. CII Holdings Inc	Delaware	100
2.1 Coltec Canada Inc	Delaware	89*
2.1.1 Coltec Aerospace Canada Ltd	Canada	100
2.1.1.1 Menasco-Krosno Ltd.	Poland	73
3. Coltec Industries International Inc.	Barbados	100
4. Delavan Inc	Iowa	100
4.1 Delavan-Delta, Inc.	Tennessee	100
4.2 Walbar Inc	Delaware	100
5. Garlock Inc	Ohio	100
5.1 Garlock Bearings Inc	Delaware	80
5.2 Garlock de Mexico, S.A. de C.V.	Mexico	65.7
5.3 Garlock of Canada Ltd.	Ontario, Canada	100
5.4 Garlock Overseas Corporation	Delaware	100
5.4.1 Garlock International Inc	Delaware	100

\*remaining 11% owned by Walbar Inc

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5.4.2 Stemco Truck Products Pty. Limited	Australia	100
5.5 Garlock Pty. Limited	Australia	80
5.6 Garlock S.A.	Panama	100
5.7 Louis Mulas Sucs, S.A. de C.V.	Mexico	65.7
5.8 Stemco Inc	Texas	100
5.9 The Anchor Packing Company	Delaware	100
5.10 Coltec Industrial Products Inc	Delaware	100
6. Garrison Litigation Management Group, Ltd	Rhode Island	100
7. Coltec Technical Services Inc	Delaware	100
8. Apollo Insurance Company	Vermont	100
9. Salt Lick Railroad Company	Pennsylvania	100
10. Coltec Holdings Inc.	Delaware	100
11. Menasco Aerosystems Inc	Delaware	100
12. Coltec (Great Britain) Limited	United Kingdom	100
12.1 Delavan Limited	United Kingdom	100
12.1.1 Delavan European Marketing Com- pany Limited	United Kingdom	100
12.2 Garlock (Great Britain) Limited	United Kingdom	100
12.3 Holley Automotive Group Limited	United Kingdom	100

13. Holley Performance Products Inc	Delaware	100
14. Holley Automotive Inc	Delaware	100
15. Farnam Sealing Systems Inc	Delaware	100
16. Coltec Automotive Inc	Delaware	100
17. Holley Automotive Systems GmbH	Germany	100
17.1 Garlock GmbH	Germany	100
17.1.1 Liard S.A.	France	100
18. Coltec International Services Co.	Delaware	100
19. Coltec Industries Pacific Pte Ltd	Singapore	100



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

SEP 15 2003

**GENERAL NOTICE LETTER  
CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

John Guffey, President  
Coltec Industries, Inc.  
3 Coliseum Centre  
2550 West Tyvola Road  
Charlotte, North Carolina 28217

RE: Diamond Alkali Superfund Site  
Notice of Potential Liability for  
Response Actions in the Lower Passaic River, New Jersey

Dear Mr. Guffey:

The United States Environmental Protection Agency ("EPA") is charged with responding to the release and/or threatened release of hazardous substances, pollutants, and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §9601 et seq. Accordingly, EPA is seeking your cooperation in an innovative approach to environmental remediation and restoration activities for the Lower Passaic River.

EPA has documented the release or threatened release of hazardous substances, pollutants and contaminants into the six-mile stretch of the river, known as the Passaic River Study Area, which is part of the Diamond Alkali Superfund Site ("Site") located in Newark, New Jersey. Based on the results of previous CERCLA remedial investigation activities and other environmental studies, including a reconnaissance study of the Passaic River conducted by the United States Army Corps of Engineers ("USACE"), EPA has further determined that contaminated sediments and other potential sources of hazardous substances exist along the entire 17-mile tidal reach of the Lower Passaic River. Thus, EPA has decided to expand the Study to include the areal extent of contamination to which hazardous substances from the six-mile stretch were transported; and those sources from which hazardous substances outside the six-mile stretch have come to be located within the expanded Study Area.

By this letter, EPA is notifying Coltec Industries, Inc. ("Coltec") of its potential liability relating to the Site pursuant to Section 107(a) of CERCLA, 42 U.S.C. §9607(a). Under CERCLA, potentially responsible parties ("PRPs") include current and past owners of a facility, as well as persons who arranged for the disposal or treatment of hazardous substances at the Site, or the transport of hazardous substances to the Site.

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In recognition of our complementary roles, EPA has formed a partnership with USACE and the New Jersey Department of Transportation-Office of Maritime Resources ("OMR") ["the governmental partnership"] to identify and to address water quality improvement, remediation, and restoration opportunities in the 17-mile Lower Passaic River. This governmental partnership is consistent with a national Memorandum of Understanding ("MOU") executed on July 2, 2002 between EPA and USACE. This MOU calls for the two agencies to cooperate, where appropriate, on environmental remediation and restoration of degraded urban rivers and related resources. In agreeing to implement the MOU, the EPA and USACE will use their existing statutory and regulatory authorities in a coordinated manner. These authorities for EPA include CERCLA, the Clean Water Act, and the Resource Conservation and Recovery Act. The USACE's authority stems from the Water Resources Development Act ("WRDA"). WRDA allows for the use of some federal funds to pay for a portion of the USACE's approved projects related to ecosystem restoration.

For the first phase of the Lower Passaic River Project, the governmental partners are proceeding with an integrated five- to seven-year study to determine an appropriate remediation and restoration plan for the river. The study will involve investigation of environmental impacts and pollution sources, as well as evaluation of alternative actions, leading to recommendations of environmental remediation and restoration activities. This study is being conducted by EPA under the authority of CERCLA and by USACE and OMR, as local sponsor, under WRDA. EPA, USACE, and OMR are coordinating with the New Jersey Department of Environmental Protection and the Federal and State Natural Resource Trustee agencies. EPA, USACE, and OMR estimate that the study will cost approximately \$20 million, with the WRDA and CERCLA shares being about \$10 million each. EPA will be seeking its share of the costs of the study from PRPs.

Based on information that EPA evaluated during the course of its investigation of the Site, EPA believes that hazardous substances were being released from the former Crucible Steel facility located at 1000 South Fourth Street in Harrison, New Jersey, into the Lower Passaic River. Hazardous substances, pollutants and contaminants released from the facility into the river present a risk to the environment and the humans who may ingest contaminated fish and shellfish. Therefore, Coltec may be potentially liable for response costs which the government may incur relating to the study of the Lower Passaic River. In addition, responsible parties may be required to pay damages for injury to, destruction of, or loss of natural resources, including the cost of assessing such damages.

Enclosed is a list of the other PRPs who have received Notice letters. This list represents EPA's findings on the identities of PRPs to date. We are continuing efforts to locate additional PRPs who have released hazardous substances, directly or indirectly, into the Passaic River. Inclusion on, or exclusion from, the list does not constitute a final determination by EPA concerning the liability of any party for the release or threat of release of hazardous substances at the Site. Be advised that notice of your potential liability at the Site is being forwarded to all parties on this list.

We request that you consider becoming a "cooperating party" for the Lower Passaic River

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Project. As a cooperating party, you, along with many other such parties, will be expected to fund EPA's share of the study costs. Upon completion of the study, it is expected that CERCLA and WRDA processes will be used to identify the required remediation and restoration programs, as well as the assignment of remediation and restoration costs. At this time, the commitments of the cooperating parties will apply only to the study. For those who choose not to cooperate, EPA may apply the CERCLA enforcement process, pursuant to Sections 106 (a) and 107(a) of CERCLA, 42 U.S.C. §9606(a) and §9607(a) and other laws.

Pursuant to CERCLA Section 113(k), EPA must establish an administrative record that contains documents that form the basis of EPA's decision on the selection of a response action for a site. The administrative record files, which contain the documents related to the response action selected for this Site are located at EPA's Region 2 office (290 Broadway, New York) on the 18<sup>th</sup> floor. You may call the Records Center at (212) 637-4308 to make an appointment to view the administrative record for the Lower Passaic River Project.

EPA will be holding a meeting with all PRPs on October 29, 2003 at 10:00 AM in Conference Room 27A at the Region 2 office. At that meeting, EPA will provide information about the actions taken to date in the Lower Passaic River, as well as plans for future activities. After the presentation, PRPs will be given the opportunity to caucus, and EPA will return to answer any questions that might be generated during the private session. Please be advised that due to increased security measures, all visitors need to be registered with the security desk in the lobby in order to gain entry to the office. In order to ensure a smooth arrival, you will need to provide EPA with a list of attendees no later than October 15, 2003.

EPA recommends that the cooperating parties select a steering committee to represent the group's interest as soon as possible, since EPA expects a funding commitment for the financing of the CERCLA share of the \$20 million study by mid-November 2003. If you wish to discuss this further, please contact Ms. Alice Yeh, Remedial Project Manager, at (212) 637-4427 or Ms. Kedari Reddy, Assistant Regional Counsel, at (212) 637-3106. Please note that all communications from attorneys should be directed to Ms. Reddy.

Sincerely yours,



George Pavlou, Director  
Emergency and Remedial Response Division

Enclosure

cc: John R. Mayo, Esq.  
Coltec Industries, Inc

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**PRPs in Receipt of Notice Letters:**

<b>PRP</b>	<b>Legal Counsel</b>
J. Roger Hirl President and Chairman of the Board Occidental Chemical Co. Occidental Tower 5005 LBJ Freeway Dallas, Texas 75244	Paul W. Herring, Esq. Andrews & Kurth L.L.P. 1717 Main Street, Suite 3700 Dallas, Texas 75201
Joseph Gabriel Vice President of Operations 360 North Pastoria Environmental Corp. 1100 Ridgeway Avenue Rochester, New York 14652-6280	Philip Sellinger, Esq. Sills Cummis Zuckerman One Riverfront Plaza Newark, NJ 07102
Robert Ball, President Alcan Aluminum Corporation 100 Erieview Plaza, 29th Floor Cleveland, Ohio 44114	Lawrence Salibra, Esq. Alcan Aluminum Corporation 6060 Parkland Blvd. Mayfield Hts., OH 44124
Mark Epstein, President Alden Leeds Inc. 55 Jacobus Ave. Kearny, New Jersey 07032	Eric Aronson, Esq. Whitman Breed Abbott & Morgan One Gateway Center Newark, NJ 07102
Alan Bendelius, President Alliance Chemical, Inc. Linden Avenue Ridgefield, New Jersey 07657	Fredi L. Pearlmuter, Esq. Cooper, Rose & English, LLP 480 Morris Avenue Summit, New Jersey 07901-1527
William Gentner, President The Andrew Jergens Co. 2535 Spring Grove Ave. Cincinnati, Ohio 45214	A. Christian Worrell III, Esq. Head & Ritchey, LLP 1900 Fifth Third Center 511 Walnut Street Cincinnati, OH 45202
Gary Cappeline, President Ashland Specialty Chemical Co. 5200 Blazer Parkway Dublin, Ohio 43017	Stephen Leermakers, Esq. Ashland Specialty Chemical Co. 5200 Blazer Parkway Dublin, OH 43017
Klaus Peter Loebbe, President BASF Corporation 3000 Continental Drive North Mount Olive, New Jersey 07828	Nan Bernardo, Esq. and Nancy Lake Martin, Esq. BASF Corporation 3000 Continental Drive North Mount Olive, NJ 07828

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Joseph Akers, Vice President Bayer Corporation 100 Bayer Road Pittsburgh, Pennsylvania 15205-9741	Gerard Hickel, Esq. Bayer Corporation 100 Bayer Road Pittsburgh, PA 15205-9741
Yvan Dupay, President Benjamin Moore & Co. 51 Chestnut Ridge Road Montvale, New Jersey 07645	Arthur Schulz, Esq. Environmental Counsel 4910 Massachusetts Ave., N.W. Suite 221 Washington, DC 20016
Alberto Celleri, President Chemical Compounds Inc. 10 Baldwin Court Roseland, New Jersey 07086	Jim Giannotti Chemical Compounds Inc. 29-75 Riverside Avenue Newark, NJ 07104
President Chris-Craft Industries, Inc. 767 Fifth Avenue, 46th Floor New York, New York 10153	Brian Kelly, Esq. Chris-Craft Industries, Inc. 767 Fifth Avenue, 46th Floor New York, NY 10153
John Guffey, President Coltec Industries, Inc. 3 Coliseum Centre 2550 West Tyvola Road Charlotte, North Carolina 28217	John R. Mayo, Esq. Coltec Industries, Inc. 430 Park Avenue New York, NY 10022
Roger Marcus, President Congoleum Corporation 3705 Quakerbridge Road Mercerville, New Jersey 08619	Russell Hewit, Esq. Dughi & Hewit 340 North Avenue Cranford, NJ 07016
Martin Benante, Chairman Curtiss-Wright Corp. 4 Becker Farm Road Roseland, New Jersey 07068	James Maher, Esq. Curtiss-Wright Corp. 4 Becker Farm Road Roseland, NJ 07068
Antonio Perez, President Eastman Kodak Company 343 State Street Rochester, New York 14650	Elliot Stern, Esq. Eastman Kodak Company 343 State Street Rochester, NY 14650
Edgar Woolard, Chairman E.I. du Pont de Nemours & Co. 1007 Market Street Wilmington, Delaware 19898	Bernard J. Reilly, Esq. Corporate Counsel E.I. du Pont de Nemours & Co. 1007 Market Street Wilmington, DE 19898

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David Weisman, CEO Elan Chemical Company 268 Doremus Ave. Newark, New Jersey 07105	Jeffrey Schwartz, Esq. Sarber Schlesinger Satz & Goldstein One Gateway Center Newark, NJ 07102
Al Reisch, President E M Sergeant Pulp & Chemical Co. Inc. 6 Chelsea Road Clifton, New Jersey 07102	None
Mark Tucker, Esq. Essex Chemical Corp. 2030 WMDC Midland, Michigan 48674	Kenneth Mack, Esq. Fox, Rothschild, O'Brien & Frankel Princeton Pike Corp.Center 997 Lenox Drive, Building 3 Lawrenceville, NJ 08648
Todd Walker, President Fairmount Chemical Co. Inc. 117 Blanchard St. Newark, New Jersey 07105	John Ix, Esq. Porzio Bromberg & Newman 163 Madison Ave. Morristown, NJ 07962
Bradley Buechler, President Franklin-Burlington Plastics Inc. 113 Passaic Ave. Kearny, New Jersey 07032	Robert M. Becker, Esq. Kraemer, Burns, Mytelka & Lovell, P.A. 675 Morris Ave. Springfield, NJ 07081
Henry Benz, President Hoescht Celanese Chemicals, Inc. Route 202-206 P.O.Box 2500 Somerville, New Jersey 08876	Anne Conley-Pitchell, Esq. Hoescht Celanese Corp. Route 202-206 P.O.Box 2500 Somerville, NJ 08876
Francine Rothschild, President Kearny Smelting & Refining 936 Harrison Ave #5 Kearny, New Jersey 07032	None
Henry Schact, CEO Lucent Technologies, Inc. 600 Mountain Avenue Murray Hill, New Jersey 07974	Ralph McMurry, Esq. Hill, Betts & Nash LLP 1 Riverfront Plaza, Suite 327 Newark, NJ 07102-5401
Richard Meelia, President Mallinckrodt, Inc. 675 McDonnell Blvd. Hazelwood, Missouri 63042	Patricia Duft, Esq. Mallinckrodt, Inc. 675 McDonnell Blvd. Hazelwood, MO 63042

