

# PRETREATMENT MONITORING REPORT

000053  
130.2098

**Name** DAYTONA FINISHING

**Mailing Address** 59 WALL STREET NEWARK, NJ 07105

**Facility Location** SAME

**Category & Subpart** 433.15 s/p A SIC 3471 **Outlet#** 20400931-43900-0201

**Contact Official** RICHARD PFLUGER **Telephone#** 201- 344-1330

Monitoring Period					
9	1	92	9	30	92
Mo.	Day	Yr.	Mo.	Day	Yr.
Start	End				

For Reporting Period

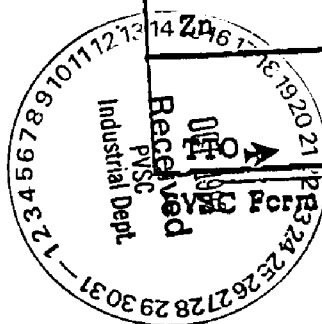
	AVG	MAX
Regulated flow-gal/day	9980	15,513
Total Flow-gal/day	10,022	16,613
Method used	CITY METER	

Production rate (if applicable)

TOTAL GALLONS USED 210,479 DIVIDED BY 21 WORK DAYS

CALCULATION SHEET ATTACHED.

Parameter		Mass Limit or Concentration			No. of Samples	Sample type Comp./grab
		Average	Maximum	Units		
Cd	Sample measurement	0.010	0.010	MG/L	3	COMP
	Permit requirement	0.260	0.690			
Cr	Sample measurement	0.160	0.220	MG/L	3	COMP
	Permit requirement	1.710	2.770			
Cu	Sample measurement	0.037	0.040	MG/L	3	COMP
	Permit requirement	2.070	3.380			
Cn	Sample measurement	0.010	0.010	MG/L	3	GRAB
	Permit requirement	0.650	1.200			
Pb	Sample measurement	0.360	0.720	MG/L	3	COMP
	Permit requirement	0.430	0.690			
Ni	Sample measurement	0.010	0.010	MG/L	3	COMP
	Permit requirement	2.380	3.980			
Ag	Sample measurement	0.020	0.020	MG/L	3	COMP
	Permit requirement	0.240	0.430			
	Sample measurement	0.030	0.023	MG/L	3	COMP
	Permit requirement	1.48	2.610			
	Sample measurement	0.118	0.288	MG/L	3	GRAB
	Permit requirement		2.130			



MR-1 Rev. 4 6/87 P1

150-2045

PRETREATMENT MONITORING REPORT

Certification of Non-use if applicable (use additional sheets)

N/A

Compliance or non compliance statement with compliance schedule (use additional sheets if necessary) for every parameter used.

WE ARE OUT OF COMPLIANCE ON LEAD - ADJUSTMENTS HAVE BEEN  
MADE AND TEST ARE BEING TAKEN.

Explain Method for preserving samples

HEAVY METALS: NITRIC ACID TO PH OF 2.0 OR BELOW

CYNAIDE : SODIUM HYDROXIDE TO PH OF 10 OR MORE

TTO : HYDROCHLORIC ACID

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

403.6(a)(2)(ii) revised by 53 FR 40610, October 17, 1988

Richard Pfluger

Signature of Principal  
Executive or Authorized Agent

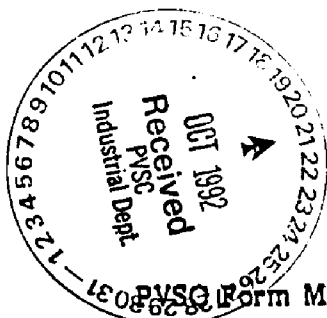
RICHARD PFLUGER

MANAGER MANUFACTURING ENGINEER

Type Name and Title

10/19/92

Date



Form MR-1 Rev. 5 3/91 P2

DATE: 10-19-92

DAYTONA FINISH  
59 WALL ST. NEWARK, N.J.  
NEW YORK

HUDSON TOOL & DIE COMPANY, INC.  
NEWARK, N. J.

DAYTONA FINISHES  
59 WALL ST. NEWARK, N.J.

