

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

#191-466



5. 07062

27 JAN 1986

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF REGULATORY SERVICES
CN 402
TRENTON, N.J. 08625
609 - 292 - 2906

MICHAEL F. CATANIA
DIRECTOR

GERARD BURKE
DEPUTY DIRECTOR

January 23, 1986

Mr. Marvin Mahan
P.O. Box 190
1703 East 2nd Street
Scotch Plains, New Jersey 07076

RE: Borne Chemical Company (formerly Borne, Scrymser Corporation)
632 S. Front Street, Elizabeth, New Jersey

Dear Mr. Mahan:

The Department's investigation of the above-referenced site (the "site") indicates that Chemsol, Inc., a company owned by you, may have utilized the services and/or facilities of Borne Chemical Company (formerly Borne, Scrymser Company) (collectively, "Borne"), located at 632 S. Front Street, Elizabeth, New Jersey, for storing, blending, filtering and/or repackaging certain chemicals and materials.

Recent testing by the Department has shown substantial contamination of the site by various hazardous substances. This contamination is of particular concern because the site is located directly adjacent to the Arthur Kill. Because of this substantial contamination and the location of the site, pursuant to the provisions of the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., the Department is preparing to undertake immediate remedial actions at the above site, and will thereafter undertake a remedial investigation and feasibility study (RI/FS) to determine the necessary long-term remedial actions.

In order to properly undertake such actions, the Department needs information from you concerning your relationship with both Borne and the site. This information includes but is not limited to the following:

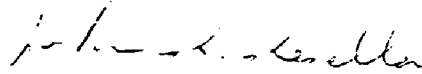
- (1) the types and quantities of materials shipped to the site, and the date(s) upon which each such shipment occurred;
- (2) the precise nature and method of such shipments;
- (3) the type of services Borne rendered with respect to such materials, (e.g., storage, blending with other materials, filtering, repackaging), and a detailed description of such services (e.g., tank storage

in Tank No. 23, blending of additives with #2 fuel oil, repackaging of materials from container to container); and

- (4) the dates, methods and destinations of the return shipments of such materials (in whatever blended or repackaged form.)

Please provide the above information to me by February 10, 1986. If you have any questions I can be contacted at the above address, or at (609)984-7605.

Very truly yours,



John R. Renella, Esq.

cc: Kenneth W. Elwell, DAG
Steven Croce, HSMA

WESTON

SA-53

DCN: START-02-F-00822

**FINAL
SITE INSPECTION PRIORITIZATION REPORT
BORNE CHEMICAL COMPANY
ELIZABETH, UNION COUNTY, NEW JERSEY**

CERCLIS ID No.: NJD002167237

VOLUME 1 of 2

SEPTEMBER 1997

TDD No.: 02-96-03-0020

**Prepared for:
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**Prepared by:
Region II Superfund Technical Assessment And Response Team
Roy F. Weston, Inc.
Federal Programs Division
Edison, New Jersey 08837**

BORNE.SIP

BAA000024

TIERRA-B-011540



SA53

DCN: START-02-F-00822

FINAL
SITE INSPECTION PRIORITIZATION REPORT
BORNE CHEMICAL COMPANY
ELIZABETH, UNION COUNTY, NEW JERSEY

CERCLIS ID No.: NJD002167237

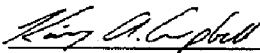
Prepared by:
Region II Superfund Technical Assessment and Response Team
Roy F. Weston, Inc.
Federal Programs Division
Edison, New Jersey 08837

Prepared for:
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

EPA Contract No.: 68-W5-0019
TDD No.: 02-96-03-0020
Document Control No.: START-02-F-00822

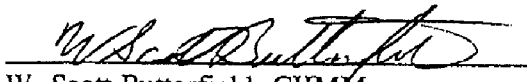
SEPTEMBER 1997

SUBMITTED BY:



Kathy A. Campbell
START Project Manager

Date 09/19/97



W. Scott Butterfield, CHMM
Site Assessment Team Leader

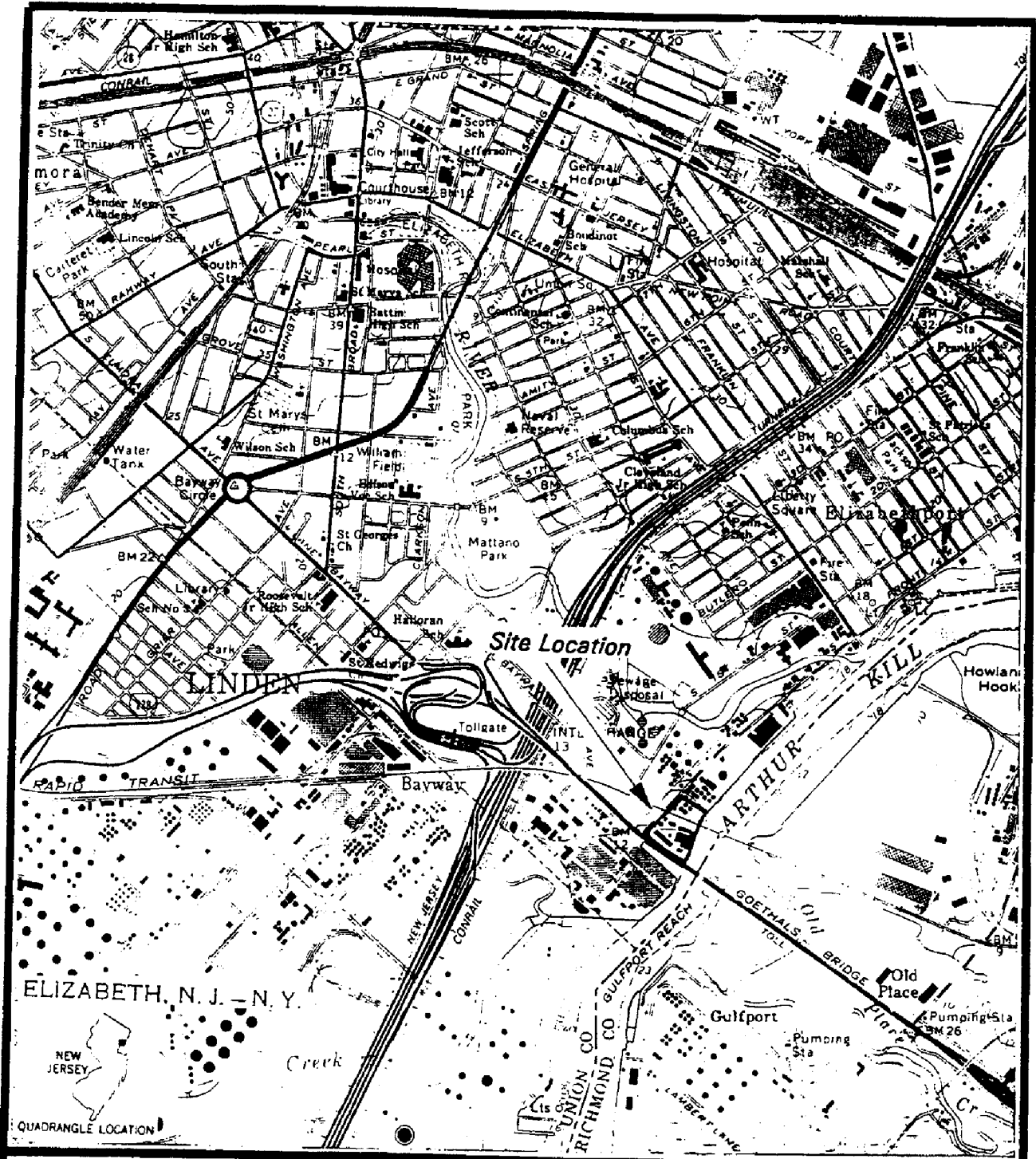
Date 9/19/97


SITE SUMMARY

The Borne Chemical Company (Borne) (a.k.a., Coastal Environmental Services) site is located at 632-650 and 600-616 South Front Street in a predominantly industrial section of Elizabeth, Union County, New Jersey (Ref. No. 3, p. 1). Figures 1 and 2 provide a Site Location Map and Site Map, respectively. Prior to 1966, Borne was known as Borne, Scrymser Corporation (Ref. No. 3, p. 1). The site encompasses 6.2 acres and is bordered on the north by an Archer-Daniels-Midland (ADM) facility; on the east by the Arthur Kill and Staten Island; on the south by Phelps Dodge property and the Goethals Bridge; and on the west by South Front Street and ADM property (Ref. Nos. 3, p. 1; 22). The property is surrounded by a 6-ft-high fence that is topped with barbed wire; the fence has five locked access gates (Ref. Nos. 4; 14, Figure 1; 22). On-site structures include a Blending Building; Grease Building; Coopers Shed; Old Boiler Room; New Boiler Room; Machine Shop; Laboratory; Pump House; Storage Building; Storage and Loading Dock; three railroad sidings; elevated railroad trestle; and lagoon (Ref. No. 14, Figure 1).

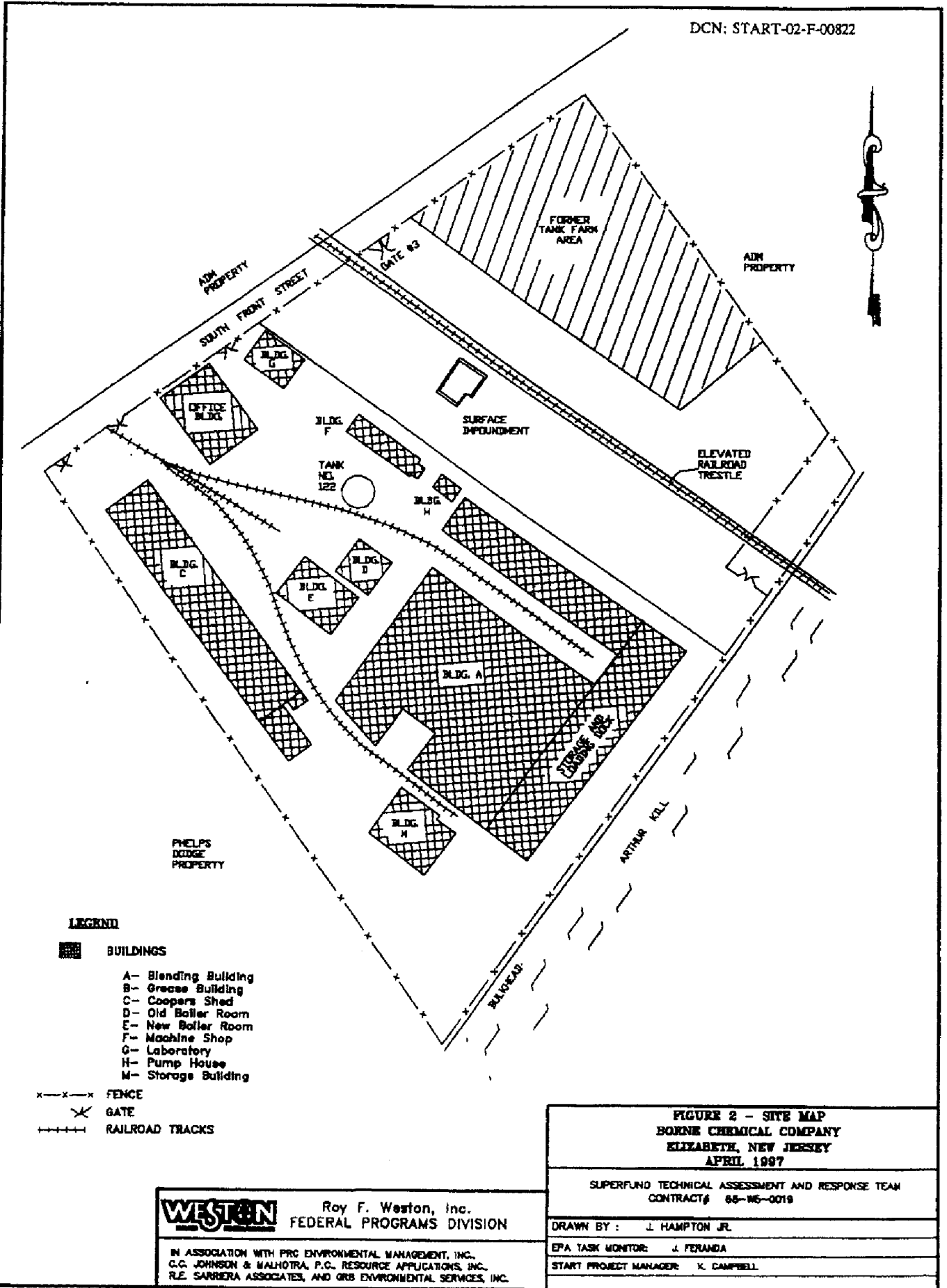
On-site waste sources include the lagoon, or surface impoundment; contaminated soil; and one waste pile. Analytical data of a liquid sample collected from the unlined lagoon in 1984 indicated the presence of a number of volatile organic compounds (VOCs), including benzene, toluene, and 1,2-dichloroethene (Ref. Nos. 8, pp. 4, 5, 24, 119, 120, 129, 130, 132; 14, Figure 1). Background information from federal and state sources notes extensive areas of visibly stained soils (Ref. Nos. 8, pp. 3, 93, 164, 170; 9, Attachment I; 11, p. 3; 13, pp. 2 through 4, 6). Analytical data of soil samples collected in 1984 indicated the presence of elevated concentrations of petroleum hydrocarbons, VOCs, bis(2-ethylhexyl) phthalate, and inorganic analytes (Ref. Nos. 8, pp. 76 through 88; 14, Figure 1; 15). Limited information is available regarding the one waste pile, located near the southeast corner of the lagoon; the constituents of the tar-like material found in the waste pile are unknown (Ref. No. 14, p. 2-15). The waste pile is underlain by geotextile fabric, and is covered by a layer of geotextile fabric and quarry-processed stone (Ref. No. 14, p. 2-15, Figure 6).

In 1912, Borne purchased the property from Standard Oil Company, whose on-site activities are unknown; the buildings were constructed in 1914 (Ref. No. 35). Borne operated a specialty chemical manufacturing business at the site from 1916 to 1984, with activities consisting primarily of the blending and formulating of petroleum hydrocarbon oil lubricants; at present, the site remains inactive (Ref. No. 13, pp. 1 through 3). Other site activities included the blending and packaging of other chemical-based products, and the manufacturing of leather tanning substances, textile tints, and oil additives (Ref. No. 3, pp. 1, 2). From 1959 to 1979 Borne leased portions of the site, mainly in the former Tank Farm Area, to tenants for product and waste storage (Ref. No. 8, p. 24). One of those tenants was Peabody International Corporation [previously known as Coastal Services, Inc., or Coastal Environmental Services (Coastal Services)], which utilized a portion of the Tank Farm Area for temporary liquid waste storage from 1973 to 1978 (Ref. No. 8, pp. 123, 167, 168). The EPA ID No. for Coastal Services is NJD980530836 (Ref. No. 8, p. 123). On February 15, 1980, Borne filed for bankruptcy (Ref. No. 3, p. 2). In 1983, Borne attempted to sell the property; the transactions were not completed by the time of the initiation of the Environmental Cleanup Responsibility Act (ECRA), and were therefore subject to ECRA provisions (Ref. Nos. 8, pp. 89, 90, 92, 93; 10, Attachments B and C; 35). The potential buyers withdrew from the real estate



 <p>Roy F. Weston, Inc. FEDERAL PROGRAMS DIVISION</p>	<p>EPA TM Jennifer Feranda</p>	<p>FIGURE 1 Site Location Map</p>
	<p>START PM Kathy Campbell</p>	<p>SITE Borne Chemical Company</p>

IN ASSOCIATION WITH RESOURCE APPLICATION, Inc.
C. C. JOHNSON & MALHOTRA, P.C., R.E. SARRIERA ASSOCIATES,
PRC ENVIRONMENTAL MANAGEMENT, AND GRB ENVIRONMENTAL SERVICES, INC.



transaction (Ref. No. 35). On October 10, 1986, the U.S. Bankruptcy Court for the District of New Jersey entered an Order authorizing abandonment of the site (Ref. No. 3, p. 2).

From approximately 1980 to the present, the New Jersey Department of Environmental Protection (NJDEP) has been involved with issues surrounding the site's waste handling practices. In order to expedite site cleanup and mitigation of hazardous conditions, the NJDEP, after identifying a list of potentially responsible parties (PRPs), issued several Directives and two Administrative Consent Orders (ACOs) to Borne and the PRPs: these documents required the securing of the site and the removal and disposal of identified hazardous substances (Ref. No. 3, pp. 3 through 5). In order to accomplish cleanup goals, a number of the PRPs formed the Borne Site Participating Group ("the Group") (Ref. No. 14, p. 2). A separate asbestos abatement project conducted by a Group subcontractor was completed in May 1990 (Ref. No. 14, p. 1-1). From September 1990 to June 1992, Dunn Corporation, the Group subcontractor, conducted the remedial activities outlined in the NJDEP ACO II (Ref. No. 14, pp. 2 through 4). The 23 aboveground tanks in the earthen-bermed Tank Farm Area were emptied, cleaned, and removed (Ref. No. 14, p. 4). Analytical data of tank samples indicated that on-site tanks contained polychlorinated biphenyl (PCB)-contaminated material (Ref. No. 14, pp. 2-34, 2-35, 2-44). No PCBs had been detected in former Tank Farm Area surface and subsurface soil samples collected in 1984 (Ref. No. 16, p. 2, and Attachment E). During the ACO II cleanup project, on-site drums, containers, underground transfer pipes, and the contents of 12 other aboveground storage tanks not located within the Tank Farm Area were also removed from the site (Ref. No. 14, pp. 1 through 4, 2-46, 2-47).