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Richard Mahoney, CEO Monsanto Company 800 N. Lindbergh Blvd. St. Louis, Missouri 63167	L. William Higley, Esq. Monsanto Company 800 N. Lindbergh Blvd. St. Louis, MO 63167
Joseph Galli, President Newell Rubbermaid, Inc. 29 E. Stephenson St. Freeport, Illinois 61032	Peter Schultz, Director Environmental Affairs Newell Co. 4000 Auburn St. Rockford, IL 61101
Jean-Pierre van Rooy, President Otis Elevator Company North American Operations 10 Farm Springs Road Farmington, Connecticut 06032	Sarah Hurley, Esq. Robinson & Cole LLP 695 East Main Street Stamford, CT 06904-2305
Richard Ablon, President Ogden Corporation Two Pennsylvania Plaza, 25 <sup>th</sup> Floor New York, New York 10121	J.L. Effinger, Esq. Ogden Corporation Two Pennsylvania Plaza, 25 <sup>th</sup> Floor New York, NY 10121
Henry McKinnell, Chairman Pfizer Inc. 235 E. 42 <sup>nd</sup> St. New York, New York 10017	Michael McThomas, Esq. Pfizer Inc. 235 E. 42 <sup>nd</sup> St. New York, NY 10017
Raymond LeBoeuf, President PPG Industries, Inc. One PPG Place Pittsburgh, Pennsylvania 15272	Joseph Karas, Esq. PPG Industries, Inc. One PPG Place Pittsburgh, PA 15272
Lawrence Codey, President PSE&G Co. P.O. Box 570 Newark, New Jersey 07101-0570	Hugh Mahoney, Esq. PSE&G Co. P.O. Box 570 Newark, NJ 07101
Phillip D. Ashkettle, President Reichhold Chemicals, Inc. P.O. Box 13582 Research Triangle Park, North Carolina 27709	Adam S. Walters, Esq. Phillips, Lytle, Hitchcock, Blaine & Huber 3400 Marine Midland Center Buffalo, NY 14203
Robert McNeeley, President Reilly Industries, Inc. 1510 Market Square Center 151 North Delaware Street Indianapolis, Indiana 46204	Paul Rivers, Director Corporate Environmental Affairs Reilly Industries, Inc. 1500 S. Tibbs Avenue Indianapolis, IN 46242

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Robert Finn, President RSR Corporation 2777 Stemmons Freeway, Suite 1800 Dallas, Texas 75207	Howard Myers, Esq. RSR Corporation 2777 Stemmons Freeway, Suite 1800 Dallas, TX 75207
Christopher Connor, CEO The Sherwin-Williams Company 101 Prospect Avenue, N.W. Cleveland, Ohio 44115-1075	Donald McConnell, Esq. The Sherwin-Williams Co. 101 Prospect Ave., N.W. Cleveland, OH 44115
George Barrett, President Teva Pharmaceuticals USA Inc. 1090 Horsham Road North Wales, Pennsylvania 19454	Kirsten E. Bauer, Esq. Teva North America 1090 Horsham Road North Wales, PA 19454
Robert Senior, President Three County Volkswagen 701 Riverside Ave. Lyndhurst, New Jersey 07071	Robert DiLascio, Esq. 30 Park Avenue, Suite 101 Lyndhurst, NJ 07071
Michael Jordan, President Westinghouse Electric Corp. 11 Stanwix Street Pittsburgh, Pennsylvania 15222	Roger Willis, Esq. Westinghouse Electric Corp. 11 Stanwix Street Pittsburgh, PA 15222
Isaac Weinberger, President Wiggins Plastics Inc. 547 Maitland Ave. Teaneck, New Jersey 07666	None

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# **FIRST ENVIRONMENT**

90 Riverdale Road  
Riverdale, New Jersey 07457  
(201) 616-9700 • FAX (201) 616-1930

Telecopy

29 11 17 AM '90

May 25, 1990

Ms. Heather Swartz  
Case Manager  
State of New Jersey Department of  
Environmental Protection  
Division of Hazardous Waste Management  
CN028  
401 East State Street  
Trenton, New Jersey 08625-0028

Re: Remediation/Decommissioning Results  
Fabco Piping, Inc.  
1000 South Fourth Street  
Harrison, New Jersey 07029  
ECRA Case No. 88800

Dear Ms. Swartz:

Please find enclosed, three copies of our report entitled "Remediation/Decommissioning Results" for the above-referenced facility. The report responds to the items presented in your letter dated April 20, 1990, on the report of inspection of Fabco Piping, Inc. We have telecopied the text and soil sampling results on this date. At the same time we have forwarded to your office complete documents via Federal Express.

We note that shipment of the soils excavated from the railroad tanks and sediments from the concrete floor of the lean-to, as well as the small quantities of hazardous materials near the entrance to the former machine shop, is scheduled for the week of May 29, 1990. Upon receipt of the manifests, copies of the manifests will be forwarded to your office.

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Ms. Heather Swarts  
NJDEP

May 25, 1990  
Page 2

We trust that this information adequately addresses the items mentioned in your letter. If you have any questions or require additional information, please do not hesitate to call.

Very truly yours,

FIRST ENVIRONMENT, INC.

*Jake Nemerout*  
Jake Nemerout  
Senior Environmental Scientist

JN/bg

cc: C. Doyle, V.P. Guyon General Piping, Inc.  
S. Garg, Esq., Counsel to Guyon  
S. D. Caretsky

F:3182C/GUP001

**FIRST  
ENVIRONMENT**

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#### EXECUTIVE SUMMARY

Comprehensive site investigation, remediation, and decontamination/decommissioning activities including soil sampling, soil excavation and disposal, and the proper disposal of hazardous wastes/materials/substances left in place by the leaseholder, Fabco Piping, Inc., have been completed. These activities, performed in response to requirements of the Environmental Cleanup Responsibility Act (ECRA), have confirmed that any potential sources of environmental concern related to leaseholder activities have been addressed and remediated, where necessary. No sources of environmental concern remain at the Fabco leasehold.

#### INTRODUCTION

This report constitutes the responses prepared by First Environment on behalf of Guyon General Piping, Inc. (Guyon), the property owner of the facility which is the subject of ECRA Case No. 88800, to the ECRA Inspection Results summarized in a letter dated April 20, 1990, by NJDEP to Fabco Piping, Inc. Fabco was a tenant of Guyon at the subject property. Since Fabco did not respond to the NJDEP's request to complete its ECRA obligations, Guyon as property owner, at the request of the NJDEP, has undertaken the activities, and provided responses, necessary to complete Fabco's ECRA compliance obligations. Guyon is now responding to the action items identified in the Report of Inspection.

## TECHNICAL OVERVIEW

First Environment, Inc. (First Environment) has conducted site investigation, remediation and decontamination/decommissioning activities in response to the Environmental Cleanup Responsibility Act (ECRA) at the Fabco Piping, Inc. leasehold in Harrison, New Jersey. Investigation, remediation and decontamination/decommissioning activities include the collection of soil samples, excavation and disposal of contaminated soils, and the transport and disposal of containerized hazardous wastes/materials/substances. The following areas of potential environmental concern were addressed and are shown on Figure 1:

- o Exterior of Paint Shop
  - Excavation and disposal of contaminated soils
  - Collection and analysis of post excavation samples
  - Restoration of area with certified clean fill
- o Railroad Tracks
  - Excavation and disposal of stained soils
- o Concrete Floor of Lean-To
  - Removal of stained sediments from floor
  - Disposal of stained sediments
- o Transformers
  - Confirmation from PSE&G of less than 50 ppm of PCBs
- o Sand Blast Grit
  - Disposal of sand blast grit

o Building Decommissioning

- Field identification
- Consolidation
- Transportation and disposal

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## FINDINGS

### GENERAL

The results of the site investigation decontamination/decommissioning and soils remediation activities undertaken at the Fabco Piping, Inc. leasehold facility in Harrison, New Jersey, are discussed below.

Detailed descriptions of the activities performed for each area of concern, including sample collection, analytical results, and off-site disposal are presented below.

### EXTERIOR OF PAINT SHOP

The exterior portion of the southeast side of the Paint Shop was identified as a potential area of environmental concern due to the presence of empty containers and wood pallets observed in this area. To evaluate the condition of the soils in this area, soil samples were collected on February 13, 1989.

### SAMPLE COLLECTION - SITE INVESTIGATION ACTIVITIES

Samples collected at S-1, S-2, and S-3 were submitted to ICM Laboratories (ICM) for analysis. The sample locations are illustrated on Figure 1. Samples collected at 18 to 24 inches below ground surface were analyzed for volatile organic compounds plus 15 peaks, while samples collected at 0 to 6 inches below ground surface were analyzed for priority pollutant metals.

### ANALYTICAL RESULTS - SITE INVESTIGATION ACTIVITIES

The analytical results revealed that all volatile organic compounds were either undetected or present at concentrations significantly below current ECRA guidelines.

Arsenic, cadmium, chromium, copper, mercury, nickel, selenium, and zinc were detected at one or more sample locations at concentrations above current ECRA guidelines. Arsenic was detected at S-1 (24.5 ppm), S-2 (24.2 ppm) and S-3 (41.7 ppm). Cadmium was detected at S-1 (7.98 ppm), S-2 (8.35 ppm) and S-3 (16.3 ppm). Chromium was detected at S-1 (437 ppm), S-2 (142 ppm) and S-3 (166 ppm). Copper was detected at S-1 (392 ppm), S-2 (239 ppm) and S-3 (324 ppm). Mercury was detected above ECRA guidelines only at S-3 at a concentration of 2.05 ppm. Nickel was detected at S-1, S-2, and S-3 at concentrations of 1,530 ppm, 235 ppm, and 264 ppm, respectively. Selenium was found above current ECRA guidelines only at S-3 at a concentration of 5.54 ppm. Zinc was detected at S-1 (1,190 ppm), S-2 (415 ppm) and S-3 (1,110 ppm). A summary of the analytical results is provided in Table 1. Complete laboratory reports including Tier II deliverables are provided in Appendix A.

Based on the analytical results from the site investigation activities, soil remediation activities were undertaken. On March 2, 1990, approximately 69.88 tons of contaminated soil were excavated and stockpiled on-site. At the completion of the excavation activities, post excavation samples were collected. The area was backfilled with certified clean fill, 2 1/2" to 18" max. size.

#### POST EXCAVATION SAMPLE COLLECTION

To determine the environmental quality of the remaining soil, three post excavation samples, S-201, S-202, and S-203, were collected on March 2, 1990, as illustrated in Figure 2. The samples were taken at 0-6" below the excavation or at approximately 16-22" below the original ground surface. A duplicate sample was collected at location S-201. All soil samples were submitted to ICM for analysis for priority pollutant metals.

TABLE 1

SUMMARY OF ANALYTICAL RESULTS - SOIL SAMPLES  
EXTERIOR OF PAINT SHOP

SAMPLE LOCATION		S-1	S-1	S-2	S-2	S-3	S-3	DUP	DUP	FIELD	INIT
SAMPLE DEPTH	ECMA	0-6"	18-24"	0-6"	18-24"	0-6"	18-24"	(S-3)	(S-3)	18-24"	BI AM
SAMPLE DATE	ANALYSIS	02/13/02	02/13/02	02/13/02	02/13/02	02/13/02	02/13/02	12/13/02	12/13/02	02/13/02	02/13/02
Volatiles Organics (ppb)	1,000										
Targeted Compounds (1)											
Chloroform		..	u	..	50	..	u	..	..	..	..
Trichloroethylene		..	u	..	3	..	u	..	..	..	..
Non-Targeted Peaks (2)		..	u	..	50	..	u	..	..	..	..
Priority Pollutant Metals (ppm)											
Antimony	10	3.29	..	2.71	..	3.84	..	3.44	..	..	..
Arsenic	20	26.5	..	26.2	..	41.7	..	28.8	..	..	..
Beryllium	1	u	..	u	..	u	..	u	..	..	..
Cadmium	5	7.98	..	8.35	..	16.3	..	9.17	..	..	..
Chromium	100	437	..	142	..	146	..	136	..	..	..
Copper	170	392	..	239	..	324	..	364	..	..	..
Lead	250-1000	809	..	525	..	981	..	828	..	..	..
Mercury	1	0.511	..	0.980	..	2.85	..	0.880	..	..	..
Nickel	100	1538	..	235	..	264	..	237	..	..	..
Selenium	4	2.37	..	2.49	..	5.54	..	3.06	..	..	..
Silver	5	u	..	u	..	u	..	u	..	..	..
Thallium	5	u	..	u	..	u	..	u	..	..	..
Zinc	350	1190	..	415	..	1110	..	909	..	..	..

u = Undetected

\* = Estimated value, below detection limit

.. = Not analyzed

(1) = Does not include estimated values

(2) = Estimated concentration of tentatively identified compounds

NOTE: Analytes found in both the sample and laboratory blank indicate laboratory caused contamination and therefore are not included in this table.

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#### ANALYTICAL RESULTS - POST EXCAVATION SAMPLES

Laboratory analysis of samples S-201 through S-203 showed that beryllium, cadmium, chromium, selenium, and thallium were undetected or below ECRA guidelines at all sample locations. Antimony ranged from undetected at S-201 to 79.3 parts per million (ppm) at S-203. Arsenic levels ranged from 26.4 ppm in the duplicate of sample location S-201 to 40.1 ppm at S-202. Two of the copper values were below ECRA guidelines and two were above ECRA guidelines, 432 ppm and 401 ppm, at S-202 and S-203, respectively. Similarly two of the analysis for lead were below ECRA guidelines and two (S-202 and S-203) were above ECRA guidelines at 3710 ppm and 3330 ppm, respectively. The levels of mercury were 0.595 ppm at S-201, 9.13 ppm at S-202, 10.2 ppm at S-203 and 7.77 ppm in the duplicate of S-201. For nickel, 3 of the values were below ECRA guidelines and one, the duplicate of S-201 was 141 ppm. For silver, S-202 was 6.57 ppm and S-203 at 10.7 ppm. Silver content in the duplicate was undetected and 0.930 ppm in sample S-201. Zinc levels were 77.5 ppm at S-201, 904 ppm at S-202, 1020 ppm at S-203 and 314 ppm in the duplicate sample.

The post excavation soil sample results are summarized in Table 2 and illustrated on Figure 2. Complete laboratory reports including Tier II deliverables are provided in Appendix A.

The material was shipped to the Clean America facility in Baltimore, Maryland on May 14, 1990 as a non-hazardous waste. Waste classification analyses and disposal documentation for the excavated soil are presented in Appendix B. The Clean Fill Certification is presented in Appendix C.

Based on the historical use of the property, immobility of the metals detected, presence of "urban fill" throughout the site, and minimal risk of public exposure to these soils, no further investigation or remediation is recommended.