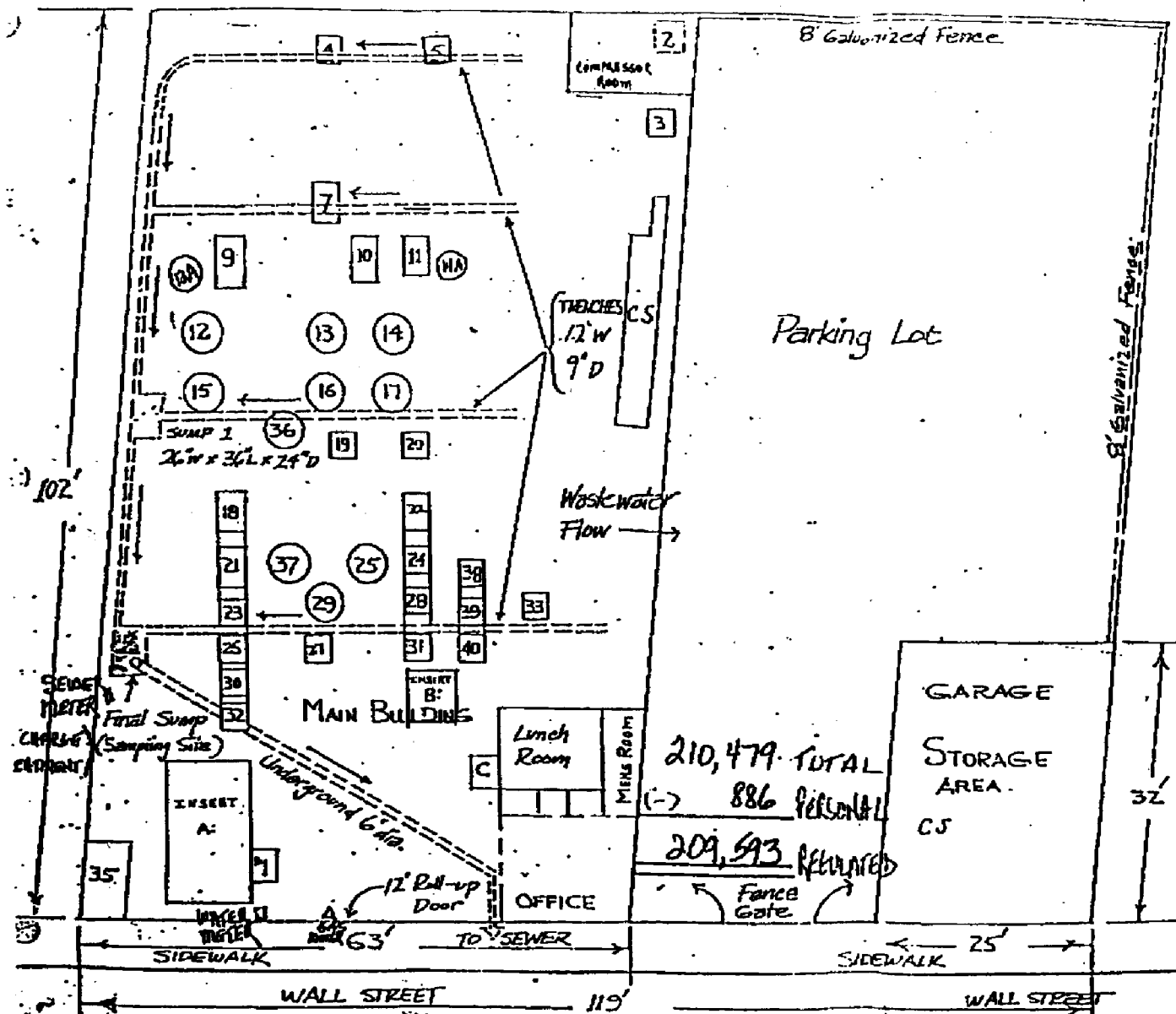
5X-D

B BOILER  
C SOLDER  
CS OPERATING CHEMICAL  
Scale 1/144

34567891011121314151617181920212223  
 OCT 1992  
 PYSO  
 Industrial Development  
 Cross

**NOTICE**  
The information contained herein is proprietary information belonging exclusively to Hudson Tool & Die Co., Inc. It is not to be revealed or disclosed to others without the prior written consent of Hudson Tool & Die Co., Inc.

### Waste Water Collection and Recycling Points



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COMMISSIONERS

**Passaic Valley  
Sewerage Commissioners**

600 WILSON AVENUE  
NEWARK, N. J. 07105  
(201) 344-1800

CARMINE T. PERRAPATO  
EXECUTIVE DIRECTOR

JAMES M. PIRO  
CHIEF COUNSEL

NORMAN E. DARMSTATTER  
CLERK

February 20, 1987

Mr. William Herbert  
Daytona Finishing Corp.  
59 Wall Street  
Newark, New Jersey 07105

**RE: VIOLATION OF 40 CFR 433**

Dear Mr. Herbert:

Your semi-annual report on compliance was incomplete and you are still in violation with 40 CFR 433 for copper, Lead, Nickel & Zinc. We expect that you will continue to follow the compliance schedule outlined on your report and that by March 1, 1987, you will be in compliance with the Metal Finishing Regulation. You are reminded that three (3) samples within the limitations are required to prove compliance. In the meanwhile, please note the deficiencies on the attached check list and make the appropriate corrections.

Attach the required information to the check list and return immediately. We would like to again remind you that this information must be restated as indicated to you in our letter of November 5, 1986.

Please call Mario Graglia at 344-1800 ext 238 with any questions.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS



Carmine T. Perrapato,  
Executive Director

CTP/mc

cc: Frank D'Ascensio  
Charles Hoffman, USEPA  
William Boehle, NJDEP

Enc.

## **Deficiency List**

### **Daytona**

- 2a Out of compliance with Copper, Lead, Nickel & Zinc.
- 5f Limitations listed in the Federal Regulations are to be put into space marked permits requirements. Analysis results are to be put into space marked sample measurement. If only one analysis is taken, it is to be compared to both the average and maximum requirements.
- 5g Need to state how samples were preserved. ie with nitric acid to a pH of 1.0 or below for heavy metals and/or with caustic to a pH of 12 or above for cyanide.
- 7a Explain how water figures were obtained. Example; Total water used divided by number of working day, etc.
- 7c Need updated flow diagram, include wastewater volume on flow diagram.
- 7d Note pretreatment and user charge sample points on diagram

ROBERT J. DAVENPORT  
CHAIRMAN

CHARLES A. LAGOS  
VICE CHAIRMAN

THOMAS J. CIFELLI  
VINCENT CORRADO, SR.  
RICHARD M. GIACOMARRO, SR.  
KENNETH W. HAYDEN  
DONALD TUCKER  
COMMISSIONERS



**Passaic Valley  
Sewerage Commissioners**

600 WILSON AVENUE  
NEWARK, N. J. 07105  
(201) 344-1800

Company File  
000025

CARMINE T. PERRAPATO  
EXECUTIVE DIRECTOR

JAMES M. PIRO  
CHIEF COUNSEL

NORMAN E. DARMSTATTER  
CLERK

July 31, 1987

Daytona Finishing Corp.  
59 Wall Street  
Newark, NJ 07105

RECEIVED MAIL  
JUL 31 1987  
U.S. DEPT. OF JUSTICE

Attn: William J. Herbert

**RE: VIOLATION OF 40 CFR 433**

Dear Mr. Herbert:

Your semi-annual report on compliance was incomplete and you are still in violation with 40 CFR 433 for Copper, Lead, Nickel, and Zinc. Since you have just started up your pretreatment system you are hereby directed to submit three (3) analyses within the limitations in order to prove compliance. In addition, please note the deficiencies on the attached check list and make the appropriate corrections.

Attach the required information to the check list and return in a timely manner. We would like to again remind you that the information must be restated as indicated to you in our letter of May 7, 1987.

Please call Mario Graglia at 344-1800 ext 238 with any questions.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS

Carmine T. Perrapato,  
Executive Director

CTP/mc

cc: Frank D'Ascensio  
Charles Hoffman, USEPA  
William Boehle, NJDEP

Enc.

## **DAYTONA - DEFICIENCIES**

- 2a Out of compliance for Cu, Pb, Ni, and Zn.
- 2b Compliance statement needs to be made. If three samples within the limitations were submitted, an explanation of how compliance was achieved must be provided. Non compliance statement needs to be more specific.
- 2c Submit appropriate compliance schedule.
- 9 Proper TTO certification not submitted

PRETREATMENT SEMI-ANNUAL REPORT CHECK OFF LIST

Company Parfona SCP No. \_\_\_\_\_

Address 29 Mill Street, Newark, NJ 07102

Contact William Herbst Phone \_\_\_\_\_

1. Period from 1-1-87 through 6-30-87

2. (a) During the reporting period was user in compliance with all categorical pretreatment limitations.

