

**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. OARMSTATTER
CLERK

JOSEPH CORRAO, SR.
CHAIRMAN

ROBERT M. BURKE, JR.
THOMAS J. CIFELLI
KENNETH W. HAYDEN
DONALD TUCKER

COMMISSIONERS

October 5, 1988

Capital City Products
Foot of Sanford Avenue
Kearny, New Jersey 07032

Attn: Don Neill

**RE: NOTICE OF VIOLATION
PERMIT NO: 15403300
VIOLATION DATE: 09/01/88
SECTION VIOLATED 312.1 (D)**

Dear Mr. Neill:

You are put on notice that your company is in violation of section 312.1 (D) of the Passaic Valley Sewerage Commissioners Rules and Regulations. The result for the sample taken on September 1, 1988 was 115.79 mg/l. This exceeds the 100 mg/l limit specified in the PVSC Rules and Regulations.

Therefore, you are directed to take immediate steps to correct this condition. Please reply to this letter within 10 days with an explanation for these violations and a plan to prevent them in the future. In the meanwhile, you are hereby directed to take one sample per week during a representative working day until you have demonstrated compliance on three samples. If this sampling program exceeds 30 days, a monthly status report is to be submitted until compliance has been demonstrated.

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

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS


Carmine T. Perrapato,
Executive Director

CTP/mc

cc: Robert Davenport, Deputy Executive Director
Frank D'Ascensio
Town of Kearny

PCB000089

TIERRA-B-014856

INDVIO 1

INDUSTRIAL VIOLATION INFORMATION

PERMIT NO: LS40330.0

COMPANY NAME: Capital City Prod.

LOCATION: Hos Stanford COMMUNITY: KEARNY

VIOLATION DATE: 09/01/88 SECTION VIOLATED: 312, L.D.

DESCRIPTION: PVSC PHC 115.779 M/L FORMAL NOTICE SENT: 9

SKED_ELIMINATION: _____ ACTUAL_ELIMINATION: 10/31/88 10/6/88

VISIT1: 10/31/88 COMMENT1: Process Ingress Changed

VISIT2: _____ COMMENT2: _____

VISIT3: _____ COMMENT3: _____

VISIT4: _____ COMMENT4: _____

close

LV
12/2/88
closed

PCB000090

TIERRA-B-014857



State of New Jersey
Department of Environmental Protection and Energy
Office of Enforcement Policy

Scott A. Weiner
Commissioner

Edward M. Neafsey
Director

IN THE MATTER OF : ADMINISTRATIVE ORDER AND
CAPITAL CITY PRODUCTS COMPANY : NOTICE OF CIVIL ADMINISTRATIVE
KEARNY/HUDSON COUNTY : PENALTY ASSESSMENT

This Administrative Order and Notice of Civil Administrative Penalty Assessment is issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection and Energy (hereinafter "NJDEPE" or "Department") by N.J.S.A. 13:1D-1 et seq. and the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and duly delegated to the Assistant Director or Bureau Chief of the Office of Enforcement Policy pursuant to N.J.S.A. 13:1B-4.

FINDINGS

1. Capital City Products Company, (hereinafter "Capital City") which is owned and operated by Karlshamns USA, is located at One Sanford Avenue, Kearny, Hudson County, State of New Jersey, Block 13-17,25,26, Lot 279.
2. NJDEPE issued a New Jersey Pollutant Discharge Elimination System (NJPDES) Permit No. NJ0098906 (hereinafter "the Permit") to Capital City on December 3, 1982 which was subsequently modified on December 31, 1985. The effective date of the modified Permit was February 1, 1986, and the expiration date was January 31, 1988. The Department received a renewal application for the Permit on February 24, 1988. Pursuant to the "Administrative Procedures Act" N.J.A.A. 52:14B-11, the conditions of the expired permit are continued in force until the effective date of a new permit.
3. Pursuant to the Permit, Capital City discharges pollutants, as defined by N.J.A.C. 7:14A-1.9, into the Passaic Valley Sewage Commission Wastewater Treatment Plant, (hereinafter "PVSC").
4. No person shall discharge any pollutant except in conformity with a valid New Jersey Pollutant Discharge Elimination System (NJPDES) Permit issued

Please Respond To:

Tel. #

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PCB000149

TIERRA-B-014858

ADMINISTRATIVE ORDER AND
NOTICE OF CIVIL ADMINISTRATIVE
PENALTY ASSESSMENT
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pursuant to the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.

