



**State of New Jersey
Department of Environmental Protection and Energy
Enforcement**

Scott A. Weiner
Commissioner

Edward M. Neafsey
Assistant Commissioner

IN THE MATTER OF	:	ADMINISTRATIVE
AMERICAN REF-FUEL OF	:	CONSENT
ESSEX COUNTY	:	ORDER

This Administrative Consent Order is entered into pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection and Energy (hereinafter "the Department" or "NJDEPE") 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 of Water and Hazardous Waste Enforcement, pursuant to N.J.S.A. 13:1B-4.

FINDINGS

1. American Ref-Fuel Company of Essex County (hereinafter "Ref-Fuel") owns and operates a facility located at 183 Raymond Boulevard, Newark, Essex County, New Jersey (Block 5000, Lots 28, 30, 32, 40, 56, 88; Block 5001, Lots 29, 32, 35, 60, 90, 92).
2. The NJDEPE issued a New Jersey Pollutant Discharge Elimination System ("NJPDDES") Permit No. NJ0055247 (hereinafter "the Permit") to Ref-Fuel on December 10, 1985. The effective date of the Permit was February 1, 1986 and the expiration date was January 31, 1991. Pursuant to the "Administrative Procedures Act" N.J.S.A. 52:14b-11, the conditions of the expired permit are continued in force until the effective date of the new permit.
3. Pursuant to the Permit, Ref-Fuel discharges pollutants, as defined by N.J.A.C. 7:14A-1.9, into the waters of the State.
4. No person shall discharge any pollutant except in conformity with a valid NJPDDES Permit issued pursuant to the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.
5. Part IV of the Permit sets 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. Ref-Fuel has submitted DMRs to NJDEPE as required by Part IV of the Permit. The DMRs demonstrate that Ref-Fuel has violated the discharge limits of the Permit. The violations are listed in Appendix A which is attached hereto and incorporated herein.
7. Based on the facts set forth in these FINDINGS, the Department has determined that Ref-Fuel has violated the Water Pollution Control Act,

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N.J.S.A. 58:10A-1 et seq., specifically N.J.S.A. 58:10A-6, and the regulations promulgated pursuant thereto, N.J.A.C. 7:14A-1 et seq., specifically N.J.A.C. 7:14A-1.2.

8. Based upon the information available to the parties on the effective date of this Administrative Consent Order and in order to amicably resolve the violations of the NJPDES permit at the Essex facility for the period of July 1, 1991 through November 30, 1992, the Department and Ref-Fuel enter into this Administrative Consent Order without trial, adjudication, or admission of any of the facts or issues contained herein. The settlement of claims shall not constitute an admission of fact, liability, wrongdoing or unlawful conduct of Ref-Fuel with respect to the matters set forth herein.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED AND AGREED THAT:

I. Enforcement Compliance Schedule

9. Ref-Fuel shall meet the following schedule for compliance with NJPDES Permit No. NJ0055247, the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and the regulations promulgated pursuant thereto, N.J.A.C. 7:14A-1.1 et seq.

- a) Ref-Fuel shall address on-site sources of contamination through implementation of a best management practices program including but not limited to regular street sweeping, maintenance, housekeeping and enforcement of truck juice leakage requirements.
- b) On or before January 15, 1993, Ref-Fuel shall have applied for all permits determined to be necessary to take measures to eliminate tidal backwash and groundwater infiltration to outfalls 001 and 002. If no permits are determined to be necessary, Ref-Fuel shall complete measures to eliminate these sources on or before February 15, 1993. If permits are determined to be necessary, Ref-Fuel shall complete measures to eliminate these sources within thirty (30) days of receipt of any necessary regulatory approvals.
- c) On or before January 15, 1993, Ref-Fuel shall have applied for all permits necessary to combine the unpermitted outfall adjacent to DSN 002 with DSN 002 and shall make such connection within thirty (30) days of receipt of such permits.
- d) On or before June 15, 1993, Ref-Fuel shall monitor stormwater discharges at both outfalls for six (6) rainfall events after the elimination of non-stormwater components.
- e) If the monitoring referenced in Paragraph 9(d) above determines that treatment of stormwater is not necessary to achieve compliance with the final effluent limitations set forth in Appendix B, Ref-Fuel shall achieve compliance with the final effluent limitations and

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conditions set forth in Appendix B by June 15 1993. If the monitoring determines that treatment of stormwater will be required to achieve compliance with the final effluent limitations set forth in Appendix B, then the dates set forth in Paragraph 9(f) - 9(g) below shall apply.

- f) On or before October 15, 1993, Ref-Fuel shall complete a treatability study on the effluent being discharged. The study shall be required to be conducted for each outfall where the monitoring program reveals permit exceedances.
- g) On or before December 1, 1993, Ref-Fuel shall submit to the Department the results of the treatability study and the proposed means to achieve compliance with the final effluent limitations set forth in Appendix B as well as a schedule for compliance (*i.e.* submission of Stage II Treatment Works Approval (TWA) Application, initiation and completion of construction, and submission of Stage III TWA Application). Provided the Department's determination is neither arbitrary, capricious, or unreasonable, the Department may accept or reject Ref-Fuel's proposal and schedule and may establish its own requirements and schedule for compliance. Upon approval by the Department of Ref-Fuel's proposal and compliance schedule and/or establishment of its own required action(s) and compliance schedule, this action and schedule shall become part of this ACO and shall be fully enforced. The schedule may not extend beyond December 31, 1994 without approval from the Department.

10. Pursuant to N.J.A.C. 7:14-8.3(h), Ref-Fuel shall post financial assurance equal to the cost of complying fully with Paragraph 9(g) of this Administrative Consent Order. This financial assurance shall be posted within 30 calendar days of the schedule submission date determined in Paragraph 9(g), but no later than December 31, 1993.

11. Based upon a review of the data referenced in Paragraph 6 above and other available information, the Department has established interim enforcement effluent limitation for outfalls 001 and 002. Interim enforcement effluent limitations set forth in Appendices C and D shall be in effect from December 1, 1992 until either:

- a) June 15, 1993 (if no treatment system is required pursuant to Paragraph 9(e)), or
- b) February 29, 1995 or within two months of completion of construction, whichever is earlier (if a treatment system is required pursuant to Paragraph 9(e)), or
- c) expiration of any deadline extension granted by the Department pursuant to Paragraph 18 and 19.

After the expiration date of the interim enforcement limits, any discharge of pollutants above permitted limits established in NJPDES permit No. NJ0055247, shall be considered a violation of the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and the regulations promulgated pursuant thereto,

N.J.A.C. 7:14A-1 et seq.

12. The interim effective date of this Administrative Consent Order shall be December 1, 1992. In accordance with N.J.S.A. 58:10A-6.1 and N.J.A.C. 7:14A-8.3A, final adoption of this Administrative Consent Order, with any changes to Paragraph 11 necessitated by the public participation process, shall occur at the conclusion of the public participation process. Any such changes necessitated by the public participation process shall be retroactive to December 1, 1992, the interim effective date. Penalties assessed for violations of the interim enforcement effluent limitation detailed in Paragraph 11 above, shall be adjusted at the time of final adoption of this Administrative Consent Order to reflect any changes necessitated by the public participation process.

II. Progress Reports

13. Ref-Fuel shall, within sixty (60) days of the interim effective date of this Administrative Consent Order, assign an authorized representative to monitor its progress towards compliance. This person, as agent of Ref-Fuel, shall prepare the quarterly progress reports referenced in Paragraph 14 below and shall be available to assist NJDEPE personnel who are monitoring the status of compliance.

14. Ref-Fuel shall submit to the Department quarterly progress reports. The quarters shall be January through March, April through June, July through September, and October through December of each calendar year, until otherwise notified in writing by the Department. Each progress report shall be prepared by the authorized representative referenced in Paragraph 13 above, and will detail the status and progress of projects under this Administrative Consent Order. Such reports shall be due on the 25th day of the month following the quarter being reported.

Each progress report shall detail the status of Ref-Fuel's compliance with this Administrative Consent Order and shall include the following information:

- a) Action taken to achieve compliance with the due dates.
- b) Actions still needed to achieve compliance with the due dates.
- c) Whether the progress made to date is on, ahead of or behind the schedule necessary to assure compliance with the due dates.

If the project is behind schedule the report shall include the following information:

- i) A description of how much the project is behind schedule.
- ii) A description of why the project is behind

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schedule.

- iii) A description of any actions taken and/or proposed to be taken to put the project back on schedule to meet the due date.
- iv) A description of any actions taken and/or proposed to be taken to prevent and control further delay.
- v) A description of any factors which tend to explain or mitigate the delay.
- vi) An estimate of the date by which the delay will be made up and the probability that the project will remain on schedule thereafter.

III. Penalties

15. (a) The Department and Ref-Fuel, seeking to resolve the matters in dispute between themselves, agree that Ref-Fuel, its successors and/or assigns, shall pay the amount of \$300,000.00 in accordance with the following terms and conditions:

- i. Ref-Fuel shall pay the settlement amount within sixty (60) calendar days after the interim enforcement date of this ACO.
- ii. Such payment shall be made by cashier's check or certified check payable to the "Treasurer, State of New Jersey" and shall be submitted with the white copy of Form DEP-062A, to be supplied by the Department to:

Bureau of Revenue
New Jersey Department of Environmental Protection & Energy
CN 042
Trenton, New Jersey 08625-0402

This payment is in settlement of all known violations from July 1, 1991 through July 31, 1992. Ref-Fuel has agreed to pay this amount, and the Department has agreed to accept this payment, without any admission by Ref-Fuel of fact, liability or wrongdoing.

- (b) Within ninety (90) calendar days after the interim effective date of this Administrative Consent Order, Ref-Fuel shall submit a check in the amount determined by the Department pursuant to N.J.S.A. 58:10A-10.1(b - c) payable to "Treasurer, State of New Jersey", in settlement of any verified violations of Ref-Fuel's permit discharge limitations which occurred between August 1, 1992 and the interim effective date of this Administrative Consent Order, with the white copy of Form DEP - 062A (to be provided) to the address noted in Paragraph 15(a) above.

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16. Ref-Fuel shall pay stipulated penalties to the Department for its failure to comply with the provisions of this Administrative Consent Order, according to the following schedule, unless the Department has notified Ref-Fuel in writing of modifications pursuant to the force majeure provisions hereinbelow:

For schedule violations:

Calendar Days After Due Date

Days 1 to 7	\$ 1000 per calendar day.
Days 8 to 14	\$ 2000 per calendar day.
Days 15 or more	\$ 5000 per calendar day.

