



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY - REGION II

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

OCT - 4 1985

GENERAL NOTICE LETTER
URGENT LEGAL MATTER
EXPRESS MAIL - RETURN RECEIPT REQUESTED

Mr. Edgar S. Woolard, Jr., Chairman
E.I. du Pont de Nemours and Company
1007 Market Street
Wilmington, Delaware 19898

Re: Diamond Alkali Superfund Site
Notice of Potential Liability for
Response actions in the Passaic River Study Area

Dear Mr. Woolard:

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 ("CERCLA"), as amended, 42 U.S.C. §9601 et seq.

EPA has documented the release or threatened release of hazardous substances, pollutants and contaminants into the Passaic River Study Area which is part of the Diamond Alkali Superfund Site ("Site"). By this letter EPA is notifying E.I. du Pont de Nemours and Company ("DuPont"), as a successor to Pittsburgh Consolidated Coal Company, of its potential liability relating to the Site pursuant to Section 107 of CERCLA.

Sediment in the Passaic River contain numerous hazardous substances, pollutants and contaminants. Investigations undertaken by EPA indicated that hazardous materials were being released from the former Pitt-Consol Chemical Company's Newark facility located at 191 Doremus Avenue in Newark, New Jersey, into the Passaic River Study Area. Hazardous substances, pollutants and contaminants released from the facility into the Passaic River Study Area present a risk to the environment and the humans who may ingest contaminated fish and shellfish. Therefore, DuPont, as a successor to Pittsburgh Consolidated Coal Company, may be potentially liable for all response costs which the government may incur relating to the Passaic River Study Area.

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Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. §9606(a) and §9607(a) and other laws, potentially responsible parties ("PRPs") may be obligated to 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. If response actions are performed by EPA rather than by the PRPs, those PRPs may be subject to legal action pursuant to Section 107(a) of CERCLA, 42 U.S.C. §9607(a), to recover public funds expended by EPA in response to the release and threatened release of hazardous materials at the Site. Such actions and costs may include, but need not be limited to, expenditures for conducting a Remedial Investigation/Feasibility Study ("RI/FS"), a Remedial Design/Remedial Action, and other investigation, planning, response, oversight, and enforcement activities. 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.

While EPA has the discretionary authority to invoke special notice procedures, EPA hereby notifies you that it will not utilize the special notice procedures contained in Section 122(e) of CERCLA, 42 U.S.C. §9622(e). EPA has concluded that use of the special notice procedures in Section 122(e) of CERCLA would delay the implementation of the RI/FS which is currently being performed at the Site to determine the extent of contamination and to evaluate possible actions to mitigate any adverse effects. EPA will determine at a subsequent time whether additional measures are required to mitigate releases from the Site in order to protect the public health, welfare, and the environment. The decision not to use the special notice procedures does not preclude you from entering into discussions with EPA regarding your participation in activities at the Site.

By this letter, EPA encourages you, as a PRP, to voluntarily participate in the EPA-approved activities underway at the Passaic River Study Area in conjunction with other PRPs. At the present time, the Occidental Chemical Corporation ("OCC") is performing an RI/FS at the Site under an Administrative Consent Order. OCC, through a successor, Maxus Energy Corporation, can be contacted at the addresses listed in the Attachment to this letter. Other PRPs who have received Notice letters are also listed in the Attachment. Be advised that notice of your potential liability at the Site is being forwarded to OCC by EPA.

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EPA requests your cooperation in this matter. If you are interested in participating in the ongoing response action you should notify EPA of your intentions to join with OCC. Notification should be in writing and should be delivered to EPA no later than fourteen (14) days after the date that you receive this letter. Your letter should be sent to:

Lance R. Richman, P.G.
U.S. Environmental Protection Agency
Emergency and Remedial Response Division
290 Broadway, Floor 19
New York, NY 10007-1866,

with a copy to Ms. Amelia Wagner, Esq., of the Office of Regional Counsel at the same address.

If EPA does not receive a written response from you in the time specified above, EPA will assume that you voluntarily decline to participate in any of the response actions taking place at the Site. EPA reserves the right to pursue its available enforcement options with regard to the site.

If you wish to discuss this matter further, please contact Mr. Lance R. Richman, P.G., of my staff at (212) 637-4409 or Ms. Wagner at (212) 637-3141. Please note that all communications from attorneys should be directed to Ms. Wagner.

Sincerely yours,


Kathleen Callahan, Director
Emergency and Remedial Response Division

Attachments

CC: Mr. Bernard J. Reilly, Esq., Corporate Counsel
E.I. du Pont de Nemours and Company

Ms. Carol Dinkins, Esq.
Vinson & Elkins, L.L.P.

Mr. Richard P. McNutt
Maxus Energy Corporation

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ATTACHMENT

Contact for Maxus Energy Corporation:

Mr. Richard P. McNutt
Maxus Energy Corporation
1015 Belleville Turnpike
Kearny, New Jersey 07032

Counsel: Ms. Carol Dinkins, Esq.
Vinson & Elkins, L.L.P.
3700 Trammell Crow Center
2001 Ross Avenue
Dallas, Texas 75201-2916

PRPs in receipt of Notice Letters:

Mr. J. Roger Hirl
President and Chairman of the Board
Occidental Chemical Company
Occidental Tower
5005 LBJ Freeway
Dallas, Texas 75244

Brian C. Kelly, Esq.
Chris-Craft Industries, Inc.
600 Madison Avenue
New York, New York 10022

Counsel: Peter Simshauser, Esq.
Skadden, Arps, Slate, Meagher & Flom
300 South Grand Avenue
Los Angeles, California 90071-3144

Mr. Robert D. McNeeley, President
Reilly Industries, Inc.
1510 Market Square Center
151 North Delaware Street
Indianapolis, IN 46204

Mr. John G. Breen, Chairman of the Board
The Sherwin-Williams Company
101 Prospect Avenue, N.W.
Cleveland, Ohio 44115-1075

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Is your RETURN ADDRESS completed on the reverse side?

SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: Edgar Woolard, Jr., Chairman E.I. du Pont de Nemours and Co. 1007 Market Street Wilmington, Delaware 19898		4a. Article Number EG400442070US	
5. Signature (Addressee)		4b. Service Type ☐ Registered ☐ Insured ☐ Certified ☐ COD ☒ Express Mail ☐ Return Receipt for Merchandise	
6. Signature (Agent) J. Quinn / 5.2		7. Date of Delivery DEC 15 1991	
PS Form 3811, December 1991		8. Addressee's Address (Only if requested and fee is paid)	

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Lance Richman
US EPA - Region II
290 Broadway - 19th Flr.
NY, NY 10007

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

SEP 15 2003

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

Edgar Woolard, Chairman
E.I. du Pont de Nemours & Co.
1007 Market Street
Wilmington, Delaware 19898

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

Dear Mr. Woolard:

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.