5. Part III - B/C 1.A & B. of the Permit set forth specific parameters to be reported on Discharge Monitoring Report forms (hereinafter "DMRs") and identifies discharge limitations for each parameter for each permitted outfall.

6. Capital City submitted DMRs to NJDEPE as required by Part I 11.I.,(1) and Part II - B/C Section B 3. of the Permit for the period of May 1, 1990 through April 30, 1991. The DMRs demonstrate that Capital City has violated the discharge limits of the Permit. Listed below are the dates and parameters which were violated.

MONITORING PERIOD: May 1, 1990 to July 31, 1990
DMR NUMBER: #90070950

Violation	Parameter	Outfall Number	Permit Limits	Reported Results
Limits Exceeded	pH	003	5-10.5 su	0.8-12.6 su ^{90/6 6 3/6}

MONITORING PERIOD: August 1, 1990 to October 31, 1990
DMR NUMBER: #90070950

Violation	Parameter	Outfall Number	Permit Limits	Reported Results
Limits Exceeded	pH	003	5-10.5 su	0.9 su ^{20/10}

MONITORING PERIOD: November 1, 1990 to January 31, 1991
DMR NUMBER: #90070950

Violation	Parameter	Outfall Number	Permit Limits	Reported Results
Limits Exceeded	pH	003	5-10.5 su	1.0-13.1 su

MONITORING PERIOD: February 1, 1991 to April 30, 1991
DMR NUMBER: #90070950

Violation	Parameter	Outfall Number	Permit Limits	Reported Results
Limits Exceeded	pH	003	5-10.5 su	3.1 su

7. Based on the facts set forth in these FINDINGS, the Department has

ADMINISTRATIVE ORDER AND
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determined the Capital City has violated the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., specifically N.J.A.C. 7:14A-1.2.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

8. Capital City shall discharge pollutants only in conformity with a valid NJPDES Permit pursuant to the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and the regulations promulgated thereto, N.J.A.C. 7:14A-1.1 et seq.
9. Obligations and penalties of this Administrative Order are imposed pursuant to the police powers of the State of New Jersey for the enforcement of law and the protection of public health, safety and welfare and are not intended to constitute debt or debts which may be limited or discharged in a bankruptcy proceeding.
10. This Administrative Order shall be effective upon receipt.

NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT

11. Pursuant to N.J.S.A. 58:10A-10d and N.J.A.C. 7:14-8 et seq., and based upon the above FINDINGS, NJDEPE has determined that a civil administrative penalty should be assessed against Capital City in the amount of \$120,000. NJDEPE's rationale for this Civil Administrative Penalty is set forth in Appendix A which is attached hereto and incorporated herein.
12. Payment of the penalty is due when a final order is issued by the Commissioner subsequent to a hearing if any, or when this Notice of Civil Administrative Penalty Assessment becomes a final order (see following paragraph). Payment shall be made by certified or cashier's check payable to "Treasurer, State of New Jersey" and shall be submitted with the white copy of Form DEP - 062A (copy attached) to:

Bureau of Revenue
New Jersey Department of Environmental Protection and Energy
CN 402
Trenton, New Jersey 08625-0402
13. If no request for a hearing is received within twenty (20) calendar days after receipt of this Notice of Civil Administrative Penalty Assessment by Capital City, it shall become a final Order upon the twenty-first calendar day following its receipt by Capital City, and the penalty shall be due and payable.
14. Notice is given that pursuant to N.J.S.A. 58:10A-10d and N.J.A.C. 7:14-8.12, the Department may, in addition to any civil administrative penalty assessed, amend such penalty assessment to include a civil administrative penalty for the economic benefit (in dollars) which the violator has realized as a result of not complying, or by delaying compliance, with this Act.

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NOTICE OF CIVIL ADMINISTRATIVE
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NOTICE OF RIGHT TO A HEARING

15. Capital City is entitled to an administrative hearing. Any hearing request must include the information specified in Paragraph 16 below and shall be delivered to Richard J. McManus, Director, Office of Legal Affairs, CN-402, Trenton, New Jersey 08625 within twenty (20) calendar days from receipt of this Administrative Order and Notice of Civil Administrative Penalty Assessment. A copy of the completed, signed and dated Administrative Hearing Request Checklist and Tracking Form shall be filed at the same time with Peter T. Lynch, P.E., Chief, Metro Bureau of Water and Hazardous Waste Enforcement Field Operation, 2 Babcock Place, West Orange, New Jersey 07052.