Groundwater within 4 miles of the site is not utilized for drinking water purposes; the nearby population obtains its drinking water supply from sources greater than 4 miles from the site (Ref. Nos. 4; 17). The Arthur Kill, adjacent to the site, is a coastal tidal water body (Ref. Nos. 20, p. 6; 22; 39, pp. 4, 5, 7 through 9; 40, p. 3; 41, p. 11). In August 1981, Site Inspection personnel noted the discharge of an oily substance to the Arthur Kill through two pipes along the site bulkhead; the pipe diameters were 4 inches and 18 inches (Ref. Nos. 8, pp. 3, 4, 25, 26; 13, pp. 2, 4, 6, 7; 23). No surface water or discharge samples are known to have been collected (Ref. No. 8, pp. 76 through 83, 164, 170, 173; 15). Although the downstream surface water bodies are utilized as fisheries, and are known to include wetlands and habitats of federally-listed and state-listed endangered/threatened species, documentation of actual contamination of the fisheries and/or sensitive environments due to site activities is unlikely due to the tidal and heavily industrial nature of the Newark Bay Complex (Ref. Nos. 8, pp. 3, 4; 24; 26; 29; 39 through 41). In addition, certain bans, restrictions and health advisories regarding consumption of fishes taken from these waters are in effect (Ref. No. 30). There are no residences, schools, or day care facilities within 200 feet of the site boundary; eight people work within 200 feet of the site boundary (Ref. Nos. 4; 13, p. 2; 22; 31). The PRP remedial activities, completed in 1992, alleviated the immediate threat of fire and explosion posed by the large quantities of abandoned materials and history of poor housekeeping (Ref. No. 14, pp. 4, 2-1).

SITE ASSESSMENT REPORT: SITE INSPECTION PRIORITIZATION

PART I: SITE INFORMATION

1. Site Name/Alias Borne Chemical Company (Borne Chem Co.; a.k.a., Coastal Environmental Services)

Street 632-650 and 600-616 South Front Street

City Elizabeth State NJ Zip Code 07207

2. County Union County Code 039 Cong. Dist. 13

3. CERCLIS ID No. NJD002167237

4. Block No. Block 4 Lot Nos. 1468; 1469

5. Latitude 40° 38' 15" N Longitude 074° 11' 54" W

USGS Quad(s). Elizabeth, NJ

6. Approximate size of site 6.2 acres

7. Owner Borne Chemical Company Telephone No. N/A

Street 632 South Front Street State New Jersey Zip 07207

City Elizabeth Telephone No. N/A

8. Operator Borne Chemical Company, Inc.

Street 632 South Front Street State New Jersey Zip 07207

City Elizabeth

9. Type of Ownership

- Private
- County
- Federal
- Municipal
- State
- Unknown
- Other

* - Site name as listed in CERCLIS (Ref. No. 1).

PART I: SITE INFORMATION (Continued)

10. Owner/Operator Notification on File

RCRA 3001 Date CERCLA 103c Date _____
 None Unknown

11. Permit Information

<u>Permit</u>	<u>Permit No.</u>	<u>Date Issued</u>	<u>Expiration Date</u>	<u>Comments</u>
NJDEP Discharge Prevention, Containment or Countermeasure Plan and Discharge Cleanup and Removal Plan	82-04-178	04/12/83	04/12/86	Conditionally approved to implement DPCC/DCR Plans.
NJDEP Certificate To Operate Control Apparatus or Equipment	051269	05/21/81	05/21/86	Storage and transfer vessels of volatile organic substances.

12. Site Status

Active Inactive Unknown

13. Years of Operation: 1916 to 1984

14. Identify the types of waste sources (e.g., landfill, surface impoundment, piles, stained soil, above- or below-ground tanks or containers, land treatment, etc.) on site. Initiate as many waste unit numbers as needed to identify all waste sources on site.

(a) Waste Sources

Waste Unit No.	Waste Source Type	Facility Name for Unit
1	<u>Surface Impoundment</u>	<u>Lagoon</u>
2	<u>Contaminated Soil</u>	<u>Contaminated Soil</u>
3	<u>Waste Pile</u>	<u>Waste Pile</u>

Ref. Nos. 1-8, 33

PART I: SITE INFORMATION (Continued)**(b) Other Areas of Concern**

Identify any miscellaneous spills, dumping, etc. on site; describe the materials and identify their locations on site.

Numerous spills, as evidenced by oil-stained soils, are noted to have occurred throughout the site. In addition, Coastal Services reportedly spilled an unknown quantity of nitrobenzene in the Tank Farm Area in December 1978. The same report cites the presence of approximately 80 yd³ of iron oxide-contaminated soil near an unidentified diked storage tank. In or just prior to May 1981, a fire occurred at Tank No. 45 in the Tank Farm Area; no further details regarding the fire are currently available.

From 1971 to mid-1979, Borne blended magnesium oxide with high grade oils for the Rolfite Company (Rolfite). Precipitates from the blending process were drummed and stored on site. When Borne ceased blending these materials for Rolfite, the drums of precipitate were left on site. At an unknown point in time between mid-1979 and 1984, these drums were moved to the Baltimore Railroad trestle right-of-way, which transects the Borne property; Borne leased this property from Baltimore Railroad. In July 1984, as Rolfite was removing its drums of magnesium oxide/oil mixture from the site, an NJDEP representative observed that Rolfite was in the process of containerizing visibly stained soils from the drum storage area. At the time of the inspection, the presence of 25 drums of stained soil were noted.

An asbestos abatement project was conducted at the site as part of the State-directed remedial activities; many of the outdoor, aboveground and underground pipes in the Tank Farm Area had been wrapped in asbestos insulation. The asbestos abatement project was bid separately by Dunn Corporation in March 1990 and was completed by the selected contractor in May 1990. The subsequent June 1990 Asbestos Abatement Report is not currently available for review.

During commission of the September 1989 NJDEP ACO II criteria, cleanup contractor personnel discovered a continuous leak in Tank No. 127, within the Tank Farm Area. The NJDEP and the City of Elizabeth Department of Health, Welfare, and Housing were notified of the spill. An estimated 13,000 gallons of unknown waste product and contaminated water leaked into the Tank Farm Area. Prior to the leak, the Tank Farm Area contained approximately 40,000 gallons of accumulated rain water. The spill was contained within the bermed area. It was known from earlier Resource Conservation and Recovery Act (RCRA)/Toxicity Characteristic Leaching Procedure (TCLP) sample analyses that Tank No. 127 contained high concentrations of barium and trichloroethene. The spill cleanup

PART I: SITE INFORMATION (Continued)

activities resulted in the collection and disposal of 8,000 gallons of spilled product, and 433,340 pounds of spill-contaminated soil and debris.

Ref. Nos. 8, pp. 3 through 5, 11, 27 through 29, 34, 38; 9, Attachments G, I, and J; 14, pp. 1-1, 2-43, 2-45, 2-46; 34; 36, p. 29; 37, Attachment A, pp. 2, 3.

15. Describe the regulatory history of the site, including the scope and objectives of any previous response actions, investigations and litigation by State, Local and Federal agencies (indicate type, affiliation, date of investigations).

CERCLA - In June 1980, the site was identified through a citizen complaint. A U.S. EPA Potential Hazardous Waste Site, Identification and Preliminary Assessment Form (Site No. NJ000010150) was prepared in October 1980 by a federal representative; the report indicated the presence of leaking drums and insufficiently diked aboveground storage tanks (Ref. No. 11). On May 5, 1981, the same Identification and Preliminary Assessment Form, with a different site number (Site No. NJ000010187), was prepared by the U.S. EPA (Ref. No. 12). In August 1981, Fred C. Hart Associates (FCHA), the U.S. EPA Field Investigation Team (FIT), conducted a site inspection at and prepared a Site Inspection Report for the Borne site (Ref. No. 8). In late 1981 and early 1982, FIT planned to conduct on-site tank sampling. On January 25, 1981, FIT was instructed to postpone sampling indefinitely due both to projected NJDEP/PRP tank sampling event and a request for postponement from the NJDEP Department of Criminal Justice (Ref. No. 8, pp. 22, 23, 142 through 144). In June 1987, the NJDEP prepared a Preliminary Assessment Report for the inactive Borne site (EPA ID No. NJD002167237), which indicated the on-site presence of oily wastes, oil, PCBs, aromatic hydrocarbons, tetrachloroethylene, and ethyl benzene (Ref. No. 13).

Violations - The NJDEP has conducted numerous inspections at the site property. In 1980 and 1981, Notices of Prosecution (NOPs) were issued to Borne, Rolfite, and Peabody Coastal Services for violations of the rules of the Solid Waste Administration. As a result of an October 1980 NJDEP field inspection, Rolfite received a Field Record of Violation and NOP; the NJDEP Solid Waste Administration also issued an Order to Rolfite to remove and dispose of its abandoned materials. On February 24, 1981, the U.S. EPA issued a Notice of Violation (NOV) to Borne for deficiencies in its Spill Prevention Control and Countermeasure (SPCC) Plan. On August 23, 1983, the NJDEP issued an NOV to Borne for failure to submit a Generator Annual Report for the previous year.

On September 2, 1982, the City of Elizabeth Department of Health, Welfare, and Housing submitted a plea to the City Council to request assistance from public officials in expediting the cleanup at the site (Ref. No. 9, Attachments A-F, H, and K).

PART I: SITE INFORMATION (Continued)

Litigation - Due to the complexity of site-related litigation, a full discussion of all legal matters is beyond the scope of this report. During its operations, Borne had leased space and tank storage at its facility to numerous parties, including Coastal Environmental Services. When operations ceased, there were extensive legal activities regarding responsibility of particular cleanup aspects. A number of Potentially Responsible Parties (PRPs) were identified, a portion of which formed a "Participating Group" to conduct the State-directed remedial activities. The NJDEP issued several Directives, two ACOs, and a Memorandum of Agreement (MOA) in order to expedite the cleanup (Ref. Nos. 8, Attachments A, F, K; 10, Attachment F; 14, pp. 1-1 through 1-3).

In addition to leasing space, Borne was contracted by other companies, such as Rolfite, to blend specific products for customer shipment. Rolfite was not involved with the previously mentioned Participating Group. From 1979 to 1984, Rolfite negotiated with Borne regarding the removal of its abandoned on-site materials. On January 6, 1984, both parties entered into a Stipulation and Consent Order of Settlement to accomplish this removal (Ref. Nos. 8, Attachment B; 10, Attachments A, D, E).

Borne was also involved with legal matters regarding its bankruptcy proceedings, initiated in February 1980, and its 1983 site closure/ECRA obligations (Ref. Nos. 8, Attachment E; 10, Attachments B, C). In 1983, Borne attempted to sell the property. The transactions were not completed by the time of the initiation of ECRA, and were therefore subject to ECRA provisions with regard to property sale. The potential buyers subsequently withdrew from the real estate transaction (Ref. No. 35).

- a) Is the site or any waste source subject to Petroleum Exclusion? Identify petroleum products and by-products that justify this decision.

A number of the facility's aboveground storage tanks, including some tanks located in the Tank Farm Area, contained oil or petroleum by-products and are therefore subject to Petroleum Exclusion. By June 1992, Dunn Corporation had completed the sampling, draining, cleaning, and removal of the 23 tanks in the Tank Farm Area. However, since the Tank Farm Area included tanks containing oily waste (PCBs) and other non-petroleum products, and the Tank Farm Area soils were previously noted to be visibly contaminated with both petroleum and non-petroleum products, it is not recommended that on-site soils be excluded from consideration in this report.

Ref. Nos. 8, pp. 2 through 5; 9, Attachment I; 14, pp. 1 through 4, 2-10 through 2-15, 2-34 through 2-46.

- b) Are pesticides produced and stored on site? Does the facility apply pesticides (Federal Insecticide, Fungicide, and Rodenticide Act, or FIFRA) to any part of the property?

No pesticides were produced or stored on site, nor is the facility known to have applied pesticides to the property.

Ref. No. 3, pp. 1, 2.

- c) Is the site or any waste source subject to RCRA Subtitle C (briefly explain)?

On August 23, 1983, the NJDEP issued an NOV to the Borne facility for failure to submit a Generator Annual Report. (The Generator EPA ID No. is noted as NJD0021678237, which is similar to the CERCLIS ID No. NJD002167237). No further information regarding the facility's RCRA status is currently available. The site has been inactive since 1984.

Ref. Nos. 3, p. 1; 9, Attachment H; 13, p. 1.

- d) Is the site or any waste source maintained under the authority of the Nuclear Regulatory Commission (NRC)?

Neither the site nor any waste source are maintained under the authority of the NRC.

Ref. No. 4, pp. 1, 2.

16. Information available from:

Contact Jennifer Feranda Agency U.S. EPA Telephone No.: (908) 321-6687
Preparer Kathy Campbell Agency Region II START Date: 09/97

PART II: WASTE SOURCE INFORMATION

For each of the waste units identified in Part I, complete the following items.

Waste Unit 1 - Lagoon

Source Type

<u> </u> Landfill	<u> </u> Contaminated Soil
<u> X </u> Surface Impoundment	<u> </u> Pile
<u> </u> Drums	<u> </u> Land Treatment
<u> </u> Tanks/Containers	<u> </u> Other

Description:

1. Describe the types of containers, impoundments or other storage systems (e.g., concrete-lined surface impoundment) and any labels that may be present.

The surface impoundment is located northeast of Building F, the Machine Shop, and adjacent to the elevated railroad trestle. An August 1981 Site Inspection visit noted the presence of oily liquid and sludge in the impoundment; the report suggested that the impoundment was utilized for oil/water separation. This waste unit was created by a Borne contractor, A-Line Environmental Services.

2. Describe the physical condition of the containers or storage systems (e.g., rusted and/or bulging metal drums).

The present physical condition of the surface impoundment is unknown.

3. Describe any secondary containment that may be present (e.g., drums on concrete pad in building or aboveground tank surrounded by berm).

The surface impoundment is bermed and unlined.

Ref. Nos. 8, pp. 4, 5, 24, 104, 119, 120, 125, 129; 14, Figure 1.

PART II: WASTE SOURCE INFORMATION (Continued)**Hazardous Waste Quantity**

The estimated maximum area of the surface impoundment is 875 ft² (25 ft x 35 ft); its depth, and therefore the quantity of waste therein, is unknown.

Hazardous Substances/Physical State

On November 11, 1984, the NJDEP collected a liquid sample from the surface impoundment. The pH of the material was 3.7 standard units. The following constituents were detected in the sample: benzene [55 parts per billion (ppb)], o-dichlorobenzene (28 ppb), p-dichlorobenzene (21 ppb), 1,2-dichloroethene (305 ppb), n-propyl benzene (10 ppb), toluene (39 ppb), trichloroethene (3 ppb), 1,3,5-trimethyl benzene (4 ppb), o-xylene (7 ppb), and m-xylene (10 ppb). Materials were deposited in the pit as oils, liquids, and sludges.

Ref. Nos. 8, pp. 4, 5, 24, 119, 120, 129, 130, 132; 14, Figure 1.

PART II: WASTE SOURCE INFORMATION (Continued)

For each of the waste units identified in Part I, complete the following items.

Waste Unit 2 - Contaminated Soil

Source Type

<u> </u> Landfill	<u> </u> Contaminated Soil
<u> </u> Surface Impoundment	<u> </u> Pile
<u> </u> Drums	<u> </u> Land Treatment
<u> </u> Tanks/Containers	<u> </u> Other

Description:

1. Describe the types of containers, impoundments or other storage systems (e.g., concrete-lined surface impoundment) and any labels that may be present.

The facility was primarily involved in the manufacturing of specialty chemicals, and the blending and formulation of oil lubricants. Borne also manufactured leather tanning substances, textile pigments, and oil additives. From 1959 to 1979, the facility leased portions of its Tank Farm Area to several other companies for storage. Numerous background information documents cite areas of visibly stained soils located throughout the property. Analytical data indicated the presence of soils contaminated with volatile organic compounds, base neutral compounds, heavy metals, and petroleum hydrocarbons.

2. Describe the physical condition of the containers or storage systems (e.g., rusted and/or bulging metal drums).

N/A

3. Describe any secondary containment that may be present (e.g., drums on concrete pad in building or aboveground tank surrounded by berm).

As part of State-directed remedial measures, ten visibly stained areas have been capped with either asphalt, concrete, or quarry-processed stone.

Ref. Nos. 13, p. 2; 14, pp. 2, 3, 2-10 through 2-15, Figure 6 (Soil Capping), and Figure 7 (Record Drawing).

PART II: WASTE SOURCE INFORMATION (Continued)**Hazardous Waste Quantity**

The exact area of contaminated soil is unknown. For the purposes of this report it is estimated, allowing for the existence of on-site structures, that 4 of the total 6.2 acres contain contaminated soils.

Hazardous Substances/Physical State

Analytical data based on a railroad bed soil sample, exact location unknown, indicated the presence of methylene chloride (1,190 ug/kg), toluene (850 ug/kg), 1,1,1-trichloroethane (580 ug/kg), bis (2-ethylhexyl) phthalate (100,000 ug/kg), antimony (8 mg/kg), arsenic (45 mg/kg), cadmium (8.4 mg/kg), chromium (62 mg/kg), copper (630 mg/kg), lead (290 mg/kg), mercury (2 mg/kg), nickel (77 mg/kg), zinc (390 mg/kg), and total phenolics (83 mg/kg). (Although not CERCLA-eligible, it should be noted that petroleum hydrocarbons have been detected in on-site soils at concentrations ranging from 62,000 to 312,000 ppm). Materials may have been deposited on the ground surface as liquids, oils, sludges, and/or solids.

Ref. Nos. 8, pp. 76 through 88; 14, Figure 1; 15.

PART II: WASTE SOURCE INFORMATION (Continued)

For each of the waste units identified in Part I, complete the following items.

Waste Unit	<u> 3 </u>	-	<u> </u>	Waste Pile
Source Type				
<u> </u>	Landfill		<u> </u>	Contaminated Soil
<u> </u>	Surface Impoundment		<u> X </u>	Pile
<u> </u>	Drums		<u> </u>	Land Treatment
<u> </u>	Tanks/Containers		<u> </u>	Other

Description:

1. Describe the types of containers, impoundments or other storage systems (e.g., concrete-lined surface impoundment) and any labels that may be present.

Limited information is available regarding the on-site waste pile. An August 1992 Report On Compliance With ACO II indicated the presence of two waste piles of tar-like material located near the surface impoundment. One waste pile (W1) overlapped the southwest corner of the surface impoundment and encompassed approximately 1,485 ft³. Waste Pile 2 (W2) was located under the elevated railroad trestle northeast of the surface impoundment and encompassed approximately 480 ft³. Both waste piles were relocated to an area near the southeast corner of the surface impoundment.