You received a letter from EPA, dated October 7, 1995, notifying E.I. du Pont de Nemours & Co. ("E.I. du Pont") of its potential liability relating to the Passaic River Study Area, which is part of the Diamond Alkali Superfund Site ("Site") located in Newark, New Jersey, 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. 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 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.

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Internet Address (URL) • <http://www.epa.gov>

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

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

Based on information that EPA evaluated during the course of its investigation of the Site, EPA believes that hazardous substances were being released from the former Pitt-Consol facility located at 191 Doremus Avenue in Newark, 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, E.I. duPont 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: Bernard J. Reilly, Esq.
Corporate Counsel
E.I. du Pont de Nemours & Co.

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PRPs in Receipt of Notice Letters:

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

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

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

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

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

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY - REGION II

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

OCT - 4 1995

GENERAL NOTICE LETTER
URGENT LEGAL MATTER
EXPRESS MAIL - RETURN RECEIPT REQUESTED

Mr. Robert D. McNeeley, President
Reilly Industries, Inc.
1510 Market Square Center
151 North Delaware Street
Indianapolis, IN 46204

Re: Diamond Alkali Superfund Site
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Response actions in the Passaic River Study Area

Dear Mr. McNeeley:

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Sediment in the Passaic River contains numerous hazardous substances, pollutants and contaminants. Investigations undertaken by EPA indicate that hazardous materials were being released from the former Reilly Tar and Chemical Corporations Newark facility located at 191 Doremus Avenue in Newark, New Jersey, into the Passaic River Study Area. Hazardous substances, pollutants and contaminants released from the former facility into the Passaic River Study Area present a risk to the environment and the humans who may ingest contaminated fish and shellfish. Therefore, Reilly, as a successor to Reilly Tar and Chemical Corporation, may be potentially liable for all response costs which the government may incur relating to the Passaic River Study Area.

AJJ000320

Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. §9606(a) and §9607(a) and other laws, potentially responsible parties ("PRPs") may be obligated to 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. If response actions are performed by EPA rather than by the PRPs, those PRPs may be subject to legal action pursuant to Section 107(a) of CERCLA, 42 U.S.C. §9607(a), to recover public funds expended by EPA in response to the release and threatened release of hazardous materials at the Site. Such actions and costs may include, but need not be limited to, expenditures for conducting a Remedial Investigation/Feasibility Study ("RI/FS"), a Remedial Design/Remedial Action, and other investigation, planning, response, oversight, and enforcement activities. 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.

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AJJ000353

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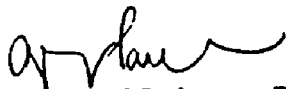
Lance R. Richman, P.G.
U.S. Environmental Protection Agency
Emergency and Remedial Response Division
290 Broadway, Floor 19
New York, NY 10007-1866,

with a copy to Ms. Amelia Wagner, Esq., of the Office of Regional Counsel at the same address.

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If you wish to discuss this matter further, please contact Mr. Lance R. Richman, P.G., of my staff at (212) 637-4409 or Ms. Wagner at (212) 637-3141. Please note that all communications from attorneys should be directed to Ms. Wagner.

Sincerely yours,


Kathleen Callahan, Director
Emergency and Remedial Response Division

Attachments

CC: Mr. Paul M. Rivers, Ph.D.
Corporate Director of Environmental Affairs
Reilly Industries, Inc.

Ms. Carol Dinkins, Esq.
Vinson & Elkins, L.L.P.

Mr. Richard P. McNutt
Maxus Energy Corporation

AJJ000374

ATTACHMENT

Contact for Maxus Energy Corporation:

Mr. Richard P. McNutt
Maxus Energy Corporation
1015 Belleville Turnpike
Kearny, New Jersey 07032

Counsel: Ms. Carol Dinkins, Esq.
Vinson & Elkins, L.L.P.
3700 Trammell Crow Center
2001 Ross Avenue
Dallas, Texas 75201-2916

PRPs in receipt of Notice Letters:

Mr. J. Roger Hirl
President and Chairman of the Board
Occidental Chemical Company
Occidental Tower
5005 LBJ Freeway
Dallas, Texas 75244

Brian C. Kelly, Esq.
Chris-Craft Industries, Inc.
600 Madison Avenue
New York, New York 10022

Counsel: Peter Simshauser, Esq.
Skadden, Arps, Slate, Meagher & Flom
300 South Grand Avenue
Los Angeles, California 90071-3144

Mr. John G. Breen, Chairman of the Board
The Sherwin-Williams Company
101 Prospect Avenue, N.W.
Cleveland, Ohio 44115-1075

Mr. Edgar S. Woolard, Jr., Chairman
E.I. du Pont de Nemours and Company
1007 Market Street
Wilmington, Delaware 19898

AJJ000325

AJJ000326

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		3. Article Addressed to: Robert D. McNeeley, President Reilly Industries, Inc. 1510 Market Square Center 101 North Delaware Street Indianapolis, IN 46204	
4a. Article Number EG 400442035US		4b. Service Type ☐ Registered ☐ Insured ☐ Certified ☐ COD ☒ Express Mail ☐ Return Receipt for Merchandise	
5. Signature (Addressee)		7. Date of Delivery 10-6-95	
6. Signature (Agent) <i>Patricia Propper</i>		8. Addressee's Address (Only if requested and fee is paid)	