16. Capital City shall, pursuant to N.J.A.C. 7:14-8.4(a) in its request for a hearing, furnish NJDEPE with all of the information specified in the enclosed Administrative Hearing Request Checklist and Tracking Form.

GENERAL PROVISIONS

17. This Administrative Order and Notice of Civil Administrative Penalty Assessment is binding on Capital City, its principals, directors, officers, agents, successors, assigns, any trustee in bankruptcy or other trustee, and any receiver appointed pursuant to a proceeding in law or equity.

18. Capital City shall submit copies of all documents required by this Administrative Order and Notice of Civil Administrative Penalty Assessment by certified mail, return receipt requested or by hand delivery to:

Peter T. Lynch, Chief
Metro Bureau of Water and Hazardous Waste Enforcement Field Operations
Office of Enforcement Policy
2 Babcock Place
West Orange, New Jersey 07052

Penalty payments shall be made in the same manner to the address in paragraph 12 above.

19. Notice is given that this Administrative Order and Notice of Civil Administrative Penalty Assessment is issued only for the violation identified in the Findings hereinabove and that violations of any statutes, rules or permits other than those herein cited may be cause for additional enforcement actions, either administrative or judicial, being instituted without further notice. By issuing this Administrative Order and Notice of Civil Administrative Penalty Assessment the Department does not waive its right to initiate additional enforcement actions.

20. Notice is given that pursuant to N.J.S.A. 58:10A-10d, NJDEPE is authorized to assess a civil administrative penalty of not more than \$50,000 for each violation, and each day during which the violation continues shall


ADMINISTRATIVE ORDER AND
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constitute an additional, separate and distinct offense.

21. Notice is further given that pursuant to N.J.S.A. 58:10A-10e, any person who violates N.J.S.A. 58:10A-1 et seq., or an administrative order issued pursuant to N.J.S.A. 58:10A-10b, or who fails to pay the civil administrative penalty in full after it is due shall be subject to a civil penalty not to exceed \$50,000 per day of such violation, and each day's continuance of the violation shall constitute an additional, separate and distinct violation.

22. Notice is further given that pursuant to N.J.S.A. 58:10A-10f, any person who purposely, knowingly or recklessly violates this act and the violation causes a significant adverse environmental effect, shall, upon conviction, be guilty of a crime of the second degree and shall be punished by fine of not less than \$25,000 nor more than \$250,000 per day of violation, or by imprisonment or by both. Any person who knowingly makes a false statement, representation or certification in any application, record or other document filed or required to be maintained under this Act or falsifies, tampers with or knowingly renders inaccurate, any monitoring device or method required to be maintained pursuant to this Act or fails to submit a monitoring report, or any portion thereof, required pursuant to this Act, shall upon conviction, be guilty of a crime of the fourth degree and be subject to a fine of not more than \$50,000 or by imprisonment or by both.

DATE: December 30, 1991


JAMES K. HAMILTON
ASSISTANT DIRECTOR
WATER AND HAZARDOUS WASTE
ENFORCEMENT FIELD OPERATIONS

Appendix A

CIVIL ADMINISTRATIVE PENALTY RATIONALE

Capital City Products Company
Kearny/Hudson County

Re: Violations of NJPDES Permit No. NJ0098906

Discharge of Effluent in Excess of Permit Limitations
N.J.A.C. 7:14-8.5

SERIOUSNESS: Pursuant to N.J.A.C. 7:14-8.5(e)1.1 the seriousness factor is considered to be major when a violation has occurred which has caused or has the potential to cause serious harm to human health or the environment, and is not measured by concentration or mass. Since pH is not measured by concentration or mass and the discharge has the potential to cause serious harm to the Passaic Valley Sewage Treatment Plant, the seriousness factor is considered to be major.

CONDUCT: The Department does not currently have information in its possession that would support the firm conclusion that the violations are due to intentional, deliberate, purposeful, knowing, willing or foreseeable conduct on the part of the violator. Therefore the conduct is minor.

Pursuant to N.J.A.C. 7:14-8.5(d), the civil administrative penalty assessed for each violation is \$20,000.

Discharge No. 003

Six (6) pH violations from the DMR monitoring Period of May 1, 1990 to April 30, 1991.