2. Describe the physical condition of the containers or storage systems (e.g., rusted and/or bulging metal drums).

N/A

3. Describe any secondary containment that may be present (e.g., drums on concrete pad in building or aboveground tank surrounded by berm).

As part of the 1992 State-directed remedial activities, the waste piles were consolidated onto geotextile fabric near the southeast corner of the surface impoundment. The single pile was then covered with geotextile fabric and quarry-processed stone.

Ref. No. 14, p. 2-15, Figures 1 and 7.

PART II: WASTE SOURCE INFORMATION (Continued)

Hazardous Waste Quantity

Based on the information obtained from Dunn Corporation's Final Report on Compliance With ACO II, the combined amount of tar-like material from both piles is estimated to be 1,965 ft³ (1,485 ft³ + 480 ft³ = 1,965 ft³).

Hazardous Substances/Physical State

Actual hazardous substances present in the waste piles, if any, are unknown. The material was reported to be a tar-like substance.

Ref. No. 14, p. 2-15, Figure 6.

PART III. SAMPLING RESULTS

EXISTING ANALYTICAL DATA

Surface Impoundment Sampling - On November 11, 1984, the NJDEP collected a liquid sample from the surface impoundment and submitted the sample to the New Jersey Department of Health Environmental Chemistry Laboratory. The pH of the material was 3.7 standard units. The following constituents were detected in the sample: benzene [55 parts per billion (ppb)], o-dichlorobenzene (28 ppb), p-dichlorobenzene (21 ppb), 1,2-dichloroethene (305 ppb), n-propyl benzene (10 ppb), toluene (39 ppb), trichloroethene (3 ppb), 1,3,5-trimethyl benzene (4 ppb), o-xylene (7 ppb), and m-xylene (10 ppb). Full Quality Assurance/Quality Control (QA/QC) information is not currently available (Ref. No. 8, pp. 129, 130, 132).

On-Site Soil Sampling - In January 1984, Valley Forge Engineering, Inc. (Valley Forge), a Borne contractor, submitted seven surface soil samples, three subsurface soil samples, and two tank samples to Ecology and Environment, Inc. (E & E) Laboratory for PCB analyses. The results of the tank samples are discussed in the Oil/Tank Sampling subsection of this SIP report. All soil samples were collected from the Tank Farm Area. Subsurface soil samples were collected from a depth of 1 to 2 ft below ground surface. No detectable concentrations of PCBs were noted in any of the samples (Ref. No. 16, pp. 2, Att. E).

Analytical data based on a railroad bed surface soil sample collected by the NJDEP in October 1984, exact location unknown, indicated the presence of methylene chloride [1,190 micrograms per kilogram (ug/kg)], toluene (850 ug/kg), 1,1,1-trichloroethane (580 ug/kg), bis(2-ethylhexyl)phthalate (100,000 ug/kg), antimony [8 milligrams per kilogram (mg/kg)], arsenic (45 mg/kg), cadmium (8.4 mg/kg), chromium (62 mg/kg), copper (630 mg/kg), lead (290 mg/kg), mercury (2 mg/kg), nickel (77 mg/kg), zinc (390 mg/kg), and total phenolics (83 mg/kg). Environmental Testing and Certification, Inc. (ETC) Laboratory performed the analyses (Ref. No. 15). It should also be noted that petroleum hydrocarbons have been detected in on-site soils at concentrations ranging from 62,000 to 312,000 ppm (Ref. Nos. 8, pp. 76 through 88; 14, Figure 1; 15).

A July 1987 NJDEP Directive to Borne (et al., Respondents) cites analytical data documenting on-site soil contamination. In addition to the previously mentioned petroleum hydrocarbons, the presence of the following compounds and concentrations is noted: total volatile organic compounds (including benzene, ethyl benzene, toluene, and 1,2-dichloroethylene) in amounts up to 1,237 ppm; total base/neutral compounds [including benzo(a)anthracene, benzo(a)pyrene, bis(2-ethylhexyl) phthalate, fluoranthene, and phenanthrene] in amounts up to 10,443 ppm; chromium (340 ppm), lead (470 ppm), and zinc (1,030 ppm). The source of the data is not currently available for review (Ref. No. 8, pp. 160, 164, 170).

EXISTING ANALYTICAL DATA (Continued)

Oil/Tank Sampling - In September 1980, Borne submitted five aqueous samples and eight oil samples collected from the Tank Farm Area to Case Consulting Laboratories, Inc. (Case) for PCB analyses. The sample delivery group included two duplicate samples. Two of the five aqueous samples were collected from standing water in the Tank Farm; the remaining aqueous and oil samples were collected from storage tanks. Analytical results indicated that PCBs were present in the Tank No. 34 aqueous sample (413 ppb), the Tank No. 32 oil sample (48 ppm average), the Tank No. 29 oil sample (14 ppm), the Tank No. 42 oil sample (29 ppm), and the Tank No. 33 oil sample (30 ppm) (Ref. No. 16, p. 1, Attachment B). In November 1980, Borne submitted nine liquid tank samples to Case for infrared spectrometry (IR) analyses. Results of the IR analyses primarily indicate the presence of aliphatic hydrocarbons and aromatic hydrocarbons (Ref. No. 16, p. 1, Attachment C).

On January 7, 1982, Valley Forge submitted five tank oil samples to E.W. Saybolt & Co., Inc. for various parameters, including flashpoint, specific gravity, viscosity, sulfur content, ash content, and BTU values. Two of the samples were noted to have flashpoints less than 180°F (Ref. No. 16, p. 1, Attachment A). Also in January 1982, Valley Forge submitted five tank oil samples to E & E Laboratory for PCB and flashpoint analyses. PCBs were not detected in any of the samples. All sample flashpoints were greater than 180°F (Ref. No. 16, p. 2, Attachment D).

On January 22, 1982, the NJDEP submitted five oil samples collected from on-site tanks, including one duplicate sample, to Stablex-Reutter, Inc. for the following analyses: volatile aromatic hydrocarbons, volatile halogenated hydrocarbons, PCBs, oil and grease, and flashpoint. It should be noted that all results are reported in micrograms per gram (ug/g). Compounds detected and their maximum concentrations included: toluene (28,000 ug/g), total xylenes (950 ug/g), 1,1,1-trichloroethane (3,000 ug/g), trichloroethylene (150 ug/g), tetrachloroethylene (1,200 ug/g), and PCBs (1,200 ug/g). All sample flashpoints were greater than 170°F (Ref. No. 8, pp. 39 through 44).

During the previously discussed January 1984 Tank Farm soil sampling conducted by Valley Forge, two tank samples were also collected and sent to the E & E laboratory for PCB analyses. No detectable concentrations of PCBs were noted (Ref. No. 16, p. 2, Attachment E).

The NJDEP Hazardous Site Mitigation Administration contracted Aguilar Associates & Consultants, Inc. (Aguilar) to conduct a tank and vessel inspection at the site; the project included sampling of all on-site tanks and vessels. In February and March 1986, Aguilar personnel performed the inspection and sampling. The condition of the Tank Farm Area tanks varied; personnel noted the presence of deteriorating tank plating, ladders, and tops, as well

EXISTING ANALYTICAL DATA (Continued)

as the presence of asbestos-wrapped piping (Ref. No. 36, pp. 29 through 44). Two to three feet of standing water was observed within the bermed area. Tank oil grab samples were analyzed for specific gravity, PCBs, BTU value, flashpoint, viscosity, and pH. Tank oil composite samples were analyzed for percent organo-halogen content, percent organo-sulfur content, percent ash, and Priority Pollutant (PP) metals. Tank sludge grab samples were analyzed for specific gravity, PCBs, BTU value, and pH. Tank sludge composite samples were analyzed for percent organo-halogen content, percent organo-sulfur content, cyanides, total petroleum hydrocarbons, percent ash, and PP metals. Tank aqueous grab samples were analyzed for specific gravity and pH. Tank aqueous composite sample analyses included PCBs, sulfides, and cyanide. Wastes were classified into four categories: "non-aqueous pumpable waste with < 50 ppm PCBs," "non-aqueous pumpable waste with > 50 ppm PCBs," "aqueous pumpable waste," and "solidified contaminated sludge with < 50 ppm PCBs." Appendices I and II of Reference No. 36 provide a listing of tank contents and waste categories, respectively.

In late 1990, all on-site drums and tanks were sampled for waste characterization purposes prior to disposal; activities were conducted as part of Borne's compliance with the September 1989 NJDEP ACO II criteria. Dunn Corporation, the Borne Site Participating Group contractor, subcontracted Stout Environmental Services, Inc. (Stout) to conduct the removal and disposal activities. Stout submitted all samples to the Nytest Environmental, Inc. Laboratory for RCRA/TCLP analyses. Analytical data for the Tank No. 128 sample indicated the presence of PCB-contaminated material. The manifest document waste codes indicated the presence of spent halogenated solvents, spent non-halogenated solvents, and barium. Drum content waste codes are discussed in the Drum Sampling subsection below. Tank contents were removed and disposed of at NJDEP-approved facilities. All Tank Farm vessels were subsequently cleaned and removed for scrap metal recycling (Ref. Nos. 3, pp. 1, 18; 14, pp. 2, 3, 1-2, 2-4, 2-35, 2-37 through 2-40, 2-46).

Drum Sampling - In November 1984, the NJDEP submitted four non-aqueous drum samples, including one duplicate sample, to Stablex-Reutter, Inc. for the following analyses: purgeable organic compounds, PCBs, petroleum hydrocarbons, flashpoint, pH, and inorganic analytes. Analytical results of one of the samples indicated the presence of such organic compounds as tetrachloroethylene (40 ppm), toluene (570 ppm), and ethyl benzene (200 ppm). The flashpoint of the contents of the drum was 114°F (Ref. No. 8, pp. 63-68). The NJDEP also submitted four drum samples, including one duplicate sample, collected from the previously mentioned drums to Stablex-Reutter Inc. for distillation and base/neutral extractable organic compound analyses. No base neutral organic compounds were detected in these drum samples (Ref. No. 16, p. 2, Attachment F).

In late 1990, drum sampling was also conducted as part of the previously mentioned ACO II remedial activities. Drum content RCRA waste codes, as listed on manifest documents, indicated the presence of spent halogenated solvents, spent non-halogenated solvents, ignitable

material, corrosive material, reactive material, waste oils, benzyl chloride, 2,4,5-TP Silvex, chlorobenzene, 1-butanol, cresol, phenol, carbon tetrachloride, methyl chloroform, barium, lead, mercury, and silver (Ref. Nos. 14, pp. 2-5, 2-6; 38). All drum contents have reportedly been removed and disposed of at NJDEP-approved facilities (Ref. No. 14, pp. 2-1 through 2-4, 3-1 through 3-7).

SITE INSPECTION SAMPLING RESULTS

No samples were collected by Region II START during the Site Inspection Prioritization (SIP) evaluation of the Borne site. Based on a review of the available background information and data collected during the SIP evaluation, it was determined that further sampling was not needed in order to characterize the site.

PART IV. HAZARD ASSESSMENT

GROUNDWATER ROUTE

1. Describe the likelihood of a release of contaminant(s) to the groundwater as follows: observed release, suspected release, or none. Identify contaminants detected or suspected and provide a rationale for attributing them to the site. For observed release, define the supporting analytical evidence and relationship to background.

A release of contaminants is suspected due to the presence of on-site soil contamination and the existence of a shallow water table. From 1916 to 1984, Borne operated a specialty chemical manufacturing business on the property. Borne primarily blended and formulated oil lubricants, although the company also manufactured leather tanning substances, textile tints, and oil additives. From 1959 to 1979, portions of the site, mainly tanks in the Tank Farm Area, were leased to other companies for product and waste storage. Due to the nature of Borne's business and the presence of varied tenants during the years of operation, it is likely that a variety of chemical feedstocks and wastes have been handled at the facility. Background information documents indicate that materials handled at the site include, but are not limited to, cresylic acid, formaldehyde, glycol/water mixture, carbon tetrachloride, dibenzyl disulfide, zinc oxide, acetone, methyl ethyl ketone, methanol, toluene, oils, and waste oil. Numerous site visit records cite stained soils apparent throughout the site. No groundwater wells exist on site.

Analytical data of a railroad bed surface soil sample collected in October 1984 indicate the presence of methylene chloride, toluene, 1,1,1-trichloroethane, bis (2-ethylhexyl) phthalate, antimony, arsenic, cadmium, chromium, copper, lead, mercury, nickel, zinc, and phenolics. A July 1987 NJDEP Directive to Borne additionally identified the following contaminants present in on-site soils: benzene, ethyl benzene, 1,2-dichloroethylene, benzo(a)anthracene, benzo(a)pyrene, fluoranthene, anthracene, and chromium. A separate sampling event noted elevated concentrations of petroleum hydrocarbons in on-site soils (62,000 to 312,000 ppm).

Waste materials were also deposited in an on-site lagoon, or surface impoundment; the bermed lagoon was not lined. In November 1984, the NJDEP collected a liquid sample from the lagoon. The pH of the sample was 3.7 standard units. Constituents detected in the sample included benzene, o- and p-dichlorobenzene, 1,2-dichloroethene, n-propyl benzene, toluene, trichloroethane, and xylenes.

Ref. Nos. 8, pp. 4, 5, 24, 26, 76 through 83, 129, 130, 164, 170, 173; 13, pp. 2 through 6; 15; 21.

2. **Describe the aquifer of concern; include information such as depth, thickness, geologic composition, areas of karst terrain, permeability, overlying strata, confining layers, interconnections, discontinuities, depth to water table, groundwater flow direction.**

The Borne site is located in the Triassic Lowlands physiographic province of New Jersey. Groundwater is not known to be used for drinking water purposes in the vicinity of the site. Therefore, there is no true aquifer of concern. For the purposes of this report, the aquifer of concern is considered to be the Passaic Formation (formerly known as the Brunswick Formation) of the Newark Supergroup, which underlies the site area. The formation consists of soft, reddish shale, red sandstone and siltstone, and conglomerate. The strata have generally been tilted northwestward, with the ridges trending northeastward. In the site area, the total thickness of these Triassic Age rocks is estimated to be 6,000 to 7,000 feet. The primary water-bearing zone occurs from less than 200 feet to 600 feet in depth. Groundwater movement and storage occurs primarily due to extensive fracturing of the aquifer's component rocks. Though cracks intersect so as to allow omni-directional movement, water may be restricted from traveling along certain paths by fracture size and capacity.

Site-specific geology is not available. Bedrock is estimated to occur at the water-bearing zone of the Passaic Formation, or 200 feet below ground surface. Therefore, the bedrock is estimated to be overlain by 200 feet of unconsolidated deposits, composed of clay, till, or stratified drift. The on-site depth to the water table is unknown; background information indicates that the water table is "high." For the purposes of this report, it is estimated that water table conditions exist at 9 feet below grade. Due to the proximity of the Arthur Kill, which is tidal, the possibility of saltwater intrusion is increased. The direction of groundwater flow is believed to be east-southeastward toward the Arthur Kill.

Ref. Nos. 4; 8, p. 3; 13, p. 2; 17 through 19; 20, p.4.

3. **What is the depth from the lowest point of waste disposal/storage to the highest seasonal level of the saturated zone of the aquifer of concern?**

The lowest point of waste disposal is unknown. Analytical data of surface soil samples collected in 1984 indicated the presence of elevated concentrations of VOCs, bis(2-ethylhexyl) phthalate, inorganic analytes, and petroleum hydrocarbons. The highest seasonal level of the saturated zone of the aquifer of concern is approximately 200 feet below ground surface. Therefore, the distance between the lowest point of waste disposal/storage and the highest level of the saturated zone of the aquifer of concern is estimated to be 200 feet.

Ref. Nos. 8, pp. 76 through 88, 132; 13, p. 2; 15; 18.

4. **What is the permeability value of the least permeable continuous intervening stratum between the ground surface and the top of the aquifer of concern?**

Clay is the least permeable of the geologic materials within the intervening strata; the permeability associated with this material is 10^{-8} centimeters per second (cm/sec).

Ref. Nos. 18, 20.

5. **What is the net precipitation at the site (inches)?**

The net precipitation factor for the site vicinity is 6 inches. Therefore, the net precipitation in the vicinity of the site ranges from greater than 15 to 30 inches.

Ref. No. 20, pp. 2, 3.

6. **What is the distance to and depth of the nearest well that is currently used for drinking purposes?**

Groundwater is not utilized for drinking purposes within 4 miles of the site.

Ref. Nos. 4; 17.

7. **If a release to groundwater is observed or suspected, determine the number of people that obtain drinking water from wells that are documented or suspected to be actually contaminated by hazardous substance(s) attributed to an observed release from the site.**

An observed release to groundwater is not documented. However, a potential exists for contaminants associated with the site to enter groundwater. Due to the absence of drinking water wells in the vicinity of the site, no wells are suspected to be within a contamination boundary of a potential release.

Ref. Nos. 4; 8, pp. 3, 24; 17.

8. **Identify the population served by wells located within 4 miles of the site that draw from the aquifer of concern.**

<u>Distance</u>	<u>Population</u>
0 - ¼ mile	0
> ¼ - ½ mile	0
> ½ - 1 mile	0
> 1 - 2 miles	0
> 2 - 3 miles	0
> 3 - 4 miles	0

Ref. Nos. 4; 17.

State whether groundwater is blended with surface water, groundwater, or both before distribution.

Not applicable.

Ref. Nos. 4; 17.

Is a designated wellhead protection area within 4 miles of the site?

The site is not located within a designated wellhead protection area, as groundwater is not utilized for drinking water purposes in the vicinity of the site.

Ref. Nos. 4; 17.

Does a waste source overlie a designated or proposed wellhead protection area? If a release to groundwater is observed or suspected, does a designated or proposed wellhead protection area lie within the contaminant boundary of the release?

Not applicable.

Ref. Nos. 4; 17.

9. **Identify one of the following resource uses of groundwater within 4 miles of the site (i.e., commercial livestock watering, ingredient in commercial food preparation, supply for commercial aquaculture, supply for major, or designated water recreation area, excluding drinking water use, irrigation (5-acre minimum) of commercial food or commercial forage crops, unusable).**

Groundwater is not known to be utilized as a resource for the abovementioned purposes. No drinking water wells are located within 4 miles of the site; however, there is a potential for the groundwater in the underlying aquifer to be used for drinking water purposes.