For interim effluent violations:

** SEE APPENDIX E **

Stipulated penalties shall be due and payable on the 30th calendar day after receipt of a written demand from the Department. Payment of such stipulated penalties shall be made by cashier's check or certified check payable to "Treasurer, State of New Jersey" and shall be submitted to the address given in Paragraph 15(a) of this Administrative Consent Order.

17. If Ref-Fuel fails to pay stipulated penalties pursuant to the preceding paragraph, the Department may institute civil proceedings to collect such penalties or assess civil administrative penalties for violations of this Administrative Consent Order or take any other appropriate enforcement action.

III. Force Majeure

18. If any event occurs which Ref-Fuel believes will or may cause delay in the achievement of any provision of this Administrative Consent Order, Ref-Fuel shall notify the Department in writing within seven (7) calendar days of the delay or anticipated delay, as appropriate, referencing this paragraph and describing the anticipated length of the delay, the precise cause of the delay, any measures taken or to be taken to minimize the delay, and the time required to take any such measures to minimize the delay. Ref-Fuel shall take all necessary actions to prevent or minimize any such delay.

19. If the Department finds that: (a) Ref-Fuel has complied with the notice requirements of the preceding paragraph and; (b) that any delay or anticipated delay has been or will be caused by fire, flood, riot, strike, or any other circumstances beyond the control of Ref-Fuel, the Department shall extend the time for performance hereunder for a period no longer than the delay resulting from such circumstances. If the Department determines either that Ref-Fuel has not complied with the notice requirements of this paragraph or that the event causing the delay is not beyond Ref-Fuel's control, then failure to comply with the provisions of this Administrative Consent Order shall

constitute a breach of the Order. The burden of proving that the delay is caused by circumstances beyond the control of Ref-Fuel and the actual length of the delay attributable to those circumstances shall rest with Ref-Fuel. Increases in the cost or expenses incurred by Ref-Fuel in fulfilling the requirements of this Administrative Consent Order shall not be a basis for an extension of time. Delay in an interim requirement shall not automatically justify or excuse delay in the attainment of subsequent requirements.

20. Delays in meeting the milestones in the compliance schedule which may be a result of the permit issuance process shall be considered by the Department pursuant to Paragraphs 18 and 19, provided Ref-Fuel has made administratively complete applications in a timely manner.

IV. General Provisions

21. Ref-Fuel shall submit all documents required by this Administrative Consent Order by certified mail, return receipt requested; by hand delivery or overnight courier, with an acknowledgement of receipt form for the Department's signature to:

Mr. Peter T. Lynch, Chief
New Jersey Department of Environmental Protection & Energy
Metro Bureau of Water & Hazardous Waste Enforcement
2 Babcock Place
West Orange, NJ 07052

Penalty payments shall be made in the same manner to the address in Paragraph 15(a) above.

22. Ref-Fuel shall submit copies of any document required by this Administrative Consent Order to:

Chief, Permits Administration Branch
Planning and Management Division
USEPA - Region II
26 Federal Plaza
New York, New York 10278

23. All provisions of the Permit, including but not limited to all existing effluent discharge limitations set forth in the Permit shall remain in full force and effect and are not modified by this Administrative Consent Order. The enforcement compliance schedule set forth above in Paragraph 9 and the interim enforcement limitations set forth in Appendices C and D of this Administrative Consent Order are enforcement compliance requirements that Ref-Fuel shall meet while working to meet the permit effluent limitations contained in the Permit. The enforcement compliance requirements of this Administrative Consent Order do not modify any provisions of the Permit or any of the duties or liabilities of Ref-Fuel thereunder.

24. Nothing in this Administrative Consent Order shall preclude the Department from taking enforcement action against Ref-Fuel for matters not set

forth in the FINDINGS section of this Administrative Consent Order.

25. Performance of the terms of this Administrative Consent Order by Ref-Fuel is not conditioned in any way on the receipt of any federal or state funds.

26. This Administrative Consent Order shall be binding on Ref-Fuel, its successors, assigns, and any trustee in bankruptcy or receiver appointed pursuant to a proceeding in law or equity.

27. Ref-Fuel shall perform all work conducted pursuant to this Administrative Consent Order in accordance with prevailing professional standards.

28. This Administrative Consent Order shall not relieve Ref-Fuel from obtaining and complying with all applicable federal, state, and local permits, as well as applicable statutes and regulations while carrying out the obligations imposed by this Administrative Consent Order.

29. This Administrative Consent Order shall not preclude the Department from requiring that Ref-Fuel apply for any permit or permit modifications issued by the Department under the authority of the Water Pollution Control Act N.J.S.A. 58:10A-1 et seq., and/or any statutory authority for the matters covered herein. The terms and conditions of any such permit shall not be preempted by the terms and conditions of this Administrative Consent Order even if the terms and conditions of any such permit are more stringent than the terms and conditions of this Administrative Consent Order.

30. All appendices referenced in this Administrative Consent Order, and all reports, work plans, and documents required under the terms of this Administrative Consent Order are, upon approval by the Department, incorporated into this Administrative Consent Order by reference and made a part hereof.

31. Obligations and penalties of this Administrative Consent Order are imposed pursuant to the police powers of the State of New Jersey for the enforcement of law and protection of the public health, safety and welfare and are not intended to constitute debt or debts which may be limited or discharged in a bankruptcy proceeding.

32. In addition to the Department's statutory and regulatory rights to enter and inspect, Ref-Fuel shall allow the Department and its authorized representatives access to the facility at all times for the purpose of monitoring Ref-Fuel's compliance with this Administrative Consent Order.

33. The Department reserves the right to require Ref-Fuel to take additional actions should the Department determine that such actions are necessary to protect human health or the environment. Nothing in this Administrative Consent Order shall constitute a waiver of any statutory right of the Department to require Ref-Fuel to undertake such additional measures should the Department determine that such measures are necessary.

34. Ref-Fuel shall not construe any informal advice, guidance, suggestions, or comments by the Department or by any persons acting on behalf of the Department, as relieving Ref-Fuel of its obligations to obtain written approvals as may be required herein unless such advice, guidance, suggestions,

or comments by the Department shall be submitted in writing to Ref-Fuel.

35. Ref-Fuel hereby consents to and agrees to comply with this Administrative Consent Order which shall be fully enforceable as an Order in the New Jersey Superior Court upon the filing of a summary action for compliance pursuant to the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.

36. Ref-Fuel hereby agrees not to contest the authority or jurisdiction of the Department to issue this Administrative Consent Order and also agrees not to contest the terms and conditions of this Administrative Consent Order in any action to enforce its provisions, except as to interpretation or application of such terms and condition in any actions brought by the Department to enforce the provisions of this Administrative Consent Order. Ref-Fuel expressly reserves whatever right it may have in such an enforcement action to defend on the basis that an action or requirement or disapproval of the Department pursuant to this ACO was arbitrary, capricious and unreasonable.

37. Ref-Fuel shall give written notice of this Administrative Consent Order to any successor in interest prior to transfer of ownership of the facilities which are the subject of this Administrative Consent Order, and shall simultaneously verify to the Department that such notice has been given.

38. The requirements of this Administrative Consent Order shall be deemed satisfied upon receipt by Ref-Fuel of written notice from the Department that Ref-Fuel has demonstrated, to the satisfaction of the Department, that all the terms of this Administrative Consent Order have been completed.

39. Hearing Waiver. When this Administrative Consent Order becomes effective, Ref-Fuel waives its rights to a hearing on the matters contained hereinabove pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 58:10A-1 et seq.

40. No modification or waiver of this Administrative Consent Order shall be valid except by written amendment duly executed by Ref-Fuel and the Department, or by the Department's modification in writing of any of the provisions pursuant to the force majeure provisions hereinabove.

41. Pursuant to Paragraph 12 above, the signatures below are on an interim basis pending final adoption of this Administrative Consent Order. The final adopted Administrative Consent Order shall be executed by both parties at the conclusion of the public participation process. However, if there are no changes to this Administrative Consent Order pursuant to the public participation process, this document shall be considered the final adopted Administrative Consent Order and the signatures below shall be considered final execution of this Administrative Consent Order.

42. If at the conclusion of the public participation process the Department imposes more stringent interim enforcement effluent limitations in Paragraph 12 than exist as of the initial signatures of this Administrative Consent Order, and Ref-Fuel does not concur with these more stringent interim enforcement effluent limitations, then this Administrative Consent Order shall be considered null and void, and never of any force and effect. The

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Department reserves the right to seek penalties for past, present and future
NJPDES Permit violations.

DEPARTMENT OF ENVIRONMENTAL PROTECTION & ENERGY

DATE:

12-1-92

BY:

James K. Hamilton
JAMES K. HAMILTON
ASSISTANT DIRECTOR
WATER & HAZARDOUS WASTE
ENFORCEMENT

AMERICAN Ref-Fuel COMPANY of ESSEX COUNTY

DATE:

12-1-92

BY:

NAME:

John G. Waffenschmidt
TITLE: Asst. Director Environmental
Compliance

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APPENDIX A

DMR NUMBER	MONIT PERIOD END DATE	VIOL	DSN NO.	PARAMETER	LOAD CONC	LIMIT TYPE	LIMIT	UNITS	DATA
91070722	07/31/91	EFF	001	FC	CONC	AVG	200	MPN/100ml	4600
91070722	07/31/91	EFF	001	FC	CONC	MAX	400	MPN/100ml	4600
91070722	07/31/91	EFF	002	FC	CONC	AVG	200	MPN/100ml	500
91070722	07/31/91	EFF	002	FC	CONC	MAX	400	MPN/100ml	500
91080673	08/31/91	EFF	001	COD	CONC	MAX	100	mg/l	232
91080673	08/31/91	EFF	001	TSS	CONC	MAX	50	mg/l	480
91080673	08/31/91	EFF	001	FC	CONC	AVG	200	MPN/100ml	5000
91080673	08/31/91	EFF	001	FC	CONC	MAX	400	MPN/100ml	5000
91080673	08/31/91	EFF	002	FC	CONC	AVG	200	MPN/100ml	1900
91080673	08/31/91	EFF	002	FC	CONC	MAX	400	MPN/100ml	1900
91090716	09/30/91	EFF	001	COD	CONC	MAX	100	mg/l	4080
91090716	09/30/91	EFF	002	COD	CONC	MAX	100	mg/l	161
91090716	09/30/91	EFF	001	TSS	CONC	MAX	50	mg/l	462
91090716	09/30/91	EFF	002	TSS	CONC	MAX	50	mg/l	145
91090716	09/30/91	EFF	001	FC	CONC	AVG	200	MPN/100ml	5254
91090716	09/30/91	EFF	001	FC	CONC	MAX	400	MPN/100ml	6000
91090716	09/30/91	EFF	002	FC	CONC	AVG	200	MPN/100ml	3795
91090716	09/30/91	EFF	002	FC	CONC	MAX	400	MPN/100ml	6000
91090716	09/30/91	EFF	001	pH	CONC	MIN	6.0	su	4.51
91100953	10/31/91	EFF	001	TSS	CONC	MAX	50	mg/l	110
91100953	10/31/91	EFF	001	FC	CONC	AVG	200	MPN/100ml	1600
91100953	10/31/91	EFF	001	FC	CONC	MAX	400	MPN/100ml	1600
91100953	10/31/91	EFF	002	FC	CONC	AVG	200	MPN/100ml	1600
91100953	10/31/91	EFF	002	FC	CONC	MAX	400	MPN/100ml	1600
91100953	10/31/91	EFF	002	pH	CONC	MIN	6.0	su	5.82
91110944	11/30/91	EFF	001	COD	CONC	MAX	100	mg/l	5860
91110944	11/30/91	EFF	001	TSS	CONC	MAX	50	mg/l	398
91110944	11/30/91	EFF	001	PHC	CONC	MAX	15	mg/l	309
91110944	11/30/91	EFF	001	FC	CONC	AVG	200	MPN/100ml	1600
91110944	11/30/91	EFF	001	FC	CONC	MAX	400	MPN/100ml	1600
91110944	11/30/91	EFF	002	FC	CONC	AVG	200	MPN/100ml	2400
91110944	11/30/91	EFF	002	FC	CONC	MAX	400	MPN/100ml	2400
91120952	12/31/91	EFF	001	TSS	CONC	MAX	50	mg/l	146
91120952	12/31/91	EFF	002	TSS	CONC	MAX	50	mg/l	214
91120952	12/31/91	EFF	001	COD	CONC	MAX	100	mg/l	130
91120952	12/31/91	EFF	001	FC	CONC	AVG	200	MPN/100ml	2300
91120952	12/31/91	EFF	001	FC	CONC	MAX	400	MPN/100ml	2300
91120952	12/31/91	EFF	002	FC	CONC	AVG	200	MPN/100ml	3900
91120952	12/31/91	EFF	002	FC	CONC	MAX	400	MPN/100ml	3900
92010941	01/31/92	EFF	001	COD	CONC	MAX	100	mg/l	2500
92010941	01/31/92	EFF	002	COD	CONC	MAX	100	mg/l	204
92010941	01/31/92	EFF	001	TSS	CONC	MAX	50	mg/l	258
92010941	01/31/92	EFF	002	TSS	CONC	MAX	50	mg/l	140
92010941	01/31/92	EFF	001	PHC	CONC	MAX	15	mg/l	335
92010941	01/31/92	EFF	001	FC	CONC	AVG	200	MPN/100ml	5900
92010941	01/31/92	EFF	001	FC	CONC	MAX	400	MPN/100ml	5900
92010941	01/31/92	EFF	002	FC	CONC	AVG	200	MPN/100ml	3400
92010941	01/31/92	EFF	002	FC	CONC	MAX	400	MPN/100ml	3400

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92010941	01/31/92	EFF	001	pH	CONC	MIN	6.0	su	5.90
92010941	01/31/92	EFF	002	Zn	CONC	MAX	600	ug/l	662
92020938	02/29/92	EFF	001	COD	CONC	MAX	100	mg/l	134
92020938	02/29/92	EFF	001	TSS	CONC	MAX	50	mg/l	82
92020938	02/29/92	EFF	001	FC	CONC	AVG	200	MPN/100ml	2400
92020938	02/29/92	EFF	001	FC	CONC	MAX	400	MPN/100ml	2400
92030945	03/31/92	EFF	001	COD	CONC	MAX	100	mg/l	1740
92030945	03/31/92	EFF	002	COD	CONC	MAX	100	mg/l	272
92030945	03/31/92	EFF	001	TSS	CONC	MAX	50	mg/l	3630
92030945	03/31/92	EFF	001	FC	CONC	AVG	200	MPN/100ml	16000
92030945	03/31/92	EFF	001	FC	CONC	MAX	400	MPN/100ml	16000
92030945	03/31/92	EFF	002	FC	CONC	AVG	200	MPN/100ml	540
92030945	03/31/92	EFF	002	Zn	CONC	MAX	600	ug/l	964
92030945	03/31/92	EFF	002	TSS	CONC	MAX	50	mg/l	66
92030945	03/31/92	EFF	002	Pb	CONC	MAX	150	ug/l	196
92030945	03/31/92	EFF	001	pH	CONC	MIN	6.0	su	5.45
92030945	03/31/92	EFF	002	pH	CONC	MIN	6.0	su	5.80
92030945	03/31/92	EFF	002	FC	CONC	MAX	400	MPN/100ml	540
92040943	04/30/92	EFF	001	COD	CONC	MAX	100	mg/l	124
92040943	04/30/92	EFF	002	COD	CONC	MAX	100	mg/l	109
92040943	04/30/92	EFF	001	FC	CONC	AVG	200	MPN/100ml	920
92040943	04/30/92	EFF	001	FC	CONC	MAX	400	MPN/100ml	920
92040943	04/30/92	EFF	002	Zn	CONC	MAX	600	ug/l	1090
92050947	05/31/92	EFF	001	COD	CONC	MAX	100	mg/l	168
92050947	05/31/92	EFF	002	COD	CONC	MAX	100	mg/l	163
92060944	06/30/92	EFF	002	COD	CONC	MAX	100	mg/l	176
92060944	06/30/92	EFF	002	Zn	CONC	MAX	600	ug/l	669
92060944	06/30/92	EFF	001	COD	CONC	MAX	100	mg/l	436
92060944	06/30/92	EFF	001	TSS	CONC	MAX	50	mg/l	124
92060944	06/30/92	EFF	002	TSS	CONC	MAX	50	mg/l	55
92060944	06/30/92	EFF	001	FC	CONC	AVG	200	MPN/100ml	2940
92060944	06/30/92	EFF	001	FC	CONC	MAX	400	MPN/100ml	2940
92060944	06/30/92	EFF	002	FC	CONC	AVG	200	MPN/100ml	900
92060944	06/30/92	EFF	002	FC	CONC	MAX	400	MPN/100ml	900
92070940	07/31/92	EFF	001	FC	CONC	AVG	200	MPN/100ml	2400
92070940	07/31/92	EFF	001	FC	CONC	MAX	400	MPN/100ml	2400
92070940	07/31/92	EFF	002	Zn	CONC	MAX	600	ug/l	759
92070940	07/31/92	EFF	001	COD	CONC	MAX	100	mg/l	199

The following abbreviations were used in the tables above: COD for Chemical Oxygen Demand; CONC for concentration; DMR for Discharge Monitoring Report; EFF for effluent; FC for Fecal Coliform; MAX for maximum; MONIT for monitoring; TSS for Total Suspended Solids; VIOL for violation.

ARF 0000210

TIERRA-B-005038



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ENERGY
DIVISION OF ENFORCEMENT FIELD OPERATIONS
Metro Bureau of Water and Hazardous Waste Enforcement
2 Babcock Place, West Orange, N.J. 07052
(201) 669-3900

June 21, 1993

Mr. John Waffenschmidt,
Assistant Director, Environmental Compliance
American Ref-Fuel
600 Avenue C at Stewart Avenue
Westbury, NY 11590

Re: Compliance Evaluation Inspection
American Ref-Fuel of Essex County
NJPDES No. NJ0055247
Newark/Essex County

Dear Mr. Waffenschmidt

A Compliance Evaluation Inspection of your facility was conducted by a representative of this Bureau on May 25, 1993. A copy of the completed inspection report form is enclosed for your information.

Your facility received a rating of "UNACCEPTABLE" due to the following deficiencies:

1. A review of the Discharge Monitoring Reports (DMRs) and the analytical laboratory results for DSN001 and DSN002 has revealed that:
 - a) The facility has exceeded permit effluent limitations for the periods of December 1, 1992 to April 30, 1992 (See list below for details).
 - b) The facility has exceeded Interim effluent limitations as described in the Administrative Consent Order for the periods of December 1, 1992 to April 30, 1992 (See list below for details).

DMR NUMBER	MONIT. PERIOD END DATE	VIOL	DSN No.	PARAMETER	LOAD CONC	LIMIT TYPE	LIMIT	UNITS	DATA
92120945	12/31/92	EFF	002	FC	CONC	30D AVG	1200.00	MPN/1	2312
92010923	1/31/93	EFF	002	Zinc	CONC	30D MAX	600.00	mg/l	914
93020923	2/28/93	EFF	002	TSS	CONC	30D AVG	75.00	mg/l	131

ARF 0000259

DMR NUMBER	MONIT. PERIOD END DATE	DSN VIOL No.	PARAMETER	LOAD CONC	LIMIT TYPE	LIMIT	UNITS	DATA
93020923	2/28/93	EFF 002	COD	CONC	30D AVG	175.00	mg/l	232
92010923	2/28/93	EFF 002	FC	CONC	30D AVG	1200.00	mg/l	10222
93020923	2/28/93	EFF 001	Zinc	CONC	30D MAX	600.00	mg/l	1080
93020923	2/28/93	EFF 001	FC	CONC	30D AVG	5800.00	MPN/l	31257
93030921	3/31/93	EFF 001	FC	CONC	30D AVG	5800.00	MPN/l	73387

The following abbreviations were used in the table above:

TSS - Total Suspended Solids	FC - Fecal Coliform
MPN - Most Probable Number	COD - Chemical Oxygen Demand
MAX - Maximum	mg/l - milligrams/liter
30D - Thirty (30) day	AVG - Average

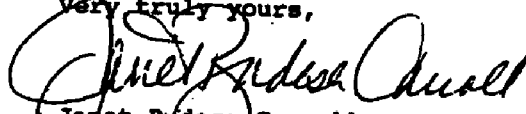
- A review of the analytical laboratory results and the Office of Quality Assurance's Certified Drinking Water/Waste Water Laboratories has revealed that your facility is using an uncertified laboratory to perform microbiological Fecal Coliform analysis.

The deficiencies noted above have placed your facility in significant violation of the terms and conditions of your NJPDES permit and/or the Water Pollution Control Act Regulations (N.J.A.C. 7:14A-1 et seq.). You are therefore DIRECTED to institute corrective measures. A written report concerning specific details to be instituted, as well as an implementation timetable, must be submitted to this Department and USEPA, Permits Administration Branch within fourteen (14) calendar days of the date of this correspondence.