Monitoring Period	Discharge Parameter	Permit Limits	Reported Results
05/01/90 to 07/31/90	pH pH	5-10.5 su 5-10.5 su	0.8 su 12.6 su
08/01/90 to 10/31/90	pH	5-10.5 su	0.9 su
11/01/90 to 01/31/91	pH pH	5-10.5 su 5-10.5 su	1.0 su 13.1 su
02/01/91 to 04/30/91	pH	5-10.5 su	3.1 su

FORMULA: \$20,000 x 6 violations = \$120,000

PENALTY ASSESSED: \$120,000

☐ Emergency
(1)

Retain Sample ☐ Yes ☒ No

Comments

Water Temp °C (P0010)
Do-Winkler (P00300)
Do-Probe (P00299)
pH (Field) (P00400)
Sample Depth Ft. (P0000)

STATE DEPARTMENT of HEALTH
ENVIRONMENTAL and CHEMICAL LABORATORY SERVICES
GENERAL CHEMISTRY

Laboratory Sample No. 9101919
Collection Date: 910815.1215
Laboratory Batch No. 91DWR00202

Field No: ... 66007
Receipt Date: 910816.1415
Report Date: SEPT 17 1991

		Sample Results	Result Qualifier	MDL	Analysis Date
Nitrite Nitrogen	(P00615)	ANR		0.003	
Nitrite & Nitrate Nitrogen	(P00630)	ANR		0.02	
Ammonia Nitrogen	(P00610)	ANR		0.03	
Total Kjeldahl Nitrogen	(P00625)	ANR		0.03	
Ortho Phosphorus	(P70507)	ANR		0.01	
Total Phosphorus	(P00665)	ANR		0.02	
Non-Filterable Residue	(P00530)	72		2	910823
Total Residue	(P00500)	ANR		2	
Filterable Residue	(P70300)	ANR		2	
Non-Filterable Volatile Residue	(P00535)	ANR		2	
Total Volatile Residue	(P00505)	ANR		2	
Filterable Volatile Residue	(P00520)	ANR		2	
Settleable Matter in ml/l/hr	(P50086)	ANR		0.2	
COD - Standard	(P00340)	336		20	910826
COD - Low	(P00335)	ANR		5	
COD - High Chloride	(P00340)	ANR		250	
TOC	(P00680)	47.92		1	910909
Color in Platinum in Cobalt Units	(P00080)	ANR		5	
Odor		ANR		I	
Turbidity in NTU	(P00067)	ANR		0.1	
pH in pH Units	(P00403)	ANR		-	
Alkalinity	(P00410)	ANR		1	
Acidity	(P00436)	ANR		1	
Chloride	(P00904)	338.0		0.5	910820
Residual Chloride		ANR		0.1	REPORT SUBMITTED
MBAS	(P38260)	ANR		0.1	

page 1 of 2 pages

NJ000 ENVIRONMENTAL
CHEMISTRY LABORATORY

PCB000156

TIERRA-B-014865

DEPARTMENT of HEALTH
CHEMICAL LABORATORY SERVICES
GENERAL CHEMISTRY

Laboratory Sample No. 9101919

Field No: ... 66007

		Sample Results	Result Qualifier	MDL	Analysis Date
Phenols (SSI)	(P32730)	0.05	K	0.05	910823
Phenols (pw)	(P32730)	ANR		0.005	
Hardness	(P00900)	ANR		2	
Sulfate	(P00945)	ANR		1	
Oil & Grease	(P00556)	ANR		5	
Petroleum Hydrocarbons	(P45510)	5.7		1	910828
Cyanide	(P00720)	ANR		0.010	
Conductance in umhos	(P00095)	ANR		0.1	
Dissolved Oxygen	(P00300)	ANR		0.2	
Fluoride	(P00951)	ANR		0.1	
Fluoride with distillation	(P00951)	ANR		0.1	
Silica	(P00955)	ANR		1	
Sulfide	(P00745)	ANR		1	
TOX		ANR		.005	

Sample Result		Result Qualifier	Dilutions				Analysis Date
BOD ₅	120		% conc	1	2	5	910817
			+ / -	-	+	+	
CBOD ₅	ANR		% conc				
			+ / -				
BOD ₂₀	ANR		% conc				
			+ / -				
CBOD ₂₀	ANR		% conc				
			+ / -				

NOTE: Sample results, method blanks and MDLs are expressed in parts per million (ppm), unless otherwise specified.

ANR = Analyte Not Requested QNS = Quantity Not Sufficient
 J-MI = Approximate value due to matrix interferences
 J-QC = Approximate value due to quality control problems.
 J-QC = Approximate value due to the sample exceeding the holding time.
 NA = Not Applicable
 IZ = Instrument Zero The blank is used to zero the instrument, therefore
 there is no reportable result.