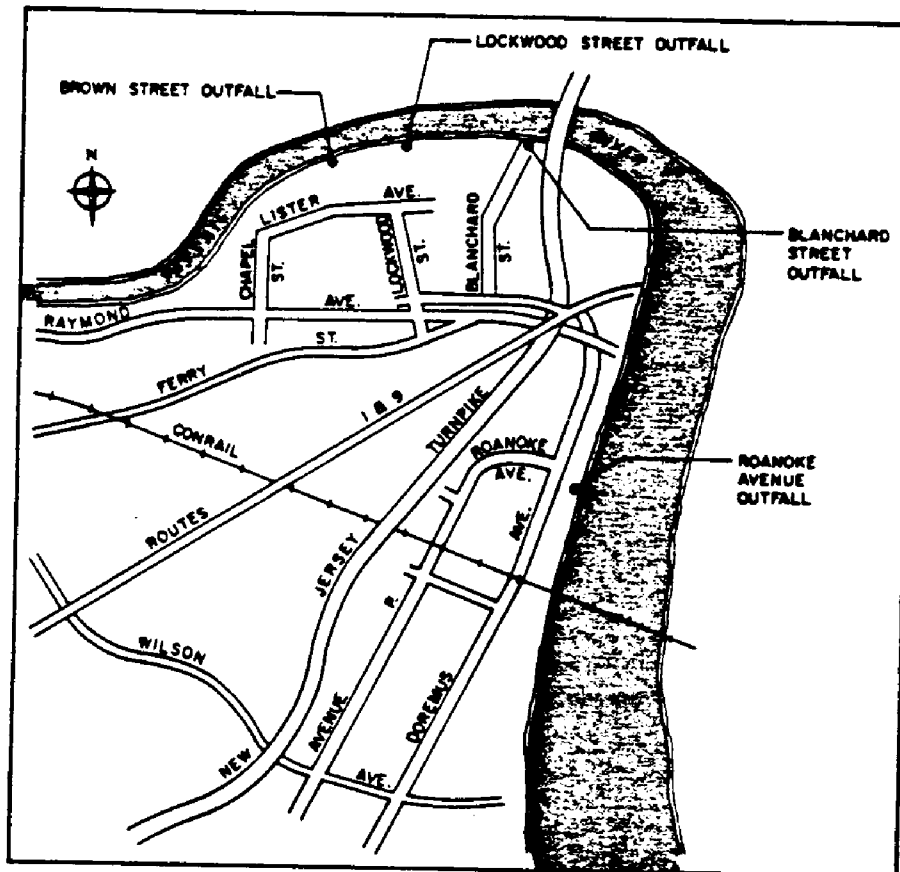
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City of Newark, New Jersey
Feasibility Study

POLLUTION ABATEMENT PROGRAM



Clinton Bogert Associates
Consulting Engineers
September, 1978
Revised January, 1979

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WILLIAM WHEELER



2125 CENTER AVENUE • FORT LEE, NEW JERSEY 07024
(201) 944 1676 • CABLE: BOGERTENG FORTLEENJ

January 24, 1979

Honorable Kenneth A. Gibson, Mayor
City of Newark
City Hall
920 Broad Street
Newark, New Jersey 07102

Re: Pollution Abatement

Dear Mayor Gibson:

In accordance with our contract dated February 15, 1978, submitted herewith is our report on the sources of pollution discharging to the lower Passaic River during dry weather from the Roanoke Avenue combined sewer system and the Blanchard, Lockwood, and Brown Street storm sewer systems. Each system is discussed in a separate section which contains:

- (1) A description of the existing sewers.
- (2) Findings of the physical inspection.
- (3) Conclusions and recommendations applicable to that system.

Appropriate additional items are included as follows:

- (1) For the Roanoke Avenue combined sewer system (Section III), a hydraulic analysis is presented. Significant conclusions are:
 - (a) all dry weather overflows may not be eliminated by rehabilitation of the existing system alone; but either flow routing, using storage available in the existing sewers, or increased interceptor capacity is required; and,
 - (b) a faulty regulator results in all sewage flows discharging untreated to the Passaic River.
- (2) For the Blanchard Street storm sewer (Section IV), the results of dry weather flow sampling and gauging, smoke testing and T.V. inspection are presented. Significant conclusions are the need to:
 - (a) replace about 1,300 feet of existing 24" storm sewer which appears in danger of collapse,
 - (b) improve housekeeping around industrial railroad sidings, and,

Honorable Kenneth A. Gibson, Mayor
City of Newark
City Hall
920 Broad Street
Newark, New Jersey 07102

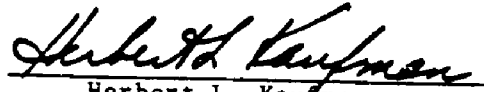


January 24, 1979
Page 3

We would be pleased to meet with you to review any matters contained herein. We wish to express our appreciation of the assistance given us by members of your staff, particularly Mr. Robert Benz, in carrying forward this work.

Very truly yours,

CLINTON BOGERT ASSOCIATES


Herbert L. Kaufman
P.E., N.J. Lic. No. 13647

HLK:mmb
Enclosure

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- A. Plate 1 - Sanitary and Combined Sewer Configurations on Roanoke, Doremus and Wilson Avenues
- B. Plate 2 - Sources of Pollution in Storm Sewer Systems on Blanchard, Lockwood and Brown Streets
- C. Plate 3 - Diurnal Sewage Flow Patterns, Roanoke Avenue Outfall Sewer
- D. Plate 4 - Diurnal Sewage Flow Patterns, Roanoke Avenue Outfall Sewer
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- F. Plate 6 - Diurnal Sewage Flow Patterns, Doremus Avenue Interceptor
- G. Plate 7 - Diurnal Sewage Flow Patterns, Wilson Avenue Interceptor
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- I. Plate 9 - Flow Rates at the Lister Avenue Tide Gate Chamber

I. Introduction

Polluted liquid wastes are being discharged into the lower Passaic River from four sewers owned by the City of Newark. These wastes include continuous discharges from the wet weather outfall of the Roanoke Avenue combined sewer, and the Blanchard Street and the Lockwood Street storm sewers, and intermittent discharges from the Brown Street sewer. During dry weather, no flow should be discharged from the Roanoke Avenue outfall and only non-polluted water from the Blanchard Street, Lockwood Street, and Brown Street storm sewers, however, high levels of pollutants have been detected in the dry weather discharges at all four locations. The following ranges of pollutant concentrations and pH have been reported by the Passaic Valley Sewerage Commissioners (PVSC) during the last two-years.

Pollutant Concentration (ppm)

<u>Location</u>	<u>TSS</u>	<u>COD</u>	<u>BOD</u>	<u>pH</u>
Roanoke Avenue	5-1428	116-15600	102-6300	2.0-7.3
Blanchard Street	5-1070	51-2815	7-420	1.9-8.2
Lockwood Street	16-3148	119-3408	8-840	3.3-9.2
Brown Street	7-93	42-352	16-135	6.2-9.8

A non-functioning regulator causes the dry weather discharge at Roanoke Avenue. Illegal connections, surface chemical spillage and contaminated groundwater are the sources of pollutants detected in the three storm sewers.

Water from the Passaic River may enter all four sewers with the incoming tide and dilute the pollutant concentration. The pollutants may also be carried upstream of their entering points. Polluted flow from the sewer increases in rate with the falling tide. The highest

pollutant concentration and flow rates can be expected at low tide. During this study, samples were obtained within the three storm sewers systems at or near the times of low tide. The analytical test results of these samples are included in Appendix A.