You are advised that the New Jersey Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.) provides for substantial monetary and criminal penalties in cases of permit violations.

Please direct all correspondence and inquiries to Edgar Garcia the Senior Environmental Specialist responsible for this case, who can be reached at (201) 669-3900, or by letter through this Bureau.

Very truly yours,



Janet Budes Carroll
Acting Section Chief
Metro Bureau of Water &
Hazardous Waste Enforcement

E27:E36:G27

ARF 0000260

- 3 -

c: Mr. Patrick Durack, USEPA
Bill Pittaro, Health Official
Laurie Cooper, American Ref-Fuel

bc: Zaheer Hussain
Central file /

Enclosure

100
- 100 -

ARF 0000261

TIERRA-B-005041



NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER RESOURCES
CN 029, Trenton, N.J. 08625

DISCHARGE SURVEILLANCE REPORT



PERMIT # NS0055247 NO. OF DISCHARGES 001, 002 CLASS Min-Ind
DISCHARGER Essex County Resource Recovery Facility (American Rep-Fuel)
OWNER American Rep-Fuel Company of Essex County
MUNICIPALITY Newark COUNTY Essex WATERSHED CODE P
LOCATION 183 Raymond Boulevard
RECEIVING WATERS Passaic River STREAM CLASS SE3
LICENSED OPERATOR & PLANT CLASS Laurie Cooper (N-1)
TRAINEE/ASSISTANT Alfredo Austin (N-1) OTHER INFO. (201) 344-0900

DEFICIENCIES OR COMMENTS 1. The facility is using an uncertified
Laboratory to perform Fecal Coliform Analysis.
A Notice of Violation was issued for this
deficiency.
2. The facility has various permit & interim
effluent limitation violations.
Note: This facility is currently under
an ACO.

OVERALL RATING ☐ Acceptable ☐ Conditionally Acceptable ☒ Unacceptable

EVALUATOR Edgar W. Garcia TITLE Senior Environmental Specialist
INFORMATION FURNISHED BY (Name) Laurie Cooper / Peter Pohl
(Title) Environmental Scientist I (Organization) American Rep-Fuel Company
Regional Manager Compliance

DATE OF INSPECTION May 25, 1993

ARF 0000262



U.S.E.A.
DISCHARGE SURVEILLANCE REPORT



Permit #: NY0055247
Date: May 25, 1993

INDUSTRIAL TREATMENT PROCESS EVALUATION

RATING CODES: S = Satisfactory M = Marginal U = Unsatisfactory NA = Not Applicable

	RATING	COMMENTS
GENERAL		
DISCHARGE # <u>001+002</u>	—	
WASTEWATER SOURCE(S)	—	<u>Storm Water Runoff</u>
CONTINUITY OF OPERATION	—	<u>Intermittent</u>
BYPASSES/OVERFLOWS	NA	
S.P.C.C. PLAN	S	<u>Signed by Professional Engineer on March 2, 1992</u>
ALARM SYSTEMS	NA	
ALTERNATE POWER SUPPLY	NA	
by: Mr. Patrick Durack, USEPA		
TREATMENT PROCESSES		
<u>Oil/Water Separator</u>		<u>Scale house area / Admin Building / Employee Parking</u>
<u>Laurie Cooper, American Reg.</u>		<u>TWA-91-5251-YN issued 3/15/91</u>
<u>High Bar 3000 Filter Funnel</u>	S	<u>Amount Approx 60 Ten Catch Basins</u>
Enclosure		
SLUDGE HANDLING		
<u>Generator ID Number</u>	S	<u>EPA ID# NSD 986629004</u>
<u>Waste Oil/Spills/Labels</u>	S	<u>Transporter: Laidlaw Transit Inc.</u>
<u>Construction Debris</u>		<u>NSD 986629004</u>
		<u>Disposal Site Laidlaw MOD 980554653</u>
		<u>Laurel, MD</u>
<u>Incinerator Ash Transporter</u>	S	<u>Jack Gray Transporter</u>
		<u>Can Rail</u>
DISPOSAL SITE	S	<u>Chambers Landfill, Virginia</u>
OTHER INFORMATION		
FLOW METER & RECORDER	S	<u>Calculated from Rain Gauge + Surface Area</u>
RECORDS	S/M	<u>Permit / DMR</u>
SAMPLING PROCEDURES	S	<u>Consultant Woodward Clyde</u>
ANALYSES PERFORMED BY	S	<u>NY Test Environmental, Port Washington, NY Cert # 73469</u>
<u>Fecal Coliform</u>	U	<u>Terra Pro Chem, Hasbrouck Heits</u>
<u>Toxic Assay</u>	S	<u>US Testing, Hoboken, NJ Cert No 09152</u>
<u>Chemical Storage Area</u>	—	<u>Phosphoric Acid (3) Lime Silos, Ammonium Hydroxide Tank</u>
<u>Under Ground Storage Tanks</u>	S	<u>(1) 20,000 gal Fuel Oil UST # 0218225 Exp 12/31/93</u>
		<u>(1) 30,000 gal waste water</u>
		<u>(1) 10,000 gal Phosphoric Acid Tank</u>
		<u>(1) 6,000 gal Sulfuric Acid Tank</u>
		<u>(1) 6,000 gal Sodium Hydroxide Tank</u>
FINAL EFFLUENT APPEARANCE	—	<u>No discharge</u>
REC. WATERS APPEARANCE	—	<u>Passaic River Central Ditch</u>

ARF 0000263

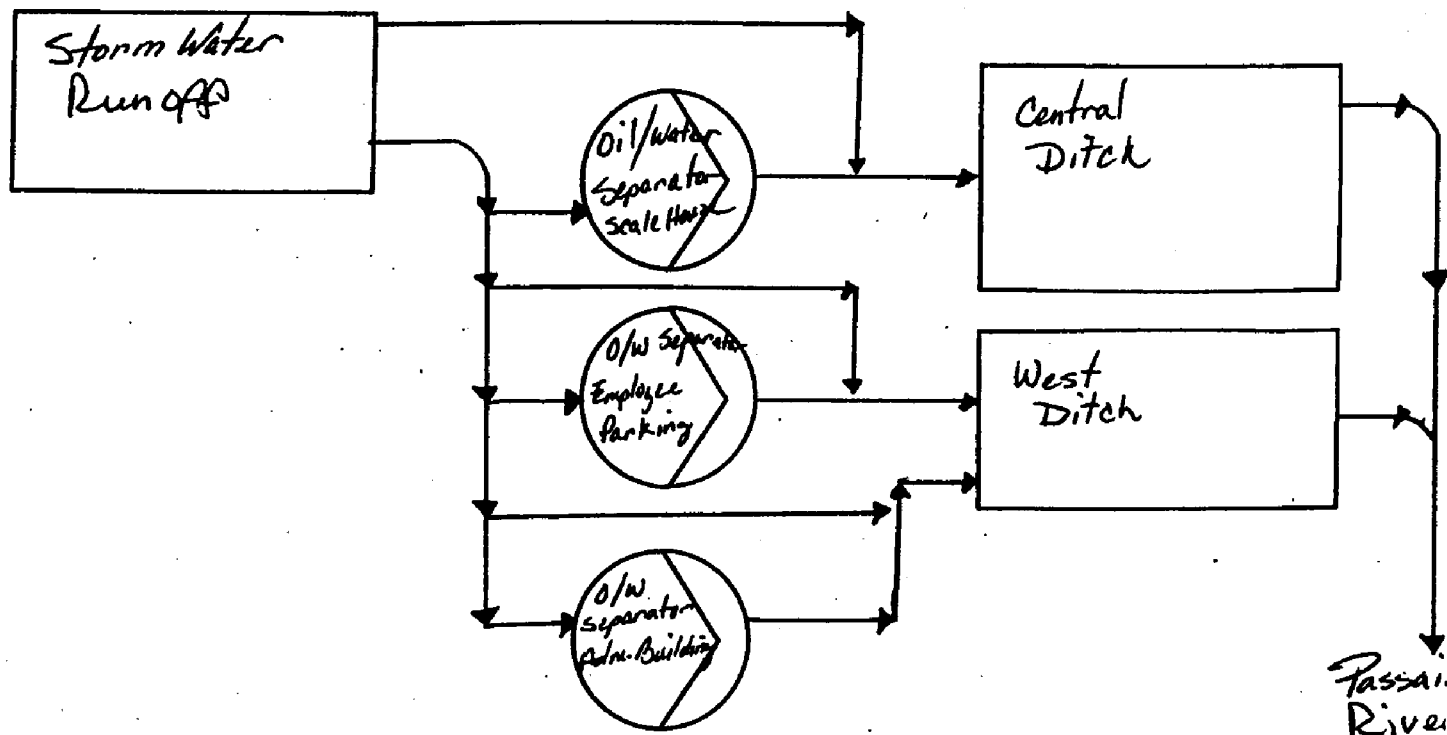
TIERRA-B-005043



DISCHARGE SURVEILLANCE REPORT

Permit # NS005524
Date May 25, 1999

Schematic Diagram and Flow Sequence:



DISCHARGE DATA

SOURCE: DMP + Lab ReportsPERIOD: Dec. 1, 1992 - March 31, 1993

DMR NUMBER	MONITORING PERIOD	VIOLATION TYPE	DSN No.	SAMPLE TYPE	PARAMETER	PERMIT LIMITS	DATA

MONITORING DEFICIENCIES: Facility has various permit + Interim effluent limitations. The facility is also using an Uncertified Laboratory to perform fecal coliform analysis.

ARF 0000264

APPENDIX I

DMR NUMBER	MONIT. PERIOD END DATE	VIOL	DSN No.	PRAMETER	LOAD CONC	LIMIT TYPE	LIMIT	UNITS	DATA
92120945	12/31/92	EFF	002	FC	CONC	AVG	1200.00	MPN	2312
92010923	1/31/93	EFF	002	Zinc	CONC	MAX	600.00	µg/l	914
93020923	2/28/93	EFF	002	TSS	CONC	AVG	75.00	mg/l	131
93020923	2/28/93	EFF	002	COD	CONC	AVG	175.00	mg/l	232
92010923	2/28/93	EFF	002	FC	CONC	AVG	1200.00	mg/l	10222
93020923	2/28/93	EFF	001	Zinc	CONC	MAX	600.00	µg/l	1080
93020923	2/28/93	EFF	001	FC	CONC	AVG	5800.00	MPN	31257
93030921	3/31/93	EFF	001	FC	CONC	AVG	5800.00	MPN	73387

ARF 0000265

TIERRA-B-005045

BBDCC00008

Let's protect our earth



7.