REPORT SUBMITTED

page 2 of 2 pages

SEP 20 1991

MDH ENVIRONMENTAL
CHEMISTRY LABORATORY

PCB000157

TIERRA-B-014866

JIM LD W. GIACONIA
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COMMISSIONERS

**Passaic Valley
Sewerage Commissioners**

600 WILSON AVENUE
NEWARK, N.J. 07105
(201) 344-1800
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CARMINE T. PERRAPATO
EXECUTIVE DIRECTOR

ROBERT J. DAVENPORT
DEPUTY EXECUTIVE DIRECTOR

GABRIEL M. AMBROSIO
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

October 30, 1992

Mr. Henry Yard
Karlshamns
Foot of Sanford Avenue
Kearny, New Jersey 07032

CERTIFIED RECEIPT
P 093 843 051

RE: NOTICE OF VIOLATION
PERMIT #: 15406730
VIOLATION DATE: SEPTEMBER 1992
SECTION VIOLATED: 312.1(D) SV

Dear Mr. Yard:

You are put on notice that your company is in violation of Section 312.1(D) of the PVSC Rules and Regulations for the reasons outlined below:

The result of samples taken by PVSC for PHC on 9/21/92 was 238.3 mg/l. This sample exceeded the daily maximum limit of 100 mg/l specified in the PVSC Rules and Regulations. In addition since only one sample was taken by either your company or PVSC during this month the result must also meet the monthly average limit of 100 mg/l. This result exceeded the 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 for 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).

Based upon the above explanation your company has committed one serious violation in a six month period and is subject to enforcement action. The CWEA stipulates a fine of \$1000 for a serious violation for a parameter. You may avoid legal action if you remit \$1000 to PVSC within 30 days of receipt of this letter. Please make check payable to PVSC and forward to the attention of Carmen DeilaPia, Operations Coordinator. If this matter cannot be settled in an informal manner, PVSC will refer this to their attorney for further action. If you have any questions concerning this matter, please call Tom Mack at (201)817-5718.

Very truly yours,
PASSAIC VALLEY SEWERAGE COMMISSIONERS

Carmine T. Perrapato
Executive Director

CTP/sml

cc: Robert Davenport, Deputy Executive Director
Frank D'Ascensio
Mario J. Graglia
Carmen DeilaPia
Town of Kearny

PCB000275

TIERRA-B-014867



December 3, 1993

RECEIVED
DEC 6 8 06 AM '93
INDUSTRIAL
SITE EVALUATION
BUREAU

New Jersey Department of Environmental
Protection and Energy
Division of Hazardous Waste Management
Bureau of Industrial Site Evaluation
401 East State Street
CN028
Trenton, NJ 08625

Attention: Mr. Michael Mandracchia,
Case Manager

Subject: Response to DEPE
October 29, Letter
Capital City Products
Company
(Quaker Oats)
ISRA Case #84316
LAN JOB #2.3030.0

Dear Mr. Mandracchia:

I received the October 29, 1993 letter from Maurice Migliarino, Section Supervisor of the Bureau of Environmental Evaluation and Cleanup Responsibility Assessment on November 5, 1993 and am providing the following response:

1. Chlorobenzene Excavation: As indicated in the previous conversation from LAN Associates, Inc., the remediation in the Chlorobenzene Area had been delayed as a result of the need to obtain waste acceptance approval at the Chemical Waste Management ELDA facility in Cincinnati, Ohio. Work which was initially scheduled to begin the week of August 23, 1993 was postponed until the week of September 13, 1993 as indicated in the September 7, 1993 letter. Actual excavation began on September 13, 1993. One hundred eighty tons of PCB contaminated soil was disposed of at the Aptus facility in Coffeyville, Kansas.

Approximately 370 tons of chlorobenzene contaminated soil was disposed of at the Waste Management ELDA facility in Cincinnati, Ohio.

PCB000287

TIERRA-B-014868

As indicated in the November 3, 1993 Progress Report, due to elevated PCB and chlorobenzene post excavation analytical results along the north wall of the excavation, additional soil borings and sample analyses were performed. The soil borings and soil sample collection were performed on October 20, 1993 and November 10, 1993. Upon receipt of the laboratory analysis and review of the results, a revised Remedial Action Work Plan will be submitted to address this area.

On October 19, 1993, monitoring well MW-3 was reinstalled. The groundwater sampling in the area will resume once the soil remediation is complete.