II. SCOPE OF WORK

The PVSC industrial waste surveys for each industry in the tributary area have been reviewed and the probable pollutants in each industrial waste compared with those found in the sewer discharges. All manholes, regulators, tide gates, and inlets have been inspected. The condition and serviceability of sewerage facilities was noted. Connections to manholes and inlets and other sources of flow were located. Spillage and housekeeping procedures at the various industrial facilities were observed. Dry weather flow sampling points were selected, and dry weather flow sampled to isolate sources of pollution entering the storm sewer systems. Where possible, storm and sanitary sewers were smoke tested to locate cross connections, and the sections of storm sewer suspected of having industrial waste connections were inspected with closed circuit television. In some reaches, television inspection was not possible because of physical blockages or waste pools resulting from irregular sewer grades. The condition of the various pipes was determined and the location of improper or suspicious connections noted. The results of these investigations were analyzed and are presented in this report. Recommendations for eliminating all the sources of pollution identified by the described techniques are included.

III. Roanoke, Doremus and Wilson Avenue Sewers

A. Existing Sewers

The present sewer layout is shown on Plate 1. The manholes on Wilson Avenue are numbered consecutively from W-1 in the Avenue "P" intersection to W-9 on the westerly side of Doremus Avenue. The manholes on Doremus Avenue are numbered consecutively from D-1 on the northerly side of Wilson Avenue to D-28 on the southerly side of the Roanoke Avenue regulator. Changes made in 1951 to accommodate construction of the New Jersey Turnpike included construction of the Avenue "P" regulator on the 54-inch Roanoke Avenue combined sewer at a point approximately 1425 feet upstream of Doremus Avenue. The regulator was planned to divert all dry weather flow to the Doremus Avenue interceptor through a new 24-inch sanitary sewer paralleling the 54-inch Roanoke Avenue combined sewer. The combined sewer downstream of the Avenue "P" regulator was converted to a wet weather outfall. The 18-inch sanitary sewer in the northern portion of Doremus Avenue was connected to the new 24-inch sanitary sewer by an inverted siphon passing under the 54-inch Roanoke combined sewer and its flow bypasses the old Roanoke Avenue regulator which was sealed off and abandoned. Sewage in the Doremus Avenue sewer flows to the Wilson Avenue interceptor and discharges to the PVSC interceptor. All excess wet weather flow in the Roanoke Avenue combined sewer was intended to overflow the Avenue "P" regulator weir and discharge to the Passaic River.

B. Physical Inspection Findings

(1) Avenue "P" Regulator and Roanoke Outfall Sewer

The Avenue "P" regulator is not functioning. Over two feet of dry, granular sediment blocks the regulator gate chamber and prevents flow between the diversion chamber and the Roanoke Avenue dry weather sewer. As a result, all flow in the Roanoke Avenue combined sewer enters the Passaic River through the Roanoke Avenue outfall. There is no visible evidence of chemical attack or deterioration of the concrete regulator structure. The regulator mechanism is corroded and not functional. A wooden overflow weir, provided in the diversion chamber, is intact. This weir does not cause the upstream pipe to surcharge above the crown in dry weather. It does reduce upstream flow velocity and causes sedimentation. About 0.5 feet of primarily granular sediment was found in the combined sewer above the regulator. This material accumulates in dry weather and the lighter fractions, probably including most organic pollutants, may be flushed toward the Passaic River during relatively small rainfall events. Tests of wet weather flows in other areas indicate the flushing of such solids is accompanied by a large increase in BOD. High tides cause backup, reduce velocities, and cause sediment accumulation in the Roanoke Avenue outfall during dry weather. Some of this material may be carried away by the flow at low tide and some is scoured out by wet weather flows. About 0.2 feet of primarily granular sediment was found in the outfall sewer downstream of the Avenue "P" regulator. The size of this sewer changes to 60-inch at a manhole on the easterly side of Doremus Avenue. Remnants of the brick dam, used to divert flow into the Roanoke Avenue regulator, were observed in this manhole. There are two tide gate chambers in the 60-inch outfall. Both tide gates can swing open but neither can close completely because of sediment. No deterioration of the concrete was visible in

the tide gate chambers. A lump of bituminous material is partially blocking the discharge of the 60-inch outfall.

(2) Roanoke Avenue Sanitary Sewer

The 24-inch Roanoke Avenue sanitary sewer does not receive any flow at its upstream end because of the previously described blockage in the Avenue "P" regulator gate chamber. The manhole in the 24-inch sanitary sewer immediately downstream of the regulator contains over two feet of dry sediment. The sewer receives flow from the Pitt Consol Chemical Company downstream of that manhole. About 0.5 feet of a black, tar-like sediment was found in the sewer downstream of the Pitt Consol connections. The same black material was observed on the ground surface at the Pitt Consol plant. This material was not evident upstream of the Avenue "P" regulator or in the Roanoke Avenue outfall. Its source is evidently Pitt Consol. Sampling and analysis done jointly by the PVSC laboratory and Pitt Consol also detected chemicals used at the plant in the Roanoke Avenue outfall. However, no connections from Pitt Consol were found in the outfall. Spillage appears to have contaminated the groundwater and some appears to be leaking into the outfall. Groundwater pollution may also be leaking directly into Newark Bay. Groundwater pollution was not investigated since it was outside the scope of this study.

(3) Doremus Avenue Interceptor

The Doremus Avenue interceptor receives flow from the Roanoke Avenue sanitary sewer. Severe sedimentation was noted in this line. The first four lengths of 24-inch pipe upstream from Wilson Avenue (D-1 to D-5) were constructed on a reverse grade and the fifth length (D-5 to D-6) laid flat. The invert at Wilson Avenue is 1.2 feet higher than the low point where the minimum flow depth is greater than half pipe. Further upstream the sewer size changes from 24-inch to 22-inch and then to 20-inch in diameter. Sediment depth in the

22-inch and 20-inch pipe sections varies with gradient. There is no sediment in the manhole inverts of the steeper sections of 22-inch pipe. As the gradient decreases upstream, sediment depth in the 22-inch line increases to about 0.5 feet. Sediment accumulations in the 20-inch sewer vary from 0.5 feet to 1.4 feet near the Roanoke Avenue regulator. The sediment found in the interceptor is the same black tar-like substance observed in the Roanoke Avenue sanitary sewer. The cover is missing from the fifth manhole (D-5) upstream from Wilson Avenue.

(4) Wilson Avenue Interceptor

Several of the Wilson Avenue interceptor manholes have been covered by construction activities at the PVSC treatment plant. Those manholes that were inspected had clean inverts and were flowing freely. No backup into the Doremus Avenue interceptor was observed. Most of the flow in the Wilson Avenue interceptor is pumped from the Port Newark Area.

(5) Roanoke Avenue Regulator

The Roanoke Avenue regulator was abandoned in 1951. Several feet of dry sediment has accumulated in the regulator chamber. The regulator mechanism is corroded and not functional. The regulator structure appears to be sound. There is no evidence of chemical attack or concrete deterioration. The inlet and outlet pipes are sealed.