~~BBDCC00003~~

State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF WATER RESOURCES

METRO BUREAU OF REGIONAL ENFORCEMENT

2 BABCOCK PLACE

WEST ORANGE, NEW JERSEY 07052

GEORGE G. McCANN, P.E.
DIRECTOR

DIRK C. HOFMAN, P.E.
DEPUTY DIRECTOR

June 22, 1988

Mr. Thomas Spurkosky, Site Manager
American Ref-Fuel Company of Essex County
Essex County Resource Recovery Plant
66 Blanchard Street
Newark, NJ 07105

Re: Compliance Evaluation Inspection
American Ref-Fuel Company of Essex County
NJPDES No. NJ 0055247
Newark/Essex County

Dear Mr. Spurkosky:

A Compliance Evaluation Inspection of your facility was conducted by a representative of this Division on April 18, 1988. A copy of the completed inspection report form is enclosed for your information.

Your facility received a rating of "UNACCEPTABLE" due to the following deficiencies:

1. The facility has not monitored their storm water discharges for the period February 1, 1986 to April 18, 1988. They have inaccurately reported on the Discharge Monitoring Reports that there were no discharges.
2. The facility has not employed a N-2 licensed operator for the period commencing at the dewatering operation of potentially contaminated ground water.

Since the deficiencies cited are presently, or could, in the future, adversely affect effluent quality, you are DIRECTED to institute measures to correct the deficiencies. A written report concerning specific details of remedial measures to be instituted, as well as an implementation timetable, must be submitted to this Department and USEPA, Permits Administration Branch, within thirty (30) calendar days of the date of this correspondence.

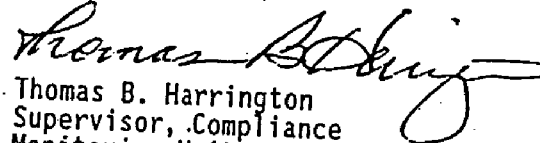
BBA0000007

Both the New Jersey Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.) provide for substantial monetary and criminal penalties in cases of permit violations.

Please direct all correspondence and inquiries to Kathleen Beyer, the Environmental Specialist responsible for this case, who can be reached at (201) 669-3900 or by letter through this Division.

Failure to fully comply with the above will result in the initiation of enforcement action by this Department and/or the United States Environmental Protection Agency. This shall in no way be construed, however, to indicate any exemption on your part from possible penalties for violations indicated by the Compliance Evaluation Inspection, as stated above.

Very truly yours,



Thomas B. Harrington
Supervisor, Compliance
Monitoring Unit
Metro Bureau of
Regional Enforcement

E17:G25

c: Dr. Richard A. Baker, USEPA
Mr. Paul Molinari, USEPA
Mr. Robert J. Grimm, H.O.
Ms. Melisse Wilusz

Enclosure

bc: Zaheer Hussain, Enforcement
Robert Candido, Criminal Justice



NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER RESOURCES
CN 029, Trenton, N.J. 08625



DISCHARGE SURVEILLANCE REPORT

PERMIT # NJ0055247 NO. OF DISCHARGES 001, 002 CLASS Min / Ind.

DISCHARGER American Ref-Fuel Company of Essex County

OWNER Same as Discharger

MUNICIPALITY Newark COUNTY Essex WATERSHED CODE Passaic

LOCATION Essex County Resource Recovery Plant 66 Blanchard St. 07105

RECEIVING WATERS Passaic River STREAM CLASS TW-3

LICENSED OPERATOR & PLANT CLASS Mr. Thomas Spurkosky

TRAINEE/ASSISTANT _____ OTHER INFO. _____

DEFICIENCIES OR COMMENTS _____

Facility is not monitoring stormwater discharges.

Facility has not employed a licensed operator.

OVERALL RATING ☐ Acceptable ☐ Conditionally Acceptable ☒ Unacceptable

EVALUATOR Richard White / Kathleen Bayer TITLE Env. Compliance Invest. / Senior Env. Specialist

INFORMATION FURNISHED BY (Name) Mr. Thomas Spurkosky

(Title) Site Manager (Organization) American Ref-Fuel Co.

DATE OF INSPECTION 4/15/85



N.J.D.E.P.
D.W.R.

DISCHARGE SURVEILLANCE REPORT



Page 2 of 3 (I)

Permit #: N. 0055247
Date: 4/18/88

Date: 4/18/88

Amer. Ref. Fuel Co.

INDUSTRIAL TREATMENT PROCESS EVALUATION

NE - Not in scope

RATING CODES: S = Satisfactory M = Marginal U = Unsatisfactory NA = Not Applicable

		RATING	COMMENTS
GENERAL	DISCHARGE # 001, 002	---	
	WASTEWATER SOURCE(S)	---	001 pond outlet(const.) / main drainage (operation) 002 storm drainage west side
	CONTINUITY OF OPERATION	---	intermittent
	BYPASSES/OVERFLOWS	N/A	
	S.P.C.C. PLAN	N/A	
	ALARM SYSTEMS	N/A	
	ALTERNATE POWER SUPPLY	N/A	
TREATMENT PROCESSES			
	Sedimentation Pond	S	Note: For treatment of potentially contaminated groundwater
SLUDGE HANDLING			
	DISPOSAL SITE	N/A	
OTHER INFORMATION	FLOW METER & RECORDER	—	To be measured at the time of discharge of dewatered groundwater
	RECORDS	S	Permit, DMR
	SAMPLING PROCEDURES	U	No samples taken for stormwater.
	ANALYSES PERFORMED BY	—	Woodward Clyde for application analyses
	Permit Expires: 1/3/91		



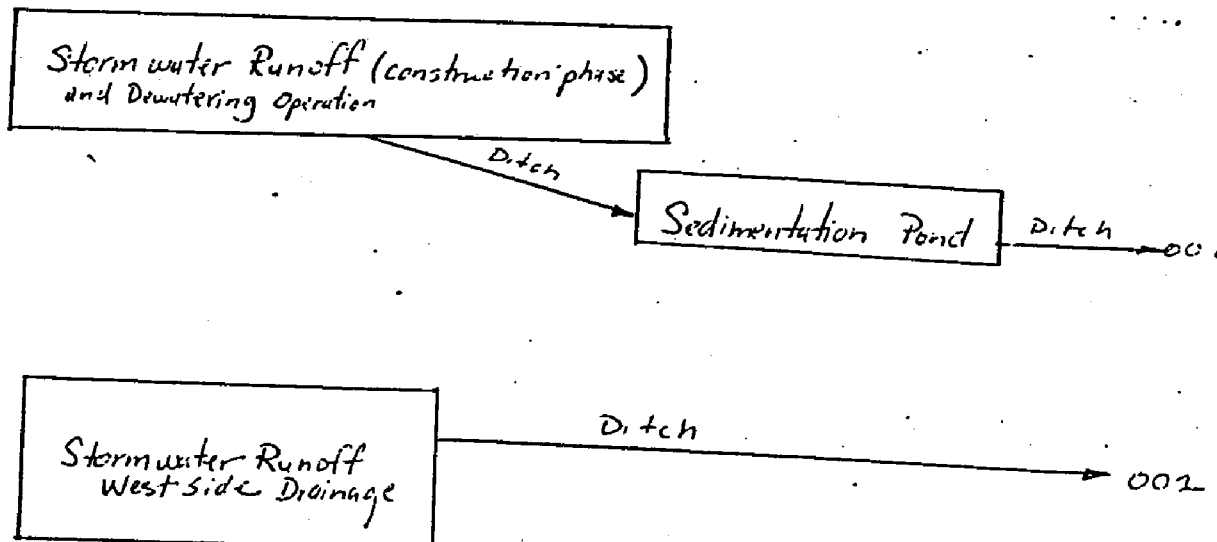
American Ref-Fuel

DISCHARGE SURVEILLANCE REPORT

Permit # NJ0055247

Date 4/18/81

ANT DIAGRAM AND FLOW SEQUENCE:



DIS	PARAMETER	SAMPLE TYPE	Permit Limits	Data
001 002	Benzene	Grab	125 µg/l	—
001 002	Ethyl benzene	Grab	275 µg/l	—
001 002	1,1,1 TCE	Grab	50 µg/l	—
001 002	Toluene	Grab	225 µg/l	—
001 002	monochlorobenzene	Grab	50 µg/l	—

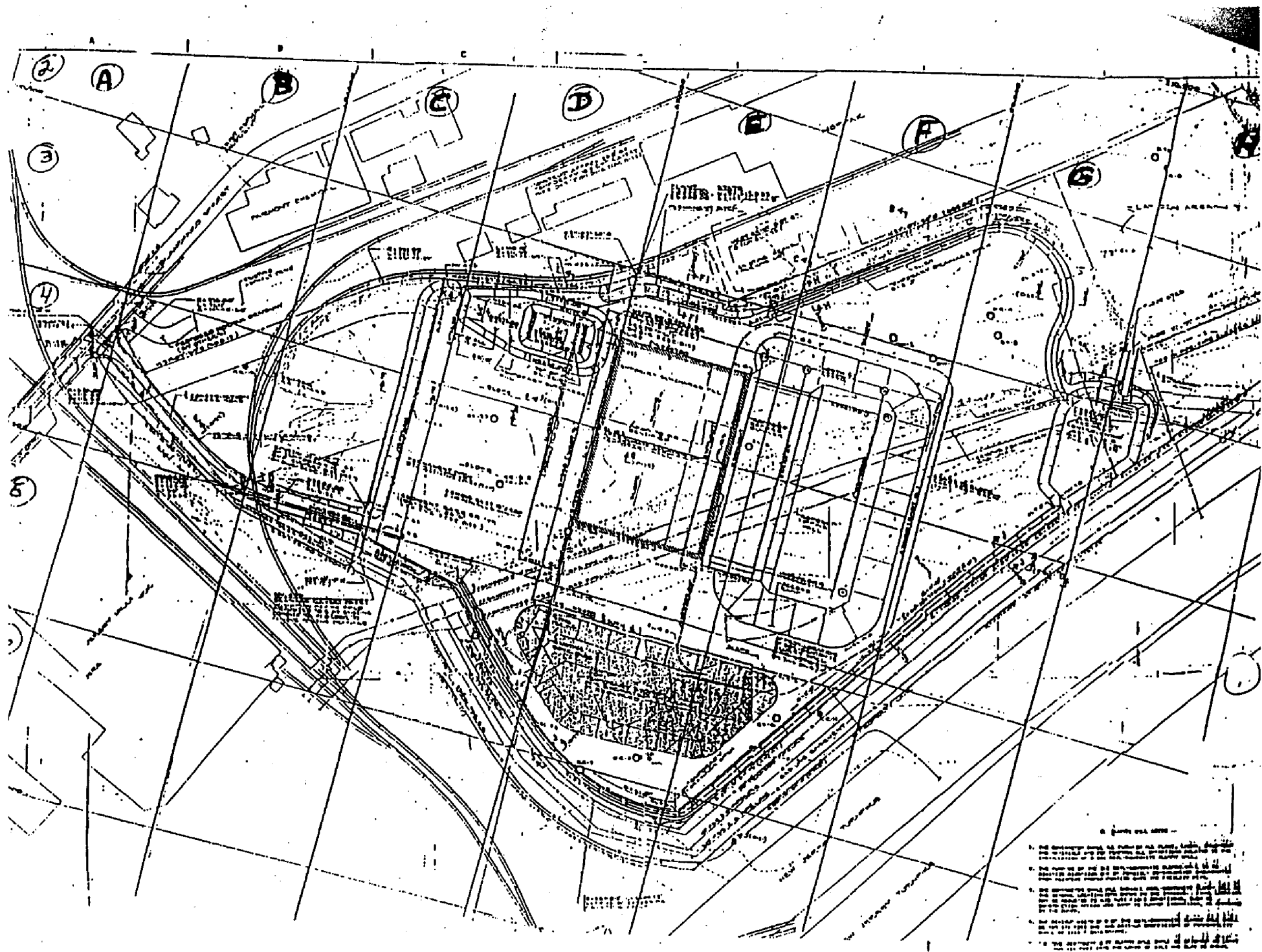
Discharger not monitoring 001/002. DISCHARGE DATA