A revised time schedule for the completion of the remediation of this area is attached.

2. Declaration of Environmental Restriction. It is Quaker's intent to pursue a Declaration of Environmental Restriction for the various areas on the property where the residential soil cleanup criteria are exceeded, including the areas where the non-residential soil cleanup criteria are exceeded.

The December 17, 1992 Progress Report submitted by LAN Associates, Inc. provided a summary of all analyses performed at the site. Summary tables were prepared which compare the results to both the residential and non-residential surficial soil guidelines as well as the subsurface soil guidelines utilized at that time. The evaluation of the results in the report discussed the results as compared to the non-residential standards. The sample locations in which the levels are exceeded are summarized in the attached table. The locations are also depicted in the attached figures.

All areas proposed for remediation in the December 17, 1992 Progress Report and conditionally approved by the April 23, 1993 DEPE letter have been addressed. Final reports are being prepared for the Oil Transfer Area B and Boring Location IB-6. The soils in the Underground Storage Tanks 8 & 9/Building 10 Area have been remediated and the groundwater investigation in this area is underway. As indicated, additional soil remediation is being investigated for the Chlorobenzene Area, and groundwater monitoring in this area will continue.

In summary, Quaker will be performing additional investigation/remediation in the Underground Storage Tanks 8 & 9/Building 10 Area and the Chlorobenzene Area.

No additional remediation is planned at the facility.

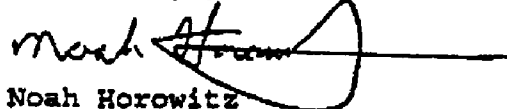
3. Off-Site Vegetable Oil: Quaker does not believe that it is appropriate for Quaker to submit a revised Remedial Action Work Plan to address the vegetable oil discovered in the off-site monitoring well.

First, vegetable oil is not a hazardous substance as defined by ISRA. Therefore, investigation of this matter is not properly included in the Remedial Work Plan which is the subject of ISRA Case No. 84316.

Second, Quaker sold the facility in 1984. Therefore, Quaker has had no control over the operations at the site for approximately the past ten years. Only a minimal amount of vegetable oil processing occurred at the northern end of the plant at the time of the sale. Since the time that ownership of the site was transferred to Capital City Products Company (now Karlshams), the interim plant located in this area has been placed back into production, and the use of vegetable oil in this area has increased. Karlshams continues to utilize this area for vegetable storage, transfer and processing operations. Photo documentation of current conditions indicates evidence of vegetable oil spillage and discharge from the operations now being conducted in this area. Quaker wishes to review the file for the adjacent ISRA case to gather information regarding the date the monitoring well was installed, results obtained from the monitoring well since it was installed and the date that vegetable oil was discovered in the groundwater. In the meantime, it is Quaker's opinion that the current owner of the facility should be considered the potentially responsible party regarding the off-site vegetable oil contamination.

Quaker looks forward to completing its obligations under this ISRA case in an expeditious manner. Work is progressing on completing the final remedial requirements in the Underground Storage Tank 8 & 9/Building 10 Area and Chlorobenzene Area. We are willing to meet with you and other staff members of the Bureau in order to discuss any of the outstanding administrative matters and determine how to proceed with resolving any remaining issues.

Very truly yours,



Noah Horowitz
Manager of Environmental Programs



State of New Jersey
Department of Environmental Protection and Energy
Division of Responsible Party Site Remediation
CN 028
Trenton, NJ 08625-0028

James M. Fox
Deputy Commissioner

Karl J. Delaney
Director

To: GARY PEARSON

Fax #: 201 669 3987 Number of Pages (including cover) 4

From: MIKE MANDACCHIA
Industrial Site Evaluation Element

Fax #: (609) 777-4285

Comments:

GARY: HERE IS A COPY OF THE LOTTERY WIN
REQUESTED. ITEM #3 IS THE SECTION YOU
NEED TO REVIEW

Mike

AUG 08 1996

President
Karlshamns USA, Inc.
Foot of Sanford Avenue
Kearny, New Jersey 07032

Re: Diamond Alkali Superfund Site
Passaic River Study Area

Dear Sir/Madam:

Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), as amended, 42 U.S.C. §9601 et seq., 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.

EPA has documented the release or threatened release of hazardous substances, pollutants and contaminants into the Passaic River Study Area ("Study Area"), a part of the Diamond Alkali Superfund Site. Sediments in the Study Area contain numerous hazardous substances, pollutants and contaminants that present a risk to the environment and the humans who may ingest contaminated fish and shellfish. Pursuant to CERCLA, EPA is currently overseeing a Remedial Investigation/Feasibility Study being performed at the Study Area under an Administrative Order on Consent signed by Occidental Chemical Corporation.