Ref. Nos. 4; 17; 18.

SURFACE WATER ROUTE

10. **Describe the likelihood of a release of contaminant(s) to surface water as follows: observed release, suspected release, or none. Identify contaminants detected or suspected and provide a rationale for attributing them to the site. For observed release, define the supporting analytical evidence and relationship to background.**

There is potential for a release of contaminants associated with the site to surface water. The site property is relatively flat. The Arthur Kill, a heavily-used navigational channel, forms the eastern boundary of the site. The Arthur Kill is part of the Newark Bay complex, a highly industrialized zone. Four storm drains on the west side of South Front Street discharge to the Arthur Kill. It is likely that surface water runoff from the site would discharge to the Arthur Kill and to the storm drains along South Front Street. In August 1981, Site Inspection personnel noted the discharge of an oily substance to the Arthur Kill through two pipes along the site bulkhead; the pipe diameters were 4 inches and 18 inches. No surface water or discharge samples are known to have been collected.

From 1916 to 1984, Borne operated a specialty chemical manufacturing business on the property. Borne primarily blended and formulated oil lubricants, although the company also manufactured leather tanning substances, textile tints, and oil additives. From 1959 to 1979, portions of the site, mainly tanks in the Tank Farm Area, were leased to other companies for product and waste storage. Due to the nature of Borne's business and the presence of varied tenants during the years of operation, it is likely that a variety of chemical feedstocks and wastes have been handled at the facility. Background information documents indicate that materials handled at the site include, but are not limited to, cresylic acid, formaldehyde, glycol/water mixture, carbon tetrachloride, dibenzyl disulfide, zinc oxide, acetone, methyl ethyl ketone, methanol, toluene, oils, and waste oil. Numerous site visit records cite stained soils apparent throughout the site.

Analytical data of a railroad bed soil sample collected in October 1984 indicate the presence of methylene chloride, toluene, 1,1,1-trichloroethene, bis (2-ethylhexyl) phthalate, antimony,

arsenic, cadmium, chromium, copper, lead, mercury, nickel, zinc, and phenolics. A July 1987 NJDEP Directive to Borne additionally identified the following contaminants present in on-site soils: benzene, ethyl benzene, 1,2-dichloroethylene, benzo(a)anthracene, benzo(a)pyrene, fluoranthene, anthracene, and chromium. A separate sampling event noted elevated concentrations of petroleum hydrocarbons in on-site soils (62,000 to 312,000 ppm).

Ref. Nos. 8, pp. 3, 4, 25, 26, 76 through 83, 164, 170, 173; 13, pp. 2, 4, 6, 7; 15; 22 through 24; 26.

11. **Identify the nearest down slope surface water. If possible, include a description of possible surface drainage patterns from the site.**

The nearest downslope surface water is the Arthur Kill, which forms the eastern boundary of the site.

Ref. Nos. 3, p. 1; 26.

12. **What is the distance in feet to the nearest downslope surface water? Measure the distance along a course that runoff can be expected to follow.**

The Arthur Kill forms the eastern boundary of the site.

Ref. Nos. 3, p. 1; 26.

13. **Identify all surface water body types within 15 downstream miles.**

<u>Name</u>	<u>Water Body Type</u>	<u>Flow (cfs)</u>	<u>Saline/Fresh/Brackish</u>
Arthur Kill	Coastal Tidal	N/A	Saline
Newark Bay	Coastal Tidal	N/A	Saline
Passaic River	Coastal Tidal	N/A	Saline
Hackensack River	Coastal Tidal	N/A	Saline
Kill Van Kull	Coastal Tidal	N/A	Saline
Upper NY Bay	Coastal Tidal	N/A	Saline
Hudson River	Coastal Tidal	N/A	Saline
The Narrows	Coastal Tidal	N/A	Saline
Lower NY Bay	Coastal Tidal	N/A	Saline
Raritan Bay	Coastal Tidal	N/A	Saline

Ref. Nos. 20, p. 6; 26; 39 through 41.

14. Determine the 2-yr, 24-hr rainfall (inches) for the site.

The 2-year, 24-hour rainfall in the area of the site is 3 inches.

Ref. No. 28.

15. Determine size of the drainage area (acres) for sources at the site.

The site encompasses 6.2 acres in a relatively flat portion of the City of Elizabeth, adjacent to the Arthur Kill. Surrounding streets are drained by storm sewer drains. Therefore, it is estimated that the total drainage area for the site is equal to the site acreage, or 6.2 acres.

Ref. Nos. 3, p. 1; 4; 23.

16. Describe the predominant soil group in the drainage area.

Surface soils are unconsolidated glacial deposits, consisting of clay, till, and/or stratified drift. Therefore, it is estimated that moderately fine-textured soils are the predominant soil group in the area of the site.

Ref. Nos. 18, p. 4; 20, p. 5.

17. Determine the type of floodplain within which the site is located.

Approximately 95 percent of the site is located in a 100-year flood zone. The remaining 5 percent of the property is located in a 100- to 500-year flood zone; this area is situated in the former Tank Farm Area.

Ref. Nos. 14, Figure 1; 27.

18. Identify drinking water intakes in surface waters within 15 miles downstream of the point of surface water entry. For each intake identify: the name of the surface water body in which the intake is located, the distance in miles from the point of surface water entry, population served, and stream flow at the intake location.

<u>Intake</u>	<u>Distance</u>	<u>Population Served</u>	<u>Flow (cfs)</u>
None	N/A	N/A	N/A

Ref. Nos. 17; 26.

19. Identify fisheries that exist within 15 miles downstream of the point of surface water entry. For each fishery specify the following information:

<u>Fishery Name</u>	<u>Water Body Type</u>	<u>Flow (cfs)</u>	<u>Saline/Fresh/Brackish</u>
Arthur Kill	Coastal Tidal	N/A	Saline
Newark Bay	Coastal Tidal	N/A	Saline
Hackensack River	Coastal Tidal	N/A	Saline
Kill Van Kull	Coastal Tidal	N/A	Saline
Upper NY Bay	Coastal Tidal	N/A	Saline
Hudson River	Coastal Tidal	N/A	Saline
The Narrows	Coastal Tidal	N/A	Saline
Lower NY Bay	Coastal Tidal	N/A	Saline
Raritan Bay	Coastal Tidal	N/A	Saline

There is a statewide ban on the sale of all striped bass, American eel, and blue crabs taken from New Jersey waters. A ban also exists on the sale and consumption of all fish and shellfish taken from the lower portion of the Passaic River.

Certain restrictions due to known contamination exist on the abovementioned fisheries. In the Newark Bay Complex, which includes Newark Bay, the lower Hackensack River, Arthur Kill, Kill Van Kull, and tidal portions of its tributaries, there is a ban on the consumption of striped bass and blue crab, as well as a health advisory regarding the consumption of American eel, bluefish, white perch, and white catfish. In the Hudson River and Upper New York Bay, there is a health advisory regarding the consumption of American eel, striped bass, bluefish, white perch, white catfish, and blue crabs. In the Raritan Bay Complex, which includes the Raritan Bay, The Narrows, and Lower New York Bay, there is a health advisory regarding the consumption of striped bass, bluefish, white perch, white catfish, and blue crabs.

Ref. Nos. 20, p. 6; 26; 30; 39 through 41.

20. Identify surface water sensitive environments that exist within 15 miles of the point of surface water entry.

<u>Environment</u>	<u>Water Body Type</u>	<u>Flow (cfs)</u>	<u>Wetland Frontage (acres)</u>
Wetlands -Arthur Kill	Coastal Tidal	N/A	56
Wetlands -Newark Bay	Coastal Tidal	N/A	7

<u>Environment</u>	<u>Water Body Type</u>	<u>Flow (cfs)</u>	<u>Wetland Frontage (acres)</u>
Wetlands - Hackensack River	Coastal Tidal	N/A	2
Wetlands -Upper NY Bay	Coastal Tidal	N/A	14
Wetlands - Lower NY Bay	Coastal Tidal	N/A	2
Federally-listed endangered species (<i>Falco peregrinus</i>)	Coastal Tidal	N/A	N/A
State-listed endangered species (<i>Sterna antillarum</i>)	Coastal Tidal	N/A	N/A
State-listed endangered species (<i>Lemna perpusilla</i>)	Coastal Tidal	N/A	N/A
State-listed threatened species (<i>Passerculus sandwichensis</i>)	Coastal Tidal	N/A	N/A
Unique biotic community - Coastal Heron Rookery	Coastal Tidal	N/A	N/A

Ref. Nos. 20, p. 6; 25; 26; 29; 39 through 41.

21. If a release to surface water is observed or suspected, identify any intakes, fisheries, and sensitive environments from question Nos. 18-20 that are or may be actually contaminated by hazardous substance(s) attributed to an observed release from the site.

Intake: N/A

Fishery: N/A

Sensitive Environment: N/A

In August 1981, Site Inspection personnel noted the discharge of an oily substance to the Arthur Kill through two pipes along the site bulkhead; the pipe diameters were 4 inches and 18 inches. No surface water or discharge samples are known to have been collected. Although there is potential for a release to surface water, no intakes, fisheries, or sensitive environments are suspected to have been contaminated by CERCLA hazardous substances attributable to an observed release from the site. The Arthur Kill, adjacent to the site, is a high-flow, coastal tidal water body.

Ref. Nos. 8, pp. 3, 4, 77, 170; 15; 22 through 24; 26.

- 22. Identify whether the surface water is used for any of the following purposes, such as: irrigation (5 acre minimum) of commercial food or commercial forage crops, watering of commercial livestock, commercial food preparation, recreation, potential drinking water supply.**

The surface waters along the migration route are highly industrialized waterways. However, surface waters provide navigational channels for both commercial and recreational boating vessels.

Ref. No. 24, p. 2.

SOIL EXPOSURE PATHWAY

- 23. Determine the number of people that occupy residences or attend school or day care on or within 200 feet of observed contamination.**

The site is located in a primarily industrial area of the City of Elizabeth. No residences are located on or within 200 feet of observed contamination. There are no schools or day care centers within 200 feet of the site.

Ref. Nos. 4; 13, p. 2.

- 24. Determine the number of people that regularly work on or within 200 feet of observed contamination.**

The site is currently inactive; no workers are employed at the site. Archer Daniels Midland (ADM) facilities border the site to the north and west. ADM employs approximately 8 people at this facility.

Ref. Nos. 13, p. 3; 22; 31.

25. Identify terrestrial sensitive environments on or within 200 feet of observed contamination.

There are no terrestrial sensitive environments within 200 feet of observed contamination.

Ref. Nos. 25; 29.

26. Identify whether there are any of the following resource uses, such as commercial agriculture, silviculture, livestock production or grazing within an observed or suspected soil contamination.

The site is located in a primarily industrial portion of the City of Elizabeth. None of the abovementioned resource uses occur within an area of observed or suspected soil contamination.

Ref. No. 13, p. 2.

AIR PATHWAY

27. Describe the likelihood of release of hazardous substances to air as follows: observed release, suspected release, or none. Identify contaminants detected or suspected and provide a rationale for attributing them the site. For an observed release, define the supporting analytical evidence and relationship to background.

There is currently little potential for a release of contaminants attributable to the site to air. On-site drums, containers, and tanks of hazardous substances were removed as part of the State-directed cleanup activities. However, a fire occurred in, or just prior to, May 1981 at Tank No. 45. Further information regarding the fire is not currently available; contaminants or contaminated particulates may have been released at that time.

From September 1990 to June 1992, Dunn Corporation conducted NJDEP ACO II remedial activities at the site. During excavation of underground transfer pipes, Dunn personnel noted an initial air monitoring reading on a Photoionization Detector (PID) of 20 "ppm", or units, above background. It is believed that the transfer piping carried oil from some of the storage tanks to the manufacturing buildings. During removal activities, Dunn personnel conducted perimeter air monitoring, as well as daily work zone air monitoring. Monitoring records indicate there were 20 days during the project when VOC levels exceeded the established 5 ppm response level within the site boundary. Two of the events were attributable to on-site operations; corrective measures were reportedly taken to reduce or eliminate the elevated VOC concentrations. In addition to underground transfer pipe, drum, and tank removal, ten visibly stained areas were covered with either asphalt, concrete, or quarry-processed stone.

Ref. Nos. 9, Attachment J: 14, pp. 1 through 4, 2-8, 2-49, and Figure 6 (Soil Capping).

28. Determine populations that reside within 4 miles of the site.

<u>Distance</u>	<u>Population</u>
On site	0
> 0 - ¼ mi	280
> ¼ - ½ mi	1,700
> ½ - 1 mi	18,730
> 1 - 2 mi	49,020
> 2 - 3 mi	99,230
> 3 - 4 mi	118,450

Ref. No. 32.

29. Identify sensitive environments, including wetlands and associated wetlands acreage, within 4 miles of the site.

<u>Distance</u>	<u>Wetlands Acreage</u>	<u>Sensitive Environment</u>
0 - ¼ mi	3	None Identified
> ¼ - ½ mi	70	None Identified
> ½ - 1 mi	123	None Identified
> 1 - 2 mi	405	None Identified
> 2 - 3 mi	584	Federally-listed endangered species habitat
> 3 - 4 mi	620	None Identified

Ref. Nos. 25; 26; 29.

30. If a release to air is observed or suspected, determine the number of people that reside or are suspected to reside within the area of air contamination from the release.

A release to air is not observed or suspected; refer to Question No. 27 for a description of likelihood of a release.

31. If a release to air is observed or suspected, identify any sensitive environments, listed in question No. 29, that are or may be located within the area of air contamination from the release.

A release to air is not observed or suspected: refer to Question No. 27 for a description of likelihood of a release.

9 A53

ATTACHMENT 1

REFERENCES

1. U.S. EPA Superfund Program, Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS), List-8E: Site/Action Listing, p. 20, March 21, 1997; and List-4: Site Alias Location Listing, p. 15, March 26, 1997.
2. U.S. Department of Commerce, Economics and Statistics Administration, Bureau of the Census, Congressional District Atlas, Volume 2, 103rd Congress of the United States, February 1993.
3. New Jersey Department of Environmental Protection (NJDEP) Administrative Consent Order II, In the Matter of the Borne Chemical Company Site, September 28, 1989.
4. Four-Mile Vicinity Map for the Borne Chemical Company site, based on U.S. Department of the Interior, Geological Survey Topographic Maps, 7.5 minute series, Quadrangles for "Elizabeth, NJ-NY," 1966, photorevised 1981; "Jersey City, NJ-NY," 1967, photorevised 1981; "The Narrows, NY-NJ," 1966, photorevised 1981; "Arthur Kill, NY-NJ," 1966, photorevised 1981; "Perth Amboy, NJ-NY" 1956, photorevised 1981; and "Roselle, NJ," 1955, photorevised 1981.
5. Project Note: From K. Campbell, Region II START, to Borne Chemical File, Subject: Property Ownership, 27 February 1997; with attachments.
6. Project Note: From K. Campbell, Region II START, to Borne Chemical File, Subject: NJDEP Notice of Authorization, 27 February 1997; with attachments.
7. NJDEP Division of Environmental Quality, Air Pollution Control Program, Bureau of Engineering and Technology, Certificate To Operate Control Apparatus or Equipment (5 Year), Borne Scrymser Company, Issued May 21, 1981.
8. U.S. EPA Potential Hazardous Waste Site, Site Inspection Report, Borne Chemical Company, prepared by Fred C. Hart Associates, August 24, 1981.
9. Project Note: From K. Campbell, Region II START, to Borne Chemical File, Subject: Spill/Violation History, 27 February 1997; with attachments.
10. Project Note: From K. Campbell, Region II START, to Borne Chemical File, Subject: Site Actions/Litigation, 27 February 1997; with attachments.
11. U.S. EPA Potential Hazardous Waste Site, Identification and Preliminary Assessment, Borne Chemical Company, prepared by U.S. EPA, October 29, 1980.
12. U.S. EPA Potential Hazardous Waste Site, Identification and Preliminary Assessment, Borne Chemical Company, prepared by U.S. EPA, May 5, 1981.

REFERENCES (Continued)

13. U.S. EPA Potential Hazardous Waste Site, Preliminary Assessment, Borne Chemical Company, prepared by NJDEP, June 30, 1987.
14. Revised Final Report On Compliance With Administrative Consent Order II, Borne Chemical Site, Elizabeth, New Jersey, prepared for the NJDEP on behalf of the Borne Chemical Company Site Participating Group, Dunn Corporation, August 26, 1992.
15. Data Summary Reports, Environmental Testing and Certification (ETC) Laboratory, prepared for the NJDEP, October 3, 1984.
16. Project Note: From K. Campbell, Region II START, to Borne Chemical File, Subject: Miscellaneous Data Reports, 27 February 1997; with attachments.
17. Project Note: From K. Campbell, Region II START, to Borne Chemical File, Subject: Groundwater & Surface Water Use, 5 March 1997 (Revised: 3 May 1997); with attachments.
18. Miller, David W. The New Jersey Ground-Water Situation. Geraghty & Miller, Inc., August 1979.
19. Geology and Engineering Geology of the New York Metropolitan Area, Field Trip Guidebook T361, American Geophysical Union, July 1989.
20. Environmental Protection Agency, Federal Register, 40 CFR Part 300, Hazard Ranking System; Final Rule, Volume 55, No. 241, 14 December 1990.
21. Project Note: From K. Campbell, Region II START, to Borne Chemical File, Subject: On-Site Materials (Pre-1980), 27 February 1997; with attachments.
22. Field Logbook for the Borne Chemical Company site, Logbook Document Control No. START-02-152, TDD No. 02-96-03-0020, Off-Site Reconnaissance, 13 February 1997.
23. City of Elizabeth Sewerage Plans, Section 0-9, Sheet 41, Bayway Interceptor, June 1980.
24. Suszkowski, Dennis John. Sedimentology of Newark Bay, New Jersey: An Urban Estuarine Bay, University of Delaware, June 1978.
25. Project Note: From K. Campbell, Region II START, to Borne Chemical File, Subject: Wetlands in Site Vicinity, 14 February 1997.