C. Hydraulic Analysis

(1) Flow Measurement Methods

Electronic flow meters were used to obtain diurnal flow patterns in the Roanoke Avenue combined sewer, the Doremus Avenue interceptor and the Wilson Avenue interceptor. These meters were installed at the locations shown on Plate 1. The inverts of the manholes used for monitoring were free of sediment. There was tidal interference at the Roanoke outfall sewer monitoring point during each high tide. No backwater or other flow interference was apparent at the monitoring points on Doremus and Wilson Avenue. The continuous depth readings on the meter charts were converted to flow rates by use of the Manning equation. Dye dilution techniques were not used to measure flow because of the fluorescence present in the waste and the possible deterioration of the dye in the extremely acidic flow. The sewer gradients at the monitoring points were field verified. A friction factor (n) of 0.015 was used in this analysis. The actual friction factors in these sewers may be higher because of joint misalignments and sediment depositions. Flow rate is inversely proportional to friction factor. If the actual friction factor is higher than 0.015, the actual flow rates in the sewers metered will be lower than those computed and the hydraulic capacities of the existing sewers will be lower by the same proportion.

(2) Observed Flow Rates

The flow rates determined in the Roanoke outfall sewer during the period April 24, 1978 to May 30, 1978 are shown on Plates 3 & 4. These rates have been corrected to eliminate tidal effects. Minimum flow rates were found about noon with higher rates in the morning and afternoon. The flow meter data was supplemented by instantaneous measurements obtained before, during, and after the meters were

installed. Maximum peak dry weather flow rates of 2.2 mgd and minimum flow rates of 0.2 mgd were recorded. The apparent constant flow rate over the weekend (April 29 and April 30) cannot be explained. The flow meter was checked on Thursday April 27 and found to be operational. On Monday, May 1, the battery and chart were changed and the calibration was checked. No errors in calibration or timing were noted and that meter remained in service during the next week. Similar uniform and high discharges occurred at other unusual times for shorter periods. Most of the flow in this sewer is discharged by two companies, Arkansas Chemical and Sun Chemical. Unusual flow patterns may result from variations in processes and work shifts at these plants.

Plates 5 and 6 show diurnal flow patterns recorded in the Doremus Avenue interceptor during the period May 1 to May 5. The flow meter malfunctioned on May 6 and no readings were obtained over the weekend. Weekend data for April 22 and April 23 was included to show the effect of antecedent rainfall and springtides on the flow rate in the sewer. The flow on April 22 was about double that of the preceding dry days. The consistency with which higher flow rates coincide with higher tide periods indicates probable inflow caused by tide related fluctuations. About two inches of rain fell on April 19, saturating the ground and raising the river level. At 8:15 PM on April 22, the tide crested one foot above normal and flow in the sewer increased from below 0.8 mgd to 1.1 mgd. Weekday flow rates generally fluctuate between 0.3 and 0.4 mgd with peaks of 0.5 mgd occurring at the times of high tide. The lowest flow rate measured was approximately 0.2 mgd.

Flow in the Wilson Avenue interceptor is pumped from the combined sewer system in the Port Newark area and discharges by gravity from the Doremus Avenue interceptor. The diurnal flow patterns recorded between May 23 and May 29 are shown on Plates 7 and 8. Rainfall during May was quite heavy, totaling almost 8 inches at



832

CASE TRANSFER REPORT

The following case is being considered for possible reassignment of lead. See Instructions on back.

ORIGINATING PROGRAM REPORT1. Bureau/Division Metro Bureau of Regional Enforcement/ DWR Name of Person Reporting Gloria T. Grant Tele # 201-669-3900

2. SITE INFORMATION

A. Name of Site Pitt Consol siteOperator NA-inactiveOwner EI DuPont DeNemours & Co.AKA(s) Judson-Butterworth/Reilly Tar & Chemical/Conoco, Inc. EPA ID # NJD004946188Address Rear of 191 Doremus Ave (192-272 Ave "P") Case ID # NJPDES NJ0060704Municipality Newark Lot 1 Block 5016 County essexType of Business or Operation Former Coal Tar/Chemical Mfg SIC Code 2814 Approx. Acreage 37

B. Environmental Concerns (Check as many as apply, include number of units)

Asbestos <u>X</u> (former)	Dumpster <u> </u>	Surface Spill <u>X</u>	UST (Reg.) <u>X</u> (former)
AGST <u>X</u> (former)	Floor Drain <u> </u>	Roof Drain <u> </u>	UST (Nonreg.) <u> </u>
Bldg. Decont. <u> </u>	Lagoon <u>7</u> (former)	Tank Farm <u>X</u> (former)	Waste Pile <u> </u>
Discharge <u> </u>	Seepage Pit <u> </u>	Transformer <u> </u>	Unknown <u>X</u>
Drum Storage <u>X</u> (former)	Septic System <u> </u>	MVA <u> </u>	
Monitoring Well(s) <u>X 18</u>	Potable Well(s) <u> </u>	Other (specify) <u>PCB (former)/RCRA tank closure</u>	

If "B" is checked, complete and attach Form DEP-081A on contaminants or to detail other comments.

1985

3. Case Level Determination: D (A-D) A. Provide Priority Score (if available) 21.1 Ranking System Used: NoncategoricalB. Was an RP Search Done? NA (Yes/No) C. Project Activity Code Used S3FY4. Other NJDEP Programs Involved in this Case are: Bureau of Aquifer Protection5. Were Local Officials notified? ☐ Yes ☒ No Date Organization ORIGINATING PROGRAM APPROVALS

<u>Fidger E. Folsch</u> 5/10/90 Inspector/Date	<u>Gloria T. Grant</u> 5/10/90 Section Chief/Date	<u>Patricia J. Grant</u> 5/22/90 Bureau Chief/Date
---	--	---

SITE ASSESSMENT GROUP REVIEW1. Case Received: (Date) 6/18/90 Project Activity Code:
Assigned to: J. Brinkert (Date) 7/6/90

2. Reviewer's Evaluation

A. Case Level Determination D (A-D) Public Private ✓ Transfer Sequence #
Reason for Determination ground and soils impacted by contaminants category several sourcesRECEIVING PROGRAM DESIGNATIONS

Per the Case Management Strategy, this case is being:

(1) Transferred to: DHUM) BSCM as the Lead Program
Contact Dennis Hart Tele # (609) 633-0719

(2) Referred to:

Bureau <u> </u>	Name <u> </u>	Action Required <u> </u>
Bureau <u> </u>	Name <u> </u>	Action Required <u> </u>
Bureau <u> </u>	Name <u> </u>	Action Required <u> </u>