Pursuant to Section 104(e) of CERCLA, EPA may request information from companies about their operations in and around the Study Area. You may have already received such an Information Request letter or you may expect to receive one. In addition, Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. §9606(a) and §9607(a), allows EPA to notify parties of their potential liability and request that they implement response actions deemed necessary by EPA to protect public health, welfare or the environment, and may be liable for all costs incurred by the government in responding to any release or threatened release at the Site. While to date, you may not have received any notice of potential liability from EPA concerning the Study Area, this does not preclude you from receiving such a notice in the future.

EPA has scheduled a meeting for 10:00 AM on Thursday, August 29, 1996 to provide more information about the status of work concerning the Study Area to all those parties who have either

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received a Notice letter or a Request for Information letter. The meeting will be held in Room 305 on the Third Floor at 26 Federal Plaza, New York, New York. A list of addressees is attached to this letter. EPA encourages you to attend this meeting.

Please be advised that security at 26 Federal Plaza is very strict and that building guards may confiscate any item they consider to be a weapon. In the past, even small pocket knives such as "Swiss Army" knives have been taken from visitors. To clear security as quickly as possible, you should use the Duane Street entrance to 26 Federal Plaza.

If you have any questions concerning this meeting, please contact either Patricia Hick, Esq., at (212) 637-3137 or Amelia Wagner, Esq., at (212) 637-3141 of the Office of Regional Counsel of EPA or Mr. Lance Richman of the Emergency Response and Remedial Division at (212) 637-4409.

Sincerely yours,

Delmar Karlen, Jr., Chief
New Jersey Superfund Branch
Office of Regional Counsel

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Page 1

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110 Riverside Ave.
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49 Rutherford Avenue
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LIST OF ADDRESSEES

Page 3

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**Passaic Valley
Sewerage Commissioners**

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

September 4, 1991

CARMINE T. PERRAPATO
EXECUTIVE DIRECTOR

ROBERT J. DAVENPORT
DEPUTY EXECUTIVE DIRECTOR

GABRIEL M. AMBROSIO
CHIEF COUNSEL

LOUIS LANZILLO
CLEPX

ALD TUCKER
MAN

MOND LUCHKO
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DOMINIC W. CUCCINELLO
RONALD W. GIACONIA
JAMES KRONE
FRANK ORECHIO
COMMISSIONERS

Karlshamns USA, Inc.
Foot of Sanford Avenue
Kearny, NJ 07032
Attn: Henry Yard

**CERTIFIED RECEIPT
P 852 756 347**

**RE: NOTICE OF VIOLATION
PERMIT NO. 15406730
VIOLATION DATE: 8-19-91
SECTION VIOLATED: 312.1B**

Dear Mr. Yard:

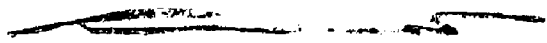
On 8-19-91 a routine inspection was made of your pH control system. The pH recorder charts were reviewed for the period from 6-1-91 to 7-31-91. The chart for June showed one excursion below 5.0 for 90 continuous minutes. Federal Regulations do not permit pH excursions below 5.0 for any length of time, more than 1% in any calendar month or more than 1 hour at any particular time. PVSC limits are between 5.0 and 10.5. As a result Karlshamns has violated the PVSC Rules and Regulations as outlined below:

1. 312.1 (B) - refers to the discharge of corrosive waste which could cause damage to the sewer system.

The incident was reported to PVSC and remedial action was taken. You are reminded that in the future, we will expect that you pay closer attention to pH control. In addition, in the event of spills, upsets or equipment malfunctions, you must notify PVSC in writing with an explanation and a plan to prevent reoccurrence. If you have any questions concerning this matter, please call Mario Graglia 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 D'Ascensio
Township of Kearny

**Passaic Valley
Sewerage Commissioners**

CARMINE T. PERRAPATO
EXECUTIVE DIRECTOR

ROBERT J. DAVENPORT
DEPUTY EXECUTIVE DIRECTOR

GABRIEL M. AMBROSIO
CHIEF COUNSEL

NORMAN E. DARMSTATTER
CLERK

ROND LUCHKO
VICE CHAIRMAN

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

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

June 5, 1990

Capital City Products
Foot of Sanford Avenue
Kearny NJ 07032

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Attn: Mr. Henry Yard JUN 13 1990