Y (N) NA

(b) Proper compliance/non-compliance statement included

Y (N) NA

(c) Proper compliance schedule included

Y (N) NA

3. (a) Category 40 CFR 44.33 (b) Subcategory \_\_\_\_\_

4. Compliance date 2/15/86

5. Analysis of regulated pollutants

(a) Proper number of samples analyzed

(Y) N

(b) All required parameters listed

(Y) N

(c) Certified laboratory used

(Y) N

(d) Copy of laboratory report included

(Y) N

(e) Analytical data submitted on proper PVSC form, MR-1

(Y) N

(f) Maximum and average limitations included on proper PVSC FORM, MR-1.

(Y) N

(g) Proper method used for taking and preserving samples

(Y) N

6. Proper certification of non-use

(Y) N NA

7. (a) Correct determination of average and maximum daily flow

(Y) N NA

(b) Method used to determine flow Calor Meters

(c) Updated flow diagram including flows

(Y) N



- (d) Pretreatment and user charge sample points properly identified ☒ Y ☐ N
8. Proper determination of production data ☐ Y ☐ N ☐ NA
9. Proper certification of non-dumping of TTO. ☐ Y ☒ N ☐ NA
10. Proper signature of authorized representative ☒ Y ☐ N
11. Complete progress report defining action being taken to meet a future compliance date ☐ Y ☐ N ☐ NA
12. (a) User on last accepted schedule ☒ Y ☐ N ☐ NA
- (b) If not on schedule, revised schedule submitted defining action being taken to return to last accepted schedule ☐ Y ☐ N ☐ NA

13. First review: comments on deficiencies See attached list

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date reviewed 7/21 date sent to user \_\_\_\_\_ date due back \_\_\_\_\_

Reviewer Sarah Ann August - 11/27

14. Second review: comments on deficiencies \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date reviewed \_\_\_\_\_ date sent to user \_\_\_\_\_ date due back \_\_\_\_\_

Reviewer \_\_\_\_\_

Date ok \_\_\_\_\_ Reviewer \_\_\_\_\_

# PRETREATMENT MONITORING REPORT

130-94119

Name DAYTONA FINISHING

Mailing Address 59 WALL STREET, NEWARK, NEW JERSEY 07105

Facility Location SAME

Category & Subpart SIC 3471

Outlet# 1

Contact Official \_\_\_\_\_

Telephone# 578-2445

Monitoring Period					
1	1	86	6	30	86
Mo.	Day	Yr.	Mo.	Day	Yr.
Start			End		
Production rate (if applicable)					

For Reporting Period

Avg. flow gal/day 9,354

Max. Flow gal/day 15,708

Method used CITY METER

Parameter & Number		Mass Limit or Concentration			No. of Samples	Sample type Comp./grab
		Average	Maximum	Units		
CR (T)	Sample measurement	0.52	0.7	mg./L	3	Composite
	Permit requirement					
CU (T)	Sample measurement	7.4	30.6	mg./L	5	Composite
	Permit requirement					
PB (T)	Sample measurement	3.26	6.2	mg./L	5	Composite
	Permit requirement					
NI (T)	Sample measurement	3.16	9.0	mg./L	5	Composite
	Permit requirement					
AG (T)	Sample measurement	0.18	0.36	mg./L	3	Composite
	Permit requirement					
ZN (T)	Sample measurement	11.5	37.4	mg./L	5	Composite
	Permit requirement					
TTO	Sample measurement	0.45	0.67	mg./L	3	Grab
	Permit requirement					
	Sample measurement					
	Permit requirement					
	Sample measurement					
	Permit requirement					

PVSC Form MR-1 Rev. 3 1/86 P1

PRETREATMENT MONITORING REPORT


Certification of Non-use (use additional sheets if necessary)

CADMIUM

CYANIDE

Compliance or non compliance statement and schedule (use additional sheets if necessary)

SEE PAGE 8

  
Signature of Principal  
Executive or Authorized Agent

WILLIAM J. HERBERT

VICE-PRESIDENT ADMINISTRATION & PURCHASING

Type Name and Title

7/31/86  
Date

ROBERT J. DAVE, PORT  
CHAIRMAN

CHARLES A. LAGOS  
VICE CHAIRMAN

THOMAS J. CIFELLI  
VINCENT CORRADO, SR.  
KENNETH W. HAYDEN  
DONALD TUCKER  
COMMISSIONERS

**Passaic Valley  
Sewerage Commissioners**

600 WILSON AVENUE  
NEWARK, N. J. 07105  
(201) 344-1800

CARMINE T. PERRAPATO  
EXECUTIVE DIRECTOR

JAMES M. PIRO  
CHIEF COUNSEL

NORMAN E. DARMSTATTER  
CLERK

February 22, 1988

Mr. William J. Herbert  
Daytona Finishing Corporation  
59 Wall Street  
Newark, New Jersey 07105

**CERTIFIED MAIL**  
RETURN RECEIPT REQUESTED

**RE: VIOLATION OF 40 CFR 433**

Dear Mr. Herbert:

Your semi-annual report on compliance was incomplete and you are still in violation with 40 CFR 433 for Copper, Lead and Zinc. However, since you have never been able to demonstrate continued compliance, starting March 15, 1988 and for every month thereafter you are hereby directed to submit a status report until you have achieved compliance. You are reminded that three (3) analyses within the limitations are required to prove compliance. In the meanwhile, please note the deficiencies on the attached check list and make the appropriate corrections.

Attach the required information to the check list and return in a timely manner. We would like to again remind you that the information must be restated as indicated to you in our letter of November 10, 1987

If you have any questions concerning this matter, please call Mario Graglia at 344-1800 ext 238 with any questions.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS

  
Carmine T. Perrapato,  
Executive Director

CTP/mc

cc: Frank D'Ascensio  
City of Newark  
Patrick Durack, USEPA  
Mary Jo Aiello, NJDEP

## DAYTONA FINISHING CORPORATION



59 Wall St., Newark, New Jersey 07105  
U.S.A.

201-344-1330

Passaic Valley Sewerage Commissioner  
600 Wilson Avenue  
Newark, New Jersey 07105

Attention: Ms. Margaret Gunster / Certified #P 743 695 278

March 21, 1988

Dear Ms. Gunster,

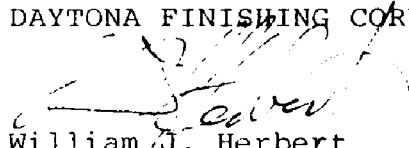
This letter is to inform you of non-compliance for average  
and maximum limits on the following parameters.