RCE: _____

PERIOD: _____

PARAMETER	SAMPLE TYPE	PERMIT LIMITS	DATA	DIS	PARAMETER	SAMPLE TYPE	PERMIT LIMITS	DATA
pH	Grab	6.00 - 9.00	—	001 002	Copper	Grab	0.4 mg/l	—
TSS	Grab	50 mg/l	—	001 002	Cyanide	Grab	0.1 mg/l	—
Petro hydro	Multiple Grab	15 mg/l	—	001 002	Lead	Grab	0.15 mg/l	—
Fuel - Diesel	Grab	200 MPN / 1000 ml (avg) 400 MPN / 1000 ml (max)	—	001 002	Nickel	Grab	1.0 mg/l	—
COD	Grab	100 mg/l	—	001 002	Zinc	Grab	0.6 mg/l	—
3-triene	Grab	0.2 mg/l	—	001 002	Toxicity	Art H.C.	96-hr LC ₅₀ ≥ 50% by volume	—
Oil	Grab	0.1 mg/l	—	001 002	Flow	Grab	N-A	—

ORING DEFICIENCIES: No samples taken for stormwater discharges.





BBDO000013

COPY
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**State of New Jersey
Department of Environmental Protection and Energy**

Division of Enforcement Field Operations
Metro Bureau of Water and Hazardous Waste Enforcement
2 Babcock Place
West Orange, NJ 07052-5504

Robert C. Shinn, Jr.
Commissioner

Tel. # 201-669-3900
Fax. # 201-669-3907

James K. Hamilton
Assistant Director

June 8, 1994

Mr. John Waffenschmidt,
Assistant Director, Environmental Compliance
American Ref-Fuel
600 Avenue C at Stewart Avenue
Westbury, NY 11590

Re: Compliance Evaluation Inspection
American Ref-Fuel of Essex County
NJPDES No. NJ0055247
Newark/Essex County

Dear Mr. Waffenschmidt:

A Compliance Evaluation Inspection of your facility was conducted by a representative of this Bureau on May 26, 1994. A copy of the completed inspection report form is enclosed for your information.

Your facility received a rating of "UNACCEPTABLE" due to the following deficiency:

1. A review of the Discharge Monitoring Reports (DMRs) and the analytical laboratory results for DSN001 and DSN002 has revealed that:
 - a) The facility has exceeded permit effluent limitations for the periods of November 1, 1993 to April 30, 1994 (See list below for details).
 - b) The facility has exceeded interim effluent limitations (boldface below) as described in the December 1, 1992 Administrative Consent Order (ACO) for the periods of November 1, 1993 to April 30, 1994 (See list below for details).

~~BBA0000133~~

MONIT. PERIOD END DATE	VIOL	DSN No.	PARAMETER	LOAD CONC	LIMIT TYPE	LIMIT	UNITS	DATA
11/31/93	EFF	001	Fecal	CONC	30D AVG	5800.00	FC/100ml	63000
11/31/93	EFF	001	Total Lead	CONC	30D MAX	150.00	mg/l	204
12/31/93	EFF	001	Fecal	CONC	30D AVG	5800.00	FC/100ml	9000
1/31/94	EFF	001	Fecal	CONC	30D AVG	5800.00	FC/100ml	24000
2/28/94	EFF	001	Fecal	CONC	30D AVG	5800.00	FC/100ml	24000
2/28/94	EFF	002	Toluene	CONC	30D MAX	225.00	µg/l	995
2/28/94	EFF	002	Benzene	CONC	30D MAX	125.00	µg/l	190
2/28/94	EFF	002	MCl	CONC	30D MAX	50.00	µg/l	370
2/28/94	EFF	002	COD	CONC	30D AVG	175.00	mg/l	667
3/31/94	EFF	001	Fecal	CONC	30D AVG	5800.00	FC/100ml	9295
3/31/94	EFF	002	Toluene	CONC	30D MAX	225.00	µg/l	655
3/31/94	EFF	002	MCl	CONC	30D MAX	50.00	µg/l	190

The following abbreviations were used in the table above:

MCl - Methylene Chloride	FC - Fecal Count
MPN - Most Probable Number	COD - Chemical Oxygen Demand
MAX - Maximum	mg/l - milligrams/liter
30D - Thirty (30) day	AVG - Average
Fecal - Fecal Coliform	µg/l - micrograms/liter

The deficiency noted above has placed your facility in significant violation of the terms and conditions of your NJPDES permit and/or the Water Pollution Control Act Regulations (N.J.A.C. 7:14A-1 et seq.). This Bureau acknowledges that American Ref-Fuel is in the process of constructing a stormwater collection and reuse system to eliminate the stormwater discharge, therefore, no further response is required at this time. This shall in no way be construed, however, to indicate any exemption on your part from possible penalties for violations indicated by this Compliance Evaluation Inspection.

You are advised that the New Jersey Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.) provides for substantial monetary and criminal penalties in cases of permit violations.



NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER RESOURCES
CN 029, Trenton, N.J. 08625

DISCHARGE SURVEILLANCE REPORT

PERMIT # NJ0055247 NO. OF DISCHARGES 001, 002 CLASS MIN - INDDISCHARGER Essex County Resource Recovery FacilityOWNER American Ref-Fuel of Essex CountyMUNICIPALITY Newark COUNTY Essex WATERSHED CODE PLOCATION 103 Raymond BoulevardRECEIVING WATERS Passaic River STREAM CLASS SE 3LICENSED OPERATOR & PLANT CLASS Marty Suchan (N-2)TRAINEE/ASSISTANT Alfredo Austin (N-1) OTHER INFO. 201-344-0900

DEFICIENCIES OR COMMENTS

See Letter for DeficienciesNote: The facility is currently under an ACO.Also, the facility is in the permitting stage to eliminate
stormwater runoff through collection and re-use.OVERALL RATING ☐ Acceptable ☐ Conditionally Acceptable ☒ UnacceptableEVALUATOR Michael Mariano TITLE Senior Environmental EngineerINFORMATION FURNISHED BY (Name) Kevin Ruta(Title) Environmental Intern (Organization) American Ref-Fuel CompanyDATE OF INSPECTION May 26, 1994



N.J.D.E.P.

D.W.R.

DISCHARGE SURVEILLANCE REPORT



Page 2 of 4 (I)

Permit #: NJ0055247

Date: May 26, 1994

American Ref-Fuel

INDUSTRIAL TREATMENT PROCESS EVALUATION

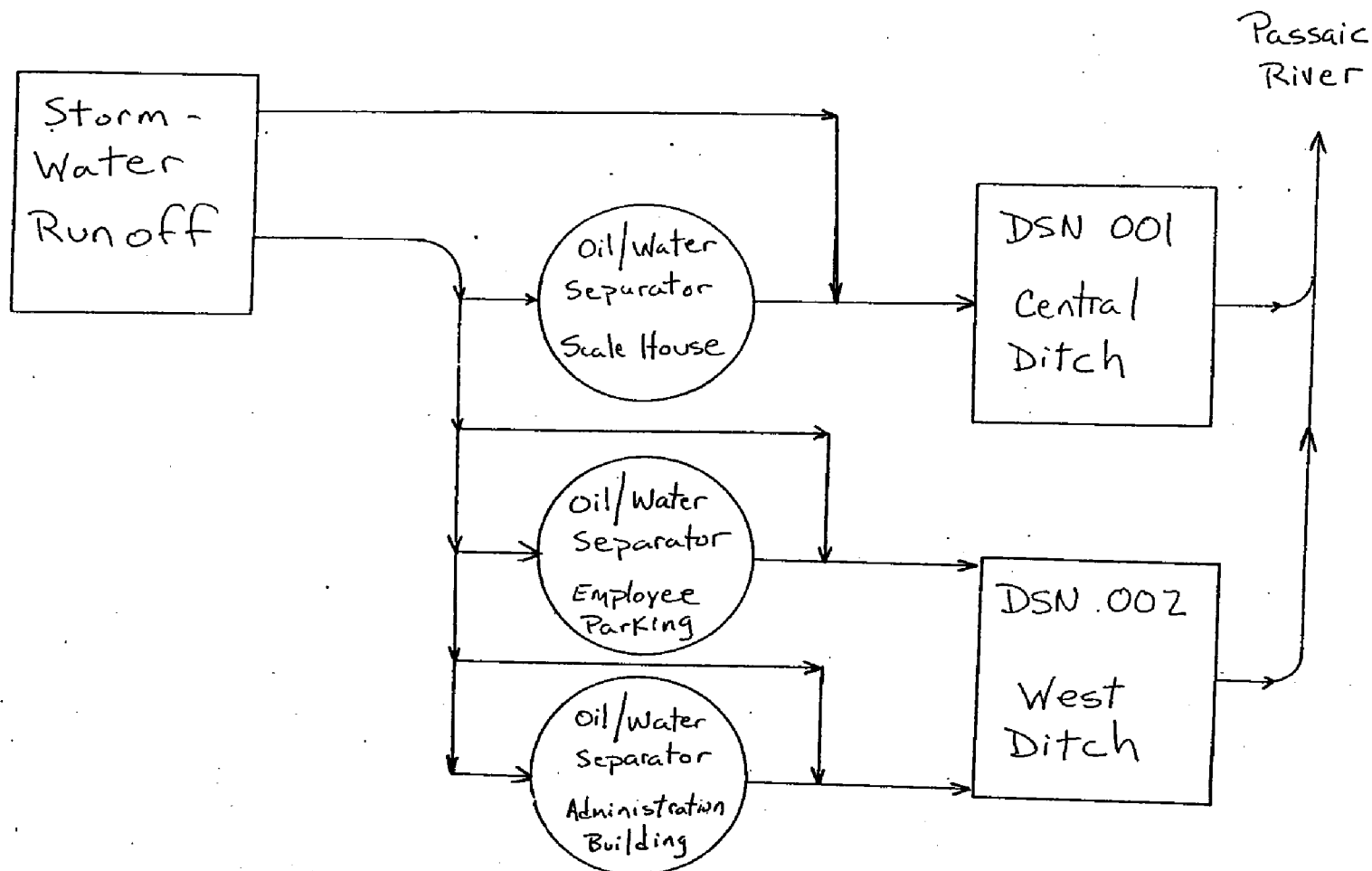
RATING CODES: S = Satisfactory M = Marginal U = Unsatisfactory NA = Not Applicable