TABLE 2

SUMMARY OF ANALYTICAL RESULTS - POST EXCAVATION SOIL SAMPLES  
EXTERIOR OF PAINT SHOP

SAMPLE LOCATION		S-201	S-202	S-203	DUPLICATE		
SAMPLE DEPTH		0-6" BELOW	0-6" BELOW	0-6" BELOW	(S-201)		
SAMPLE DATE	ECRA GUIDELINES	EXCAVATION	EXCAVATION	EXCAVATION	0-6" BELOW EXCAVATION	FIELD BLANK	INDU BLANK
		03/02/90	03/02/90	03/02/90	03/02/90	03/02/90	03/02/90
Volatile Organics (ppb)	1,000						
Targeted Compounds (1)							
Chloroform		--	--	--	--		
Trichloroethylene		--	--	--	--		
Non-Targeted Peaks (2)		--	--	--	--		
Priority Pollutant Metals (ppm)							
Antimony	90	u	30.9	79.3	2.63	u	u
Arsenic	20	35.2	40.1	33.8	26.4	u	u
Beryllium	1	0.372	0.536	0.509	0.777	u	u
Cadmium	3	u	1.46	1.75	0.837	u	u
Chromium	100	28.8	35.5	31.8	98.6	u	u
Copper	170	148	432	441	326	u	u
Lead	250-1000	277	5710	3830	326	u	u
Mercury	1	0.595	9.13	10.2	7.77	u	u
Nickel	100	46.9	40.1	39.7	141	u	u
Selenium	4	2.42	2.99	2.69	1.14	u	u
Silver	5	0.930	6.59	10.7	u	u	u
Thallium	5	0.434	0.468	0.364	0.478	u	u
Zinc	350	77.5	904	1020	314	u	u

u = Undetected

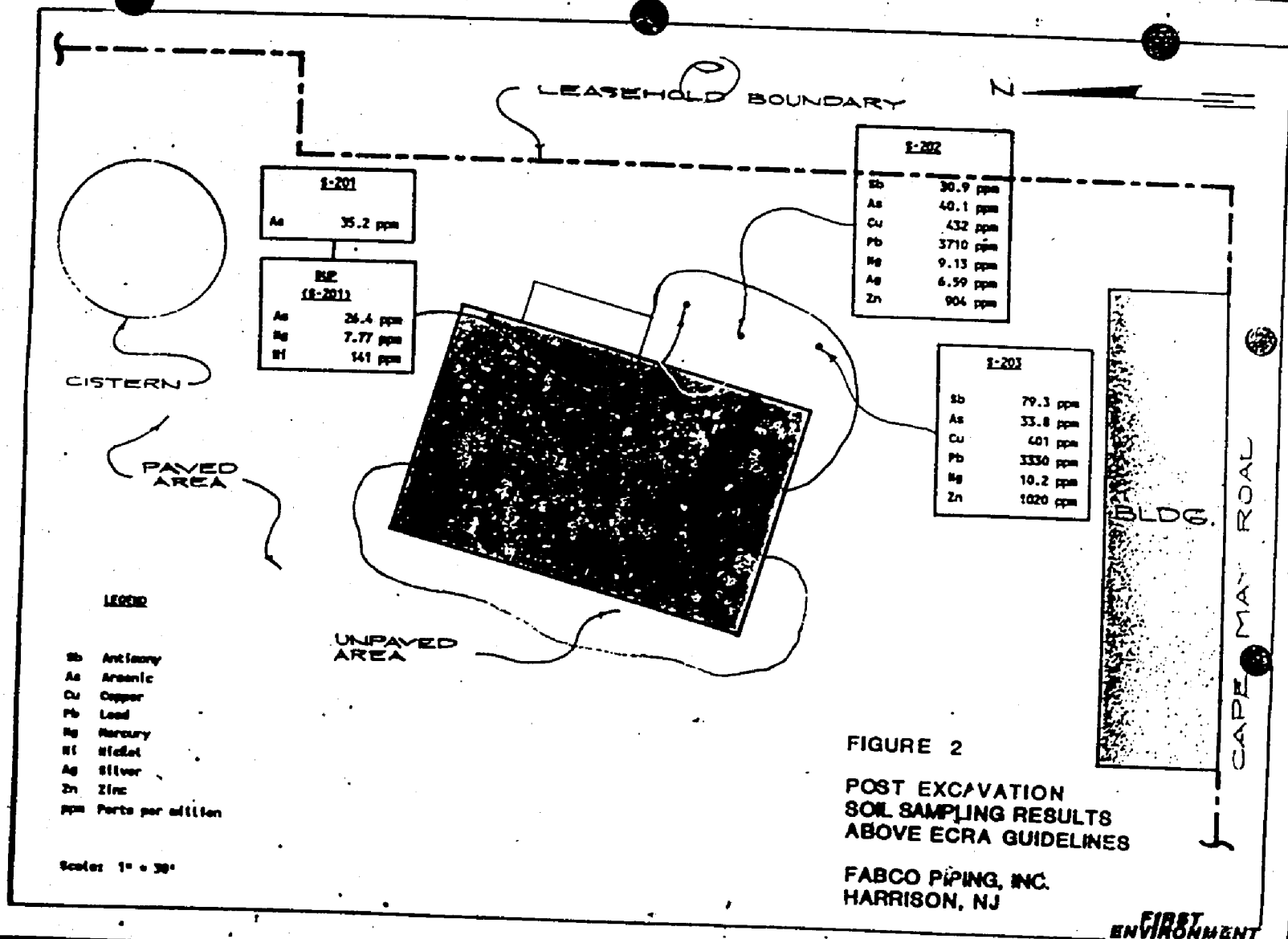
- = Estimated value, below detection limit

-- = Not analyzed

(1) = Does not include estimated values

(2) = Estimated concentration of tentatively ident

NOTE: Analytes found in both the sample and laboratory contamination and therefore are not included in this table.



#### RAILROAD TRACKS

A small section of the railroad siding which runs through the Fabco leasehold portion of the site was identified as a potential area of environmental concern due to the presence of stained soil and asphalt pavement. The railroad ties along the siding are covered with asphalt paving. However, the paving in an area approximately 8 feet wide by 15 feet long was found to be in a deteriorated condition and staining was observed in soils between the tracks.

To remediate this area, the stained soils/macadam between the railroad ties was excavated on March 2, 1990. The excavation extended to a depth of approximately 16 inches and resulted in the removal of approximately 2 cubic yards of stained soil/macadam. The excavated soils were stockpiled on-site, sampled, and analyzed for waste classification. The excavation was backfilled with clean fill. A copy of the Clean Fill Certification is provided in Appendix C. The stockpiled soils will be transported to Chem-Met Services for disposal as a hazardous waste, which is due to the presence of 12.8 ppm of EP Tox lead. Copies of the waste classification analyses are included in Appendix D. Copies of the waste manifest will be forwarded to NJDEP upon receipt.

The purpose of the excavation was to remove visually stained soils. All visually stained soils were excavated. Post excavation soil samples were not collected for laboratory analysis. Based on the age of the facility and railroad siding the collection and analysis of soil samples from the railroad would not reveal results representative of the potential impacts of surface staining.

#### CONCRETE FLOOR OF LEAN-TO

An above ground No. 2 fuel oil tank was located on a concrete pad in a lean-to structure at the north end of the annealing and bending operations. The lean-to was also used to store dry materials such as metal scaffolding. This area was identified as a potential area of environmental concern due to the presence of stained sediments. The concrete floor was in good condition and the stained sediments were confined to the concrete surface.

To remediate this area, the stained sediments were removed from the concrete pad on March 2, 1990. The stained sediments, approximately 0.25 cubic yards were stockpiled on-site with the soils excavated from the railroad tracks, sampled, and analyzed for waste classification. The stockpiled soils will be transported to Chem-Met Services for disposal as a hazardous waste which is due to the presence of 12.8 ppm EP Tox lead. Copies of the waste classification analyses are included in Appendix D. Copies of the waste manifest will be forwarded to the NJDEP upon receipt.

#### TRANSFORMERS

Three Public Service Electric and Gas Company (PSE&G) transformers located along the east side of the paint shop, contain less than 50 ppm of polychlorinated biphenyls (PCBs). A PSE&G letter concluding less than 50 ppm PCB content and dated April 3, 1990, can be found in Appendix E.

#### SAND BLAST GRIT

A sandblasting operation was located in a building, situated at the southwest corner of the leasehold property. Steel pipe was sandblasted in the building to remove rust and scale prior to



fabrication. To determine the potential contaminants in the sandblast grit, samples were collected, composited, and submitted for laboratory analysis.

#### SAMPLE COLLECTION

On February 13, 1989, samples of the sandblast grit were collected. A composite sample, representative of the sandblast grit to be disposed of was submitted to ICN Laboratories for analysis. The composite sample was analyzed for the presence of PCBs, E.P. Tox Metals, cyanide, sulfide, and petroleum hydrocarbons.

#### ANALYTICAL RESULTS

The analytical results revealed no detectable concentrations of PCBs, E.P. Tox Metals, cyanide, or sulfide. Petroleum hydrocarbons were detected at a concentration of 2,400 ppm.

To facilitate the decommissioning of the Fabco leasehold the sandblast grit was scraped up on October 31, 1989 and November 1, 1989 and stockpiled on-site pending waste classification analyses. Analyses indicated that the sand blast grit was non-hazardous. The stockpiled soil was transported off-site for disposal at Breitenstine Landfill in Waynesburg, Ohio on December 11 and 12, 1990. Copies of the waste classification analyses and non-hazardous waste manifests are included in Appendix F.

#### BUILDING DECOMMISSIONING

The Site Evaluation Submission (SES) submitted to the Department on February 22, 1990 included a comprehensive inventory of the hazardous wastes/materials/substances identified within the leasehold property. The materials listed in the inventory have been properly disposed. The waste manifests are provided in Appendix G.

During the ECRA site inspection, a small quantity of containerized materials which were staged for disposal pending waste classification were observed near the entrance to the former Machine Shop. These materials have been classified and will be transported off-site for disposal upon receipt of the approval from the disposal facility.

f:3182/GUP001

## CONCLUSIONS AND RECOMMENDATIONS

The conclusions and recommendations for each area of environmental concern are addressed below on an area-by-area basis.

### EXTERIOR OF PAINT SHOP

The analytical results from the post excavation soil sampling have revealed the presence of priority pollutant metals at concentrations above current ECRA guidelines in the remaining soils. However, these findings are not significant due to the extensive historical use of this site for heavy industrial operations. Furthermore, the results from the EP Toxicity testing performed on the excavated soils as shown in Appendix B-1, clearly demonstrate that the metals detected are immobile.

Based on the historical use of the property, immobility of the metals detected, presence of "urban fill" throughout the site, and minimal risk of public exposure to these soils we recommend that no further investigation or remediation of this area be performed. We also recommend that the remediation of this area be considered complete by the Department with regard to ECRA compliance at this site.

### RAILROAD TRACKS

The removal of stained soils/macadam from the railbed has been successfully completed. Based on the removal of the surficially stained soils/macadam from this area no further investigation or remediation of this area is proposed.

### CONCRETE FLOOR OF LEAN-TO

The removal and disposal of stained sediments from the concrete floor of the lean-to has resulted in the successful

decontamination/decommissioning of this area. The good condition of the concrete floor contained any contaminated sediments. Based on the work completed, no additional decontamination/decommissioning of this area is proposed.

#### TRANSFORMERS

Documentation provided by PSE&G indicates that there are less than 50 ppm of PCBs in the transformers. Based on this information and the lack of any visual evidence of staining in the transformer area, no investigation or remediation is warranted.

#### SAND BLAST GRIT

The removal and disposal of the sandblast grit from the sandblast building area has resulted in the successful decontamination/decommissioning of this area as the sand blast grit was disposed as a non-hazardous material. Based on the work completed, no additional decontamination/decommissioning of this area is proposed.

#### BUILDING DECOMMISSIONING

The removal and disposal of the hazardous materials/substances from the building has resulted in the successful decontamination/decommissioning of this area. Based upon the removal and disposal of the materials from the building, no additional decontamination/decommissioning of this area is proposed.

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 201-584-0330  
 ARCH 28, 1989

NJ DEP Certified Drinking Water/Wastewater  
 Laboratory ID# 14116  
 US EPA Contract Laboratory

# LABORATORY ANALYSIS

Lab Number: 99096  
 Client: FIRST ENVIRONMENT  
 Sample Source: FABCO - HARRISON, N.J.  
 Sample ID: S-1 0-6"  
 Sampled by: S.S./J.V.  
 Sample Date: 02/13/89  
 Lab Date: 02/13/89  
 Matrix: SOIL

Results in mg/kg dry weight basis.

Parameter	Sample Result	Dupl. Result	Dupl. RPD	Dupl. Contr. Limits (RPD)	Spike Sample Result	Spike Recovery X	Spike Min. Contr. Limits X	Method
Antimony	3.29	2.81	16	+43				
Arsenic	24.5	22.9	7	+20			1.32	U
Beryllium	U	U	NC	NC			1.05	U
Cadmium	7.98	10.6	28	+33			0.773	U
Chromium	437	376	15	+20			3.09	U
Copper	392	404	3	+20			2.58	U
Lead	809	763	3	+20			1.80	U
Mercury	0.511	0.490	4	+23			1.03	U
Nickel	1530	1420	3	+20			0.116	U
Selenium	2.37	2.06	14	+47			7.73	U
Silver	U	U	NC	NC			1.05	U
Thallium	U	U	NC	NC			1.80	U
Zinc	1190	1130	5	+20			1.05	U
							5.15	U

U = Not Detected

NC = Non-calculable RPD due to value(s) less than detection limit

RPD = Relative percent difference

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201-894-0330  
MARCH 28, 1989

GUPOO1  
NJ DEP Certified Drinking Water/Wastewater  
Laboratory ID# 14116  
US EPA Contract Laboratory

ANALYTICAL DATA REPORT PACKAGE FOR:

Client: FIRST ENVIRONMENT  
Sample Source: FABCO - HARRISON, N.J.  
Sampled By: S.S./J.V.

SAMPLE ID:	MATRIX	LAB NUMBER	DATE & TIME COLLECTED	AT LAB DATE
S-1 0-6"	SOIL	98096	02/13/89;11:06	02/13/89
S-1 18-24"	SOIL	98097	02/13/89;11:06	02/13/89
S-2 0-6"	SOIL	98098	02/13/89;11:05	02/13/89
S-2 18-24"	SOIL	98099	02/13/89;11:05	02/13/89
S-3 0-6"	SOIL	98100	02/13/89;11:20	02/13/89
S-3 18-24"	SOIL	98101	02/13/89;11:20	02/13/89
S-4	SOIL	98102	02/13/89;11:20	02/13/89
TRIP BLANK	WATER	98103	02/13/89	02/13/89
FIELD BLANK	WATER	98104	02/13/89	02/13/89
DUPLICATE 0-6"	SOIL	98105	02/13/89	02/13/89
DUPLICATE 18-24"	SOIL	98106	02/13/89	02/13/89

Supervisor/Manager Signature:

*Richard S. Levine*  
Richard S. Levine

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201-594-0330  
MARCH 28, 1989

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Laboratory ID# 14113  
US EPA Contract Laboratory

LABORATORY ANALYSIS--VOLATILE POLLUTANTS  
Note: Dichlorobenzenes analyzed as semi-volatiles.  
GAS VOLATILES - TIER II DELIVERABLES PLUS 15 PEAKS

Lab Number: 98007  
Client: FIRST ENVIRONMENT  
Sample source: FASCO - HARRISON, N.J.  
Sample ID: S-1 15-24  
Sample date: 02/13/89  
Sample by: S.S./J.V.  
At lab date: 02/13/89  
Matrix: SOIL

Parameter	Result ug/kg	Method Blank ug/kg	Minimum Detection Limit ug/kg
Chloromethane	U	U	7
Bromomethane	U	U	7
Vinyl Chloride	U	U	7
Chloroethane	U	U	7
Methylene Chloride	U	U	7
1,1-Dichloroethylene	218	2J	7
1,1-Dichloroethane	U	U	7
total-1,2-Dichloroethane	U	U	7
Chloroform	U	U	7
1,2-Dichloroethane	U	U	7
1,1,1-Trichloroethane	U	U	7
Carbon Tetrachloride	U	U	7
Bromodichloromethane	U	U	7
1,2-Dichloropropane	U	U	7
1,1,3-Dichloropropane	U	U	7
Trichloroethylene	U	U	7
Bromochloromethane	U	U	7
1,2-Trichloroethane	U	U	7
Benzene	U	U	7
c-1,3-Dichloropropene	U	U	7
2-Chloroethylvinyl Ether	U	U	7
Bromoform	U	U	7
tetrachloroethylene	U	U	7
1,1,2,2-Tetrachloroethane	U	U	7
Toluene	U	U	7
Chlorobenzene	U	U	7
Ethylbenzene	U	U	7
Total Xylenes	U	U	7

ug/kg = micrograms/kilogram or ppb  
Results are in ug/kg; they are reported on a dry weight basis.

- U: Indicates a compound was analyzed for but not detected.  
J: Indicates an estimated value. It is utilized when a reported value meets the identification criteria but the result is less than the specified detection limit but greater than zero.  
B: Indicates that the analyte was found in the blank as well as the sample. It indicates possible/probable blank contamination.