REFERENCES (Continued)

26. Fifteen-Mile Surface Water Pathway Map for the Borne Chemical Company site, compiled from the following U.S. Department of the Interior, Fish and Wildlife Services, National Wetland Inventory Maps, 7.5 minute series (based on aerial photography), Quadrangles for "Elizabeth, NJ-NY," 1976; "Jersey City, NJ-NY," 1976; "The Narrows, NY-NJ," 1976; "Arthur Kill, NY-NJ," 1976; "Perth Amboy, NJ-NY," 1976; "Roselle, NJ," 1976; "Brooklyn, NY," 1980; "Keyport, NJ-NY," 1976; and "South Amboy, NJ-NY," 1976.
27. Federal Emergency Management Agency, Flood Insurance Rate Map for the City of Elizabeth, Union County, Community-Panel No. 345523 0005E, Revised November 1, 1985.
28. U.S. Department of Commerce, Technical Report No. 40, 2-Year, 24-Hour Rainfall Map, 1961.
29. Project Note: From K. Campbell, Region II START, to Borne Chemical File, Subject: Sensitive Environments, 14 February 1997.
30. NJDEP, A Guide To Health Advisories For Eating Fish And Crabs Caught In New Jersey Waters, March 1995.
31. Telecon Note: Conversation between Receptionist, ADM, and K. Campbell, Region II START, Subject: Nearby Worker Population, 7 March 1997.
32. Project Note: From K. Campbell, Region II START, to Borne Chemical File, Subject: Population within Four Miles of Site, 14 February 1997; with attachments.
33. Project Note: From K. Campbell, Region II START, to Borne Chemical File, Subject: Site Latitude/Longitude, 14 February 1997 (Revised: 26 April 1997).
34. Memorandum from Fred Sickels to Vince Krisak (both of NJDEP), Re: Borne Chemical - Elizabeth, Rolfite Drum Removal. July 23, 1984.
35. Memorandum from Anthony J. McMahon, Chief, Bureau of Industrial Site Evaluation, to Rebecca Fields, Deputy Attorney General (both of NJDEP), Re: Borne Chemical Company, Elizabeth, Union County. October 31, 1984.
36. Borne Chemical Company Site, Tank/Vessel Inspection Report, Prepared by Aguilar Associates & Consultants, Inc., for the NJDEP Hazardous Site Mitigation Administration, May 1986.
37. Project Note: From K. Campbell, Region II START, to Borne Chemical File, Subject: Adjacent Property Use. 7 March 1997; with attachments.

REFERENCES (Continued)

38. Project Note: From K. Campbell, Region II START, to Borne Chemical File, Subject: RCRA/NJ Hazardous Waste Codes, 25 April 1997 (Revised: 6 May 1997); with attachments.
39. Surface Water Quality Standards N.J.A.C. 7:9B, NJDEP, Office of Land and Water Planning, April 1994.
40. Water Quality Regulations, Surface Water And Groundwater Classifications and Standards, New York State Codes, Rules, and Regulations (CRR), Title 6, Chapter X, Parts 700-705, New York State Department of Conservation, Effective: September 1991.
41. State of New York CRR, Title 6, Subchapter B, Classes and Standards of Quality and Purity Assigned to Fresh Surface and Tidal Salt Waters, New York City Water Series, New York City Waters, Article 13, Part 890, Reissued: July 1995.

ATTACHMENT 2

EXHIBIT A

PHOTOGRAPH LOG

**BORNE CHEMICAL COMPANY
ELIZABETH, UNION COUNTY, NEW JERSEY**

OFF-SITE RECONNAISSANCE: FEBRUARY 13, 1997

PHOTOGRAPH INDEX

**BORNE CHEMICAL COMPANY
ELIZABETH, NEW JERSEY
FEBRUARY 13, 1997**

ALL PHOTOGRAPHS TAKEN BY S. KETHA*

<u>PHOTO NUMBER</u>	<u>DESCRIPTION</u>
1P-1	View looking southeast at Office Building, from South Front Street.
1P-2	View looking northeast at Office Building, with Laboratory Building in background.
1P-3	View looking east at Machine Shop and Building B (Grease Building), with Laboratory Building to right.
1P-4	View looking northeast at southern site fence and adjacent Phelps Dodge property.
1P-5	View looking east at southern site fence, with Goethals Bridge on the right.
1P-6	View looking south at Aboveground Storage Tank No. 122, with Building B to the left.
1P-7	View looking south at the Arthur Kill and the northeast corner of the site.
1P-8	View looking northwest at former Tank Farm Area, from northern perimeter of site.
1P-9	View looking southeast at Building C, from southern property line.
1P-10	View looking south from South Front Street at facility's Gate #3.
1P-11	View looking northeast at eastern end of Building C (Coopers Shed) and western end of Building A (Blending Building).
1P-12	View looking northeast at Building M (Storage Building).

* Note: All photographs were taken from 1600 to 1715 hours.

WESTON
MANAGEMENT SERVICES/CONSULTANTS

Roy F. Weston, Inc.
FEDERAL PROGRAMS DIVISION

IN ASSOCIATION WITH PRC ENV. MGMT., GRB ENV. SVCS,
C.C. JOHNSON & MALHOTRA, P.C., RESOURCE
APPLICATIONS, INC. AND R.E. SARRIERA ASSOCIATES



1P-1

February 13, 1997

View looking southeast at Office Building, from South Front Street.

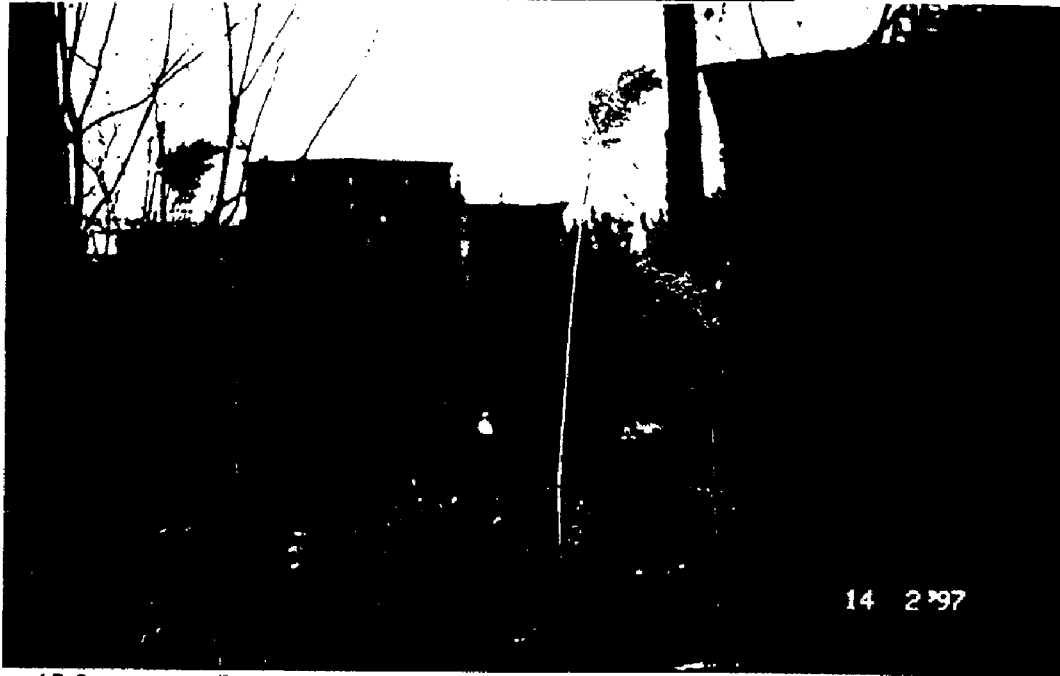


1P-2

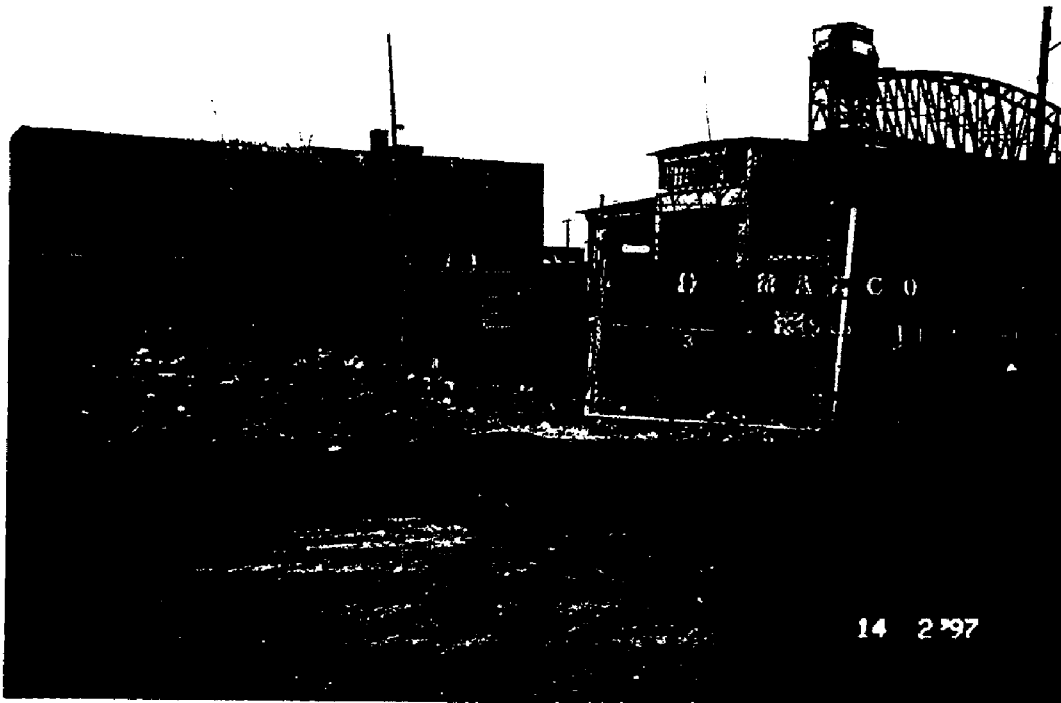
February 13, 1997

View looking northeast at Office Building, with Laboratory Building in background.

IN ASSOCIATION WITH PRC ENV. MGMT., GRB ENV. SVCS.
C.C. JOHNSON & MALHOTRA, P.C., RESOURCE
APPLICATIONS, INC. AND R.E. SARRIERA ASSOCIATES



1P-3 February 13, 1997
View looking east at Machine Shop and Building B (Grease Building),
with Laboratory Building to the right.



1P-4 February 13, 1997
View looking northeast at southern site fence and adjacent Phelps Dodge
property.

WESTON
MANAGEMENT CONSULTANTS

Roy F. Weston, Inc.
FEDERAL PROGRAMS DIVISION

IN ASSOCIATION WITH PRC ENV. MGMT., GRB ENV. SVCS.
C.C. JOHNSON & MALHOTRA, P.C., RESOURCE
APPLICATIONS, INC. AND R.E. SARRIERA ASSOCIATES



14 2'97

1P-5

February 13, 1997

View looking east at southern site fence, with Goethals
Bridge on the right.

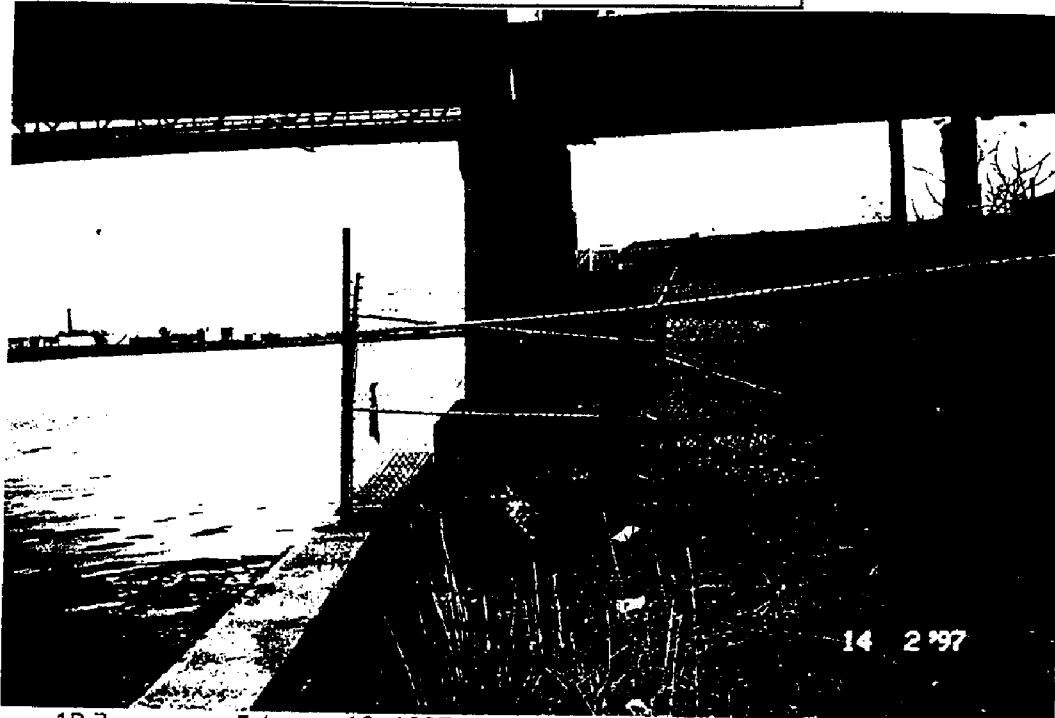


1P-6

February 13, 1997

View looking south at Aboveground Storage Tank No. 122,
with Building B to the left.

IN ASSOCIATION WITH PRC ENV. MGMT., GRB ENV. SVCS.
C.C. JOHNSON & MALHOTRA, P.C., RESOURCE
APPLICATIONS, INC. AND R.E. SARRIERA ASSOCIATES



1P-7

February 13, 1997

View looking south at the Arthur Kill and the northeast corner of the site.



1P-8

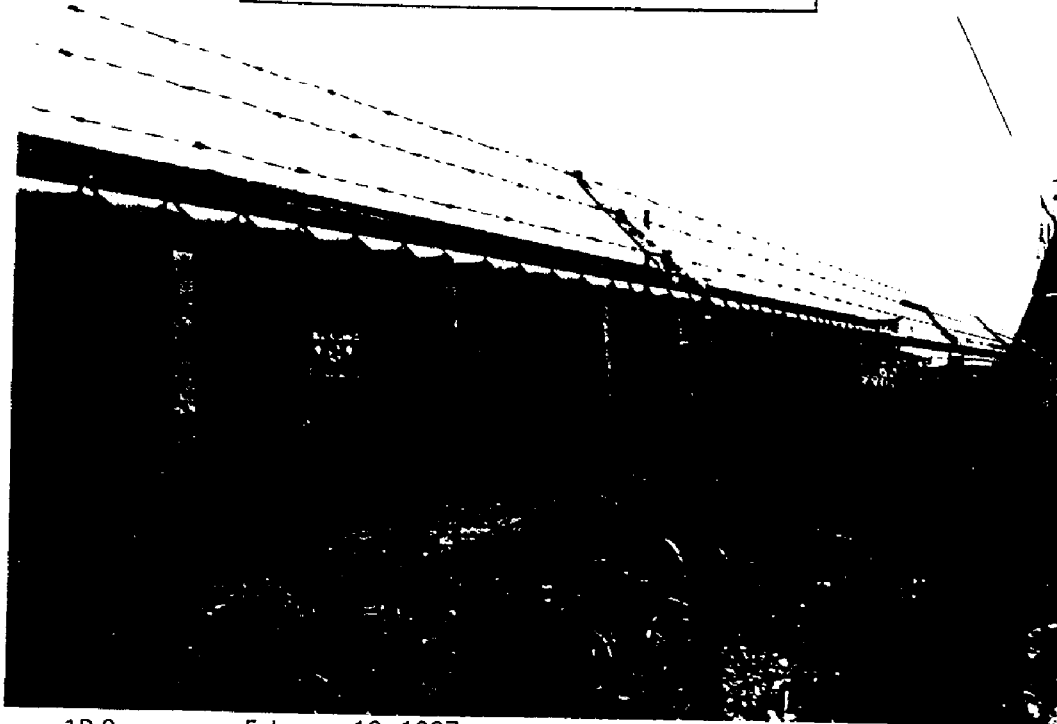
February 13, 1997

View looking northwest at former Tank Farm Area, from northern perimeter of site.



Roy F. Weston, Inc.
FEDERAL PROGRAMS DIVISION

IN ASSOCIATION WITH PRC ENV. MGMT., GRB ENV. SVCS.
C.C. JOHNSON & MALHOTRA, P.C., RESOURCE
APPLICATIONS, INC. AND R.E. SARRIERA ASSOCIATES



1P-9

February 13, 1997

View looking southeast at Building C, from southern property line.



1P-10

February 13, 1997

View looking south from South Front Street at facility's Gate #3.

IN ASSOCIATION WITH PRC ENV. MGMT., GRB ENV. SVCS,
C.C. JOHNSON & MALHOTRA, P.C., RESOURCE
APPLICATIONS, INC. AND R.E. SARRIERA ASSOCIATES



1P-11

February 13, 1997

View looking northeast at eastern end of Building C (Coopers Shed) and western end of Building A (Blending Building).



1P-12

February 13, 1997

View looking northeast at Building M (Storage Building).