Copper  
Lead  
Zinc

The consulting firm of Ramirez Associates has been issued an  
order to do TTVO Testing and prepare a Solvent Management Plan  
for Daytona.

Very truly yours,

DAYTONA FINISHING CORPORATION

  
William J. Herbert  
Vice President Administration  
and Purchasing

WJH/RmG



000033  
Copy

MEMORANDUM

TO: MARIO GRAGLIA  
FROM: JACK TRAINA  
DATE: 05/07/90  
SUBJECT: COPPER VIOLATION  
433.15 REG. LIMIT 3.38

<u>COMPANY NAME</u>	<u>ID#</u>	<u>W.O#</u>	<u>SAMPLE DATE</u>	<u>DATE COMPLETED</u>	<u>RESULTS</u>
DAYTONA	20400931	51771	03/29/90	04/30/90	6.81
		51776	03/30/90	04/30/90	6.06

000037  
6/9

MEMORANDUM

**TO:** MARIO GRAGLIA  
**FROM:** JACK TRAINA  
**DATE:** 05/15/90  
**SUBJECT:** ZINC VIOLATION  
433 REG. LIMIT 2.61

<u>COMPANY NAME</u>	<u>ID#</u>	<u>W.O#</u>	<u>SAMPLE DATE</u>	<u>DATE COMPLETED</u>	<u>RESULTS</u>
DATONA	20400931	51771	03/29/90	05/07/90	3.20
		51776	03/30/90	05/07/90	3.33

DONALD TUCKER  
CHAIRMAN

RAYMOND LUCHKO  
VICE CHAIRMAN

ROBERT M. BURKE, JR.  
THOMAS J. CIFELLI  
CHARLES A. LAGOS  
FRANK ORECHIO  
COMMISSIONERS



**Passaic Valley  
Sewerage Commissioners**

600 WILSON AVENUE  
NEWARK, N.J. 07105  
(201) 344-1800  
Fax: (201) 344-2951

CARMINE T. PERRAPATO  
EXECUTIVE DIRECTOR

ROBERT J. DAVENPORT  
DEPUTY EXECUTIVE DIRECTOR

GABRIEL M. AMBROSIO  
CHIEF COUNSEL

NORMAN E. DARMSTATTER  
CLERK

October 3, 1990

Daytona Finishing  
59 Wall Street  
Newark, New Jersey 07105

**CERTIFIED MAIL**  
RETURN RECEIPT REQUESTED

Attn: Mr. Richard Pfluger

**RE: NOTICE OF VIOLATION**  
**PERMIT NO: 20400932**  
**VIOLATION DATE: 07/16/90**  
**SECTION VIOLATED: 433**

Dear Mr. Pfluger:

You are put on notice that your company is in violation of 40 CFR 433 for Zinc and Lead both for daily maximum and monthly average and Section 403.12e of the General Pretreatment Regulations for failure to provide all the necessary information to demonstrate compliance with applicable pretreatment limitations. To achieve compliance with the reporting requirements, please note the deficiencies on the attached list and make the appropriate corrections. You included a compliance schedule in your semi annual report. In order to demonstrate compliance with the Metal Finishing regulations, you are hereby directed to take one sample per week on a representative working day until you have accumulated three consecutive results within the limits specified in 40 CFR 433.

Attach the required information to the list and return within 10 days. Failure to do so could result in fines or other penalties. Call Mario Graglia at (201) 817-5724 with any questions.

Please note that Change 7 to the PVSC Rules and Regulations contains significant modifications to the fines procedures for the late submission of reports. Be advised that your next semi-annual report on compliance must be received at PVSC complete and free of deficiencies by January 21, 1991.

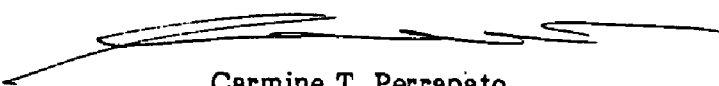


**RE: NOTICE OF VIOLATION**  
October 3, 1990  
Page 2

If the report is initially submitted on time but the correction of a deficiency causes the subsequent report to be delivered to PVSC after January 21, 1991, it will be considered late and a fine will be assessed until the report is complete and the deficiencies have been corrected.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS



Carmine T. Perrapato  
Executive Director

CTP/mc

Attachment

cc: Robert Davenport, Deputy Executive Director  
Frank D'Ascensio  
City of Newark

*Mario*MEMORANDUM

TO: MARIO GRAGLIA  
FROM: ANGELA CULVER  
DATE: APRIL 28, 1992

SUBJECT: LEAD-VIOLATIONS  
CAT 433 DAILY 0.69 WEEKLY 0.43

<u>COMPANY NAME</u>	<u>ID#</u>	<u>WO#</u>	<u>SAMPLE DATE</u>	<u>DATE COMP.</u>	<u>RESULTS</u>	<u>LIMIT</u>
DAYTONA FINISH	20400931	68308	3-24-92	4-20-92	1.068	OVER 0.69
DAYTONA FINISH	20400931	68355	3-27-92	4-20-92	0.452	OVER 0.43

AC

DIR: ADC  
PHRASE B = HEAVY METAL & PHC RESULTS

*Entered*  
*4-28-92*  
*A*

*Mart*MEMORANDUM

TO: MARIO GRAGLIA  
FROM: ANGELA CULVER  
DATE: APRIL 28, 1992

SUBJECT: ZINC VIOLATIONS  
CAT: 433 DAILY 2.61 WEEKLY 1.48

<u>COMPANY NAME</u>	<u>ID#</u>	<u>WO#</u>	<u>SAMPLE DATE</u>	<u>DATE COMP.</u>	<u>RESULTS</u>	<u>LIMIT</u>
DAYTONA FINISH	20400931	68308	3-24-92	4-21-92	11.825	OVER 2.61
DAYTONA FINISH	20400931	68355	3-27-92	4-21-92	6.788	OVER 1.48

AC

DIR: ADC  
PHRASE B = HEAVY METAL & PHC RESULTS

*Entered*  
*4-28-92*  
*A*

RONALD W. GIACONIA  
CHAIRMAN

JAMES KRONE  
VICE CHAIRMAN

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DOMINIC W. CUCCINELLO  
RAYMOND LUCHKO  
FRANK ORECHIO  
DONALD TUCKER  
COMMISSIONERS