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Laboratory ID# 14116

LIBRARY SEARCH RESULTS OF NONTARGETED PEAKS WITH  
ESTIMATED CONCENTRATION OF TENTATIVELY IDENTIFIED COMPOUNDS.

Data file name: 185580  
Lab number: 98097  
Reaction: Volatiles

Scan Number	CAS No.	Retention Time	Compound Name	Molecular Weight	Estimated Concentration ug/kg
529		21.67	Unknown Hexane isomer		11 B

A: Indicates that the compound is an acetone based aldol-type condensation product formed by concentrating the extraction solvent (1:1 acetone/methylene chloride).  
I: Indicates that the analyte was found in the blank as well as the sample. It further indicates possible/probable blank contamination.

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ARCH 28, 1989

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Laboratory ID# 14116  
US EPA Contract Laboratory

# LABORATORY ANALYSIS

Lab Number: 98098  
Client: FIRST ENVIRONMENT  
Sample Source: FAUCO - HARRISON, N.J.  
Sample ID: S-2 0-6"  
Sampled by: S.S./J.V.  
Sample Date: 02/13/89  
Lab Date: 02/13/89  
Matrix: SOIL

Results in mg/kg dry weight basis.

Parameter	Sample Dupl. Result Result	Dupl. RPD	Spike Contr. Spike Limits Added Result	Spike Sample Spike Recovery	Spike Min. Contr. Det. Limit	Method BTL Analysis
Antimony	2.74				1.25	U
Arsenic	24.2				1.00	U
Beryllium	U				0.782	U
Cadmium	8.35				3.13	U
Chromium	142				2.60	U
Copper	239				1.83	U
Lead	523				1.02	U
Mercury	0.980				10.119	U
Nickel	235				7.62	U
Selenium	2.49				1.00	U
Silver	U				1.82	U
Thallium	U				1.00	U
Zinc	415				5.23	U

U = Not Detected

NC = Non-calculable RPD due to value(s) less than detection limit

RPD = Relative percent difference

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MARCH 28, 1989

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Laboratory ID# 14116  
US EPA Contract Laboratory

LABORATORY ANALYSIS--VOLATILE POLLUTANTS  
Note: Dichlorobenzenes analyzed as semi-volatiles.  
GC/MS VOLATILES - TIER II DELIVERABLES PLUS 15 PEAKS

Lab Number: 98079  
Client: FIRST ENVIRONMENT  
Sample source: PARCO - HARRISON, N.J.  
Sample ID: S-2 13-24  
Sample date: 02/13/89  
Sampled by: S.S./J.V.  
At lab date: 02/13/89  
Matrix: SOIL

Parameter	Result ug/kg	Method Blank ug/kg	Minimum Detection Limit ug/kg
Chloromethane	U	U	7
Bromomethane	U	U	7
Vinyl Chloride	U	U	7
Chloroethane	U	U	7
Methylene Chloride	U	U	7
1,1-Dichloroethylene	4B	2J	7
1,1-Dichloroethane	U	U	7
total-1,2-Dichloroethene	U	U	7
Chloroform	U	U	7
1,2-Dichloroethane	3J	U	7
1,1,1-Trichloroethane	U	U	7
Carbon Tetrachloride	U	U	7
Bromodichloromethane	U	U	7
1,2-Dichloropropane	U	U	7
1,3-Dichloropropane	U	U	7
Trichloroethylene	U	U	7
Bromochloromethane	50	U	7
1,2-Trichloroethane	U	U	7
Benzene	U	U	7
c-1,3-Dichloropropene	U	U	7
2-Chloroethylvinyl Ether	U	U	7
Bromoform	U	U	7
Tetrachloroethylene	U	U	7
1,1,2,2-Tetrachloroethane	U	U	7
Toluene	U	U	7
Chlorobenzene	U	U	7
Ethylbenzene	U	U	7
Total Xylenes	U	U	7

ug/kg = micrograms/kilogram or ppb  
Results are in ug/kg; they are reported on a dry weight basis.

- U: Indicates a compound was analyzed for but not detected.  
J: Indicates an estimated value. It is utilized when a reported value meets the identification criteria but the result is less than the specified detection limit but greater than zero.  
B: Indicates that the analyte was found in the blank as well as the sample. It indicates possible/probable blank contamination.

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Laboratory ID# 14116

LIBRARY SEARCH RESULTS OF NONTARGETED PEAKS WITH  
ESTIMATED CONCENTRATION OF TENTATIVELY IDENTIFIED COMPOUNDS.

Data file name: B5579  
Job number: 98099  
Reaction: Volatiles

Scan Number	CAS No.	Retention Time	Compound Name	Molecular Weight	Estimated Concentration ug/kg
529		21.63	Unknown Hexane isomer		5.8

A: Indicates that the compound is an acetone based aldol-type condensation product  
formed by concentrating the extraction solvent (1:1 acetone/methylene chloride).  
Indicates that the analyte was found in the blank as well as the sample. It  
further indicates possible/probable blank contamination.

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MARCH 28, 1989

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Laboratory ID# 14116  
US EPA Contract Laboratory

### LABORATORY ANALYSIS

Lab Number: SP100  
Client: FIRST ENVIRONMENT  
Sample Source: FASCO - HARRISON, N.J.  
Sample ID: S-3 0-6"  
Sampled by: S.S./J.U.  
Sample Date: 02/13/89  
Lab Date: 02/13/89  
Matrix: SOIL

Results in mg/kg dry weight basis.

Parameter	Sample Result	Dupl. Result	Dupl. Contr. Limits (RPD)	Spike Sample Added	Spike Result Recovery %	Spike Contr. Limits %	Min. Det. Limit	Method
Antimony	3.54							
Arsenic	41.7							
Beryllium	U						1.63	U
Cadmium	16.3						1.30	U
Chromium	166						0.978	U
Copper	324						3.91	U
Cobalt	901						3.26	U
Mercury	2.05						2.28	U
Nickel	264						1.25	U
Selenium	5.54						0.153	U
Silver	U						9.78	U
Thallium	U						1.30	U
Zinc	1110						2.23	U
							1.30	U
							6.52	U

U = Not Detected

NC = Non-calculable RPD due to value(s) less than detection limit

RPD = Relative percent difference

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 Tel. 594-0337  
 MARCH 28, 1989

N.J. DEP Certified Drinking Water/Wastewater  
 Laboratory 104 14114  
 US EPA Contract Laboratory

LABORATORY ANALYSIS--VOLATILE POLLUTANTS  
 Note: Dichlorobenzenes analyzed as semi-volatiles.  
 GC/MS VOLATILES - TIER II DELIVERABLES PLUS 15 PEAKS

Lab Number: 94101  
 Client: FINE ENVIRONMENT  
 Sample source: FABCO - HARRISON, N.J.  
 Sample ID: S-5 18-24  
 Sample date: 02/13/89  
 Sampled by: S.S./J.U.  
 At lab date: 02/13/89  
 Matrix: SOIL

Parameter	Result ug/kg	Method Blank ug/kg	Minimum Detection Limit ug/kg
Chloromethane	U	U	7
Bromomethane	U	U	7
Vinyl Chloride	U	U	7
Chloroethane	U	U	7
Methylene Chloride	258	2U	7
1,1-Dichloroethylene	U	U	7
1,1-Dichloroethane	U	U	7
total-1,2-Dichloroethene	U	U	7
Chloroform	U	U	7
1,2-Dichloroethane	U	U	7
1,1,1-Trichloroethane	U	U	7
Carbon Tetrachloride	U	U	7
Bromodichloromethane	U	U	7
1,3-Dichloropropane	U	U	7
1,3-Dichloropropene	U	U	7
Trichloroethylene	U	U	7
Bromochloromethane	U	U	7
1,2-Trichloroethane	U	U	7
Benzene	U	U	7
1,3-Dichloropropene	U	U	7
2-Chloroethylvinyl Ether	U	U	7
Bromoform	U	U	7
Tetrachloroethylene	U	U	7
1,1,2,2-Tetrachloroethane	U	U	7
Toluene	U	U	7
Chlorobenzene	U	U	7
Ethylbenzene	U	U	7
Total Xylenes	U	U	7

ug/kg = micrograms/kilogram or ppt  
 Results are in ug/kg; they are reported on a dry weight basis.

- U: Indicates a compound was analyzed for but not detected.  
 J: Indicates an estimated value. It is utilized when a reported value meets the identification criteria but the result is less than the specified detection limit but greater than zero.  
 B: Indicates that the analyte was found in the blank as well as the sample. It indicates possible/probable blank contamination.

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201-584-0330

1-27-89

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Laboratory ID# 14116

LIBRARY SEARCH RESULTS OF NONTARGETED PEAKS WITH  
ESTIMATED CONCENTRATION OF TENTATIVELY IDENTIFIED COMPOUNDS.

Date file name: 85581

Lab number: 98101

Reaction: Volatiles

Scan Number	CAS No.	Retention Time	Compound Name	Molecular Weight	Estimated Concentration ug/kg
528		21.65	Unknown Hexane isomer		13 B

A: Indicates that the compound is an acetone based aldol-type condensation product  
formed by concentrating the extraction solvent (1:1 acetone/methylene chloride).  
B: Indicates that the analyte was found in the blank as well as the sample. It  
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201-564-0320  
MARCH 28, 1989

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Laboratory ID# 14113  
US EPA Contract Laboratory

LABORATORY ANALYSIS--PRIORITY POLLUTANT PESTICIDE/PCB  
GC - ELECTRON CAPTURE DETECTOR  
TIER TWO DELIVERABLES

Job Number: 98102  
Client: FIFET ENVIRONMENT  
Sample Source: FADCO - HARRISON, N.J.  
Sample ID: S-4  
Sample Date: 02/13/89  
Sampled By: S.S./J.V.  
Lab Date: 02/13/89  
Matrix: SOIL

Parameter	Result ug/kg	Method Blank ug/kg	Minimum Detection Limit ug/kg
Arochlor 1016	U	U	20
Arochlor 1221	U	U	20
Arochlor 1232	U	U	20
Arochlor 1242	U	U	20
Arochlor 1248	U	U	20
Arochlor 1254	U	U	20
Arochlor 1260	U	U	20

ug/kg = micrograms/kilogram or ppb

Results are reported on a dry weight basis.

U: Indicates a compound was analyzed for but not detected.

J: Indicates an estimated value. It is utilized when a reported value meets the identification criteria but the result is less than the specified detection limit but greater than zero.

Blank: Indicates that the analyte was found in the blank as well as the sample. It indicates possible/probable blank contamination.

INDUSTRIAL CORROSION MANAGEMENT, Inc.  
Richard Levine, President

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IM

INDUSTRIAL CORROSION MANAGEMENT, Inc.  
152 Route 10  
Randolph, NJ 07869  
201-594-0330  
ARCH 28, 1989

NJ DEP Certified Drinking Water/Wastewater  
Laboratory ID# 14116  
US EPA Contract Laboratory

LABORATORY ANALYSIS--EP TOXICITY TEST  
Leachate Analysis (FR Vol. 45, No. 98)

Lab Number: 98102  
Client: FIRST ENVIRONMENT  
Sample Source: FABCO - HARRISON, N.J.  
Sample ID: S-4  
Sampling Date: 02/13/89  
Sampled by: S.S./J.V.  
Test Lab Date: 02/13/89

Parameter	Result mg/l	Dupl. mg/l	Spike Recovery %	Method Blank Value mg/l	Minimum Detection Limit mg/l	Maximum Permissible Concentration mg/l
Arsenic	U	U	96	U	0.004	5.0
Barium	U	U	97	U	0.04	100.0
Cadmium	U	U	102	U	0.012	1.0
Chromium	U	U	90	U	0.01	5.0
Lead	U	U	114	U	0.16	5.0
Mercury	U	U	123	U	0.0005	0.2
Selenium	U	U	104	U	0.004	1.0
Silver	U	U	108	U	0.007	5.0

Not Detected

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Richard Levine, President

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INDUSTRIAL CORROSION MANAGEMENT INC.  
 1152 Route 10  
 Randolph, NJ 07869  
 201-581-0330  
 MARCH 27, 1990

NJ DEP Certified Drinking Water/Wastewater  
 Laboratory ID# 14116  
 US EPA Contract Laboratory

ANALYTICAL DATA SUMMARY REPORT FOR: FIRST ENVIRONMENT: GUYCH PIPES-1

This summary lists parameters and concentrations found in the samples submitted.

PARAMETER (units)	SAMPLE ID					
	S-201	S-202	S-203	DUP	FIELD BLANK	TRIP BLANK
Metals (ppm):						
Antimony	U	30.9	79.3	2.63	U	U
Arsenic	35.2	40.1	33.8	26.4	U	U
Beryllium	0.372	0.536	0.509	0.777	U	U
Cadmium	U	1.46	1.75	0.837	U	U
Chromium	28.0	35.5	31.6	98.6	U	U
Copper	148	432	401	156	U	U
Lead	277	3710	3330	324	U	U
Mercury	0.595	9.13	10.2	7.77	U	U
Nickel	46.9	40.1	39.7	161	U	U
Selenium	2.42	2.99	2.69	1.14	U	U
Silver	0.930	6.59	10.7	U	U	U
Thallium	0.436	0.460	0.366	0.478	U	U
Zinc	77.5	904	1020	314	U	U

U: Indicates a compound was analyzed for but not detected.  
 J: Indicates an estimated value. It is utilized when a reported value  
 meets the identification criteria but the result is less than  
 the specified detection limit but greater than zero.  
 B: Indicates that the analyte was found in the blank as well as the sample.  
 It indicates possible/probable blank contamination.  
 NA: Not analyzed.

INDUSTRIAL CORROSION MANAGEMENT, Inc.  
1152 Route 10  
Randolph, NJ 07869  
201-584-0330  
MARCH 27, 1990

NJ DEP Certified Drinking Water/Wastewater  
Laboratory ID# 14116  
US EPA Contract Laboratory

#### LABORATORY ANALYSIS

Lab Number: 113623  
Client: FIRST ENVIRONMENT  
Sample Source: GUYON PIPES  
Sample ID: S-201  
Sampled by: CUSTOMER  
Sample Date: 03/02/90  
At Lab Date: 03/02/90  
Matrix: SOIL

Results in mg/kg dry weight basis.

Parameter	Sample Result	Dupl. Result	RPD	Dupl. Contr. Limits (RPD)	Spike Sample Result	Spike Recovery %	Spike Contr. Limits	Min. Det. Limit	Method Blank Anal.
Antimony	U							1.55	U
Arsenic	35.2							0.248	U
Beryllium	0.372							0.310	U
Cadmium	U							0.310	U
Chromium	28.0							0.620	U
Copper	148							1.55	U
Lead	277							3.10	U
Mercury	0.595							0.124	U
Nickel	46.9							1.55	U
Selenium	2.42							0.248	U
Silver	0.930							0.620	U
Thallium	0.434							0.248	U
Zinc	77.5							1.24	U

U = Not Detected

NC= Non-calculable RPD due to value(s) less than detection limit

RPD= Relative percent difference

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Richard Levine, President

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INDUSTRIAL CORROSION MANAGEMENT, Inc.  
1152 Route 10  
Randolph, NJ 07869  
201-584-0330  
MARCH 27, 1990

NJ DEP Certified Drinking Water/Wastewater  
Laboratory ID# 14116  
US EPA Contract Laboratory

#### LABORATORY ANALYSIS

Lab Number: 113624  
Client: FIRST ENVIRONMENT  
Sample Source: GUYON PIPES  
Sample ID: S-202  
Sampled by: CUSTOMER  
Sample Date: 03/02/90  
At Lab Date: 03/02/90  
Matrix: SOIL

Results in mg/kg dry weight basis.