REFERENCE NO. 1

Run Date: . /97
 Sequence: State, Site Name
 Report name: L8e_alpha

AD-HOC
 U.S. EPA Superfund Program
 Region II
 List-8E Site/Action Listing

EPA ID	Site Name Address City County Name\Code	Zip	Cong Dist	NERAP Flag	Oprble Unit	Action Type	Action Lead	Action Qualif	Actual Start Date	Actual Compl Date
NJD980536114	BOONTON ELECTRONICS 499 POMEROY ROAD PARSIPPANY-TROY H07054 MORRIS 027		05		00	SH001 SI001	F F	L	04/01/86	09/30/92 04/04/86
NJD001374883	BORDEN CHEMICAL 8-10 22ND STREET FAIR LAWN 07410 BERGEN 003		07		00	DS001 PA001 SI001	F F S	L D	11/01/89	01/01/80 01/01/80 12/31/89
NJD002170439	BORDEN INC 930 LINCOLN BLVD MIDDLESEX 08846 MIDDLESEX 023		05		00	DS001 PA001 SI001	F S F	L D	02/01/82	09/01/80 08/01/84 04/01/82
NJD980769368	BORDENTOWN CITY MUNICIPAL DU RTE 206 BORDENTOWN 08505 BURLINGTON 005		04		00	DS001 PA001 SH001 SI001	S S F F	L D	12/30/92	04/10/84 06/01/85 11/03/94 09/19/85
NJD002167237	BORNE CHEM CO 632 SOUTH FRONT ST ELIZABETH 07207 UNION 039		12		00	DS001 PA001 SI001	F S S	L N	09/15/87 08/01/81	06/01/80 09/16/87 08/24/81
NJD000305276	BOWEN ENGINEERING 144 STATION RD BRANCHBURG TWP 08876 SOMERSET 035		05		00	DS001	S			04/10/84

AD-HOC
 U.S. EPA Superfund Program
 Region II
 List-4 Site Alias Location Listing

Site Name EPA Id	Alias name Alias Street Alias City County Name	County Code	Zip Code	Federal Facility Flag	Cong. Dist.
<u>BORNE CHEM CO</u> <u>NJD002197237</u>	COASTAL SVCS	039		N	12
BOYDEN AVENUE SITE NJD002162824	UNION FORMER FRESCO SILVER INC.	013		N	07
BRADY IRON & METAL CO NJD981877764	ESSEX DIAMOND ALKALI (00613 NPL)	013		N	13
	ESSEX DIOXIN #1, #2, #3.				
	ESSEX NEWARK DIOXIN SITE				
BRICK TOWNSHIP LANDFIL NJD980505176	ESSEX BRICK TWP LF	029		N	04
	OCEAN OCEAN FRENCH'S LF				
	OCEAN MCCORMICK'S DUMP				
BRIDGEPORT RENTAL & OI. NJD053292652	OCEAN BRIDGEPORT WATER LINE E. MAIN STREET	015	08805	N	01
	LOGAN TOWNSHIP GLOUCESTER PEPPER INDUSTRIES-LOGAN TWP.			N	01
BROOK INDUSTRIAL PARK NJD078251675	GLOUCESTER GLOUCESTER BLUE SPRUCE/TIFA (NJD000535070)	035		N	07
	SOMERSET BLUE SPRUCE/TIFA (NJD000535070) 100 WEST MAIN STREET		08805	N	07
	BOUND BROOK SOMERSET				

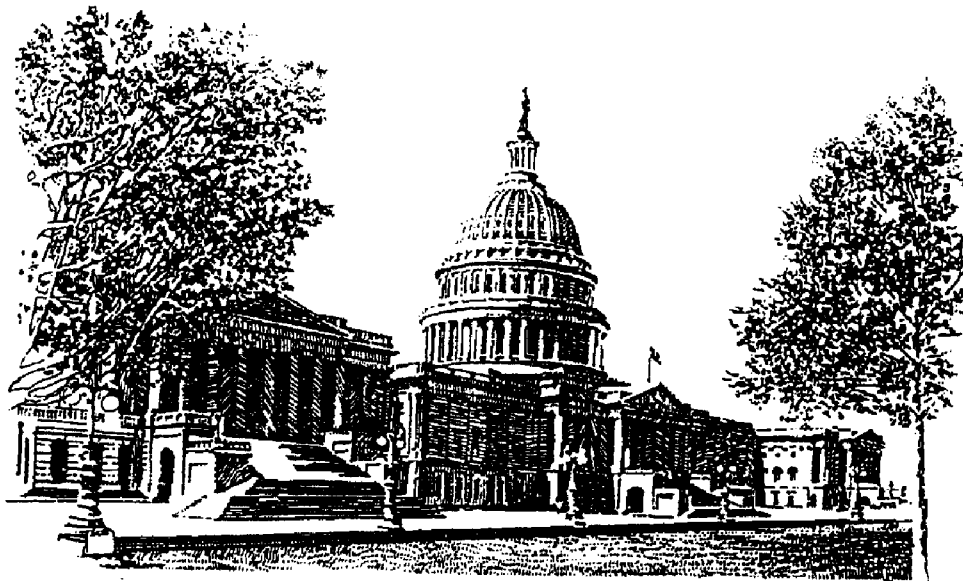
REFERENCE NO. 2

Volume 2
New Jersey - Wyoming,
American Samoa, Guam, Puerto Rico,
and Virgin Islands of the United States

Congressional District Atlas

103rd Congress of
the United States

Issued February 1993



U.S. Department of Commerce
Ronald H. Brown, Secretary
John Rollwagen, Deputy Secretary
Economics and Statistics Administration
Jeffrey Mayer, Acting Under Secretary
BUREAU OF THE CENSUS
Harry A. Scarr, Acting Director

Vol. 2

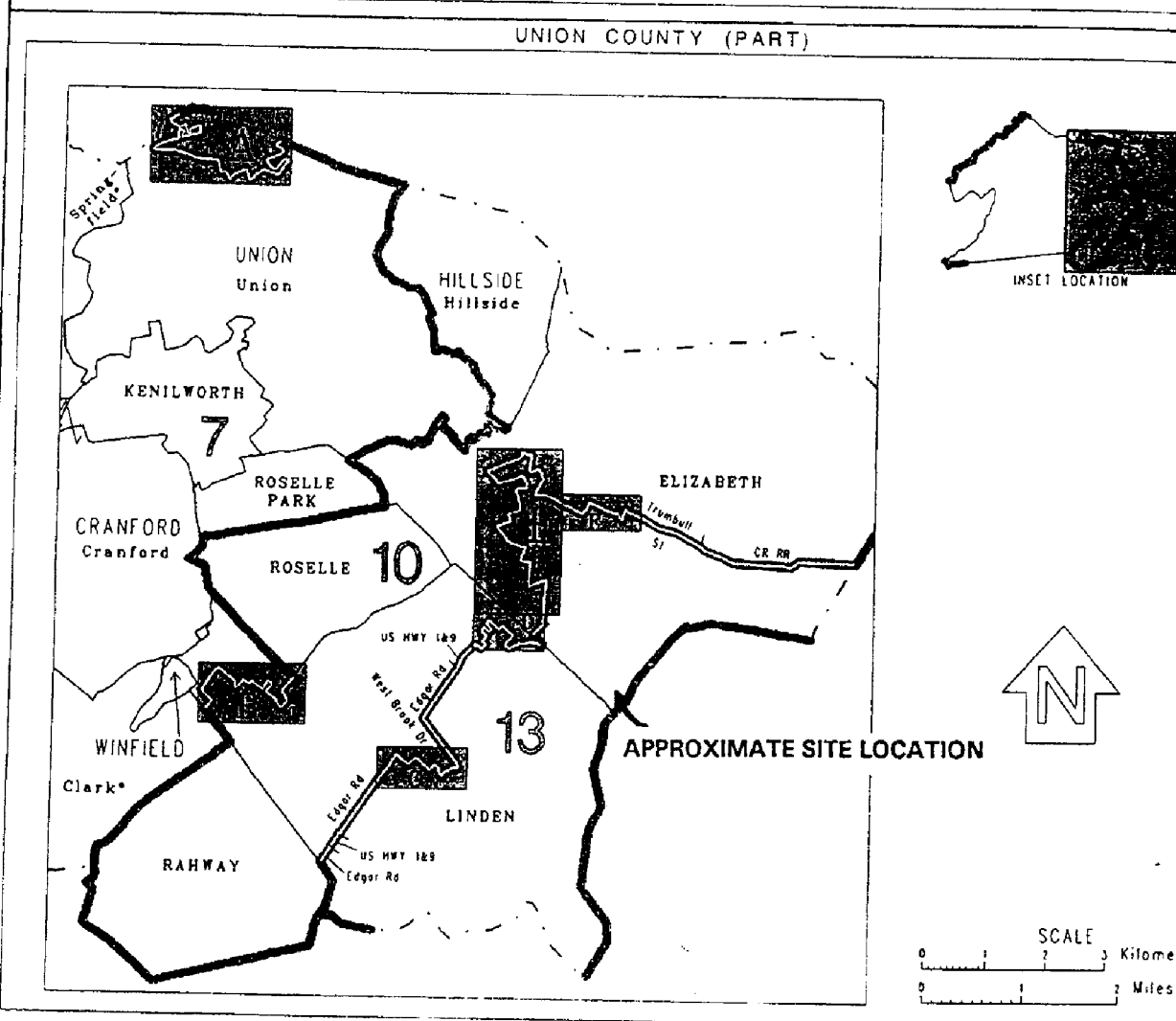
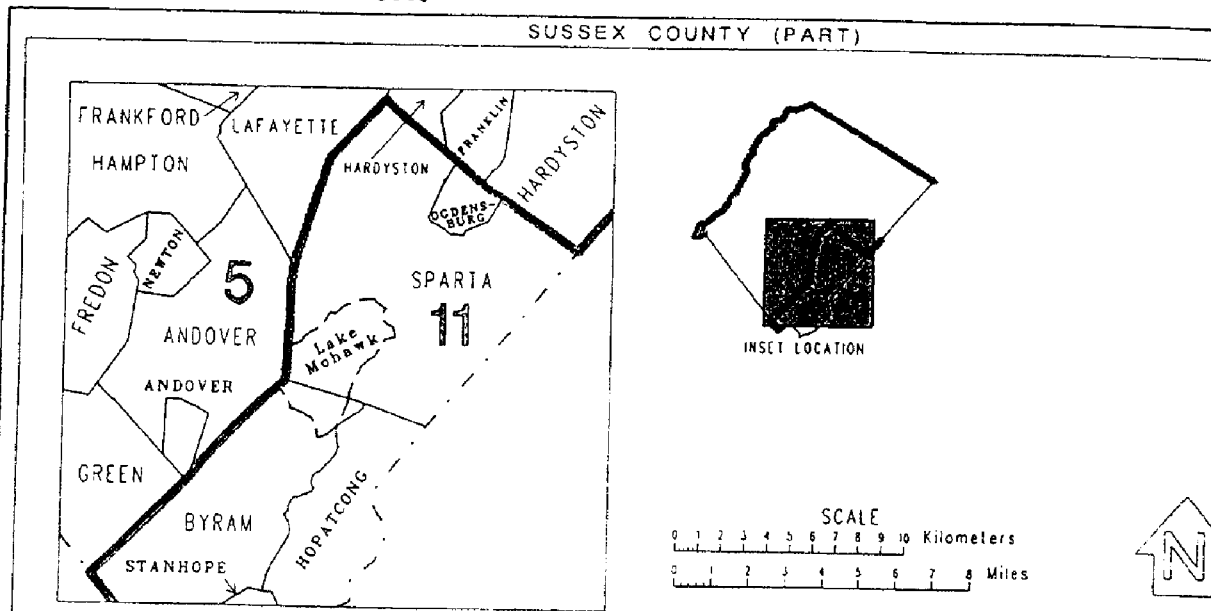
p. 1

TIERRA-B-011592

Table 1. Places

Place	County	Congressional district	Place	County	Congressional district
Absecon city	Atlantic	2	Dunellen borough	Middlesex	6
Allenby-Panther Valley CDP	Warren	5	East Brunswick CDP	Middlesex	12
Altendale borough	Bergen	5	East Freehold CDP	Monmouth	12
Altamont borough	Monmouth	6	East Hanover CDP	Morris	11
Allway CDP	Monmouth	4	East Newark CDP	Hudson	13
Alpha borough	Salem	2	East Orange borough	Essex	10
Alpine borough	Warren	5	East Rutherford borough	Bergen	9
Andover borough	Bergen	5	Edgewater borough	Monmouth	12
Annapolis CDP	Sussex	5	Edgewater Park CDP	Burlington	3
Asbury Park city	Hunterdon	12	Edison CDP	Middlesex	6,7
Atlantic City city	Atlantic	6	Egg Harbor City city	Atlantic	2
Atlantic Highlands borough	Monmouth	6	Elizabeth city	Union	10,12
Audubon borough	Camden	1	Elmer borough	Salem	2
Audubon Park borough	Camden	1	Elmwood Park borough	Bergen	9
Avalon borough	Camden	1	Elwood-Magnolia CDP	Bergen	2
Avenel CDP	Cape May	2	Emerson borough	Bergen	5
Avon-by-the-Sea borough	Middlesex	7	Englewood city	Bergen	9
Barnegat CDP	Monmouth	6	Englewood Gliffs borough	Bergen	9
Barnegat Light borough	Ocean	3	Englishtown borough	Monmouth	12
Bartington borough	Ocean	3	Erma CDP	Union	7
Bay Head borough	Camden	1	Estell Manor city	Cape May	2
Bayonne city	Ocean	4	Ewing CDP	Atlantic	2
Beach Haven borough	Ocean	10,13	Farfield CDP	Mercer	12
Beach Haven West CDP	Ocean	3	Far Haven borough	Monmouth	11
Beachwood borough	Ocean	3	Far Lawn borough	Bergen	12
Beaumont CDP	Ocean	7	Faxon CDP	Morris	5,8
Beckett CDP	Warren	5	Fairview borough	Bergen	9
Belleville CDP	Gloucester	1	Fairview CDP	Monmouth	8,12
Belmar borough	Essex	8	Farm Hills borough	Union	7
Belmont borough	Camden	1	Farmingdale borough	Somerset	12
Belmont CDP	Camden	1	Feldsboro borough	Monmouth	4
Berkeley Heights CDP	Union	7	Flemington borough	Burlington	12
Berlin borough	Camden	1	Florence-Roseling CDP	Hunterdon	4
Bernardsville borough	Camden	1	Florham Park borough	Burlington	4
Beverly city	Somerset	12	Folsom borough	Morris	11
Blackwood CDP	Warren	3	Fords CDP	Atlantic	2
Bloomfield CDP	Camden	1	Forked River CDP	Middlesex	7
Bloomington borough	Essex	6	Fort Dix CDP	Ocean	3
Bloomsbury borough	Passaic	11	Fort Lee borough	Burlington	3,4
Bogota borough	Hunterdon	12	Franklin borough	Bergen	9
Boonton town	Bergen	9	Franklin Lakes borough	Sussex	5
Bordentown city	Morris	11	Freehold borough	Bergen	5
Bound Brook borough	Burlington	5	Frenchtown borough	Monmouth	12
Bradley Beach borough	Monmouth	7	Garfield city	Hunterdon	12
Branchville borough	Monmouth	6	Garwood borough	Bergen	9
Braun Castle CDP	Sussex	6	Gibbstown borough	Union	7
Brick Township CDP	Warren	5	Gibbstown CDP	Camden	1
Brignton city	Ocean	1	Gifford Park CDP	Gloucester	1
Brielle borough	Cumberland	2	Glassboro borough	Ocean	3
Brielle CDP	Camden	1	Glendora CDP	Gloucester	2
Brighton city	Monmouth	4	Glen Gardner borough	Camden	1
Brooklawn borough	Atlantic	2	Glen Ridge CDP	Hunterdon	12
Brown Mills CDP	Burlington	1	Glen Rock borough	Essex	8
Budd Lake CDP	Morris	3	Glen Rock city	Bergen	5
Buena borough	Morris	11	Gloucester City city	Camden	1
Burlington city	Atlantic	2	Great Meadows-Vienna CDP	Warren	5
Butter borough	Burlington	2	Guttenberg town	Hudson	13
Calwell CDP	Morris	11	Hackensack city	Bergen	5
Calton borough	Essex	11	Hackettstown town	Warren	9
Camden city	Hunterdon	12	Haddonfield borough	Warren	5
Cape May city	Camden	1	Haddon Heights borough	Camden	3
Cape May Court House CDP	Cape May	2	Haddon Park borough	Passaic	6
Cape May Point borough	Cape May	2	Hamburg borough	Sussex	5
Cartersville CDP	Bergen	9	Hammonton town	Atlantic	2
Cartersville borough	Salem	2	Hampton borough	Hunterdon	12
Cedar Glen Lakes CDP	Middlesex	13	Hanover Township CDP	Morris	12
Cedar Glen West CDP	Ocean	2	Harrington Park borough	Bergen	11
Cedar Grove CDP	Ocean	4	Harrison town	Hudson	5
Chatham borough	Essex	8	Harvey Cedars borough	Ocean	13
Cherry Hill CDP	Hunterdon	11	Hastebrook Heights borough	Ocean	3
Chestnut borough	Camden	3	Haworth borough	Bergen	9
Chester borough	Camden	3	Hawthorne borough	Bergen	5
Cinnaminson CDP	Morris	1	Heathcote CDP	Passaic	5
Clark CDP	Burlington	11	Helmsville borough	Middlesex	12
Clayton borough	Union	3	High Bridge borough	Middlesex	12
Cleburne Park CDP	Gloucester	7	Highland Lake CDP	Hunterdon	12
Clementon borough	Middlesex	12	Highland Park borough	Sussex	5
Cliffside Park borough	Camden	1	Highlands borough	Middlesex	6
Cliffwood Beach CDP	Bergen	9	Hightstown borough	Monmouth	6
Clinton city	Mercer	4	Hillside borough	Bergen	4
Clinton town	Bergen	6	Hillside CDP	Bergen	5
Closter borough	Passaic	8	Hi-Nella borough	Union	10
Collings Lakes CDP	Hunterdon	12	Hoboken city	Camden	1
Collingswood borough	Bergen	5	Ho-Ho-Kus borough	Hudson	13
Colonie CDP	Atlantic	2	Holiday City-Berkeley CDP	Bergen	5
Concordia CDP	Camden	1	Holiday City-Dover CDP	Ocean	3
Corbin City city	Middlesex	7	Holiday City South CDP	Ocean	3
Country Lake Estates CDP	Middlesex	12	Holiday Heights CDP	Ocean	3
Cranford CDP	Burlington	2	Hopalong CDP	Sussex	11
Cranford Lakes CDP	Union	5	Hopewell borough	Mercer	12
Cranford town	Sussex	5	Interlaken borough	Monmouth	12
Creskill borough	Union	7	Irvington CDP	Essex	8,10
Creskill Village CDP	Bergen	5	Iselin CDP	Middlesex	7
Crestwood CDP	Ocean	4	Island Heights borough	Ocean	3
Dayton CDP	Middlesex	12	Jamesburg borough	Middlesex	3
Deerfield CDP	Monmouth	6	Jersey City city	Hudson	12
Delanco CDP	Burlington	3	Keansburg borough	Monmouth	9,10,13
Demarest borough	Bergen	5	Kearny town	Hudson	8
Dover town	Morris	11	Kendall Park CDP	Middlesex	12
Dumont borough	Bergen	5			

Congressional Districts - Insets



U.S. DEPARTMENT OF COMMERCE Economics and Statistics Administration Bureau of the Census
NEW JERSEY-22

CONGRESSIONAL DISTRICT

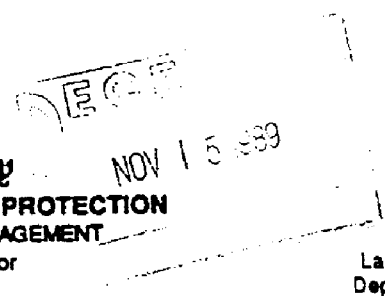
Ref. 2

P-3

REFERENCE NO. 3

Jeff
F. I. and F. I.
+ 1/1

020-04-07



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF HAZARDOUS WASTE MANAGEMENT

Michele M. Putnam
Deputy Director

John J. Trela, Ph.D., Director
401 East State St.
CN 028
Trenton, N.J. 08625-0028
(609)633-1408

Lance R. Miller
Deputy Director

Hazardous Waste Operations

Responsible Party Remedial Action

IN THE MATTER OF
THE BORNE CHEMICAL COMPANY SITE

:
:
:

ADMINISTRATIVE
CONSENT ORDER II

This Administrative Consent Order II is entered into pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (hereinafter "NJDEP" or the "Department") by N.J.S.A. 13:1D-1 et seq., the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., and the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq. and duly delegated to the Assistant Director for the Responsible Party Cleanup Element of the Division of Hazardous Waste Management pursuant to N.J.S.A. 13:1B-4.