**RE: NOTICE OF VIOLATION
PERMIT NO: 15403300
VIOLATION DATE: 05/14/90
SECTION VIOLATED: 312.1(B)**

Dear Mr. Yard:

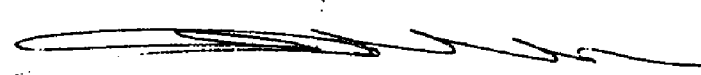
On two recent occasions one on 5/14/90 and the other on 5/17/90, Mr. Dempsey reported pH excursions well below 5.0. Mr Dempsey claimed that the first excursion was caused by operating personnel not following prescribed procedures and that the second excursion was caused by the discharge of 2400 pounds of concentrated sulfuric acid to the sewer because of mechanical failure.

It is a violation of Section 312.1(B) of the PVSC Rules and Regulations to discharge wastes in such quantity which will cause corrosion or deterioration of the treatment works. Even though in both cases you attempted to correct the problem and promptly reported the incidents, the discharge of acid wastes particularly in the second case have the potential to cause a number of serious problems in the sewer. Mr. Dempsey stated that training and the use of several more corrosion resistant materials would prevent future occurrences.

Please respond to this letter in writing within 10 days with a timetable indicating when the more corrosion resistant materials will be installed.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS


Carmine T. Perrapato
Executive Director

CTP/sl

cc: Robert Davenport, Deputy Executive Director
Frank D'Ascensio
Town of Kearny

RONALD V. GIACONIA
CHAIRMAN

JAMES KRONE
VICE CHAIRMAN

ROBERT M. BURKE, JR.
THOMAS J. CIFELLI
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RAYMOND LUCHKO
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Passaic Valley
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EXECUTIVE DIRECTOR

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DEPUTY EXECUTIVE DIRECTOR

GABRIEL M. AMBROSIO
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

May 11, 1993

New Jersey Department of Environmental Protection
2 Bahcock Place
West Orange, New Jersey 07052

Attn: Ms B. Cutler

RE: KARLSHAMNS PH HISTORY

Dear Ms. Cutler:

As requested, we have compiled a record of pH incidents for the Karlshamns Company of Kearny, New Jersey.

<u>DATE</u>	<u>ACTION</u>	<u>COMMENTS</u>
02/91	None	Company attributed low pH for two hours below 5.0 due to a faulty probe.
03/91	None	No violations reported.
04/91	None	No violations reported.
05/91	None	No violations reported.
06/91	NOV dated 09/04/91	Out of compliance for one continuous hour.
07/91	None	No violations reported.
08/91	None	No violations reported.
09/91	None	No violations reported.
10/91	None	No violations reported.
11/91	NOV dated 01/10/92	6 excursions below 5.0
12/16/91	NOV dated 01/10/92	one hour excursion above 10.5
12/20/91	NOV dated 03/10/92	Spiking on 12/27/91
01/92	NOV dated 03/10/92	3 excursions below 5.0
02/92	NOV dated 03/10/92	1 excursion below 5.0
03/92	None	No violations reported.
04/92	None	2 excursions above 10.5 15 minutes each.

<u>DATE</u>	<u>ACTION</u>	<u>COMMENTS</u>
05/92	NOV dated 08/25/92	2 excursions below 5.0.
06/92	NOV dated 08/25/92	2 excursions below 5.0.
07/92	NOV dated 08/25/92	2 excursion below 5.0.
08/92	NOV dated 01/07/93	1 excursion below 5.0.
09/92	NOV dated 01/07/92	3 excursions below 5.0.
10/92	NOV dated 01/07/92	2 excursions below 5.0.
11/92	None	No violations reported.
12/92	NOV dated 01/07/92	Missing data for 1.25 hours on 12/7/92.
02/93	Letter dated 05/03/93	Spiking both above 10.5 and below 5.0 Attributed to electronic noise.
03/93	Letter dated 05/03/93	Letter dated 5/3/93

You should be aware that we first notified the company that they could not go below 5.0 at any time in a letter dated 10/23/91 and did not start enforcing excursions below 5.0 until November of 1991. In addition, our pH limits are 5.0 to 10.5 rather than 5.0 to 9.0. Copies of NOV'S and inspector's reports are attached. Please call me at (201) 817-5724 with any questions

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS



Mario J. Graglia,
Supervisor of Monitoring & Surveillance

MJG/mc

cc: Frank P. D'Ascensio