Parameter	Sample Result	Dupl. Result	Dupl. Contr. RPD	Spike Added	Spike Sample Result	Spike Recovery %	Spike Contr. Limits	Min. Det. Limit	Method Blank Anal.
Antimony	30.9							1.91	U
Arsenic	40.1							0.306	U
Beryllium	0.536							0.383	U
Cadmium	1.46							0.383	U
Chromium	35.5							0.766	U
Copper	432							1.91	U
Lead	3710							3.83	U
Mercury	9.13							0.153	U
Nickel	40.1							1.91	U
Selenium	2.99							0.306	U
Silver	6.59							0.766	U
Thallium	0.460							0.306	U
Zinc	904							1.53	U

U = Not Detected

NC= Non-calculable RPD due to value(s) less than detection limit

RPD= Relative percent difference

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INDUSTRIAL CORROSION MANAGEMENT, Inc.  
1152 Route 10  
Randolph, NJ 07869  
201-584-0330  
MARCH 27, 1990

NJ DEP Certified Drinking Water/Wastewater  
Laboratory ID# 14116  
US EPA Contract Laboratory

#### LABORATORY ANALYSIS

Lab Number: 113625  
Client: FIRST ENVIRONMENT  
Sample Source: GUYON PIPES  
Sample ID: S-203  
Sampled by: CUSTOMER  
Sample Date: 03/02/90  
At Lab Date: 03/02/90  
Matrix: SOIL

Results in mg/kg dry weight basis.

Parameter	Sample Result	Dupl. Result	RPD	Dupl. Contr. Limits (RPD)	Spike Sample Added Result	Spike Sample Recovery	Spike Contr. Limits	Min. Det. Limit	Method Blank Anal.
Antimony	79.3						1.82	U	
Arsenic	33.8						0.291	U	
Beryllium	0.509						0.364	U	
Cadmium	1.75						0.364	U	
Chromium	31.8						0.727	U	
Copper	401						1.82	U	
Lead	3330						3.64	U	
Mercury	10.2						0.145	U	
Nickel	39.7						1.82	U	
Selenium	2.69						0.291	U	
Silver	10.7						0.727	U	
Thallium	0.364						0.291	U	
Zinc	1020						1.45	U	

U = Not Detected

NC= Non-calculable RPD due to value(s) less than detection limit

RPD= Relative percent difference

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Richard Levine, President

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KEW

INDUSTRIAL CORROSION MANAGEMENT, Inc.  
1152 Route 10  
Randolph, NJ 07869  
201-584-0330  
MARCH 27, 1990

NJ DEP Certified Drinking Water/Wastewater  
Laboratory ID# 14116  
US EPA Contract Laboratory

LABORATORY ANALYSIS

Lab Number: 113626  
Client: FIRST ENVIRONMENT  
Sample Source: GUYON PIPES  
Sample ID: DUPLICATE  
Sampled by: CUSTOMER  
Sample Date: 03/02/90  
At Lab Date: 03/02/90  
Matrix: SOIL

Results in mg/kg dry weight basis.

Parameter	Sample Result	Dupl. Result	RPD	Dupl. Contr. Limits (RPD)	Spike Sample Added	Spike Result	Spike Recovery %	Spike Contr. Limits	Min. Det. Limit	Method Blank Anal.
Antimony	2.63								1.49	U
Arsenic	26.4								0.239	U
Beryllium	0.777								0.299	U
Cadmium	0.837								0.299	U
Chromium	98.6								0.598	U
Copper	156								2.49	U
Lead	324								2.99	U
Mercury	7.77								0.120	U
Nickel	141								1.49	U
Selenium	1.14								0.239	U
Silver	U								0.598	U
Thallium	0.478								0.239	U
Zinc	314								1.20	U

U = Not Detected

NO= Non-calculable RPD due to value(s) less than detection limit

RPD= Relative percent difference

INDUSTRIAL CORROSION MANAGEMENT, Inc.  
Richard Levine, President

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MEW

Client: ECRACOM

Address: PARK 80 WEST. PLAZA FIRST FLOOR, SADDLE BROOK, NJ 07362

Project No.: GUYON GENERAL PIPING

Contact: LISA KAPLAN

Veritech Lab No.: 6623-84

VERITECH LABORATORY REPORT

47 CAREY AVENUE  
BUTLER, NJ 07405  
(201) 492-8744

Date Received: 3/2/90

Received By: SG

Date Completed: 3/14/90

COC: YES

Date Reported: 3/14/90

NJDEP Laboratory No. 14622

Invoice No.:

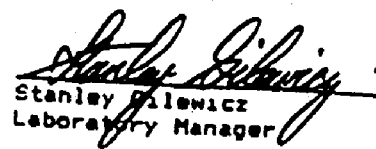
Invoice To: SAME

COURIER CHARGE: NO

Sample Matrix: Soil(X) Water( ) Waste( )

Deliverables: Results Only(X) Tier II( )

This report is a true report of results obtained from our tests of this material. In lieu of a formal contract document, the total aggregate liability of Veritech to all parties shall not exceed Veritech's total fee for analytical services rendered.

  
Stanley Dilewicz  
Laboratory Manager

Client: ECRACOM

Address: PARK 80 WEST, PLAZA TWO, SUITE 200, SADDLE BROOK, NJ 07662

Project No.: GUYON GENERAL PIPING

Contact: LISA KAPLAN

Veritech Lab No.: 66B3-84

SAMPLE  
NO.

RR  
TRACKS

~~EXTENSIONAL PAINT SHOP~~  
TRANSFORMER

LAB NO.

MDL

66B3

66B4

TEST

EP-TOX

As	0.0008	0.0023	0.0065
Ba	0.38	1.48	2.05
Cd	0.04	0.06	ND
Cr	0.5	ND	ND
Pb	0.25	12.8	0.40
Hg	0.0005	ND	ND
Se	0.0012	ND	ND
Ag	0.03	ND	ND
CYANIDE (REACTIVE)	0.1	ND	ND
SULFIDE (REACTIVE)	5	15	19
IGNITABILITY	NA	ND	ND
TPH	11	5182	173
CORROSIVITY (pH)	NA	6.2	8.5

All Concentrations Reported As: ppm  
MDL = Method Detection Limit  
ND = Not Detected Above MDL  
NA = Not Applicable

RECEIVED

MAR 22 1990

Client: ECRACOM

Address: PARK 80 WEST, PLAZA FIRST FLOOR, SUITE 200, SADDLE BROOK, NJ 07662

Project No.: GUYON GENERAL PIPING

Contact: LISA KAPLAN

Veritech Lab No.: 6693-B4

VERITECH LABORATORY REPORT

47 CAREY AVENUE  
BUTLER, NJ 07405  
(201) 492-8744

Date Received: 3/2/90

Received By: SG

Date Completed: 3/14/90

COC: YES

Date Reported: 3/14/90

NJDEP Laboratory No. 14622

Invoice No.:

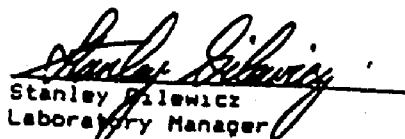
Invoice To: SAME

COURIER CHARGE: NO

Sample Matrix: Soil(X) Water( ) Waste( )

Deliverables: Results Only(X) Tier II( )

This report is a true report of results obtained from our tests of this material. In lieu of a formal contract document, the total aggregate liability of Veritech to all parties shall not exceed Veritech's total fee for analytical services rendered.

  
Stanley Dilewicz  
Laboratory Manager



Client: ECRACOM

Address: PARY BO WEST, PLAZA TWO, SUITE 200, SADDLE BROOK, NJ 07662

Project No.: GUYON GENERAL PIPING

Contact: LISA KAPLAN

Veritech Lab No.: 6683-84

SAMPLE NO.	RR TRACKS		MDL
	6683	6684	
LAB NO.			
TEST 608/PCB SCAN			
PCB-1016	ND	ND	2.5
PCB-1221	ND	ND	2.5
PCB-1232	ND	ND	2.5
PCB-1242	BMDL	ND	2.5
PCB-1248	ND	ND	2.5
PCB-1254	3.8	ND	2.5
PCB-1260	ND	ND	2.5

EXTERIOR OF PAINT SHOP  
TRANSFORMER

All Concentrations Reported As: ppm  
MDL = Method Detection Limit  
ND = Not Detected Above MDL  
NA = Not Applicable  
BMDL = Compound Is Present But Below Method Detection Limit

RECYCLING TECHNOLOGIES INC.  
SITE ENTRY TICKET

APPROVAL # 131508

TICKET # 001

RECYCLING FACILITY: Clean America  
3300 Childs Street  
Baltimore, Maryland

BROKER/CONTRACTOR: Ecracox, Inc.

WGT. IN

GENERATOR: Quiyan General Pining, Inc.

WGT. OUT

TRANSPORTER: Horwith Trucks

NET WGT.

TRUCK TAG # & STATE:

EQUIV. TONS

TRUCK # 222

DRIVER'S NAME: HANK

DATE & TIME DISPATCHED:

BY: Paul Delaney Jr.

DATE & TIME RECEIVED:

BY:

INSPECTED & ACCEPTED BY:

WEIGH MASTER SIG:

NOTICE TO TRUCKER:  
TRUCKS WILL NOT BE PERMITTED TO ENTER THE  
FACILITY WITHOUT THIS ENTRANCE TICKET.

WHITE - BILLING

GREEN - BILLING FILE

CANARY - FACILITY

PINK - GENERATOR/BROKER

GOLDBROOD - TRUCK

SOIL RECYCLING TECHNOLOGIES INC.  
SITE ENTRY TICKET

APPROVAL # 131502

TICKET # 002

RECYCLING FACILITY: Clean America  
3300 Childs Street  
Baltimore, Maryland

BROKER/CONTRACTOR: Ecran, Inc. WGT. IN \_\_\_\_\_

GENERATOR: Guyon General Pining, Inc. WGT. OUT \_\_\_\_\_

TRANSPORTER: Horwith Trucks, Inc. NET WGT. \_\_\_\_\_

TRUCK TAG # & STATE: \_\_\_\_\_ EQUIV. TONS \_\_\_\_\_

TRUCK # 236

DRIVER'S NAME: CASIERE

DATE & TIME DISPATCHED: \_\_\_\_\_ BY: Pell Shing

DATE & TIME RECEIVED: \_\_\_\_\_ BY: \_\_\_\_\_

INSPECTED & ACCEPTED BY: \_\_\_\_\_

WEIGH MASTER SIG: \_\_\_\_\_

NOTICE TO TRUCKER:  
TRUCKS WILL NOT BE PERMITTED TO ENTER THE  
FACILITY WITHOUT THIS ENTRANCE TICKET.

RECYCLING TECHNOLOGIES INC.  
SITE ENTRY TICKET

APPROVAL # 131308

TICKET # 003

RECYCLING FACILITY: Clean Action  
3300 Childs Street  
Baltimore, Maryland

BROKER/CONTRACTOR: Ecobac, Inc.

WGT. IN

GENERATOR: Guyon General Paving, Inc.

WGT. OUT

TRANSPORTER: Horwith Trucks

NET WGT.

TRUCK TAG # & STATE:

EQUIV. TONS

TRUCK #: 200

DRIVER'S NAME: GALLOGL

DATE & TIME DISPATCHED:

BY: Bill Denny

DATE & TIME RECEIVED:

BY:

INSPECTED & ACCEPTED BY:

WEIGH MASTER SIG.:

NOTICE TO TRUCKER:  
TRUCKS WILL NOT BE PERMITTED TO ENTER THE  
FACILITY WITHOUT THIS ENTRANCE TICKET.

WHITE - BILLING

GREEN - BILLING FILE

CANARY - FACILITY

PINK - GENERATOR/BROKER

GOLDENROD - TRUCK

**JOHN ALMASI TRUCKING CO., INC.  
63 METUCHEN AVE.**

**Incorporated 1929**

**WOODBRIIDGE N.J. 07095  
634-8741**

**68 years of SERVICE**

**March 27, 1990**

**ECRACOM  
PLAZA 2, SUITE 200  
SADDLEBROOK, N.J. 07662**

**To Whom It May Concern:**

**Please be advised that the 45.74 TONS of material delivered to  
GUYON GENERAL PIPING, HARRISON, N.J. on or about March  
2, 1990 is certified clean fill.**

**The soil originates from a pit off Main Street, in South Amboy.**

**There have been no alterations since the tests performed  
August 21, 1989, by S&S. Environmental Sciences, Inc..**

**Sincerely,**

*William E. Almasi*

**William E. Almasi  
JOHN ALMASI TRUCKING CO. INC.**



Public Service Electric and Gas Company 325 County Avenue Secaucus, New Jersey 07094

April 3, 1990

RECEIVED  
APR 4 1990  
FIRST ENVIRONMENTAL

Mr. Jake Nemergut  
First Environment  
90 Riverdale Road  
Riverdale, New Jersey 07457

Dear Mr. Nemergut:

PCB INQUIRY  
FABCO PIPING INC.  
1000 SOUTH FOURTH STREET  
HARRISON, NEW JERSEY

We acknowledge receipt of your letter dated March 29, 1990 concerning the presence of PCB transformers at the above location.

Public Service Electric and Gas Company fully complies with all applicable federal regulations as provided for in U. S. Environmental Protection Agency Regulations at (40) CFR Part 761 with respect to the aforesaid equipment. Specifically, at the above location, none of the PSE&G owned transformers can be classified under the regulations as PCB.

All PSE&G distribution transformers are mineral oil filled and classified under the regulations as non-PCB, that is, to contain less than 50 PPM PCB, (40 CFR Part 761.3, Federal Register/Vol. 44, No. 106/Thursday, May 31, 1979 at 31517) or PCB contaminated, that is, to contain 50 PPM or greater PCB but less than 500 PPM PCB, (40 Part 761.2, Federal Register/Vol. 44, No. 106/Thursday, May 31, 1979 at 31517). We do not believe this equipment poses an exposure risk.

If you have any further questions, please contact Mr. H. Rymaniak of this office at (201)330-6591.