FINDINGS

1. Borne Chemical Company (formerly Borne, Scrymser Corporation) (collectively "Borne") is located at 600-616 and 632-650 South Front Street, Elizabeth, Union County, New Jersey, Block 4, Lots 1468 and 1469, on the Tax Map of the City of Elizabeth (the "Borne Site" or the "site"). The site, which consists of approximately 6.2 acres, plus an easement, is bounded on the west by South Front Street, on the east by the Arthur Kill and on the north and south by other commercial/industrial facilities.

2. From 1917 until 1984, Borne (which was known as Borne, Scrymser Corporation until approximately 1966) conducted operations involving the blending and mixing of various petroleum hydrocarbons and additives into lubricants, the mixing of tanning and dye products, and the packaging and shipping of these and other chemical-based products and wastes, including hazardous substances. Borne also conducted operations involving the warehousing and storage of various chemical-based products and wastes, including hazardous substances. Borne conducted these operations at the site both for itself and for other parties.

3. Borne maintained various facilities and equipment for conducting the operations referred to in Paragraph 2 above, including: two manufacturing

buildings containing blending and mixing equipment and various storage tanks; a drum filling and storage building; a bulkhead for the unloading and loading of ships; a railroad siding for the unloading and loading of railroad cars; and large, elevated tanks used in conjunction with the mixing operations and for storage (the "elevated tanks" or the "tank farm").

4. On February 15, 1980, Borne filed a voluntary petition for bankruptcy (Chapter 11) in the United States Bankruptcy Court for the District of New Jersey, Case No. 80-00495. On October 10, 1986, the Court entered an Order authorizing the Trustee to abandon the site.

5. Analyses of surface soil samples obtained by the Department from several locations at the site reveal that various hazardous substances as defined by N.J.S.A. 58:10-23.11b(k) have been discharged onto the lands and into the surface water at the site. These analyses reveal the presence in the soil of, among others, the following hazardous substances: petroleum hydrocarbons in amounts up to 312,000 parts per million ("ppm"); total volatile organics (including benzene, ethylbenzene, toluene, and 1,2-trans-dichloroethylene) in amounts up to 1237 ppm; total base/neutral compounds (including benzo(a)anthracene, benzo(a)pyrene, bis (2-ethylhexyl) phthalate, fluoranthene, and phenanthrene) in amounts up to 10,443 ppm; chromium in amounts up to 340 ppm; lead in amounts up to 470 ppm; and zinc in amounts up to 1030 ppm.

6. Analyses of liquid and sludge samples taken by the Department from the elevated tanks and from storage vessels in the manufacturing and drum filling buildings reveal the presence of hazardous substances in such tanks and vessels. These hazardous substances include, among others, petroleum hydrocarbons contaminated with: polychlorinated biphenyls in amounts up to 200 ppm; chromium in amounts up to 59 ppm; lead in amounts up to 81 ppm; nickel in amounts up to 72 ppm; and zinc in amounts up to 40,500 ppm.

7. In addition to the above contamination, inspection of the site by representatives of the Department has revealed the presence of numerous drums of unknown materials at the site. Analyses of samples taken by the Department from such drums reveal the presence of hazardous substances, including volatile organic substances in amounts totalling up to 1910 ppm.

8. In February 1986 the Department, utilizing public funds, hired a consultant, Aguilar Associates & Consultants, Inc. of Morganville, New Jersey, to conduct a tank and vessel investigation to determine the nature and quantity of hazardous substances at the Borne site. Aguilar Associates thereafter submitted to the Department the findings of such investigation (hereinafter "Tank/Vessel Inspection Report") (the provisions of which are incorporated herein by reference), which indicated that at least 500,000 gallons of hazardous substances are currently at the Borne site.

9. The hazardous substances contained in the elevated tanks, storage tanks and vessels, drums, and all other containers at the site, are not satisfactorily stored or contained and are or may be discharging onto the lands and into the ground and surface waters at the site.

10. The Borne site is inadequately secured against unauthorized entry by members of the public. The site, which is in close proximity to a residential area, has the potential for unauthorized access from all sides, including the Arthur Kill and South Front Street.

11. As long as the site remains inadequately secured, the potential exists for members of the public to come into direct contact with the various hazardous substances referenced above.

12. Because of the volume and nature of the hazardous substances at the site, the inadequate and unsatisfactory storage of such hazardous substances, and the potential for unauthorized access by members of the public, there exists the potential for fire and/or explosion to occur, and the potential for imminent and severe damage to the public health and safety and the environment.

13. Based upon all of the above, the Department has determined that in order to prevent unauthorized access to the site and to protect the public health and safety and the environment, it is necessary to remove from the site, and dispose of properly, all hazardous substances at the site, and to take necessary and appropriate measures to prevent unauthorized access to the site.

14. The hazardous substances referred to above have been, and continue to be, discharged onto the lands and into the surface waters of the State, or such hazardous substances are not satisfactorily stored or contained and if discharged could create a substantial risk of imminent damage to the public health and safety or imminent and severe damage to the environment, in violation of Section 4 of the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11c.

15. The hazardous substances referred to above are also pollutants pursuant to the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and the regulations promulgated pursuant thereto, specifically N.J.A.C. 7:14A-1.9, and have been discharged in violation of the Water Pollution Control Act.

16. As the result of investigations conducted by the Department, it identified parties which it believed to be responsible for the discharge or the potential discharge of hazardous substances at the Borne site.

17. By Directive dated July 7, 1987 (the provisions of which, for purposes of this Administrative Consent Order II only, are incorporated herein by reference), the Department directed A. Margolis & Sons Corporation; AT&T-Bell Laboratories; Baron Chemicals, Inc.; Basic Inc.; BP North America Trading, Inc.; Buckeye Pipe Line Company; Chemsol, Inc.; Chesebrough-Pond's Inc.; Coastal Oil Company; Combustion Engineering, Inc.; Edward R. Hess Company; Elf Marine (London) International Service; Exxon Corporation; Food Haulers, Inc.; Getty Oil Company; Keyline Research & Development; Lehan Sales Company; Marisol, Inc.; Peabody Clean Industry, Inc. of Massachusetts; Peabody International Corporation; Phelps-Dodge Copper Products Company; Public Service Electric and Gas Company; Swan Michigan Oil Company; Texaco Inc.; The

Ocean Oil Company Limited; The Rolfite Company; United States Oil Corporation; and Wakefern Food Corporation to, inter alia, provide adequate security against the unauthorized entry to the site, and to remove and properly dispose of the hazardous substances stored at the Borne site. The date for compliance with the terms of this Directive was August 20, 1987.

18. By Administrative Consent Order dated October 5, 1987 (the provisions of which are incorporated herein by reference), AT&T-Bell Laboratories; Basic Inc.; BP North America Trading, Inc.; Buckeye Pipe Line Company; Chesebrough-Pond's Inc.; Coastal Oil Company; Elf Marine (London) International Service; Exxon Corporation; Food Haulers, Inc.; Getty Oil Company; Marisol, Inc.; Peabody International Corporation, on its own behalf and for the benefit of Peabody Clean Industry, Inc. of Massachusetts; Phelps Dodge Copper Products Company; Public Service Electric and Gas Company; Texaco Inc.; The Ocean Oil Company Limited; and Wakefern Food Corporation (hereinafter "Signatories to the October 5, 1987 Administrative Consent Order") agreed to provide security against the unauthorized entry to the site. To date, the Signatories to the October 5, 1987 Administrative Consent Order have not completed their obligations pursuant to that document.

19. Pursuant to the terms and conditions of the October 5, 1987 Administrative Consent Order, the Signatories to the October 5, 1987 Administrative Consent Order have submitted to and received approval from the Department of a Site Security Work Plan (the provisions of which are incorporated herein by reference). To date, the Site Security Work Plan has not been fully implemented.

20. By Supplemental Directive dated October 6, 1987 (the provisions of which, for purposes of this Administrative Consent Order only, are incorporated herein by reference), the Department directed Borne Chemical Company to, inter alia, provide adequate security against the unauthorized entry to the site, and to remove and properly dispose of the hazardous substances stored at the Borne site.

21. In April 1988, the Signatories to the October 5, 1987 Administrative Consent Order ceased funding the security guard at the Borne site. The Department, using public funds, hired a security guard to provide twenty-four (24) hour security at the Borne site to prevent unauthorized entry to the site. To date, the Department is still using public funds to pay the necessary costs of providing the security guard.

22. By Second Supplemental Directive dated March 29, 1989 (the provisions of which, for purposes of this Administrative Consent Order only, are incorporated herein by reference), the Department directed AGIP USA, Inc.; BP North America Trading, Inc.; C.F. Braun Company; Chevron USA Inc.; Consolidated Rail Corporation; E.I. du Pont de Nemours & Company, Inc.; Exxon Corporation; F.M.C. Corporation; Marine Pollution Control, Inc.; Metropolitan Petroleum Petrochemicals Company, Inc.; Mobil Oil Corporation; National Lead Industries; Orange and Rockland Utilities; Peabody Clean Industry, Inc. of Massachusetts; Peabody International Corporation; Pennsylvania Petroleum Products Company; Shannon Oil & Chemicals; Thomas & Betts Company; and Witco

Chemical Company to, inter alia, provide adequate security against the unauthorized entry to the site, and to remove and properly dispose of the hazardous substances stored at the Borne site.

23. On July 24, 1989, the Department issued a proposed Administrative Consent Order II to those parties served with the July 7, 1987 Directive referenced in Paragraph 17 above and/or the March 29, 1989 Second Supplemental Directive referenced in Paragraph 22 above. After receipt of such proposed Administrative Consent Order II, some of the recipients elected to enter into this Administrative Consent Order II ("ACO II"). The signatories to this ACO II (hereinafter the "Signatories") shall be deemed to be those persons who execute this ACO II by September 1, 1989, unless the Department, in the exercise of its sole, unreviewable, discretion, extends such deadline.

24. To resolve this matter without the necessity for litigation, Signatories, without admitting any of the findings set forth above, except those set forth in Paragraph 23 above, have agreed to enter into this Administrative Consent Order II to provide adequate security against the unauthorized entry to the site, and to remove and properly dispose of the hazardous substances stored at the Borne site.

ORDER

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

I. Immediate Remedial Measures

A. Site Security

25. Signatories shall, within twenty-one (21) calendar days after the effective date of this ACO II, provide twenty four (24) hour security guard services at the Site. Signatories shall, upon receipt from the Department of a written summary, reimburse the Department for all costs associated with the security guard service currently provided by the Department, from the effective date of this ACO II until the date that Signatories begin providing such security guard service. Signatories shall coincide the initiation of their security guard services with the termination of the security guard service presently being provided by the Department.

26. Signatories shall within fourteen (14) calendar days after the effective date of this ACO II, commence the work necessary to complete the remaining obligations under the October 5, 1987 ACO. Signatories shall complete such work within sixty (60) calendar days after the effective date of this ACO II. This Paragraph shall not apply to any work necessary to complete the obligation to restore the berm (hereinafter "the berm obligation"). The necessity for completion of the berm obligation will be reevaluated by Signatories in the Removal and Disposal work plan referred to in Paragraph 28, below.

27. Signatories shall continue to maintain all site security including, but not limited to, the improvements made at the site pursuant to the Site

Security Work Plan and the provision of the twenty-four (24) hour security guard service, until the termination of this Administrative Consent Order II pursuant to Paragraph 78, below, unless otherwise directed by the Department.

B. Removal and Disposal

28. Within forty five (45) calendar days after the effective date of this Administrative Consent Order, Signatories shall submit to the Department a detailed draft Removal and Disposal Work Plan, including an implementation schedule, to provide adequate protection against the risk of fire and/or explosion at the site, and to eliminate the risk of imminent damage to the public health and safety or imminent and severe damage to the environment; provided, however that nothing herein shall be deemed to require the Signatories to perform any investigation, remediation, removal, disposal or treatment of groundwater or soils, except insofar as such soils pose a fire and/or explosion hazard.

29. The Removal and Disposal Work Plan shall include, but not be limited to, provision for, at a minimum, analyzing, classifying, removing and properly disposing of the hazardous substances contained in all above grade and below grade piping, indoor and outdoor tanks (above and below grade), impoundments, barrels, drums, pails, bottles and any other containers at the site; and for analyzing, classifying, removing and properly disposing of all contaminated debris, containers and all other hazardous materials at the site (excluding contaminated groundwater and soils, except insofar as such soils pose a fire and/or explosion hazard) ("the removal and disposal work"); provided, however that nothing herein shall be deemed to require Signatories to dismantle and dispose of tanks or demolish buildings unless the Department determines that such dismantling or demolition is necessary to effect the removal of hazardous substances at the site. All said work shall be done in accordance with the provisions of the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq.

30. Within thirty (30) calendar days after receipt of the Department's written comments on the draft Removal and Disposal Work Plan, Signatories shall modify the draft Removal and Disposal Work Plan to conform to the Department's comments and shall submit the modified Removal and Disposal Work Plan to the Department. The determination as to whether or not the modified Removal and Disposal Work Plan, as resubmitted, conforms to the Department's comments and is otherwise acceptable shall be made solely by the Department.

31. Upon receipt of the Department's written final approval of the Removal and Disposal Work Plan, Signatories shall implement the approved Removal and Disposal Work Plan in accordance with the approved schedule therein.

32. If at any time prior to Signatories' receipt of written notice from the Department pursuant to Paragraph 78 below, the Department determines that additional investigation or action is required to protect human health or the environment, Signatories shall conduct such additional activities as directed by the Department and in accordance with this Administrative Consent Order II, subject to the limitations set forth in Paragraphs 27, 28 and 29 above.

33. Any additional work determined to be necessary by Signatories shall be subject to the approval of the Department.

C. Progress Reports

34. Signatories shall submit to the Department monthly progress reports, due on the first (1st) calendar day of each month, beginning on October 1, 1989. Each progress report shall detail the status of Signatories' compliance with this Administrative Consent Order and shall include the following:

- a. Identification of the site and reference to this Administrative Consent Order II;
- b. Identification of specific requirements of this Administrative Consent Order II and the Removal and Disposal Work Plan (including the corresponding paragraph number or schedule) which were initiated during the reporting period;
- c. Identification of specific requirements of this Administrative Consent Order II and the Removal and Disposal Work Plan (including the corresponding paragraph number or schedule) which were initiated in a previous reporting period, which are still in progress and which will continue to be carried out during the next reporting period;
- d. Identification of specific requirements of this Administrative Consent Order II and the Removal and Disposal Work Plan (including the corresponding paragraph number or schedule) completed during this reporting period;
- e. Identification of specific requirements of this Administrative Consent Order II and the Removal and Disposal Work Plan (including the corresponding paragraph numbers or schedule) which should have been completed during the reporting period and were not;
- f. An explanation of any non-compliance with this Administrative Consent Order II and the Removal and Disposal Work Plan or schedules; and actions taken or to be taken to rectify non-compliance; and
- g. Identification of the specific requirements of this Administrative Consent Order II and the Removal and Disposal Work Plan (including the corresponding paragraph number or schedule) that will be initiated during the upcoming reporting period.

II. Permits

35. This Administrative Consent Order II shall not be construed to be a permit or in lieu of a permit for future activities which require permits and it shall not relieve Signatories from obtaining and complying with all applicable Federal, State and local permits necessary for any future

activities which Signatories must perform in order to carry out the obligations of this Administrative Consent Order.

36. Signatories shall submit complete applications for all Federal, State and local permits required to carry out the obligations of this Administrative Consent Order in accordance with the approved time schedules.

37. Within thirty (30) calendar days of receipt of written comments concerning any permit application to a Federal, State or local agency, or sooner if required by the permitting agency, Signatories shall complete the permit application to conform to the agency's comments and resubmit the permit application to the agency. The determination as to whether or not the permit application, as resubmitted, is complete in accordance with the agency's comments or is otherwise acceptable to the agency shall be made solely by the agency in writing.

38. This Administrative Consent Order II shall not preclude the Department from requiring that Signatories apply for any permit or permit modification issued by the Department under the authority of the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., and/or any other statute for the matters covered herein. The terms and conditions of any such permit or permit modification shall not be preempted by the terms and conditions of this Administrative Consent Order even if the terms and conditions of any such permit or permit modification are more stringent than the terms and conditions of this Administrative Consent Order II. To the extent that the terms and conditions of any such permit or permit modification are substantially equivalent to the terms and conditions of this Administrative Consent Order II, Signatories waive any rights they may have to a hearing on such terms and conditions during any such permit process.