SITE ASSESSMENT APPROVALS

<u>Joanne Brinkert</u> 7/13/90 Reviewer/Date	<u>Clarelli Futtner</u> 7/19/90 Section Chief/Date	<u>NPinto</u> 7/24/90 Bureau Chief/Date
---	---	--

COPIES: White - Receiving Program
Pink - Local OfficialGreen - Originating Program
Goldenrod - Bureau Chief, Site Assessment Group

Yellow - Tracking

SUPPLEMENTAL CASE TRANSFER REPORT



KNOWN OR POTENTIAL SOURCES OF RELEASE

Page 1 of 1

LOCATION OF CONCERN AND MEDIA AFFECTED	POLLUTANTS		ACTIONS TAKEN
GROUND WATER Sheen in MWs Slug of black oily material Sinking NAPLs in MWs Viscous Torry substance observed in holes on site 5-1-90 18 Monitor Wells; 13 Piezometers	SAMPLING FINDINGS (1) Phenols (2) VOCs (total) (3) AE/BN (total) (4) Metals (5) Cyanide (6) TOC (7) TOX	CONCENTRATION (1) up to 920 ppb (2) > 5800 ppb (3) > 65,600 ppb (4) see below * (5) (6) (7) * ACTION LEVEL (2) 10 ppb (3) AE 50 ppb BN 50 ppb (5) 200 ppb	ACTIONS TAKEN: Corrective action program being prepared by DuPont OUTCOME: to be presented at 5-14-90 mtg. with DWR NEXT STEP: Site remediation Further delineation required
SURFACE WATER Allegations by City of Newark that infiltration or seepage of contaminated storm water is discharging to Newark Bay via storm sewer line	SAMPLING FINDINGS NA	CONCENTRATION NA ACTION LEVEL NA	ACTIONS TAKEN: Investigation to be initiated. OUTCOME: NEXT STEP:
SOILS (1) Oily/Tar Material throughout site (1-10' depth) (2) Other fill consisting of powdery coal, gray sludge & yellow/orange crystals (3) 7 Former Disposal Lagoons Closure Unknown (1944-1970) 31 Soil Borings 18 Test ATS	SAMPLING FINDINGS (1) Haz. (RCRA) constituents Base Neutral VOCs Metals	CONCENTRATION FLASH Pt 107°F BN > 40,000 ppm total VOC > 4.7 ppm PB 110 ppm Ba 580 ppm ACTION LEVEL 140°F BN 10 ppm VOC 1 ppm PB 100 ppm	ACTIONS TAKEN: Lagoons not subject to 1985 RCRA closure of tanks OUTCOME: Lagoons may not have been properly closed NEXT STEP: Further analysis/ Delineation Required
AIR No Data Available.	SAMPLING FINDINGS	CONCENTRATION ACTION LEVEL	ACTIONS TAKEN: OUTCOME: NEXT STEP:
OTHER RCRA tank, pads & storage area only - closure approved by DHWM 4-11-85 Possible site condemnation by Turnpike may trigger ECPA	SAMPLING FINDINGS * Metals in Gw (From above) Ar 466 ppb Ch 870 ppb Al 308 ppb (5) up to 43 ppb (6) up to 2000 ppb (7) up to 220 ppb	CONCENTRATION ACTION LEVEL Ar 50 ppb Ch 50 ppb Pb 50 ppb	ACTIONS TAKEN: NJDES Permit issued OUTCOME: NEXT STEP: Ongoing Monitoring

space w/ Paul Dahlgen of CH2M Hill # 201-316-9300. Site condemnation did not occur. Turnpike Authority is far behind in their expansion schedule.

INSTRUCTIONS:

Fill out this form following the example below:

LOCATION OF CONCERN AND MEDIA AFFECTED	POLLUTANTS		ACTIONS TAKEN
<u>GROUND WATER</u> Leaking underground storage tanks at Northeast corner of property	<u>SAMPLING FINDINGS</u> Fuel Oil	<u>CONCENTRATION</u> 200ppm	<u>ACTIONS TAKEN:</u> Tank removed by RP (9/88) Soils removed <u>OUTCOME:</u>
		<u>ACTION LEVEL</u> 100ppm	<u>NEXT STEP:</u> Additional Ground-Water sampling needed
<u>SURFACE WATER</u>	<u>SAMPLING FINDINGS</u>	<u>CONCENTRATION</u>	<u>ACTIONS TAKEN:</u>
		<u>ACTION LEVEL</u>	<u>OUTCOME:</u> <u>NEXT STEP:</u>
<u>SOILS</u> Leaking underground storage tanks at Northeast corner of property	<u>SAMPLING FINDINGS</u> Fuel Oil	<u>CONCENTRATION</u> 50 ppm	<u>ACTIONS TAKEN:</u> Tank removed/stained soils excavated <u>OUTCOME:</u>
		<u>ACTION LEVEL</u> 100 ppm	Residual soils below action level <u>NEXT STEP:</u> None for soils
<u>AIR</u>	<u>SAMPLING FINDINGS</u>	<u>CONCENTRATION</u>	<u>ACTIONS TAKEN:</u>
		<u>ACTION LEVEL</u>	<u>OUTCOME:</u> <u>NEXT STEP:</u>
<u>OTHER</u> Monitoring wells at septic system in southwest area of property	<u>SAMPLING FINDINGS</u> benzene toluene	<u>CONCENTRATION</u> 3ppb/gw 10ppb/gw	<u>ACTIONS TAKEN:</u> Wells installed under NJPDES program (10/87) <u>OUTCOME:</u>
		<u>ACTION LEVEL</u>	Ongoing monitoring <u>NEXT STEP:</u> Continue monitoring

List source, location on property by media affected in the appropriate box. under the Pollutants heading list the contaminants or major category of contaminants (i.e. volatile organics) per the sampling findings in the left box and their concentration in the top box on the right. List the action level for the contaminant in the media affected. Describe actions taken AND INCLUDE THE ACTION DATE IN PARENTHESES in the column on the right as it pertains to the source identified. If no actions taken, please state same. If specific areas of concern are known, specify as well (ie: soils and groundwater require sampling). Any concerns involving potable wells or imminent health hazards should be documented on this form as well. If these exist write "IEC" in Red at the top of the form.

JOSEPH V. McGUIRE
CHAIRMAN

JOHN W. WHITE
WILLIAM F. YEDMAN
ORRIS DE NOOYER
COMMISSIONERS

PASSAIC VALLEY SEWERAGE COMMISSIONERS
790 BROAD STREET
NEWARK 2, N. J.

SEYMOUR A. LUBETKIN
CHIEF ENGINEER
LOUIS AUERBACHER, JR.
COUNSEL

May 28, 1958.

Mr Seymour A. Lubetkin, Chief Engineer
Passaic Valley Sewerage Commissioners
790 Broad Street
Newark 2, N.J.