Very truly yours,

  
G. M. Dolinsky  
Planning & Customer Operations  
Manager  
Palisades Division

HR/fle  
pcbing

The Energy People

85-114-001-12-01

Client: ECRACOM

Address: PARK 80 WEST, PLAZA TWO, SUITE 200, SADDLE BROOK, NJ 07662

Project No.: GUYON GENERAL PIPING

Contact: LISA KAPLAN

Veritech Lab No.: 5660

SAMPLE NO. SAND BLASTING GRIT

LAB NO. MDL 5660

TEST

EP-TOX

As	0.001	0.007
Ba	1.2	ND
Cd	0.03	0.03
Cr	0.1	ND
Pb	0.2	ND
Hg	0.0005	0.0007
Se	0.002	ND
Ag	0.04	ND
Ni	0.07	0.3
FLUORIDE	1.0	ND
CYANIDE (REACTIVE)	0.09	ND
SULFIDE (REACTIVE)	2	250
IGNITABILITY	NA	NOT IGNITABLE
TPH	10	104
CORROSIVITY (pH)	NA	5.5

All Concentrations Reported As: ppm  
MDL = Method Detection Limit  
ND = Not Detected Above MDL  
NA = Not Applicable

Client: ECRACOM

Address: PARK 80 WEST, PLAZA TWO, SUITE 200, SADDLE BROOK, NJ 07602

Project No.: GUYON GENERAL PIPING      Contact: LISA KAPLAN

Veritech Lab No.: 3660

SAMPLE NO.		SAND BLASTING GRIT
LAB NO.	MDL	3660
-----		
TEST		
TOTAL PHENOLS	0.03	1.9
TOTAL CYANIDE	0.04	ND
% SOLIDS	NA	96

-----  
All Concentrations Reported As: ppm (EXCEPT WHERE NOTED)  
MDL = Method Detection Limit  
ND = Not Detected Above MDL  
NA = Not Applicable



Client: ECRACOM

Address: PARK 80 WEST, PLAZA TWO, SUITE 200, SADDLE BROOK, NJ 07662

Project No.: GUYON GENERAL PIPING      Contact: LISA KAPLAN

Veritech Lab No.: 5660

-----

SAMPLE NO.	SAND BLASTING GRIT	
LAB NO.	5660	MDL
TEST 608/PCB SCAN		
PCB-1016	ND	0.5
PCB-1231	ND	0.5
PCB-1232	ND	0.5
PCB-1242	ND	0.5
PCB-1248	ND	0.5
PCB-1254	1.0	0.5
PCB-1260	ND	0.5

-----

All Concentrations Reported As: ppm  
MDL = Method Detection Limit  
ND = Not Detected Above MDL  
NA = Not Applicable

Client: ECRACOM

Address: PARK 80 WEST. PLAZA TWO. SUITE 200, SADDLE BROOK, NJ 07662

Project No.: GUYON GENERAL PIPING

Contact: LISA KAPLAN

Veritech Lab No.: 5660

SAMPLE NO.	SAND BLASTING GRIT	
LAB NO.	5660	MDL
TEST 601 SCAN		
BROMODICHLOROMETHANE	ND	10
BROMOFORM	ND	10
BROMOMETHANE	ND	10
CARBON TETRACHLORIDE	ND	10
CHLOROBENZENE	ND	10
CHLOROETHANE	ND	10
2-CHLOROETHYL VINYL ETHER	ND	10
CHLOROFORM	ND	10
CHLOROMETHANE	ND	10
DIBROMOCHLOROMETHANE	ND	10
1,2-DICHLOROBENZENE	ND	10
1,3-DICHLOROBENZENE	ND	10
1,4-DICHLOROBENZENE	ND	10
DICHLORODIFLUOROMETHANE	ND	10
1,1-DICHLOROETHANE	ND	10
1,2-DICHLOROETHANE	ND	10
1,1-DICHLOROETHENE	ND	10
TRANS-1,2-DICHLOROETHENE	ND	10
1,2-DICHLOROPROPANE	ND	10
CIS-1,3-DICHLOROPROPENE	ND	10
TRANS-1,3-DICHLOROPROPENE	ND	10
METHYLENE CHLORIDE	BMDL	10
1,1,2,2-TETRACHLOROETHANE	ND	10
TETRACHLOROETHENE	ND	10
1,1,1-TRICHLOROETHANE	ND	10
1,1,2-TRICHLOROETHANE	ND	10
TRICHLOROETHENE	ND	10
TRICHLOROFLUOROMETHANE	ND	10
VINYL CHLORIDE	ND	10

All Concentrations Reported As: ppm

BMDL = Compound Present But Below Method Detection Limit

MDL = Method Detection Limit

ND = Not Detected Above MDL

NA = Not Applicable

# AMERICAN WASTE SERVICES, INC.

C/O LIBERTY CENTRE - SUITE 7

3530 BELMONT AVE., YOUNGSTOWN, OHIO 44505

PHONE (216) 759-7476

## NON-HAZARDOUS WASTE MANIFEST

DOCUMENT NO.

74844

### THIS SECTION TO BE COMPLETED BY GENERATOR:

COMPANY NAME <b>Guyon General Piping, Inc.</b>	ADDRESS <b>900 S. 4th St.</b>	PICKUP DATE <b>12-12-87</b>
	CITY <b>Harrison</b> STATE <b>NJ</b> ZIP <b>07029</b>	WASTE NO. <b>2536-3</b>
NAME OR DESCRIPTION OF WASTE SHIPPED <b>Sand Blasting Grit</b>		P.O. NO.

COMMENTS

GENERATOR ☒ QUANTITY ☒ SHIPPED ☒  
OR AGENT ☒  
MUST FILL ☒  
IN QUANTITY ☒  
ONE LOAD

IN CASE OF AN  
EMERGENCY OR  
SPILL, CONTACT

NAME

PHONE NO.

24-HR. EMERGENCY NO.

I hereby certify that the above named materials are properly  
classified, described, packaged, marked, and labeled and are  
in proper condition for transportation according to the  
applicable regulations of the DOT and the EPA.

SIGNATURE

DATE

*Therese T. Chalala* 12/11/87

### THIS SECTION TO BE COMPLETED BY THE HAULER/TRANSPORTER:

COMPANY NAME <b>HCP WITH TRUCKS</b>	ADDRESS <b>RT 329 NORTHAMPTON DAIRY</b>	PHONE NO. <b>815-261-2221</b>
VEHICLE ID NO.	STATE <b>PA</b>	COMMENTS

I hereby certify that the above described wastes were  
accepted for transportation at the producer's site  
and delivered to and off loaded at the waste facility.  
Both as listed hereupon.

SIGNATURE (DRIVER)

DATE

*Marty Brilleggi* 12-11-87

### THIS SECTION TO BE COMPLETED BY RECEIVER AT DISPOSAL SITE:

COMPANY NAME <b>ROCKSTONE LANDFILL</b>	ADDRESS <b>714 CHARD ST SE WAYNESBURG OH</b>	PHONE NO. <b>759-7476</b>
RECEIVER'S PERMIT NO.	COMMENTS	

I hereby certify that the above described wastes  
were delivered to this Facility, that the Facility  
is authorized and permitted to receive such wastes.

AUTHORIZED SIGNATURE

CELL NO.

DATE

GENERATOR: Copies 1 & 8

AMERICAN WASTE SERVICES, INC.: Copies 2 & 3

RECEIVER: Copy 4

HAULER: Copy 5

## GENERATOR - COPY 1

SEE LANDFILL RULES AND REGULATIONS ON BACK

# WEST HUDSON

626 HARRISON AVE.

KEARNY N.J. 07032

TEL. 626-1216

Date 12/12/59 Weight 78410

Name Harvith

Name of Truck \_\_\_\_\_

Tractor Lic. No. 204

Trailer Lic. No. 157

Truck Lic. No. \_\_\_\_\_

☒ CLEAR ☐ PAID 4.00 ROUND TRIP

☐ RAIN ☐ CHARGE

☐ SNOW ☐ CHARGE

Weight 60059

UNACO 60059

Weight obtained by using THE HOWE PATENTED RECORDING BEAM No. \_\_\_\_\_

From \_\_\_\_\_ To \_\_\_\_\_  
 42 830 Gross Load of \_\_\_\_\_  
 35 580 Tare Driver { ON \_\_\_\_\_  
 78410 Net Fees \_\_\_\_\_ Date \_\_\_\_\_ 19\_\_\_\_  
 Weigher \_\_\_\_\_

# AMERICAN WASTE SERVICES, INC.

C/O LIBERTY CENTRE - SUITE 7  
3530 BELMONT AVE., YOUNGSTOWN, OHIO 44505

PHONE (216) 759-7478

## NON-HAZARDOUS WASTE MANIFEST

DOCUMENT NO.

7484

THIS SECTION TO BE COMPLETED BY GENERATOR:

COMPANY NAME

Guyon General Piping, Inc.

ADDRESS

900 S. 4th St.

PICK-UP DATE

12-12-87

CITY

Harrison

STATE

NJ

ZIP

07029

WASTE NO.

2534-3

NAME OR DESCRIPTION OF WASTE SHIPPED

Sand Blasting Grit

P.O. NO.

COMMENTS

GENERATOR  
OR AGENT  
MUST FILL  
IN QUANTITY

QUANTITY

SHIPPED

ONE LOAD

IN CASE OF AN  
EMERGENCY OR  
SPILL CONTACT

NAME

PHONE NO.

24-HR. EMERGENCY NO.

I hereby certify that the above named material(s) are properly  
packed, described, packaged, marked, and labeled and are  
in proper condition for transportation according to the  
applicable regulations of the DOT and the EPA.

SIGNATURE

DATE

THIS SECTION TO BE COMPLETED BY THE HAULER/TRANSPORTER:

COMPANY NAME

ADDRESS

PHONE NO.

VEHICLE ID. NO.

STATE

COMMENTS

I hereby certify that the above described wastes were  
accepted for transportation at the producer's site  
and delivered to and off loaded at the waste facility.  
Both as listed hereupon.

SIGNATURE (DRIVER)

DATE

THIS SECTION TO BE COMPLETED BY RECEIVER AT DISPOSAL SITE:

COMPANY NAME

ADDRESS

PHONE NO.

RECEIVER'S PERMIT NO.

COMMENTS

I hereby certify that the above described wastes  
were delivered to this Facility, that the Facility  
is authorized and permitted to receive such wastes.

AUTHORIZED SIGNATURE

CELL NO.

DATE

GENERATOR: Copies 1 & 2

AMERICAN WASTE SERVICES, INC.: Copies 2 & 3

RECEIVER: Copy 4

HAULER: Copy 5

### GENERATOR - COPY 1

SEE LANDFILL RULES AND REGULATIONS ON BACK

**WEST HUDSON**  
834 HARRISON AVE.

KEARNY, N. J. 07032

TEL. 86-1216

Date 12/12/27 Weight 80,770

Name HOLWITA

Name of Truck \_\_\_\_\_

Tractor Lic. No. \_\_\_\_\_

Trailer Lic. No. 225

Truck Lic. No. \_\_\_\_\_

CLEAR ☒ PAID 1.00 ROUND TRIP

RAIN ☐

SNOW ☐ CHARGE \_\_\_\_\_

Weighmaster [Signature]  
60060

WACO Scales

Weights obtained by using THE HOWE PATENTED RECORDING BEAM No. \_\_\_\_\_

From _____	To _____
Gross	Load of _____
45 320	
Tare	Driver { ON _____ OFF _____
35 720	Fees _____ Date _____ 19 _____
80,770	Net _____ Weigher _____

# AMERICAN WASTE SERVICES, INC.

C/O LIBERTY CENTRE - SUITE 7  
3530 BELMONT AVE., YOUNGSTOWN, OHIO 44505 PHONE (216) 759-7476

NON-HAZARDOUS WASTE MANIFEST DOCUMENT NO. 74848

THIS SECTION TO BE COMPLETED BY GENERATOR:

COMPANY NAME Guyon General Piping, Inc.	ADDRESS 900 S. 4th St. Harrison NJ 07029	PICK-UP DATE 12-12-89 WASTE NO. 2536-3 P.O. NO.
NAME OR DESCRIPTION OF WASTE SHIPPED Sand Blasting Grit		

COMMENTS

GENERATOR OR AGENT MUST FILL IN QUANTITY QUANTITY SHIPPED ONE LOAD

IN CASE OF AN EMERGENCY OR SPILL CONTACT	NAME	PHONE NO.	24-HR EMERGENCY NO.
--	------	-----------	---------------------

I hereby certify that the above named material(s) are properly classified, described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable regulations of the DOT and the EPA.

SIGNATURE

DATE

THIS SECTION TO BE COMPLETED BY THE HAULER/TRANSPORTER:

COMPANY NAME HURWITZ TRUCKS	ADDRESS PT 329 NORTHAMPTON PA 19072	PHONE NO. 215 261 2321
VEHICLE ID NO.	STATE	COMMENTS

I hereby certify that the above described wastes were accepted for transportation at the producer's site and delivered to and off loaded at the waste facility. Both as listed hereupon.

SIGNATURE (DRIVER)

DATE

THIS SECTION TO BE COMPLETED BY RECEIVER AT DISPOSAL SITE:

COMPANY NAME ROCKWELL LANDFILL	ADDRESS 7116 CHAPEL ST SE WAYNESBURG, OH	PHONE NO. 216 759 7176
RECEIVER'S PERMIT NO.	COMMENTS	

I hereby certify that the above described wastes were delivered to this facility, that the facility is authorized and permitted to receive such wastes.

AUTHORIZED SIGNATURE

CELL NO.

DATE

GENERATOR: Copies 1 & 2

AMERICAN WASTE SERVICES, INC.: Copies 2 & 3

RECEIVER: Copy 4

HAULER: Copy 5

GENERATOR - COPY 1

SEE LANDFILL RULES AND REGULATIONS ON BACK

# WEST HUDSON

838 HARRISON AVE.

KEARNY, N. J. 07032

TEL. 24-1218

Date 12/12/35 Weight 77510

Name HOFWITA

Name of Truck \_\_\_\_\_

Tractor Lic. No. \_\_\_\_\_

Trailer Lic. No. 237

Truck Lic. No. 188

CLEAR ☐ PAID 4.00 ROUND TRIP

RAIN ☐

SNOW ☐ CHARGE \_\_\_\_\_

Weightmaster Raymond Kelly

WEICO 60061

Weight obtained by using THE HOWE PATENTED RECORDING BEAM

From _____	To _____	No. _____
Gross Load of <u>44570</u>	Tare <u>33290</u>	Net <u>77510</u>
Driver <input type="checkbox"/> ON <input type="checkbox"/> OFF	Fee _____	Date _____ 19____
Weigher _____		



# **FIRST ENVIRONMENT**

30 Riverdale Road  
Riverdale, New Jersey 07457  
(201) 616-9700 • FAX (201) 616-1930

August 14, 1990

Ms. Heather Swartz  
Case Manager  
New Jersey Department of Environmental Protection  
Division of Hazardous Waste Management  
CN028  
401 East State Street  
Trenton, New Jersey 08625-0028

Re: Remediation/Decommissioning Results and Plan for  
Additional Soil Sampling  
Fabco Piping, Inc.  
1000 South Fourth Street  
Harrison, New Jersey 07029  
ECRA Case No. 88800

Dear Ms. Swartz:

Two manifests, NJA1002361 and MI1762018, are attached. These manifests complete Appendices D-2 and H of the May 25, 1990 Remediation/Decommissioning results. Also enclosed is a check in the amount of \$1,000.00, for the review of data submitted on May 25, 1990. The manifests address disposal of soils excavated from railroad tracks and sediments from the concrete floor of the lean-to as well as the small quantities of hazardous materials near the entrance to the former machine shop.

In response to the NJDEP letter dated July 13, 1990, a plan for additional soil sampling is enclosed. A second check in the amount of \$1,000.00 for review of the sampling plan is also enclosed.

1:4039/GUP001

8800000004

We trust that this information adequately addresses the items in your letter. If you have any questions or require additional information, please do not hesitate to call.

Very truly yours,

FIRST ENVIRONMENT, INC.