**Passaic Valley  
Sewerage Commissioners**

600 WILSON AVENUE

NEWARK, N.J. 07105

(201) 344-1800

Fax: (201) 344-2951

December 10, 1992

CARMINE T. PERRAPATO  
EXECUTIVE DIRECTOR

ROBERT J. DAVENPORT  
DEPUTY EXECUTIVE DIRECTOR

GABRIEL M. AMBROSIO  
CHIEF COUNSEL

LOUIS LANZILLO  
CLERK

Daytona Finishing Corporation  
59 Wall Street  
Newark, NJ 07105  
Attn: Lee Shargel

CERTIFIED RECEIPT  
P 093 843 083

**RE: NOTICE OF VIOLATION**

**PERMIT #: 20400932**

**VIOLATION DATE: March, May, June, July 1992**

**SECTION VIOLATED: 40 CFR 433 SNC**

Dear Mr. Shargel:

You are put on notice that your company is in violation of the Federal Pretreatment Regulation (40 CFR 433) and Section 313.1 of the PVSC Rules and Regulations as stated below:

March 1992 Outlet #1

The result of a sample taken by your company for Zinc on 3/12 was 0.140 mg/l. The results of samples taken for Zinc by PVSC on 3/24 and 3/27 were 11.83 mg/l and 6.79 mg/l exceeded the daily maximum limit of 2.61 mg/l specified in the regulation. In addition, the average of the three samples, 6.251 mg/l exceeded the monthly average limit of 1.48 mg/l by 20% or more.

May 1992 Outlet #1

The results of a sample taken by your company specified in the regulation on 5/14 was 1.50 mg/l. Since only once sample was taken by either your company or PVSC this result must meet the monthly average limit of 1.48 mg/l. The result was out of compliance with the limit.

June 1992 Outlet #1

The result of a sample taken by your company for Zinc on 6/4 was 2.90 mg/l. Since only one sample was taken during the monthly by either your company or PVSC the result must meet the daily maximum limit of 2.61 mg/l and the monthly average limit of 1.48 mg/l specified in the regulation. This result exceeded the daily maximum limit and also exceeded the monthly average by 20% or more.

Daytona  
December 10, 1992  
Page 2

July 1992 Outlet #1


The result of a sample taken by your company for Zinc on 7/7 was 6.60 mg/l. Since only one sample was taken during the month by either your company or PVSC the result must meet the daily maximum limit of 2.61 mg/l and the monthly average limit of 1.48 mg/l specified in the regulation. This result exceeded the daily maximum limit and also exceeded the monthly average limit by 20% or more.

You should be aware that a monthly average of all samples taken either by you or PVSC that is 20% or more above the monthly average limitation for a hazardous pollutant makes the violation a serious violation and that two (2) serious violations in any six month period would make a company a Significant Non Complier (SNC). In addition, four monthly average violations of any amount in any six month period would also make a company SNC. This would subject your company to mandatory minimum fines under the Clean Water Enforcement Act (CWEA). You are hereby directed to take immediate steps to correct this violation.

Based on the above information your company has committed three serious violations in a six month period (3/92 - 8/92) for the discharge of Zinc and is designated a Significant Non Complier (SNC) subject to enforcement action. Therefore this matter is being referred to the PVSC attorney for further action. If you have any questions please contact Mario Graglia, Supervisor of Monitoring and Surveillance at (201)817-5724.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS



Carmine T. Perrapato  
Executive Director

CTP/sml

cc: Robert Davenport, Deputy Executive Director  
Frank P. D'Ascensio  
City of Newark  
Gabriel M. Ambrosio, Esq.

# Daytona Finishing Meeting

1/27/93

F. D'Ascenzo - PVSC

M. Gaglia - PVSC

J. Ambrosio - PVSC Attorney

LEE SHARGEL - HUDSON TOOL & DIE CO. (DAYTONA FIN)

Rick Pfluger Hudson Tool & Die Co. (Daytona Finishing)

U P GNDRA CHHAYA DAYTONA FINISHING

The history of violations was reviewed. R Pfluger stated that they are using zinc free flux and have been in compliance since July 1992. They are considering replacing their present metal treatment with a Hydroflow system.

L. Shargel claimed that the new system would be in place in three months. If this did not work, they would have to be further investigated. They claimed that if the zinc free flux works, their problem would be solved.

F. D'Ascenzo explained the rationale for penalties. A fine of \$11,000 was proposed.



PHONE: 904-676-6202  
FAX: 904-676-6212

RICK PFLUGER

ENGINEERING MANAGER  
HUDSON TOOL & DIE COMPANY  
1327 N. U.S. 1  
ORMOND BEACH, FL 32174

1/25/93

INDUSTRIAL & POLLUTION CONTROL DEPARTMENTCONFIRMATION OF LEGAL ACTIONREF.NO. 90118

This will confirm receipt of a request to institute legal action for violation of PVSC Rules and Regulations, state or federal laws and regulations.

1. Company Name DAYTONA FINISHING Permit 20460932

Address 59 WALL STREET

NEWARK, N.J. 07105

2. References (A) PVSC Notices of Violation

<u>Date</u>	<u>Section Violated</u>
1. <u>3 1 192</u>	<u>40 CFR 433 SNC</u>
2. <u>5 1 192</u>	
3. <u>6 1 192</u>	
4. <u>7 1 192</u>	
5. <u>1 1</u>	

(B). Other Correspondence

<u>Date</u>	<u>Originator</u>
1. <u>1 1</u>	
2. <u>1 1</u>	
3. <u>1 1</u>	
4. <u>1 1</u>	
5. <u>1 1</u>	

Law Offices

Date Received 1 12 192

Signature [Signature]

Date Returned to PVSC 1 12 192

9/1-9/30/92

11/12/92

Daytona Fishing - 453

#8 Out of compliance with Pb MAT Res Bio

#10 ~~Copy~~ Copy did not say what they Adjusted to put into  
Captures.

Pluto  
12/9/92  
A



CHIEF COUNSEL  
GABRIEL M. AMBROSIO, ESQ.

