

Mallinckrodt Chemical Works, Washine Division, Main Street,
Lodi, New Jersey.
February 24, 1969

On February 24, a sample of an overflow line from this company into Saddle River was taken, analyzed and found to be highly polluting. It was not only polluting but contained flammable material, so that this material could not be discharged into the sewers. The Commissioners made a complete investigation and after studying the matter a letter was written to Mallinckrodt Chemical Works on March 12, 1969. Wherein the company was directed to do the following:

1. Halt all polluting discharge to Saddle River and disconnect the overflow line at once.
2. Install a separator to remove all flammable and explosive materials before discharging into the Lodi System, which thence goes into the Passaic Valley System.
3. Construct concrete barriers in front of their tanks containing pollution materials, to prevent this material from running into Saddle River from accidental spills and leaks.
4. Fill in excavation which acts as a channel for polluting materials to reach the river.
5. Halt immediately discharge of flammable liquids into the Hendricks Pumping Station.

On March 27, the Commissioners received a letter from the Mallinckrodt Chemical Works wherein they said they desire to cooperate to halt any pollution and will do whatever the Commissioners desire, in fact items 1, 4, & 5 had already been accomplished. On item 2, a separator for the removal of flammable explosive materials is being installed. Estimated completion date of May 15, 1969. At present the materials are being trucked away for disposal. On item 3, the concrete barriers had been poured in front of the tanks. The overflow line had been completely removed.

July 15, to July 22, 1969.

A sample of material running along the banks into the river was found to be polluting. This was residue of drum washings from this company. The company was notified not to wash drums, along the banks and they made arrangements to wash drums in an interior area and pump all washings into the sanitary sewer. The interior drum washing area was set up on July 22, 1969.

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Mallinckrodt Chemical Works (continued)

August 1, 1969

On this date , this company was found pumping, material from their cellar into Saddle River. This material had accumulated after a flood but contained polluting material. They were ordered to halt this discharge and did so immediately.

August 26, 1969

Again a sample of drum washings going into the river was found. Again they were ordered to cease this discharge. However, it was not until September 30th., that a line that was running from the drum washing area to the river was finally rerouted to the sanitary sewer.

Violation and Elimination - Mallinkrodt Chemical Co.
Washine Div. - Main St., Lodi, New Jersey
August 14 - 16 1973 (J. Perrapato)

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At 8 A.M. on August 14, 1973, an explosion occurred at this plant starting a large fire. Firemen worked actively until August 16 to put the fire completely out. Besides enormous amounts of water, Fire Fighting Foam was brought in to help control the flame. Firemen were even called back until August 18 to put out some smouldering remains.

While trying to control the fire, large amounts of polluting material, including the foam, was washed into

violation and Elimination - Mallinkrodt Co. (con't.)

Saddle River thence Passaic River. This together with the low flow and hot weather had an effect on the Passaic River. Samples taken August 16 on all points in Saddle River and the Passaic River below the point of the fire showed extremely low dissolved oxygen (2.2 mg/l at 8th St. Passaic) and fish could be seen gasping for air. However by August 21 the oxygen of the river had recovered (7.7 mg/l at 8th St., Passaic).

Violation and Elimination - Mallinckrodt Chemical
Company, Washine Division, Main Street, Lodi, N.J.

June 17, 1974 - April 28, 1975

(J. Perrapato)

While looking for the source of the coliform count in Saddle River, Inspector Perrapato noted a sewage odor behind Mallinckrodt Chemical Company Building #2, which backs on Millbank Brook, a tributary of Saddle River. There were no visible pipes, but a few puddles in the area had the odor. Inspector Perrapato contacted the yard foreman and was told that there was a septic tank underground at that location.

Inspector Perrapato then notified the Plant Manager (Mr. J. Bauer) that the material seeping into Millbank Brook was a violation. Mr. Bauer contacted the Barry Kruger Company to empty the tank. A sample was taken to the PVSC laboratory and was found to be highly polluting.

This building (#2) was activated sometime after the explosion and fire (August 14-16, 1973) of their main plant and obviously the increase in the number of employees (to approximately 15) is an overload on their septic system.

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Violation & Elimination - Mallinckrodt Chemical Co. (con't)

In addition, they had a boiler blowdown which discharged into Millbank Brook which was also polluting; however, as of June 28, they installed a 1500 gallon tank for the boiler blowdown which was connected to the sanitary system.

On June 19, 1974, Mr. Lubetkin wrote to this company, informing them of the pollution and directing them to connect their waste discharge into the local sanitary sewer instead of letting it go into an obviously inadequate septic system.

On July 23, Mr. J. Bauer, Director of Operations, wrote to PVSC stating that they do not admit they were polluting Saddle River, but in a spirit of cooperation they had arranged to have the septic tank pumped out every month. They would also study the matter further and would advise PVSC of future developments.

On July 24, Mr. Lubetkin replied that pumping the septic tank out every month was not satisfactory, since in the normal operation of a septic tank, material leaches into the ground and, due to its proximity, in this case, also into Millbank Brook. Mr. Lubetkin informed them that if they do not make arrangements immediately to connect into the local sanitary sewer, he would have to recommend to the Commissioners that this be turned over to the legal department for whatever action was necessary. Mr. Lubetkin told them he expected to be notified in writing by August 6, 1974, as to what would be done to halt the use of the septic tank.

On August 6, Mr. Bauer wrote to PVSC, stating that they were making arrangements to install a sanitary sewer line for their septic tank to the Lodi sewerage system. They were awaiting bids from several plumbing contractors, but expected the project to be completed within 90 days. On August 30, Mr. Bauer again wrote, stating that they anticipated the project to be completed by November 6, 1974.

On October 16, 1974, Mr. Bauer wrote to the PVSC, enclosing a copy of the engineering drawing for the new sewer tie-in, and he stated they were then soliciting bids from several qualified contractors.

On November 4, Mr. Bauer wrote to PVSC explaining that the delay was caused by some modifications in their electrical heat tracing system. On November 14, Mallinckrodt accepted the bid of Simon Plumbing of Bergenfield, N. J.

On December 4, 1974, Mr. Bauer wrote to PVSC stating that contracts had been awarded to a mechanical and an electrical contractor, and that they were having problems in material availability.

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Violation & Elimination - Mallinckrodt Chemical Co. (con't)

Inspector Perrapato reported that on February 7, 1975, the pipe had been delivered, but the hangers did not arrive until February 21. Actual work by Simon Plumbing started on February 27, 1975.

On April 23, 1975, Mr. Bauer, Director of Operations, wrote to Mr. Lubetkin that the new system was completely operational and the septic tank was no longer in use. Inspector Perrapato confirmed that on April 28, 1975 he inspected the facilities and that building #2 was then connected to the Lodi sewer system.

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

SEP 15 2002

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

Richard Meelia, President
Mallinckrodt, Inc.
675 McDonnell Blvd.
Hazelwood, Missouri 63042

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

Dear Mr. Meelia:

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 Mallinckrodt, Inc. ("Mallinckrodt") 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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TIERRA-B-016100

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 Mallinckrodt's facility located at 165-167 Main Street in Lodi, 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, Mallinckrodt 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 18th 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: Patricia Duft, Esq.
Mallinckrodt, Inc.

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