Dear Mr Lubetkin:- Re :- Roanoke Storm Sewer, Newark, N.J.

On Tuesday May 27, I made an investigation with Inspector W. Seals and Chief Inspector F. Capone to trace the source of polluting discharges into the Roanoke Avenue storm sewer. Since it was a clear day we were in a position to detect all discharges other than sanitary sewage overflows. We began at Avenue P and Roanoke Avenue and proceeded to open manholes along the storm sewer on Roanoke Avenue. There were no discharges into the storm sewer until we came to a discharge pipe emanating from the Pitt-Consol Chemical Plant.

This discharge line extends from a sump on the company property, and is connected by an 8" line directly into the storm sewer. The only liquid flowing in the storm sewer at the time was coming from the 8" line. It was a brown opaque liquid having a pH of 10 plus and typical of previous samples taken from this sewer. Prior analyses have shown total solids at 4,000 p.p.m., Oxygen Consumed at 1,000 p.p.m. and B.O.D. of 365 plus.

In discussing this problem with Mr Rudy of the Pitt-Consol Co., I was informed that this connection into the storm sewer was made with the expressed approval of the City of Newark. There was an implication made that there existed a doubt as to whether the sanitary sewer had the capacity to handle the flow which was estimated at 500 g.p.m.

I have previously reported this to you in order that you might discuss this with the Newark officials. Our investigation at this time discloses that the Pitt-Consol Co., as of now is the chief if not the sole polluter in the storm sewer.

ASG/JMcK.

Very truly yours,
Alexander J. Solberg
Director of Sanitation Control.

Stream Contaminations during June-July, 1948, Aug. 12, 1948. Page 4.

- July 21. War in Dennis Company, Sumner Avenue, Newark, N. J.
This concern manufactures chemicals and have tank truck deliveries. Our inspector found they wash these trucks in their yard and allow these various chemicals to be washed down into the street, where they discharge into the storm sewer and thence to Passaic River. Our inspector ordered them to stop this practice of washing out these trucks in this location.
- July 21. Citro Chemical Company, Maywood, N. J.
Due to an overloaded lime sludge settling bed becoming flooded by heavy rains, the lime overflowed into a drainage ditch which emptied into Stick Creek, a tributary of Passaic River. Our inspector had them clean out the sludge bed and remove the sludge to a dump thus eliminating the violation.
- July 22. Rochelle Park Sewage Treatment Plant, Rochelle Park, N. J.
This plant by-passed all sewage into Passaic River for two days while repairs were made to their valves, some of which had to be replaced.
- July 23. Cutler Laying and Paving Comp., Easton, N. J.
Overflow from pump allowed dye waste to discharge into Little Brook. Our inspector had them plug up overflow pipe and eliminate the violation.
- July 23. Ballantine Brewery, 37 Freeman Street, Newark, N. J.
Debris contained rubbish and other floating material pushed into Passaic River by bulldozers, which are being used in the construction of a parking lot. Our inspector had them stop this operation and the violation was eliminated.
- July 23. Hope Avenue Sewer, Passaic, N. J.
This sewer was blocked up at Hope Avenue and Edison Avenue, causing an overflow. The cause was a collapsed sewer line. The overflow reached the storm sewer and discharged into Little Brook. Our inspector notified the sewer department of Passaic and they are now making repairs. (Repairs completed by August 11, 1948.)
- July 23. Kelly Tar and Chemical Company, 101 Foreman Ave., Newark, N. J.
Ford drainage containing oil and tar discharging into storm drain and thence to river. The yard has been flooded by heavy rains. Our inspector notified the superintendent and he had erected an embankment to prevent their water from entering storm sewer.
- July 23. Humbell Asphalt Company, Jacobus Avenue,orta Kearny, N. J.
The dock of this plant is covered with asphalt and the sun is melting the asphalt and causing it to run into the Passaic River. Our inspector saw the plant superintendent and he said they would do a complete job in cleaning up the dock. Investigation continues.
- July 30. Essex County Park Commission.
A Park Commission employee dumped tar-coated paving stone on bank of Passaic River north of Rutgers Street bridge in Belleville. Our inspector called the office of the Commission and they agreed to remove this stone, and assured us that there would be no more dumping.

JOSEPH V. MCGUIRE
CHAIRMAN

PASSAIC VALLEY SEWERAGE COMMISSIONERS

790 BROAD STREET

NEWARK 2, N. J.

JOHN W. WHITE
WILLIAM F. YEOMANS
ORVILLE M. NOOYER
COMMISSIONERS

REYNOLD A. LUNSTON
LOUIS AUERBACHER, JR.
COUNSEL

April 1, 1958

Mr. S.A. Lubetkin
Chief Engineer, P.V.S.C.
790 Broad St.,
Newark 2, N.J.

Dear Mr. Lubetkin:

Re: Roanoke Ave. Storm Sewer - Newark

For the past few years we have observed intermittent pollution from the Roanoke Ave. storm sewer. The Newark Sewer Department has investigated this with us and has attributed this waste to the improper functioning of an overflow regulator in the sanitary sewer at Roanoke Ave. and Ave. P.

In spite of repeated adjustments of this regulator the pollution continued. On March 19, 1958, Mr. Capone, Mr. Van Volkenburgh, and the writer checked a manhole in the storm sewer opposite the Pitt-Consol Company. We saw a substantial discharge of a gray malodorous industrial waste pouring into the storm sewer. This waste was coming from a pipe discharging into a sump on the Pitt-Consol property.

We interviewed Mr. Rudy, a chemical engineer in charge of operations, in order to learn the facts and to obtain a sample of the liquid discharging into the sump. He readily admitted that the sump was connected to the storm sewer and that the plans had been approved by the City of Newark. This discharge is at the approximate rate of 200-300 G.F.M.

He pointed out, however, that it did not make any difference whether this sump was connected to the storm sewer, because under normal operating conditions, their waste is pumped to an elevated settling pond on the North side of Roanoke Ave. from whence it flows into the storm sewer after a reasonable detention period. The purpose of the settling pond is to effect an equalization of the waste and to settle out some of the suspended solids. They have a \$300,000 treatment plant in prospect, but for reasons of company policy this has been temporarily postponed.

If this discharge were connected to the sanitary sewer the pollution would end - provided that the sanitary sewer had the capacity to receive it. There might still be a question whether or not the waste would have to be collected and equalized to balance the FH of the discharge.

Enclosed is a copy of the analysis of the waste sample taken by us on March 19, 1958.