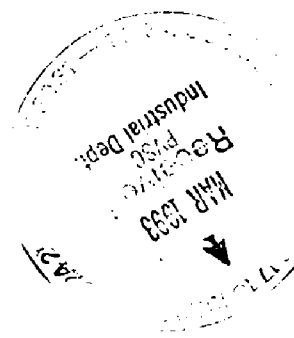
Passaic Valley  
Sewerage Commissioners

137 261 000038  
464 VALLEY BROOK AVENUE  
LYNDHURST, N.J. 07071  
(201) 933-8844  
FAX (201) 933-4299

March 17, 1993

\*\* Via Certified Mail \*\*

George McGehrin  
Finance Manager  
Passaic Valley Sewerage Commissioners  
600 Wilson Avenue  
Newark, New Jersey 07105



Re: PVSC v. Daytona Finishing Corporation

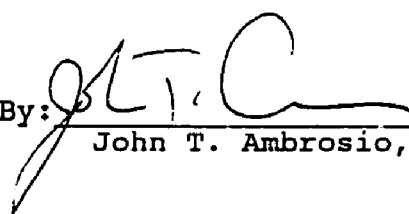
Dear George:

Enclosed please find a check in the amount of \$5,500.00 in partial settlement of the above matter. In addition, I have enclosed for your review a copy of the settlement agreement in this matter. Kindly deposit the enclosed check to the appropriate account.

Thank you for your attention to this matter.

Very truly yours,

GABRIEL M. AMBROSIO, ESQ.

By:   
John T. Ambrosio, Esq.

JTA:ja  
Enclosure  
cc w/enc:

Frank D'Ascensio, Manager  
Carmen Della Pia, Operations Coordinator

MGR (FD)	_____
RIVER (FC)	_____
OPS (TM)	_____ <i>y</i>
MONIT (MC)	_____ <i>y</i>
LAB (AM)	_____ <i>P M + jha</i>

CHIEF COUNSEL  
GABRIEL M. AMBROSIO, ESQ.



Passaic Valley  
Sewerage Commissioners

464 VALLEY BROOK AVENUE  
LYNDHURST, N.J. 07071  
(201) 933-8844  
FAX (201) 933-4299

13A-6190

March 25, 1993

Lee Shargel  
Hudson Tool & Die Company  
1327 N. U.S. 1  
Ormand Beach, Florida 32174

Re: PVSC v. Daytona Finishing Corp.  
Docket No. C-69-93

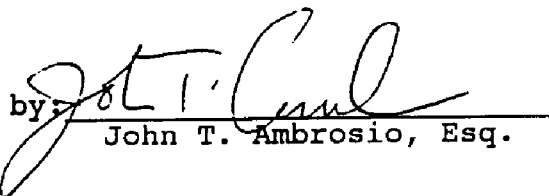
Dear Lee:

Enclosed for your records please find a filed copy of the Complaint and the Consent Order and Final Judgment in the above matter. If you have any questions regarding the same, please feel free to contact me.

Thank you for your cooperation in this matter.

Very truly yours,

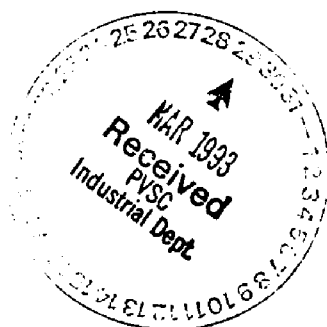
GABRIEL M. AMBROSIO, ESQ.

by:   
John T. Ambrosio, Esq.

JTA:ja  
Enclosure  
cc w/enc:

Frank D'Ascensio, Manager  
Industrial & Pollution Control

MGR (FD)	_____
RIVER (FC)	_____
OPS (TM)	<u>Y</u> _____
MONIT (MAG)	<u>Y</u> _____
LAB (AM)	<u>P. N. G. J. L.</u> _____



131.6790

RECEIVED - J. J. J.  
Clerk of the Court  
Patricia Mc Garry Dr.

GABRIEL M. AMBROSIO, ESQ.  
464 Valley Brook Avenue  
P.O. Box 911  
Lyndhurst, New Jersey 07071  
(201) 933-8844  
Attorneys for Plaintiff

MAR 10 1987

Essex County

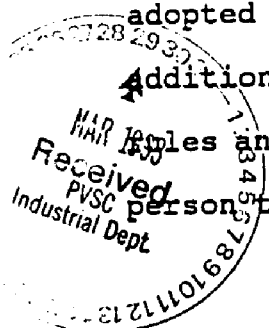
PASSAIC VALLEY SEWERAGE  
COMMISSIONERS, a body politic : SUPERIOR COURT OF NEW JERSEY  
and corporate of the State of : CHANCERY DIVISION - ESSEX COUNTY  
New Jersey, :  
 :  
Plaintiff, :  
 :  
v. : COMPLAINT  
 :  
DAYTONA FINISHING :  
CORPORATION, :  
 :  
Defendant. :  
 :

Plaintiff, the PASSAIC VALLEY SEWERAGE COMMISSIONERS, having its principal offices located at 600 Wilson Avenue, in the City of Newark, County of Essex and State of New Jersey, says by way of complaint:

THE PARTIES

1. Plaintiff, the PASSAIC VALLEY SEWERAGE COMMISSIONERS ("PVSC"), is a body politic and corporate organized pursuant to the laws of the State of New Jersey and is charged with the responsibility of protecting the streams and rivers within its sewerage and drainage district from pollution.

2. In accordance with N.J.S.A. 58:14-1 et seq., the PVSC adopted rules and regulations to enforce its statutory mandate. In addition, the PVSC is authorized to enforce its mandate and its rules and regulations, through the filing of law suits, against any person that discharges sewerage or other polluting matter directly



or indirectly into the waters for which it is responsible.

3. The defendant, Daytona Finishing Corporation ("Daytona") is believed to be a corporation of the State of New Jersey. Daytona operates a facility located at 59 Wall Street, Newark, New Jersey (the "Facility"), from which it discharges industrial and other wastes to the PVSC Treatment Works.

COUNT ONE

4. In accordance with its rules and regulations, the PVSC issued Sewer Connection Permit No. 20400932 ("Permit"), with an effective date of October 20, 1991, and an expiration date of October 20, 1996, which authorizes Daytona to discharge to the PVSC Treatment Works.

5. Among other conditions, Part C(1) of the Permit limits the maximum daily discharge of Zinc to 2.61 milligrams per liter ("mg/l") and separately limits the average daily discharge of Zinc to 1.48 mg/l. In addition, the Permit sets forth requirements for monitoring all discharges for the presence of Zinc and specifies that the defendant report its monitoring results for each monitoring period to the PVSC on Discharge Monitoring Report Forms MR-1 ("MR-1").