*John P. Nemergut*  
John P. Nemergut  
Senior Environmental Scientist

JPN/bg

Enclosure

cc: C. Doyle, V.P., Guyon General Piping, Inc.  
S. Garg, Esq., Counsel to Guyon  
S. D. Caretsky

f:4039/GUP001

**FIRST  
ENVIRONMENT**



State of New Jersey  
Department of Environmental Protection  
Division of Hazardous Waste Management  
Manifest Section  
CN 028, Trenton, NJ 08625

Please type or print in block letters. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2000-0006. Expires 9-30-01

UNIFORM HAZARDOUS WASTE MANIFEST		Generator's US EPA ID No.		Manifest Document No.		2. Page 1 of 1		Information in the shaded areas is not required by Federal law.			
Generator's Name and Mailing Address <b>Rayon General Piping and Rogers Blvd. Harrison, NJ 07029</b>						A. State Manifest Document Number <b>NJA 1002361</b>					
Generator's Phone: <b>201 683-5600</b>						B. State Generator's ID <b>201</b>					
3. Transporter 1 Company Name <b>Freehold Cartage, Inc.</b>						C. State Transp. ID <b>201</b>					
4. Transporter 2 Company Name <b>Freehold Cartage, Inc.</b>						D. Transporter's Phone <b>201 683-5600</b>					
5. Designated Facility Name and Site Address <b>Chemical Conservation of Georgia 1612 James P. Rogers Circle Valdosta, Ga. 31601</b>						E. State Transp. ID <b>201</b>					
6. US EPA ID Number <b>01A/D/09/3/3/8/0/8/1/4</b>						F. State Facility ID <b>201</b>					
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)						12. Containers		13. Total Quantity		14. U.S. Vol.	
a. <input checked="" type="checkbox"/> <b>Flammable Liquid, N.O.S. (F003, F005)</b>						No. <b>615</b> Type <b>DRM</b>		Quantity <b>601/65</b>		U.S. Vol. <b>0</b>	
b. <input checked="" type="checkbox"/> <b>Waste Combustible Liquid, (waste oil) Combustible Liquid, PA1270</b>						No. <b>611</b> Type <b>DRM</b>		Quantity <b>606/26</b>		U.S. Vol. <b>0</b>	
c. <input type="checkbox"/>						No. <b>0</b> Type <b>0</b>		Quantity <b>0</b>		U.S. Vol. <b>0</b>	
d. <input type="checkbox"/>						No. <b>0</b> Type <b>0</b>		Quantity <b>0</b>		U.S. Vol. <b>0</b>	
15. Additional Descriptions for Materials Listed Above						K. Handling Codes for Wastes Listed					
Approval # <b>GUTG 0660</b>						a. <b>ARTY profile # 651</b>					
Approval # <b>GUTG 0661</b>						b. <b>ARTY profile # 652</b>					
15. Special Handling Instructions and Additional Information						16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.					
a. <input checked="" type="checkbox"/> <b>Drums are overpacked</b>						b. <b>ND-PS-226-37771</b>					
17. Generator's Certification: I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment. OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.						18. Transporter 1 Acknowledgement of Receipt of Materials					
Printed/Typed Name <b>William Greene</b>						Signature <b>William Greene</b>		Month <b>06</b>		Day <b>01</b>	
19. Transporter 2 Acknowledgement of Receipt of Materials						Signature <b>William Greene</b>		Month <b>06</b>		Day <b>01</b>	
20. Discrepancy Indication Space						21. Generator's Certification of Receipt of Hazardous Materials Covered by this Manifest except as noted in item 18.					
Printed/Typed Name <b>William Greene</b>						Signature <b>William Greene</b>		Month <b>06</b>		Day <b>01</b>	

SIGNATURE AND INFORMATION MUST BE LEGIBLE ON ALL COPIES



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8/90

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## INTRODUCTION

This Sampling Plan sets forth the investigatory tasks proposed by First Environment, Inc., on behalf of Guyon General Piping, Inc., the property owner, to evaluate the environmental condition of property leased to Fabco Piping, Inc. (Fabco) at 1000 South Fourth Street, Harrison, New Jersey ("Fabco Leasehold"). Since Fabco failed to respond to the NJDEP's request to complete its Environmental Cleanup Responsibility Act (ECRA) obligations under ECRA Case No. 88800, Guyon as property owner, at the request of the NJDEP, has undertaken development of this Sampling Plan, necessary to complete Fabco's ECRA compliance obligations. This plan is being submitted for approval by the New Jersey Department of Environmental Protection (NJDEP) in accordance with the ECRA Sampling Plan Guide, the NJDEP Field Sampling Procedures Manual and the NJDEP letter dated July 13, 1990.

## ENVIRONMENTAL SETTING

### GENERAL

The subject Fabco Leasehold is currently vacant and no industrial processes have been conducted on-site since June 9, 1988. The leasehold consisted of approximately 200,000 square feet of office and fabricating space and is located in an industrial complex in Harrison, New Jersey. The neighborhood adjacent to the complex is heavily industrialized and presently non-residential. The location of the site is shown on Figure 1.

### SITE SPECIFIC

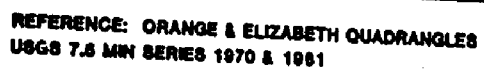
#### GENERAL SITE MAP

A general site map, scale 1 inch equals approximately 60 feet, showing areas of potential environmental concern and proposed sampling locations has been included as Figure 2. All structures, paved areas and property boundaries are illustrated.

### HISTORY

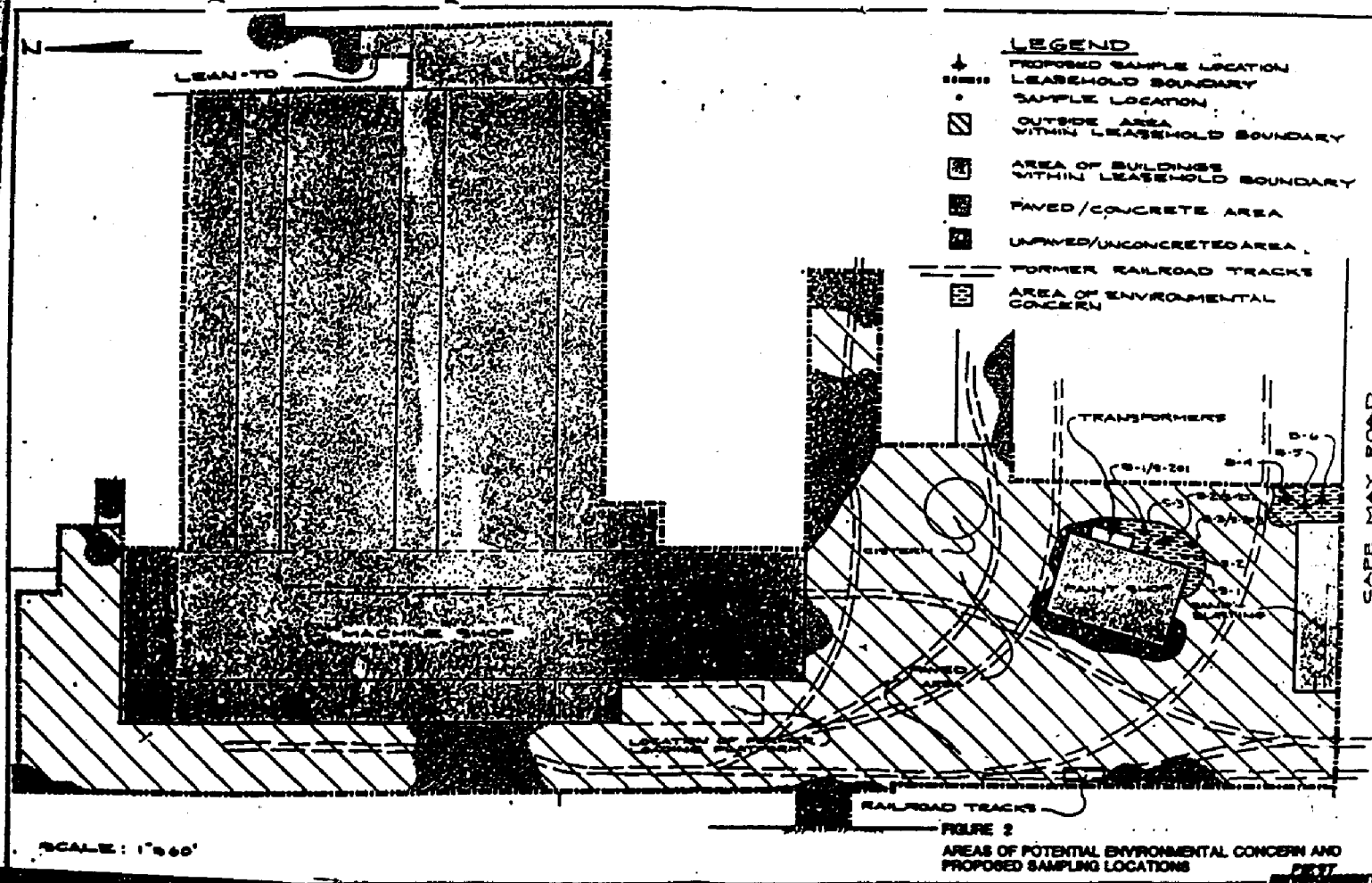
Crucible Steel Company (Crucible) owned and operated the facility between 1929 and 1947. On information and belief, Crucible primarily produced large-bore gun barrels for the United States Government. Crucible also had a stainless steel machining operation. Charles F. Guyon, Inc., acquired the property in 1947. Between 1947 and 1980, the facility was used for storage and fabrication of steel, in the form of both raw materials and finished goods. On-site processes included pipe fabrication, which involved the cutting, welding and shaping of pipe. From July 1980 through June 1988, the subject facility was leased to Fabco. Fabco fabricated pipe. Fabco ceased its manufacturing activities at the leasehold in April of 1987 and maintained a small staff on-site until June 30, 1988. Since that time the facility has been vacant.





**FIGURE 1**  
**SITE LOCATION MAP**

**QUP001**



### SOILS

The soils underlying the Fabco Leasehold are designated as Urban Land (UR). Urban Land is a term used to describe soil which has been developed for residential, commercial or industrial use. The soil has been either cut or filled to the extent that 40 to 80 percent of the original soil has been altered. Because of its variable nature, no drainage or flood characteristics are specified by the Soil Conservation Service. Based on drilling logs obtained from a nearby facility it is known that approximately 4 to 6 feet of fill material overlies the site. Below the fill material are alternating layers of sand, silt and clay.

### TOPOGRAPHY AND DRAINAGE

The site slopes gently toward the west and south in the direction of South Fourth Street and Cape May Road. Storm water runoff flows on the surface in these directions on the site. The catch basins are connected to the cistern located in the southwest section of the property. The cistern is piped to the Passaic River. Roof drains discharge storm water directly into the on-site drainage system or onto the surface of the paved parking area. The level of water in the cistern is directly influenced by the level of the Passaic River.

### HYDROGEOLOGY

The Fabco Leasehold lies above the Triassic Brunswick formation. Overlying the Triassic rocks are Quaternary deposits of sand, silt and clay. Groundwater is typically encountered at a depth of less than four feet below grade. Due to the variability of the underlying sediments, groundwater yields are characteristically low in shallow overburden and monitoring.

wells. The direction of groundwater flow is expected to be southerly in the direction of the Passaic River.

#### GEOLOGY

The Fabco Leasehold located in Harrison, New Jersey is situated in the Triassic Lowlands physiographic province. The site is underlain by a heterogeneous layering of sands, silts and clays. Ultimately the site is underlain by the Triassic Brunswick formation which consists of primarily red to reddish brown sandstones and shales. Based on a map from Nichols (1968), there appears to be a paleo-stream channel beneath the site. The depth to bedrock is expected to be approximately 80 to 100 feet below grade.

#### AREAS OF POTENTIAL ENVIRONMENTAL CONCERN

The Fabco Leasehold consists of three buildings. They are an office/fabricating, painting, and sandblasting buildings. The original six areas of potential environmental concern have been reduced to two areas. The areas of potential environmental concern that remain based on NJDEP's letter of July 13, 1990 are:

- o Area No. 1: Exterior Paint Shop and;
- o Area No. 2: Sandblast Grit Storage Area

These areas are illustrated on Figure 2.

The activities proposed to evaluate the environmental condition of these areas are discussed below.

#### AREA NO. 1: EXTERIOR OF PAINT SHOP

The exterior portion of the southeast side of the Paint Shop was identified as a potential area of contamination due to the presence of empty containers and wood pallets in this area.

On February 13, 1989, samples collected at 0-6 inches below ground level showed levels of metal above ECRA guidelines. Samples collected at 18-24 inches below the surface revealed volatile organic compounds either undetected or below ECRA guidelines. After removal of 16-22" of the soil or approximately 70 tons of contaminated soil on March 2, 1990, post excavation sampling showed levels of certain metals (antimony, arsenic, copper, lead, mercury, nickel, silver and zinc) above ECRA guidelines. The material was shipped to the Clean America facility in Baltimore, Maryland on May 14, 1990, as non-hazardous waste. To delineate the extent of the metals in the soils, additional sampling is proposed as requested by the NJDEP.

#### MEDIA TO BE SAMPLED

Soil samples will be collected from this area to delineate the areal extent of the contaminants.

#### SAMPLING FREQUENCY, LOCATIONS AND DEPTHS

Three sample locations (B-1 thru B-3) are proposed for this area. The sampling locations are illustrated on Figure 2. Sampling frequency and locations are limited by the building, concrete driveway and the fenced transformer area.

Soil samples will be collected from each location at a depth of 18-24 inches below the bottom of the excavation and at 42-48 inches below the bottom of the excavation. Split spoon sampler devices will be used at the direction of a First Environment degreed geologist, engineer or equivalent.

#### ANALYTICAL PARAMETERS

Based upon the metals previously found and in accordance with NJDEP letter dated July 13, 1990, the collected samples will be analyzed for antimony, arsenic, copper, lead, mercury, nickel, silver and zinc. A sampling summary is provided in Table 1.

#### AREA 2: SANDBLAST GRIT STORAGE AREA

A sandblasting operation was located in a building, situated at the southwest corner of the Fabco Leasehold. Steel pipe was sandblasted in the building to remove rust and scale prior to fabrication.

TABLE 1  
SUMMARY OF PROPOSED DELINEATION SAMPLING

LOCATION	MATRIX	SAMPLE DEPTH	PARAMETERS
<u>Area No. 1: Exterior of Paint Shop</u>			
B-1	Soil	18 to 24 inches below excavation	Antimony, arsenic, copper, lead, mercury, nickel, silver and zinc
		42 to 48 inches below excavation	Antimony, arsenic, copper, lead, mercury, nickel, silver and zinc
B-2	Soil	18 to 24 inches below excavation	Antimony, arsenic, copper, lead, mercury, nickel, silver and zinc
		42 to 48 inches below excavation	Antimony, arsenic, copper, lead, mercury, nickel, silver and zinc
B-3	Soil	18 to 24 inches below excavation	Antimony, arsenic, copper, lead, mercury, nickel, silver and zinc
		42 to 48 inches below excavation	Antimony, arsenic, copper, lead, mercury, nickel, silver and zinc
<u>Area No. 2: Sandblast Grit Storage Area</u>			
B-4	Sandblast Grit	0 to 6 inches below surface	Total Petroleum Hydrocarbons
B-4	Soil	0 to 6 inches in native soils	Total Petroleum Hydrocarbons Base/Neutral Compounds +15 peaks
B-5	Sandblast Grit	0 to 6 inches below surface	Total Petroleum Hydrocarbons
B-5	Soil	0 to 6 inches in native soils	Total Petroleum Hydrocarbons Base/Neutral Compounds +15 peaks
B-6	Sandblast Grit	0 to 6 inches below surface	Total Petroleum Hydrocarbons
B-6	Soil	0 to 6 inches in native soils	Total Petroleum Hydrocarbons Base/Neutral Compounds +15 peaks

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On February 13, 1989, a composite sample of 6 piles of sandblast grit located in and out of the sandblasting building revealed 2,400 parts per million (ppm) of petroleum hydrocarbons. Polychlorinated biphenyls, E.P. tox metals, cyanide, sulfide, and volatile organics were not detected in the same composite sample.

On October 31 and November 1, 1989, the piles of sandblast grit were scraped up and consolidated. Results from a waste classification sample showed that the sandblast grit was non-hazardous. On December 11 and 12, 1989, 579.1 tons of stockpiled sandblast grit were transported off-site for disposal at Breitenstine Landfill in Ohio. Soil sampling is proposed to document the environmental condition of the remaining material as requested by NJDEP.

#### MEDIA TO BE SAMPLED

Soil samples will be collected to document the levels, if any, of total petroleum hydrocarbons and base/neutral compounds in the soil outside the sandblasting building where the sandblast grit was stored.

#### SAMPLING FREQUENCY, LOCATIONS AND DEPTHS

A total of 6 soil samples to be collected from three locations (B-4 through B-6) are proposed for this area. The soil samples will be located equidistant down the centerline of the areas from which the sandblast grit was removed. Sampling will be biased toward areas exhibiting staining and away from asphalt concrete and concrete surfaces, as well as railroad tracks. Split spoon sampler devices will be used at the direction of a First Environment degreed geologist, engineer or equivalent. Sample locations are illustrated on Figure 2.



Samples will be collected at depths of 0 to 6 inches below ground surface and at 0 to 6 inches in the native soils.