Very truly yours,

Alexander S. Goldberg
Alexander S. Goldberg
Director of Sanitation Control

ASG:tf

copy to L.
of Allen file

file

June 3, 1958

Mr. George W. Andress
Director, Department of Public Works
City Hall, Newark, New Jersey

Dear George:

Re: Pollution from Roanoke Avenue
Storm Sewer

Since pollution from the Roanoke Avenue storm sewer continues, I requested the Sanitation Control Department to trace it back to the source. Mr. Goldberg reports that the Pitt Consol Chemical Plant had connected an 8' line directly into this storm sewer (a copy of Mr. Goldberg's report is enclosed). As you can see from Mr. Goldberg's report, the fact that Pitt Consol Chemical Plant is connected with the storm sewer with its polluting waste, instead of to the sanitary sewer, seems to be the cause of our problem.

I would appreciate it very much if you could check into this and rectify any misunderstandings which Pitt Consol Chemical Plant may have concerning alleged permission it was given by the City of Newark to connect into this storm sewer, and take some definite action to halt this pollution.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS

S. A. Lubetkin,
Chief Engineer

SAL:ez

July 21, 1958

Mr. George W. Andress
Director of Public Works
City Hall
Newark, New Jersey

Dear George:

Re: Roanoke Avenue Storm Sewer

This is a follow-up letter to my letter of April 3, 1958. Unfortunately the Pitt-Consol Chemical Company still discharges into industrial wastes to the Roanoke Avenue Storm Sewer, which goes into the Passaic River. This waste has a foul odor, is usually brown in color (but may be amber at times), and is usually very turbid.

I would appreciate it very much if you could follow this matter up and inform me upon the disposition of it.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS

S. A. Lubetkin,
Chief Engineer

SAL:ez

ANNUAL REPORT

by

Chief Engineer
S. A. LUBETKIN

to the

**PASSAIC VALLEY
SEWERAGE COMMISSIONERS**

FOR THE YEAR

1972

PRINTED BY

Lockwood Street Storm Sewer - Mr. R. Altiero, Newark's Sewer Department Engineer, reported that on March 22, 1971, visual inspection of the Lockwood Street Sewer, between Lister Avenue and Euclid Avenue, was attempted. However, due to the excessive amount of silt and mud, it was impossible to complete that inspection. This portion of the Lockwood Street Storm Sewer was again cleaned by LaSal Contractors and examined. It was reported at the October 13, 1971 conference by representatives of Newark that part of this sewer was failing and a consultant would have to be hired for recommendations.

The June 8 report again recommended a visual inspection and manhole to manhole survey be made in order to determine and seal illegal connections. In Mr. Zack's memo of June 6, he stated that it is anticipated this can be accomplished within a two month period.

The October 18 report states they are listing all industries in the area and work is quite involved.

Meadowbrook Storm Sewer - Coliform is still being detected at the discharge of this sewer to Second River, but the discharge is generally not polluting in other parameters. During 1971, several pollution connections to this sewer in Belleville were eliminated.

The June 8 report recommended a visual inspection and a flushing of this sewer. It is estimated a two month period is needed.

The October 18 report stated that detailed monitoring and surveillance is required, and cited the use of this sewer by Belleville as a possible source of pollution. They expect to isolate the responsibility for the pollution within two months time.

Samples taken by Mr. R. Altiero indicated that a significant pollution is coming from the Belleville area.

Roanoke Avenue Storm Sewer - Industrial waste continued to discharge into the Passaic River, despite the concrete dam built by the City to keep the sanitary sewer from overflowing into the storm sewer. On December 30 and 31, 1970, the City attempted to walk and photograph a part of this sewer to determine the source of pollution, with negative results. Mr. Altiero stated the sewer must be cleaned before they could reattempt to locate the source of pollution. He also reported that plans and estimates have been completed for the cleaning of the Roanoke Avenue Sewer between Doremus Avenue and the chamber between Doremus Avenue and Avenue P. In a letter dated August 31, Mr. Van Riper stated that he hoped for an award of a contract on September 1, 1971. During October, Mr. Van Riper stated that the work was awarded to Condrin Construction Company, and work would begin in November. General Sewer Cleaning Company of Long Branch, New Jersey, a sub-contractor for Condrin, began cleaning this sewer on November 8, 1971. Sewer cleaning operations continued through November and the early part of December. On December 9, at approximately 9:30 A. M., the General Sewer Cleaning Company was preparing to put a TV camera into the sewer when an explosion occurred, injuring three men. The explosion was located in the manhole on the Pitt-Consul Company property. Mr. Altiero reported to Inspector McLaughlin that further sampling would be done by the City, with analyses performed by Edel Laboratories before allowing anyone else to enter the sewer. TV inspection was completed January 10, 1972.

Roanoke Avenue Storm Sewer, cont'd.

and a 10" connection was found west of Doremus Avenue on Pitt-Consul property. Discharge was highly polluting (C.O.D. 2662 mg/l). On January 24, samples taken by Inspector McLaughlin showed explosive vapors in this sewer. Mr. Altiero was informed immediately and Mr. Lubetkin sent a follow-up letter to Mr. S. Friscia, Director of the Department of Public Works.

The June 8 report stated that the solution would be to relay approximately 1,200 feet of 54" pipe from Doremus Avenue to Avenue P. No time table is given, but they feel this work cannot be done until 1973.

The October 18 report repeats that the solution would be to relay 1200 feet of this line.

Violation-City of Orange, Washington Street Storm Sewer Intermittent (R. Goldstein)

This is an intermittent violation. E.T. Killam Associates, in a report dated September, 1962, had originally recommended a complete rebuilding of this sewer to eliminate the pollution, but the cost was considered too high by the City. In 1965 the Commissioners took legal action against the City of Orange to halt the pollution.

The City did not build the new system needed, but as a result of the legal action, they plugged openings and repaired cracks to halt the pollution. They also installed a chlorination station, which went into operation May 15, 1966, to disinfect that sewage which they were unable to prevent from leaching into the system.

For a period of time samples were satisfactory, then samples were intermittently bad, as plugs fell out and cracks opened. Repairs are made as needed.

On March 9, 1971, the City informed the Commissioners that they were in the process of trying to obtain Federal and State assistance to improve the City's sanitary sewerage system. On March 22, Mr. Lubetkin wrote to the City stating that the Commissioners hope that the work for which assistance is being sought will include the rebuilding of the Washington Street Storm Sewer.

On April 26, 1971, Mr. Lubetkin wrote to Mr. DeCarlo, City Engineer, informing him of the problem and asking what program the City of Orange would institute to abate the pollution completely. A letter dated October 22, from the E.T. Killam Associates to the Commissioners, explained that the City has made application to the Department of Housing and Urban Development for major improvements to the sewer system and has had many meetings on this matter with H.U.D. and the Environmental Protection Agency. The letter stated that the City wished to proceed with this project, but was unable to do so until financial assistance could be obtained from the Federal or State Government.