	RATING	COMMENTS
GENERAL	DISCHARGE # 001,002	---
	WASTEWATER SOURCE(S)	--- Stormwater Runoff
	CONTINUITY OF OPERATION	--- Intermittant
	BYPASSES/OVERFLOWS	NA
	S.P.C.C. PLAN	S Signed March 2, 1992
	ALARM SYSTEMS	NA
	ALTERNATE POWER SUPPLY	NA
TREATMENT PROCESSES	Three (3) Oil/Water Separators	S Scale House / Admin. Building / Employee Parking TWA 91-5251-4N issued 3/15/91
	Hay Bales and Filter Fences	S Around Approx. Ten (10) Catch Basins
SLUDGE HANDLING	Generator ID Number	S EPA ID# NJD 986629004
	Waste Oil/Spills/Lab Packs	S Transporter: Laid Law Transp. Inc. ID# NJD 986663280 Disposal Site: Laid Law, Laurel, MD ID# MDD 980554653
	Solvents/Parts Washers	S Safety Kleen, Newark, NJ ID# NJD 000768093
	Incinerator Ash Transporter	S Jack Gray Transporter
	DISPOSAL SITE	S GROWS Landfill, Mooresville, PA
INFORMATION	FLOW METER & RECORDER	S Calculated from Rain Gauge and Surface Area
	RECORDS	S Permits / DMR's
	SAMPLING PROCEDURES	S Consultant Woodward-Clyde
	ANALYSES PERFORMED BY	S NY Test Environmental, Port Washington, NY Cert. # 73469
	" " "	S US Testing; Hoboken, NJ Cert. # 09152
	" " "	S Sani-Pure Food Labs; Saddle Brook, NJ Cert. # 02124
	" " "	S Woodward-Clyde; Wayne, NJ Cert. # 16698
OTHER	Chemical Storage Area	--- Three (3) Lime Silos, (1) 10,000 gal Phosphoric Acid Tank, (1) 6,000 gal Sulfuric Acid, (1) 6,000 gal Sodium Hydroxide
	Underground Storage Tanks	--- (1) 20,000 gal Fuel Oil UST # 0218225 (1) 30,000 gal Waste Water
	FINAL EFFLUENT APPEARANCE	--- No discharge At inspection
	REC. WATERS APPEARANCE	--- Passaic River



Date May 26, 1994

ANT DIAGRAM AND FLOW SEQUENCE:



DISCHARGE DATA

RCE: Discharge Monitoring Reports

PERIOD: November 1, 1994 to April 30, 1994

[illegible]

FORING DEFICIENCIES: See Above

DISCHARGE VIOLATIONS

MONIT. PERIOD END DATE	VIOL	DSN No.	PARAMETER	LOAD CONC	LIMIT TYPE	LIMIT	UNITS	DATA
11/31/93	EFF	001	Fecal	CONC	30D AVG	5800.00	FC/100ml	63000
11/31/93	EFF	001	Total Lead	CONC	30D MAX	150.00	mg/l	204
12/31/93	EFF	001	Fecal	CONC	30D AVG	5800.00	FC/100ml	9000
1/31/94	EFF	001	Fecal	CONC	30D AVG	5800.00	FC/100ml	24000
2/28/94	EFF	001	Fecal	CONC	30D AVG	5800.00	FC/100ml	24000
2/28/94	EFF	002	Toluene	CONC	30D MAX	225.00	µg/l	995
2/28/94	EFF	002	Benzene	CONC	30D MAX	125.00	µg/l	190
2/28/94	EFF	002	MCl	CONC	30D MAX	50.00	µg/l	370
2/28/94	EFF	002	COD	CONC	30D AVG	175.00	mg/l	667
3/31/94	EFF	001	Fecal	CONC	30D AVG	5800.00	FC/100ml	9295
3/31/94	EFF	002	Toluene	CONC	30D MAX	225.00	µg/l	655
3/31/94	EFF	002	MCl	CONC	30D MAX	50.00	µg/l	190

The following abbreviations were used in the table above:

MCl - Methylene Chloride	FC - Fecal Count
MPN - Most Probable Number	COD - Chemical Oxygen Demand
MAX - Maximum	mg/l - milligrams/liter
30D - Thirty (30) day	AVG - Average
Fecal - Fecal Coliform	µg/l - micrograms/liter

NOTE: Interim effluent limitations are highlighted in boldface above.



AMERICAN
REF-FUEL
COMPANY OF ESSEX COUNTY

RECEIVED
DIVISION
12 27 1995

12 27 1995

25 March 1995

BBD000014

New Jersey Department of Environmental Protection
Division of Water Resources
Management Services Element
Bureau of Information Systems
CN-029
Trenton, NJ 08625

Re: Essex County Resource Recovery Facility
NJPDES-DSW NJ0055247
Month of February, 1995

Gentlemen:

Enclosed please find the completed and signed February 1995 discharge monitoring reports (DMRs) for the above referenced facility. There was only one sampleable rain event during February.

Outfalls 001 and 002 both exceeded limitations for fecal coliform with values of 42,000 MPN/100ml and 900,000 MPN/100ml respectively. In addition, outfall 002 exceeded permitted parameters for Zinc(1.84MG/L), Toluene(235 µG/L) and Methylene Chloride(88 µG/L). The pH of incoming rainwater was also measured and found to be 5.81 S.U.

If you have any questions regarding this submittal, please do not hesitate to contact Marty Suchan at 201-344-0900.

Sincerely,

Al Iantosca
Plant Manager

cc: A. Cohen, ICATW
G. Doherty, Port Authority
M. Lund, ECUA
M. Moriano, NJDEP (With enclosure)
J. Treffinger, Essex County Executive
A. Zach, City of Newark

~~BBA000147~~

87A.

Enclosures



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF ENFORCEMENT FIELD OPERATIONS
Metro Bureau of Water and Hazardous Waste Enforcement
2 Babcock Place, West Orange, N.J. 07052
(201) 669-3900

June 20, 1995

BBD0000015

Mr. Al Iantosca, Plant Manager
American Ref-Fuel of Essex County
183 Raymond Boulevard
Newark, New Jersey 07105

Re: Compliance Evaluation Inspection
American Ref-Fuel of Essex County
NJPDES No. NJ0055247
Newark/Essex County

Dear Mr. Iantosca:

A Compliance Evaluation Inspection of your facility was conducted by a representative of this Bureau on May 30, 1995. A copy of the completed inspection report form is enclosed for your information.

Your facility received a rating of "UNACCEPTABLE" due to the following deficiency:

1. A review of the Discharge Monitoring Reports (DMRs) and the analytical laboratory results for DSN001 and DSN002 has revealed that:
 - a) The facility has exceeded permit effluent limitations for the period of October 1, 1994 to April 30, 1995 (See list below for details).
 - b) The facility has exceeded interim effluent limitations (boldface below) as described in the December 1, 1992 Administrative Consent Order (ACO) for the period of October 1, 1995 to April 30, 1995 (See list below for details).

BBA0000152

MONIT. PERIOD END DATE	VIOL	DSN No.	PARAMETER	LOAD CONC	LIMIT TYPE	LIMIT	UNITS	DATA
11/30/94	EFF	001	Fecal	CONC	30D AVG	7250.00	FC/100ml	10000000
11/30/94	EFF	001	Fecal	CONC	30D MAX	1200.00	FC/100ml	2284
12/31/94	EFF	001	Fecal	CONC	30D AVG	5800.00	FC/100ml	1200000
12/31/94	EFF	002	Fecal	CONC	30D AVG	1200.00	FC/100ml	6000
01/31/95	EFF	001	TSS	CONC	30D AVG	250.00	mg/l	277
01/31/95	EFF	002	Benzene	CONC	30D MAX	125.00	µg/l	199

The following abbreviations were used in the table above:

FC - Fecal Count	MAX - Maximum
mg/l - milligrams/liter	30D - Thirty (30) day
AVG - Average	Fecal - Fecal Coliform
µg/l - micrograms/liter	

The deficiency noted above has placed your facility in significant violation of the terms and conditions of your NJPDES permit and/or the Water Pollution Control Act Regulations (N.J.A.C. 7:14A-1 et seq.). This Bureau acknowledges that American Ref-Fuel is in the process of performing technical work necessary to determine the acceptability of utilizing an emergent freshwater wetlands for treatment of the stormwater, therefore, no further response is required at this time. This shall in no way be construed, however, to indicate any exemption on your part from possible penalties for violations indicated by this Compliance Evaluation Inspection.

Please direct all correspondence and inquiries to Michael Mariano the Senior Environmental Engineer responsible for this case, who can be reached at (201) 669-3900, or by letter through this Bureau.