ANALYTICAL PARAMETERS

Based upon the types of contaminants previously found and NJDEP letter dated July 13, 1990, both samples at each location will be analyzed for total petroleum hydrocarbons and base/neutral compounds plus 15 peaks. A sampling summary is found in Table 1.

f:3969/GUP001

#### SCHEDULING AND REPORTING

The proposed plan for additional sampling will be implemented upon receipt of approval by the ISEE. Based upon the tentative schedule of tasks, the sampling plan results will be completed and submitted to the ISEE within 12 weeks of receipt of sampling plan approval. The schedule of sampling activities is shown on Table 2.

TABLE 2  
SCHEDULE OF SAMPLING ACTIVITIES

TASK	WEEKS FROM STARTUP DATE*
Soils Sampling**	1-2
Laboratory Analysis***	8-10
Report Preparation and Client Review	10-12
Report Submission to ISEE	12-13

- \* - Receipt of Sampling Plan approval
- \*\* - Weather permitting
- \*\*\* - Includes six week laboratory turnaround time

2:3969a/GUP001

# **ANNUAL REPORT**

by

Chief Engineer  
**S. A. LUBETKIN**

to the

**PASSAIC VALLEY  
SEWERAGE COMMISSIONERS**

**FOR THE YEAR**

**1971**



Violation & Elimination - Crucible Steel Co.,  
Spaulding Works, 1000 South Fourth Street, Harrison, N.J.  
December, 1969 to September 1971 (L. Cuccinello, W. Flem-  
ing and J. Colello)

A yellowish oily material flowed into the Passaic River from a large culvert owned by this company. This company claimed that a number of other companies leased land on an industrial tract owned by Crucible Steel Company, and the polluting material was not emanating from Crucible Steel itself, but from one of the other tenants, and therefore, the Crucible Steel Company would not be liable.

The Commissioners maintained that since the culvert from which this material discharged into the Passaic River was owned by Crucible Steel Company, Crucible Steel Company was liable for any polluting material emanating from the culvert. Since there seemed to be a difference of opinion concerning liability, the Commissioners instituted a suit against Crucible Steel Company. An Order to Show Cause was originally returnable on May 15, 1970, but was postponed to July 17, 1970, and continued to September 18, 1970.

On September 18, 1970, Crucible reported they had eliminated all of the pollution emanating within their property and had traced oil to other users of the sewer. They requested additional time to check suspected oil sources on the Charles F. Guyon and the Harris and Sons Steel Companies, and perhaps other parties.

Judge Lynch signed a Civil Action Order, bringing in Charles F. Guyon, Inc., Miele Brothers Trucking Company, Aszo Steel Company, Gabest, Inc., Prince Packaging Products, Inc., Joseph Supor Trucking Company, Rose Ribbon and Carbon Mfg. Co., Inc. (corporations), and Miles A. Galin.

On October 23, 1970, progress reports were submitted and the Commissioners stated that the volume of the pollution had decreased. Crucible was ordered to submit a detailed plan for locating and halting the remaining pollution to Mr. Lubetkin and they were to return to court and report on November 20, 1970. Since work was progressing, the November 20 hearing was postponed to December 4, then to February 11, 1971.

On February 11, Crucible reported to the court that it had located the source of pollution, but since it was from a line coming from other property, Crucible wanted permission of the Court to seal the line. The Court directed the line to be sealed within 30 days,

Violation & Elimination - Crucible Steel Co. (continued)

and all pollution halted within 90 days, or else the Court would consider appointing an outside consultant to recommend whatever necessary be done to halt the pollution, costs to be paid by Crucible Steel.

On March 11, 1971, at 2:00 P.M., the Heyrich Company installed a Cherne plug in the suspected line. A very slight film of oil was noted subsequent to the plug installation, but this could be residual oil from the pipe and banks; however, samples taken on March 23, at 10:30 A. M. and again at 1:00 P.M. showed a low pH, (Acid). Mr. Lubetkin telephoned Mr. Whinn, and confirmed his conversation by a letter dated March 23, requesting that the consultant be immediately informed, so he could locate and halt this acid pollution.

No reply was received, so Mr. Lubetkin wrote again on April 12, informing them that acid was again detected on April 5. The Commissioners received a letter dated April 13, from Mr. W. Bradley, stating they have located the source of acid and setting forth a pre-treatment program to divert this material from the river to the sanitary sewer. The time table showed this will be completed shortly after July 15, 1971. Mr. Lubetkin replied on April 20, 1971, giving neutralization parameters and requesting residual oil be cleared from the sewer.

Observation of their outlet showed that the oil was being cleaned from the banks, slowly, by tidal action, and that the silt from the sewer had a cleaner look (brown not oily black). However, a sample of their discharge on May 18, contained a C. O. D. of 174 ml/l; therefore, Mr. Lubetkin wrote to them on May 26, concerning this and requested an up-to-date progress report on what has been accomplished.

On June 1, 1971, Mr. Bradley wrote to Mr. Lubetkin reporting that the condition of the river banks continues to improve and they feel, they have solved the oil problem. A pH meter had been ordered and a pretreatment acid holding reservoir to the sanitary sewer was completed.

On June 18, Mr. Lubetkin wrote to Crucible that he had observed a small oil slick at 1:15 P. M. and showed the slick to Mr. Art Whinn. Mr. Whinn informed him that an internal inspection had been scheduled for July 1. On June 28,

Crucible Steel Company continued

Mr. Lamborn, Crucible Manager, wrote to Mr. Lubetkin, informing him of an internal check scheduled for July 1. Unfortunately, due to the Public Hearing on Bonds on that date, Mr. Lubetkin was unable to check this himself, but was represented by Mr. L. Cuccinello. On July 16, Judge Lynch advised that a pretrial conference was being scheduled for September 27.

On July 20, Mr. Lubetkin inspected the inside of the sewer with representatives of Crucible. A slight oily film was visible at the mouth, but could not be seen further in the sewer. Therefore, either Crucible's contention that the oil comes from the silt, near the mouth of the sewer, purging itself of old oil was true, or the lack of sufficient light prevented us from seeing the slight sheen indicating the oil.

During August, the discharge was very good, On occasion spots of oil could be seen leaving the outlet, but a study of the water action did reveal, that, as the tide came in, spots of oil from the river, did, in fact, enter the Crucible outlet, and it appeared to be this extremely small amount of oil that is visible leaving the outlet as the tide went out.

During August and September, no pollution could be detected. The outlet area was a mess from the rubble of the storm Doria, but the bank was clean of oil, within the tidal reach. As of the end of September, 1971, this violation is considered eliminated

An automatic pH meter had been installed at the outfall to monitor the discharge to the river. Also, automatic neutralizing equipment was installed at their pretreatment tank to treat the discharge to the sanitary sewer.

At the end of December, the pH meter mal-functioned and had to be sent back to the factory for repairs. Mr. Lamborn promised to buy a spare so that in the future, a mal-functioning unit would be replaced while it is being repaired.

Violation & Elimination-Curtiss-Wright Corp., 1 Passaic Street, Wood-ridge, New Jersey  
Intermittent to March 18, 1971

(J. Perrapato)

The discharge from this company to Feld's Brook intermittently contained oil. Because of complaints of the Commissioners, the company has installed a complete Dorr-Oliver treatment plant for the removal of this oil, however the plant had trouble getting in service, due to problems with the sludge recycling pump and with the caustic and polymer feed systems. Dorr-Oliver had a start-up engineer on the job working on these problems. The Aurora pump people had two men on February 22, checking out the sludge recycling pump and they had the system working for about a day.







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

OCT - 1 2004

**GENERAL NOTICE LETTER  
URGENT LEGAL MATTER  
PROMPT REPLY NECESSARY  
CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Maureen O'Driscoll-Levy  
Teval Corporation  
c/o Asher Detrolio et al  
99 Cherry Hill Road, Suite 105  
Parsippany, NJ 07054

RE: Diamond Alkali Superfund Site  
Notice of Potential Liability for  
Response Actions in the Lower Passaic River Study Area, New Jersey

Dear Ms. O'Driscoll-Levy:

The United States Environmental Protection Agency ("EPA") is charged with responding to the release and/or threatened release of hazardous substances, pollutants, and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §9601 *et seq.* Accordingly, EPA is seeking your cooperation in an innovative approach to environmental remediation and restoration activities for the Lower Passaic River.

EPA has documented the release or threatened release of hazardous substances, pollutants and contaminants into the six-mile stretch of the river, known as the Passaic River Study Area, which is part of the Diamond Alkali Superfund Site ("Site") located in Newark, New Jersey. Based on the results of previous CERCLA remedial investigation activities and other environmental studies, including a reconnaissance study of the Passaic River conducted by the United States Army Corps of Engineers ("USACE"), EPA has further determined that contaminated sediments and other potential sources of hazardous substances exist along the entire 17-mile tidal reach of the Lower Passaic River. Thus, EPA has decided to expand the area of study to include the entire Lower Passaic River and its tributaries from Dundee Dam to Newark Bay ("Lower Passaic River Study Area").

By this letter, EPA is notifying Teval Corporation ("Teval") of its potential liability relating to the Site pursuant to Section 107(a) of CERCLA, 42 U.S.C. §9607(a). Under CERCLA, potentially responsible parties ("PRPs") include current and past owners of a facility, as well as

persons who arranged for the disposal or treatment of hazardous substances at the Site, or the transport of hazardous substances to the Site.

In recognition of our complementary roles, EPA has formed a partnership with USACE and the New Jersey Department of Transportation-Office of Maritime Resources ("OMR") ["the governmental partnership"] to identify and to address water quality improvement, remediation, and restoration opportunities in the 17-mile Lower Passaic River. This governmental partnership is consistent with a national Memorandum of Understanding ("MOU") executed on July 2, 2002 between EPA and USACE. This MOU calls for the two agencies to cooperate, where appropriate, on environmental remediation and restoration of degraded urban rivers and related resources. In agreeing to implement the MOU, the EPA and USACE will use their existing statutory and regulatory authorities in a coordinated manner. These authorities for EPA include CERCLA, the Clean Water Act, and the Resource Conservation and Recovery Act. The USACE's authority stems from the Water Resources Development Act ("WRDA"). WRDA allows for the use of some federal funds to pay for a portion of the USACE's approved projects related to ecosystem restoration.

For the first phase of the Lower Passaic River Restoration Project, the governmental partners are proceeding with an integrated five- to seven-year study to determine an appropriate remediation and restoration plan for the river. The study will involve investigation of environmental impacts and pollution sources, as well as evaluation of alternative actions, leading to recommendations of environmental remediation and restoration activities. This study is being conducted by EPA under the authority of CERCLA and by USACE and OMR, as local sponsor, under WRDA. EPA, USACE, and OMR are attempting to coordinate with the New Jersey Department of Environmental Protection and the Federal and State Natural Resource Trustee agencies. EPA, USACE, and OMR estimate that the study will cost approximately \$20 million, with the WRDA and CERCLA shares being about \$10 million each. EPA is seeking its share of the costs of the study from PRPs.

Based on information that EPA evaluated during the course of its investigation of the Site, EPA believes that hazardous substances were being released from Teval's facility located at 900-1000 South 4<sup>th</sup> Street (aka Frank E. Rodgers Blvd.) in Harrison, New Jersey, into the Lower Passaic River Study Area. Hazardous substances, pollutants and contaminants released from the facility into the river present a risk to the environment and the humans who may ingest contaminated fish and shellfish. Therefore, Teval may be potentially liable for response costs which the government may incur relating to the study of the Lower Passaic River. In addition, responsible parties may be required to pay damages for injury to, destruction of, or loss of natural resources, including the cost of assessing such damages.

EPA is aware that the financial ability of some PRPs to contribute toward the payment of response costs at the Site may be substantially limited. If you believe, and can document, that you fall within that category, please inform Ms. Reddy and Mr. Hyatt at the addresses identified in this letter. You will be asked to submit financial records including business and, possibly, personal federal income tax returns as well as audited financial statements to substantiate such a claim.

Please note that, because EPA has a potential claim against you, you must include EPA as a creditor if you file for bankruptcy. You are also requested to preserve and retain any documents now in your Company's or its agents' possession or control, that relate in any manner to your facility or the Site or to the liability of any person under CERCLA for response actions or response costs at or in connection with the facility or the Site, regardless of any corporate document retention policy to the contrary.

Enclosed is a list of the other PRPs who have received Notice letters. This list represents EPA's findings on the identities of PRPs to date. We are continuing efforts to locate additional PRPs who have released hazardous substances, directly or indirectly, into the Lower Passaic River Study Area. Exclusion from the list does not constitute a final determination by EPA concerning the liability of any party for the release or threat of release of hazardous substances at the Site. Be advised that notice of your potential liability at the Site may be forwarded to all parties on this list as well as to the Natural Resource Trustees.

We request that you become a "cooperating party" for the Lower Passaic River Restoration Project. As a cooperating party, you, along with many other such parties, will be expected to fund EPA's share of the study costs. Upon completion of the study, it is expected that CERCLA and WRDA processes will be used to identify the required remediation and restoration programs, as well as the assignment of remediation and restoration costs. At this time, the commitments of the cooperating parties will apply only to the study. For those who choose not to cooperate, EPA may apply the CERCLA enforcement process, pursuant to Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. §9606(a) and §9607(a) and other laws.

You may become a cooperating party by participating in the Cooperating Parties Group ("Group") that has already formed to provide EPA's funding for the Lower Passaic River Restoration Project. This cooperative response is embodied in an Administrative Order on Consent ("AOC"), a copy of which can be obtained at the following web address: [www.ourpassaic.org/home/aoc.pdf](http://www.ourpassaic.org/home/aoc.pdf).

We strongly encourage you to review the AOC and contact the Group to discuss your participation. You may do so by contacting:

William H. Hyatt, Esq.  
Common Counsel for the Lower Passaic River Study Area Cooperating Parties Group  
Kirkpatrick & Lockhart LLP  
One Newark Center, 10<sup>th</sup> Floor  
Newark, New Jersey 07102  
(973) 848-4045  
[whyatt@kl.com](mailto:whyatt@kl.com)

Written notification should be provided to EPA and Mr. Hyatt documenting your intention to join the Group and settle with EPA no later than 30 calendar days from your receipt of this letter. It is EPA's intent to amend the AOC at a later date to reflect the settlement negotiations. EPA's written notification should be mailed to:

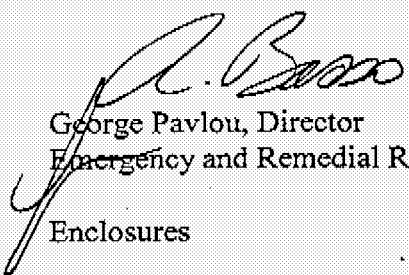
Kedari Reddy, Assistant Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency  
290 Broadway - 17<sup>th</sup> Floor  
New York, New York 10007-1866

Pursuant to CERCLA Section 113(k), EPA must establish an administrative record that contains documents that form the basis of EPA's decision on the selection of a response action for a site. The administrative record files, which contain the documents related to the response action selected for this Site are located at EPA's Region 2 office (290 Broadway, New York, NY) on the 18<sup>th</sup> floor. You may call the Records Center at (212) 637-4308 to make an appointment to view the administrative record for the Diamond Alkali Site, Passaic River.

As you may be aware, on January 11, 2002, President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at <http://www.epa.gov/swerosps/bf/sblbra.htm> and review EPA guidances regarding these exemptions at <http://www.epa.gov/compliance/resources/policies/cleanup/superfund>.

Inquiries by counsel or inquiries of a legal nature should be directed to Ms. Reddy at (212) 637-3106. Questions of a technical nature should be directed to Elizabeth Butler, Remedial Project Manager, at (212) 637-4396.

Sincerely yours,



George Pavlou, Director  
Emergency and Remedial Response Division

Enclosures

cc: Arnold Levine ✓  
Proskauer Rose LLP