6. Beginning on or about March 1992 and continuing to the present, Daytona has submitted MR-1 forms to the PVSC. In addition, during the same period the PVSC separately monitored Daytona's effluent discharges for the presence of Zinc. Review of the defendant's MR-1 forms and the PVSC's own monitoring results demonstrate that Daytona exceeded its discharge limitation for Zinc during the following monitoring periods:

<u>Monitoring Period</u>	<u>Outlet Number</u>	<u>Parameter</u>	<u>Discharge Limitation</u>	<u>Recorded Result</u>
Mar 1992	0201	Zinc	2.61 mg/l(m) 2.61 mg/l(m) 1.48 mg/l(a)	11.83 mg/l 6.79 mg/l 6.25 mg/l
May 1992	0201	Zinc	1.48 mg/l(a)	1.50 mg/l
Jun 1992	0201	Zinc	2.61 mg/l(m) 1.48 mg/l(a)	2.90 mg/l 2.90 mg/l
Jul 1992	0201	Zinc	2.61 mg/l(m) 1.48 mg/l(a)	6.60 mg/l 6.60 mg/l

The following abbreviations were used:

(m) = Maximum daily discharge  
(a) = Average daily discharge

7. The defendant's discharge of pollutants in excess of the effluent limitations of its Permit is a violation of the rules and regulations of the PVSC and an unlawful act in violation of N.J.S.A. 58:14-1 et seq.

8. Based upon the foregoing violations of the rules and regulations of the PVSC and the Permit, the PVSC directed Daytona to take immediate steps to prevent continued violations. To date, Daytona has refused and/or failed to comply with the directives of the PVSC and therefore, is likely to continue to exceed the discharge limitations for Zinc.

9. If continued, the unlawful acts and practices of the defendant will adversely affect or threaten to adversely affect public health or safety or the operation of the PVSC system.

WHEREFORE, the Passaic Valley Sewerage Commissioners demand the entry of an Order against the defendant:

(a) Declaring the defendant to be in violation of the rules and regulations of the PVSC, the Permit and N.J.S.A. 58:14-1 et seq.;

(b) Declaring the defendant to be a "significant noncomplier," as that term is defined under N.J.S.A. 58:10A-3(w), for having committed the "serious violations" described hereunder;

(c) Enjoining the defendant from further violations of the rules and regulations of the PVSC, the Permit and N.J.S.A. 58:14-1 et seq.;

(d) Assessing civil penalties against the defendant for having engaged in unlawful acts and practices described herein;

(e) Assessing attorney's fees and cost against the defendant;

(f) For such other relief as the Court deems just and proper.

GABRIEL M. AMBROSIO, ESQ.

Dated: *March 17, 1993*

by: 

John T. Ambrosio, Esq.  
Attorneys for Plaintiff

RULE 4:5-1 CERTIFICATION

I hereby certify that the matter in controversy is not the subject of any other action pending in any Court and is likewise not the subject of any pending arbitration proceeding. I further certify that I have no knowledge of any contemplated action or arbitration proceeding which is contemplated regarding the subject matter of this action and that I am not aware of any other parties who should be joined in this action.

GABRIEL M. AMBROSIO, ESQ.

Dated: *March 17, 1993*

by: 

John T. Ambrosio, Esq.  
Attorneys for Plaintiff

JTA:ja  
dayton.cmp

GABRIEL M. AMBROSIO, ESQ.  
464 Valley Brook Avenue  
P.O. Box 911  
Lyndhurst, New Jersey 07071  
(201) 933-8844  
Attorneys for Plaintiff

FILED

MAR 29 1993

MARY A. HARTMAN  
CLERK

PASSAIC VALLEY SEWERAGE  
COMMISSIONERS, a body politic  
and corporate of the state of  
New Jersey,

Plaintiff,

v.

DAYTONA FINISHING CORPORATION,

Defendant.

SUPERIOR COURT OF NEW JERSEY  
: CHANCERY DIVISION - ESSEX COUNTY

DOCKET NO: C-69-93

Civil Action

CONSENT ORDER AND  
FINAL JUDGMENT.

This matter having been opened to the Court by Gabriel M. Ambrosio, Esq. (John T. Ambrosio, Esq., appearing) on behalf of the plaintiff, the PASSAIC VALLEY SEWERAGE COMMISSIONERS ("PVSC"), alleging that the defendant, Daytona Finishing Corporation ("Daytona"), violated the provisions of N.J.S.A. 58:14-1 et seq. by discharging pollutants in excess of Sewer Connection Permit No. 20400932 ("Permit") and the rules and regulations of the PVSC, and the defendant having consented to the entry of the within Consent Order and Final Judgment, and for good cause thus shown;

IT IS on this 19<sup>th</sup> day of March 1993;

ORDERED that:

Civil Penalties

1. The defendant, Daytona, shall pay to the PVSC the sum of eleven-thousand dollars (\$11,000.00) (the "Settlement Amount") in



settlement of all civil penalties that could have been assessed against the defendant for allegedly having violated the provisions of N.J.S.A. 58:14-1 et seq. by discharging pollutants in excess of the Zinc effluent limitations of the Permit and the rules and regulations of the PVSC between March 1, 1992 and the present, including, but not limited to, those alleged violation set forth in the complaint filed by the plaintiff in this action. Payment of the Settlement Amount shall be as follows: \$5,500.00 within ten (10) days of the date hereof, and; \$5,500.00 within ninety (90) days of the date hereof. All settlement payments shall be made by certified check, cashier's check or attorney's trust account check and made payable to "Passaic Valley Sewerage Commissioners."