Very truly yours,

Janet Budes-Carroll
 Janet Budes-Carroll
 Acting Section Chief
 Metro Bureau of Water &
 Hazardous Waste Enforcement

E33

c: Mr. Robert Vaughn, USEPA
 William Pittaro, Health Officer
 Marty Suchan, American Ref-Fuel

bc: Central File

Enclosure



NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER RESOURCES
CN 029, Trenton, N.J. 08625

DISCHARGE SURVEILLANCE REPORT



PERMIT # NJ0055247 NO. OF DISCHARGES 001,002 CLASS MIN-IND

DISCHARGER Essex County Resource Recovery Facility

OWNER American Ref-Fuel of Essex County

MUNICIPALITY Newark COUNTY Essex WATERSHED CODE P

LOCATION 183 Raymond Blvd.

RECEIVING WATERS Passaic River STREAM CLASS SE3

LICENSED OPERATOR & PLANT CLASS Marty Suchan (N-2)

TRAINEE/ASSISTANT Alfredo Austin (N-1) OTHER INFO. 201-344-0900

DEFICIENCIES OR COMMENTS

See Letter For Deficiencies

OVERALL RATING ☐ Acceptable ☐ Conditionally Acceptable ☒ Unacceptable

EVALUATOR Michael Mariano TITLE Senior Environmental Engineer

INFORMATION FURNISHED BY (Name) Marty Suchan

(Title) Environmental Engineer (Organization) American Ref-Fuel Company

DATE OF INSPECTION May 30, 1995



INDUSTRIAL TREATMENT PROCESS EVALUATION

RATING CODES: S = Satisfactory M = Marginal U = Unsatisfactory NA = Not Applicable

		RATING	COMMENTS
GENERAL	DISCHARGE #	001,002	—
	WASTEWATER SOURCE(S)	—	Stormwater Runoff
	CONTINUITY OF OPERATION	—	Intermittant
	BYPASSES/OVERFLOWS	NA	
	S.P.C.C. PLAN	S	
	ALARM SYSTEMS	NA	
	ALTERNATE POWER SUPPLY	NA	
TREATMENT PROCESSES	Three (3) Oil/Water Separators	S	Scale House / Admin. Bldg. / Employee Parking TWA 91-5251-4N issued 3/15/91
	Hay Bales & Filter Fences	S	Around Approx. Ten (10) Catch Basins
SLUDGE HANDLING	Generator ID Number	S	EPA # NJD 9866 29004
	Waste Oil / Spills / Lab Pkts	S	Transporter: Laidlaw Transit, Inc. ID# NJD 98663280 Disposal Site: Land Land, Laurel, MD ID# MD D980554653
	Solvents / Parts Washers	S	Safety Kleen, Newark, NJ ID# NJD 000768093
	Incinerator Ash Transporter	S	Jack Gray Transporter
	DISPOSAL SITE	S	GRWS Landfill, Mooresville, PA
OTHER INFORMATION	FLOW METER & RECORDER RECORDS	S	Calculated from Rain Gauge and Surface Area
	SAMPLING PROCEDURES	S	DNR's Lab Reports
	ANALYSES PERFORMED BY	S	Priority One Labs
	" " "	S	Priority One Labs, Newark Cert # 09394
	" " "	S	Water Works, Kearny Cert # 07673
	Chemical Storage Area	S	Three (3) Line Silos, (1) 10,000 gal. Phosphoric Acid Tank, (1) 6,000 gal. Sulfuric Acid, (1) 6,000 gal. Sodium Hydroxide
	Underground Storage Tanks	S	(1) 20,000 gal. Fuel Oil VST # 0218225
		M	(1) 10,000 gal. Wastewater Tank needs to be registered with the Bureau of Underground Storage Tanks
	FINAL EFFLUENT APPEARANCE	S	Clear
	REC. WATERS APPEARANCE	—	Passaic River



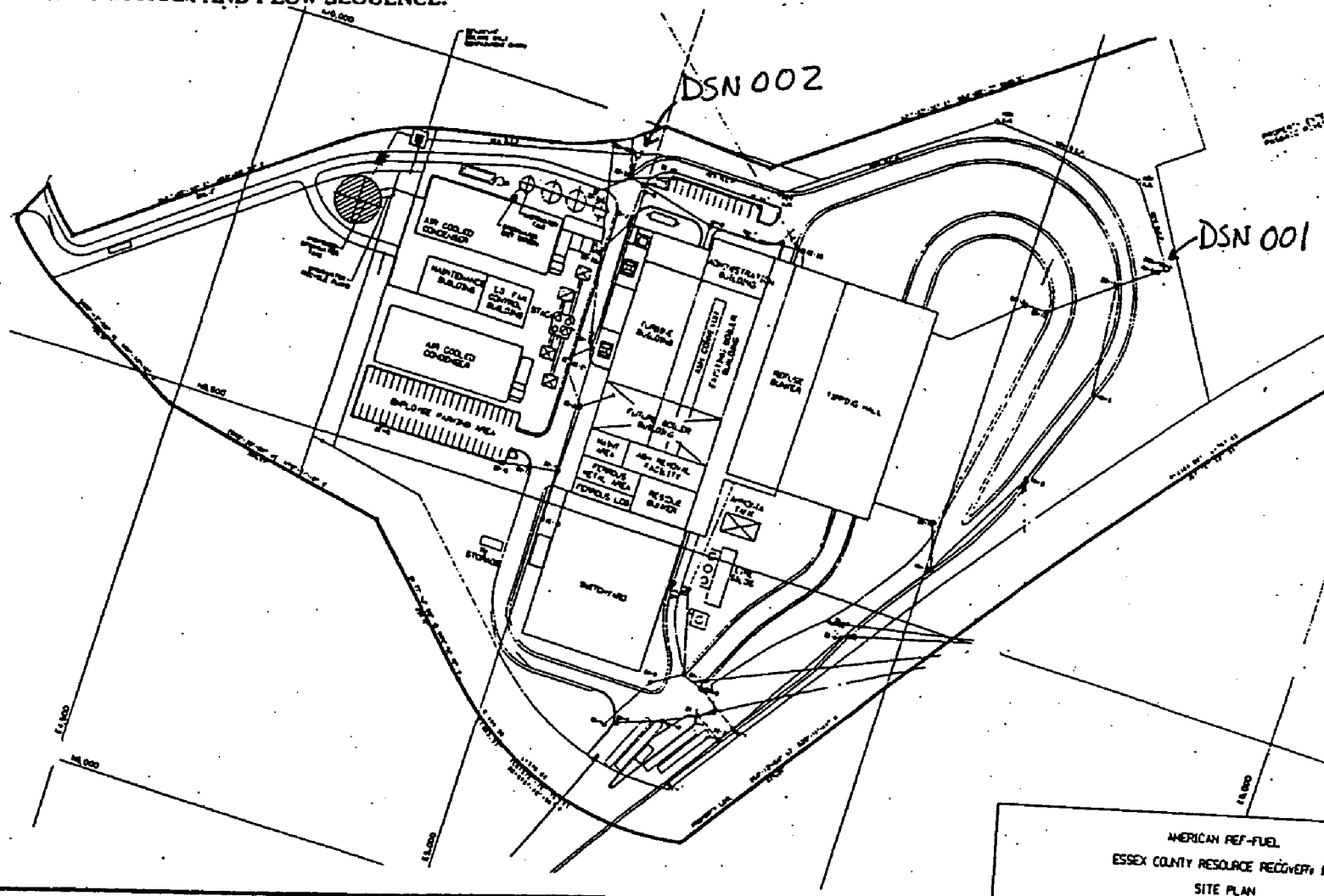
American Ref-Fuel

DISCHARGE SURVEILLANCE REPORT

Permit # NJ005524

Date May 30, 1995

PLANT DIAGRAM AND FLOW SEQUENCE:



DISCHARGE DATA

NIRCE Discharge Monitoring Reports

PERIOD: October 1, 1994 - April 30, 1995

MONIT.									
PERIOD		DSN		LOAD	LIMIT				
END DATE	VIOL	No.	PARAMETER	CONC	TYPE	LIMIT	UNITS	DATA	
11/30/94	EFF	001	Fecal	CONC	30D AVG	7250.00	FC/100ml	10000000	
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The following abbreviations were used in the table above:

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30D - Thirty (30) day

Fecal - Fecal Coliform

mg/l - milligrams/liter

AVG - Average

µg/l - micrograms/liter

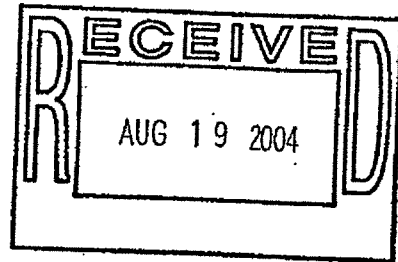
MONITORING DEFICIENCIES: See Above



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

AUG 13 2004

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



John T. Miller, CEO
American Ref-Fuel Company, c/o
American Ref-Fuel Company of Essex County
155 Chestnut Ridge Road
Montvale, NJ 07645

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

Dear Mr. Miller:

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

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

By this letter, EPA is notifying American Ref-Fuel Company ("American Ref-Fuel") 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.

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

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TIERRA-B-005064

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

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

Based on information that EPA evaluated during the course of its investigation of the Site, EPA believes that hazardous substances were being released from American Ref-Fuel's facility located at 183 Raymond Boulevard and 66 Blanchard Street in Newark, New Jersey, into the Lower Passaic River Study Area. Hazardous substances, pollutants and contaminants released from the facility into the river present a risk to the environment and the humans who may ingest contaminated fish and shellfish. Therefore, American Ref-Fuel may be potentially liable for response costs which the government may incur relating to the study of the Lower Passaic River. In addition, responsible parties may be required to pay damages for injury to, destruction of, or loss of natural resources, including the cost of assessing such damages.

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

Please note that, because EPA has a potential claim against you, you must include EPA as a creditor if you file for bankruptcy. You are also requested to preserve and retain any documents

now in your Company's or its agents' possession or control, that relate in any manner to your facility or the Site or to the liability of any person under CERCLA for response actions or response costs at or in connection with the facility or the Site, regardless of any corporate document retention policy to the contrary.

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

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

You may become a cooperating party by participating in the Cooperating Parties Group ("Group") that has already formed to provide EPA's funding for the Lower Passaic River Restoration Project. This cooperative response is embodied in an Administrative Order on Consent ("AOC"), copy enclosed. Notice of the AOC was published in the Federal Register on May 19, 2004, and the effective date of the AOC was June 22, 2004. We strongly encourage you to contact the Group to discuss your participation. You may do so by contacting:

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

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

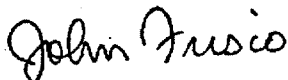
Kedari Reddy, Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency
290 Broadway - 17th Floor
New York, New York 10007-1866

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

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

If you wish to discuss this further please contact Ms. Elizabeth Butler, Remedial Project Manager, at (212) 637-4396 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

Enclosures