#### Compliance Schedule

2. Daytona shall comply with the following schedule for the purpose of controlling and eliminating discharges in excess of the Zinc limitations of the PVSC and the Permit:

(a) Within 90 days of the date hereof, Daytona shall complete the proper installation of all necessary Zinc pretreatment control equipment;

(b) Within 120 days of the date hereof, Daytona shall comply with the Zinc discharge limitations of the PVSC and its Permit;

#### Progress Reports

3. Daytona shall submit to the PVSC monthly progress reports concerning its compliance with the requirements and obligations of this Order. Each progress report shall comply with all the

reporting requirements specified by 40 C.F.R. 403.12, and any amendments thereto, which is specifically incorporated herein and made a part hereof;

#### Final Report

4. Within ninety (90) days of completing the corrective action described in paragraph #2, the defendant shall submit to the PVSC a final report concerning its compliance with all applicable pretreatment standards. Said final report shall comply with all the reporting requirements specified by 40 C.F.R. 403.12, and any amendments thereto, which is specifically incorporated herein and made a part hereof;

#### Force Majeure

5. The completion date for the corrective action described in paragraph #2 or for the submission of any report required by this Order, shall be extended for the period of time that the defendant or its agent is prevented by a Force Majeure event from proceeding with the corrective action or submitting the required report. As used in this Order, a Force Majeure event shall mean an event which is beyond the reasonable control of the defendant including, but not limited to, such events as fire, explosion, inclement weather conditions (that create unforeseen delays), labor disputes, inability to obtain or unavoidable delay in the delivery of materials, inability to obtain or unavoidable delay in securing municipal approvals and/or work permits, and unforeseen subsurface conditions. If the occurrence of a Force Majeure event causes or may cause delay in meeting any completion or submission date set

forth above, defendant shall notify the PVSC in writing within ten (10) days of the occurrence of such event, the precise cause of the delay, the measures taken or to be taken by the defendant to prevent or minimize the delay, an estimate of the date by which such measures will be completed or such report will be submitted, and an estimate of the duration of the delay. The defendant shall promptly implement all reasonable measures to prevent or minimize any such delays, prevent or minimize any adverse impact on the PVSC system as a result of such delays, and to comply with all requirements of this Order as soon as possible;

6. If the PVSC finds that: (a) the defendant has complied with the notice requirements of the preceding paragraph and; (b) the delay or anticipated delay has been or will be caused by a Force Majeure event, the PVSC shall extend the time for performance under this Order no longer than the delay resulting from the Force Majeure event. If the PVSC determines that: (a) the defendant did not comply with the notice requirements of the preceding paragraph or; (b) the event causing the delay does not constitute a Force Majeure event, failure to complete the corrective action under paragraph #2 or to submit any report required hereunder shall be a violation of the requirements of this Order and subject the defendant to sanctions. The burden of establishing that any delay is caused by a Force Majeure event rests with the defendant;

#### General Provisions

7. The corrective action undertaken by the defendant pursuant to this Order shall constitute the penalty for allegedly having

violated the effluent limitation for the discharge of Zinc as set forth in the Permit and the rules and regulations of the PVSC during the period covered by the compliance schedule. In the event that the defendant completes all corrective action on or before the completion date set forth in the compliance schedule, and as modified by any Force Majeure event, any such exceedances experienced during this period shall not be subject to additional penalty;

8. The defendant further understands that any exceedance of the effluent limitation for discharges of Zinc experienced after the final completion date set forth in the compliance schedule, shall be subject to further enforcement proceedings and civil penalties;

9. Nothing in this Order shall preclude the PVSC from taking enforcement action against the defendant for matters not set forth herein or in the complaint;

10. All provisions of the Permit shall remain in full force and effect and are not modified by this Order. The defendant expressly understands that the compliance requirements contained in this Order do not modify any provisions of the Permit or any duties or liabilities of the defendant thereunder;

11. This Order shall be binding on the defendant, its assignees and any trustee in bankruptcy or receiver appointed pursuant to a proceeding in law or equity;

12. Defendant shall perform all work conducted pursuant to this Order in accordance with prevailing professional standards;

13. This Order shall not relieve the defendant from obtaining and complying with all applicable federal, state and local permits, as well as all applicable statutes and regulations while carrying out the obligations imposed by this Order;

14. The obligations and civil penalties of this Order are imposed pursuant to the police powers of the State for the enforcement of law and the protection of public health, safety, welfare and are not intended to constitute a debt or debts which may be limited or discharged in a bankruptcy proceeding;

15. In addition to the PVSC's statutory and regulatory rights to enter and inspect, the defendant shall allow the PVSC and its authorized representatives access to its facility at all times for the purpose of monitoring defendant's compliance with this Order;

16. The defendant shall make available to the PVSC all technical records and contractual documents maintained or created by the defendant or its contractors in connection with this Order;

17. The PVSC reserves the right to require the defendant to take additional actions as authorized by law should the PVSC determine that such actions are necessary to protect human health, the environment or the PVSC system. Nothing in this Order shall constitute a waiver of any statutory right of the PVSC to require the defendant to undertake such additional measures should the PVSC determine that such measures are necessary, subject to the defendant's rights under this Order, applicable statutes and regulations;

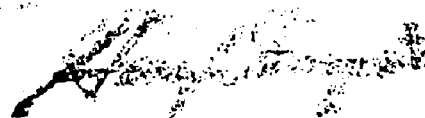
18. The defendant shall not construe any informal advice, guidance, suggestions or comments by the PVSC or by person(s) acting on behalf of the PVSC, as relieving the defendant of its obligation to obtain written approvals as may be required herein, unless such advice, guidance, suggestions or comments by the PVSC shall be submitted in writing to the defendant;

19. The defendant shall give written notice of this Order to any successor in interest prior to transfer of ownership of the facility which is the subject of this Order and shall simultaneously verify to the PVSC that such notice has been given;

20. No modification or waiver of this Order shall be valid except by written amendment duly executed by the defendant and the PVSC.

21. The Court shall retain jurisdiction over the parties to this action solely for the purpose of enforcing the provisions of this Order.

22. The PVSC reserves the right to reopen this case in the event the Commissioners of the PVSC, at their next available public meeting, do not accept the recommendations of the chief counsel to enter into this Consent Order and Final Judgment.

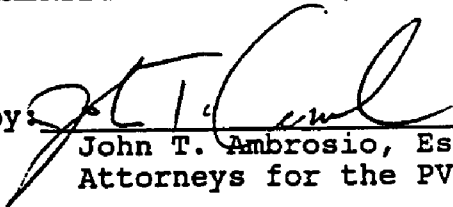
  
\_\_\_\_\_  
Hon. HARRY F. MARBOIS J.S.C.  
PJCM

The undersigned hereby consent to the entry of the foregoing order, both as to substance and form.

GABRIEL M. AMBROSIO, ESQ.

Dated: 3/17/93

by:

  
John T. Ambrosio, Esq.  
Attorneys for the PVSC

DAYTONA FINISHING CORPORATION

Dated: 3/12/93

  
Authorized Signature

PAUL D. CLARE  
Print Name

PRESIDENT  
Print Title & Position

JTA:ja  
DAYTONA.con