III. Project Coordination

39. Signatories shall submit to the Department all documents required by this Administrative Consent Order II, including correspondence relating to force majeure issues, by certified mail, return receipt requested or by hand delivery with an acknowledgement of receipt form for the Department's signature. The date that the Department executes the receipt of acknowledgement will be the date the Department uses to determine compliance with the requirements of this Administrative Consent Order II and the applicability of stipulated penalties and any other remedies available to the Department.

40. Within seven (7) calendar days after the effective date of this Administrative Consent Order II, Signatories shall submit to the Department the name and address of the Department's contact with Signatories for all matters concerning this Administrative Consent Order II. Signatories shall contact the individual identified in the following paragraph for all matters concerning this Administrative Consent Order II.

41. Unless otherwise directed by the Department, Signatories shall submit four (4) copies of all documents required by this Administrative Consent Order to:

David Sweeney, Section Chief
Bureau of State Case Management
Division of Hazardous Waste Management
New Jersey Department of Environmental Protection
401 East State Street
CN 028
Trenton, New Jersey 08625

42. Signatories shall notify, in writing, the contact person listed above, a minimum of two (2) weeks prior to the initiation of all field activities, unless otherwise approved by the Department.

IV. Financial Requirements

43. Within fourteen (14) calendar days after entry of this Administrative Consent Order II Signatories shall present to the Department a signed Borne Chemical Site Trust Agreement (the "Trust Agreement") establishing the Borne Chemical Site Trust Fund (the "Trust Fund") in the form of Exhibit A hereto. The Trust Agreement shall be construed to confer upon the Trustees all powers and authority necessary to fulfill the obligations of this Administrative Consent Order II. The Trust Fund Agreement shall provide that, in the event the Signatories fail in their obligations under this Administrative Consent Order II, the Department may require the Trustees to direct the withdrawal of monies from the Trust Fund and pay monies to the Department to allow the Department to perform the work required by this ACO II; provided however, that before the Department directs such withdrawal, the Department shall notify Signatories in writing of the obligation(s) which they have not performed, and Signatories shall have a reasonable period of time, not to exceed thirty (30) calendar days, unless approved in writing by the Department, to perform such obligations.

44. Within thirty (30) calendar days after entry of this Administrative Consent Order II, each of the Signatories shall execute an authorization form consenting to the terms of the Trust Agreement and together shall pay to the Trust Fund a total amount of not less than \$4 million. Such payment by each of the Signatories is not a fine, penalty or monetary sanction. The Trust Fund Agreement shall instruct the Trustees to use the funds in the Trust Fund: (1) to pay the contractor(s) selected by the Signatories, for the work described in the Removal and Disposal Work Plan; and (2) to pay any other proper expenses pursuant to this Administrative Consent Order II and the Trust Agreement.

45. Any Signatory who signs this Administrative Consent Order II but then fails to make its initial contribution or any additional contribution to the Trust Fund shall be liable in contract to the remaining Signatories for the amount of such contributions.

46. At any time, Signatories may apply to the Department to substitute other financial assurances in a form, manner and amount acceptable to the Department.

47. Signatories agree that for the purposes of complying with the financial assurance requirements of this Administrative Consent Order II, Signatories shall select trustee(s) who shall agree in writing to be subject to the jurisdiction of New Jersey Courts for all claims made by the Department against the financial assurance.

B. Cost Review

48. Within ten (10) calendar days after Signatories' selection of the prime contractor for the removal and disposal work, and semi-annually thereafter on that same calendar day, Signatories shall submit to the Department a detailed review of all costs required for Signatories' compliance with this Administrative Consent Order II. This cost review shall include a detailed summary of all monies spent to date pursuant to this Administrative Consent Order II, the estimated cost of all future expenditures required to comply with this Administrative Consent Order II (including any operation and maintenance costs), and the reason for any changes from the previous cost review submitted by Signatories.

49. The Signatories shall report monthly to the Department the remainder of funds available in the Trust Fund, the amounts of valid outstanding invoices relating to compliance with this Administrative Consent Order II, the amounts of any other proper expenses currently outstanding, the estimates for the amounts needed to fund completion of the removal and disposal work, and the estimated costs of meeting any other proper obligations of the Signatories under this Administrative Consent Order II. Should the Trustees, based on this report, determine that the amount remaining in the Trust Fund, after taking into account the future accrual of interest, will be insufficient to perform the work required by this ACO II, the Trustees shall determine the amount of monies needed to cover this anticipated shortfall and shall issue an appropriate notice by certified mail to all Signatories specifying the overall additional amount necessary. The additional amount shall be paid by the Signatories to the Trust Fund within forty-five (45) calendar days of the issuance of the request for the additional amount.

50. Notwithstanding the provisions of Paragraph 49 above, should the Department determine that the estimated costs of meeting the Signatories' obligations under this Administrative Consent Order II at any time increase to an amount greater than the balance of the Trust Fund, after taking into account the future accrual of interest, and where the Trustees have not already taken action pursuant to Paragraph 49 above to raise the necessary monies, the Department may require the Trustees to issue within fourteen (14) calendar days the appropriate notice by certified mail to all Signatories specifying the overall additional amount needed. The additional amount shall be paid by the Signatories to the Trust Fund within forty-five (45) calendar days of the issuance of the request for the additional amount.

51. Any Signatory who fails to make its initial contribution to the Trust Fund or who does not meet a request from the Trustees for an additional contribution, within the time set forth above, shall be subject to the following provisions:

a. With respect to the rights of the Department against such a party, this ACO II shall remain in full force and effect;

b. With respect to the rights between the other Signatories and such a party, such a party shall be deemed a Non-settling Party and shall have no further benefit of any provisions of this Administrative Consent Order II. However, such party shall continue to be subject to contract claims by the other Signatories pursuant to Paragraph 45 above and such party shall be bound by Paragraph 87 below. Notwithstanding Paragraph 87 below, such party shall be subject to any and all claims, including claims for contribution and indemnity under any state or federal statute or common law, as if such party were a Non-Signatory ab initio, receiving only a credit for any amount paid.

C. Cost Reimbursement

52. Within thirty (30) calendar days after receipt from the Department of a written summary of all costs, including personnel expenses, direct and indirect expenses and out-of-pocket expenses incurred in connection with the Borne Chemical Company site for a fiscal year, or any part thereof, Signatories shall submit to the Department a certified check payable to the "Treasurer, State of New Jersey" for the full amount of the Department's oversight costs. Payments shall be submitted to the Department contact as set forth in Paragraph 41 above.

D. Stipulated Penalties

53. Upon a demand made by the Department, Signatories shall pay stipulated penalties to the Department for their failure to comply with any of the deadlines or schedules required by this Administrative Consent Order II including those established and approved by the Department in writing pursuant to this Administrative Consent Order II. Each deadline or schedule not complied with shall be considered a separate violation. Payment of stipulated penalties shall be made according to the following schedule, unless the Department has modified the compliance date pursuant to the force majeure provisions hereinbelow:

<u>Calendar Days After Due Date</u>	<u>Stipulated Penalties</u>
1 - 7	\$2,000 per calendar day
8 - 14	5,000 per calendar day
15 - 21	10,000 per calendar day
22 - 28	15,000 per calendar day
29 - over	20,000 per calendar day

54. Any such penalty shall be due and payable thirty (30) calendar days following receipt of a written demand by the Department. Payment of such

stipulated penalties shall be made by cashier's or certified check payable to the "Treasurer, State of New Jersey".

55. Any payments made by Signatories pursuant to Section IV (D) of this ACO II shall be considered civil and/or civil administrative penalties.

56. Signatories' failure to pay stipulated penalties pursuant to a written demand issued by the Department in accordance with Paragraph 53 above shall constitute a violation of this Administrative Consent Order II.

57. The payment of stipulated penalties does not alter Signatories' responsibility to complete any requirement of this Administrative Consent Order II.

V. Force Majeure

58. If any event occurs which Signatories believe or should reasonably believe under the circumstances may cause delay in the compliance or non-compliance of any provision of this Administrative Consent Order II, Signatories 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 or causes of the delay, any measures taken to minimize the delay, and the time required to take any measures to minimize the delay. Signatories shall take all actions that are reasonably necessary under the circumstances to prevent or minimize any such delay.

59. If the Department finds that: (a) Signatories have complied with the notice requirements of the preceding paragraph, (b) that any delay or anticipated delay has been or will be caused by fire, flood, riot, strike or other circumstances beyond the control of Signatories, and (c) Signatories have taken all actions, that are reasonably necessary under the circumstances, to prevent or minimize any such delay, the Department shall extend the time for performance hereunder for a period of no longer than the delay resulting from such circumstances. If the Department determines that either (i) Signatories have not complied with the notice requirements of the preceding paragraph, (ii) the event causing the delay is not beyond the control of Signatories, or (iii) Signatories have not taken all actions, that are reasonably necessary under the circumstances, to prevent or minimize any such delay, failure to comply with the provisions of this Administrative Consent Order shall constitute a breach of the requirements of this Administrative Consent Order. The burden of proving that any delay is caused by circumstances beyond the control of Signatories and the length of any such delay attributable to those circumstances shall rest with Signatories. Increases in the costs or expense incurred by Signatories in fulfilling the requirements of this Administrative Consent Order shall not constitute a force majeure. Delay in an interim requirement shall not automatically justify or excuse delay in the attainment of subsequent requirements. Force Majeure shall not include nonattainment of the goals, standards, guidelines and requirements set forth in the appendices attached hereto or otherwise applicable to the Site. Force Majeure shall not include contractor's breach,

unless such breach falls within the requirements of (a), (b) and (c) of this paragraph.

VI. Reservation of Rights

60. The Department reserves the right to unilaterally terminate this ACO II in the event Signatories violate the terms of this ACO II; provided, however, that before the Department terminates this ACO II pursuant to this paragraph, the Department shall notify the Signatories' contact in writing of the obligations which Signatories have not performed and Signatories shall have a reasonable period of time, not to exceed thirty (30) calendar days, unless approved in writing by the Department, to perform such obligations.

61. Nothing in this ACO II, including the Signatories payment of stipulated penalties, shall preclude the Department from seeking civil and/or civil administrative penalties against Signatories. Signatories reserve whatever rights and defenses they may have, if any, in the event the Department seeks such penalties.

62. This ACO II shall not be construed to affect or waive the claims of federal or State natural resource trustees against any party for damages for injury to, destruction of, or loss of natural resources.

63. The Department reserves the right to require Signatories to take, or arrange for the taking of, any and all additional actions should the Department determine that such actions are necessary to protect human health or the environment. Nothing in this Administrative Consent Order II shall constitute a waiver of any statutory or common law right of the Department to require Signatories to undertake such additional actions should the Department determine that such actions are necessary. Signatories reserve whatever rights they may have, if any, to assert any and all defenses and counterclaims in the event that the Department requires additional actions pursuant to this paragraph. Any additional actions that the Department requires pursuant to this paragraph shall be considered beyond the scope of this Administrative Consent Order II.

64. Nothing in this Administrative Consent Order II, including Signatories' payment of stipulated penalties, shall preclude the Department from seeking any legal or equitable relief against Signatories for violations of this Administrative Consent Order II. In any action brought by the Department under this Administrative Consent Order II, Signatories may raise, inter alia, a defense that Signatories failed to comply with a decision of the Department, made pursuant to this Administrative Consent Order II, on the basis that the Department's decision was arbitrary, capricious or unreasonable. If Signatories are successful in establishing such a defense, Signatories shall not be liable for stipulated penalties for failure to comply with that particular Department decision. Although Signatories may raise such defenses in any action initiated by the Department for injunctive relief or stipulated penalties, Signatories shall not seek pre-enforcement review of any decision made or to be made by the Department pursuant to this Administrative Consent Order II.

VII. General Provisions

65. This Administrative Consent Order II shall be binding, jointly and severally, on each Signatory, their respective principals, agents, successors, assignees and any trustee in bankruptcy or receiver appointed pursuant to a proceeding in law or equity.

66. Signatories shall perform all work conducted pursuant to this Administrative Consent Order II in accordance with prevailing professional standards.

67. In accordance with N.J.S.A. 45:8-45, all plans or specifications involving professional engineering, submitted pursuant to this Administrative Consent Order II, shall be submitted affixed with the seal of a professional engineer licensed pursuant to the provisions of N.J.S.A. 45:8-1 et seq.

68. Signatories shall conform all actions pursuant to this Administrative Consent Order II with all applicable Federal, State, and local laws and regulations. Signatories shall be responsible for obtaining all necessary permits, licenses and other authorizations, except that the Department acknowledges that by the terms of this ACO II and the directives and Administrative Consent Order referenced in Paragraphs 17, 18, 20 and 22, above, it has directed the entry of guards, contractors and consultants of Signatories for purposes of complying therewith.

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

70. Each field activity to be conducted pursuant to this Administrative Consent Order II shall be coordinated by an on-site professional(s) with experience relative to the particular activity being conducted at the site each day, for example, experience in the area of hydrogeology, geology, environmental controls, risk analysis, health and safety or soils.

71. Upon the receipt of a written request from the Department, Signatories shall submit to the Department all data and non-privileged information concerning pollution at and/or emanating from the site, or which has emanated from the site, including raw sampling and monitor data, whether or not such data and information were developed pursuant to this Administrative Consent Order II.

72. Signatories shall make available to the Department all technical records and contractual documents maintained or created by Signatories or their contractors in connection with this Administrative Consent Order II. Signatories hereby reserve whatever rights they may have, if any, to assert a privilege regarding such records and/or documents.

73. Signatories shall preserve, during the pendency of this Administrative Consent Order II and for a minimum of six (6) years after its termination, all data, records and documents in their possession or in the possession of their divisions, employees, agents, accountants, contractors, or attorneys which relate in any way to the implementation of work under this Administrative Consent Order II, despite any document retention policy to the contrary. After this six year period, Signatories shall notify the Department within thirty (30) days prior to the destruction of any such documents. If the Department requests in writing that some or all of the documents be preserved for a longer time period, Signatories shall comply with that request. Upon request by the Department, Signatories shall make available to the Department such records or copies of any such records.

74. Obligations and penalties of this Administrative Consent Order II are imposed pursuant to the police powers of the State of New Jersey and are intended to protect human health or the environment and are not intended to constitute debt or debts which may be limited or discharged in a bankruptcy proceeding.

75. In addition to the Department's statutory and regulatory rights to enter and inspect, Signatories shall not preclude the Department and its authorized representatives from having access to the site at all times for the purpose of monitoring Signatories' compliance with this Administrative Consent Order II and/or to perform any remedial activities Signatories fail to perform as required by this Administrative Consent Order II. This ACO II does not grant to the Signatories any rights of ownership or operation of facilities at the Site. The Department agrees that it will not contend that any actions taken by Signatories in satisfaction of the requirements of this ACO II shall cause Signatories to be deemed operators of the site, Provided, however, that this shall not affect Signatories' obligation to comply with the provisions of the Solid Waste Management Act.

76. In the event that the Department determines that a public meeting concerning the cleanup of the site is necessary at any time, Signatories shall ensure that the Signatories' appropriate representative(s) is prepared, available, and participates in such a meeting upon notification from the Department of the date, time and place of such meeting.

77. Signatories shall provide a copy of this Administrative Consent Order II to each contractor and subcontractor retained to perform the work required by this Administrative Consent Order II and shall condition all contracts and subcontracts entered for the performance of such work upon compliance with the terms and conditions of this Administrative Consent Order II. Signatories shall be responsible to the Department for ensuring that their contractors and subcontractors perform the work herein in accordance with this Administrative Consent Order II.

78. The Signatories may cease the obligations imposed pursuant to Paragraph 25, 26, and 27 above upon receipt by Signatories of written notice from the Department that Signatories have demonstrated, to the satisfaction of

the Department, that the removal and disposal obligations imposed by this ACO II have been completed by Signatories. Any remaining requirements of this Administrative Consent Order II shall be deemed satisfied upon the receipt by Signatories of written notice from the Department that Signatories have demonstrated, to the satisfaction of the Department, that the obligations imposed by this Administrative Consent Order II have been completed by Signatories.

79. Except as specifically set forth in this Administrative Consent Order II, the Department reserves the right to seek damages, including treble damages, and reimbursement for costs and expenses incurred by the Department to date in connection with the Borne Site, from all parties named in the directives referenced in Paragraphs 17, 20, and 22 above, including Signatories and any person in any way responsible for the discharge and/or potential discharge of hazardous substances at the Site; provided, however, that no Signatory shall be liable for treble damages with respect to costs incurred by the Department prior to such Signatory's first receipt of a directive naming such Signatory.

80. Signatories shall not construe any informal advice, guidance, suggestions, or comments by the Department, or by persons acting on behalf of the Department, as relieving Signatories of their obligation 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 Signatories.

81. No modification or waiver of this Administrative Consent Order shall be valid except by written amendment to this Administrative Consent Order duly executed by Signatories and the Department.

82. Signatories shall provide to the Department written notice of a dissolution of their corporate or partnership identity or liquidation of their assets at least thirty (30) calendar days prior to such dissolution or liquidation. Signatories shall also provide written notice to the Department of a filing of a petition for bankruptcy no later than the first business day after such filing. Upon receipt of notice of dissolution of corporate or partnership identity, or liquidation of assets, the Department may require that Signatories obtain and submit to the Department additional financial assurance. Signatories shall obtain such additional financial assurance within fourteen (14) calendar days of the Department's written request.

83. Signatories hereby consent to and agree to comply with this Administrative Consent Order II 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 N.J.S.A. 13:1D-1 et seq., the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. and/or the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq.

84. When this Administrative Consent Order II becomes effective, Signatories waive any and all rights to an administrative hearing concerning the entry of this Administrative Consent Order II.

85. Signatories agree not to contest the authority or jurisdiction of the Department to issue this Administrative Consent Order II. Signatories further agree not to contest the terms or conditions of this Administrative Consent Order II, except as to interpretation and application of such terms and conditions in any action brought by the Department to enforce the provisions of this Administrative Consent Order.

86. Signatories shall give written notice of this Administrative Consent Order to any successor in interest prior to transfer of such interest, and shall simultaneously verify to the Department that such notice has been given.

87. All Signatories hereby agree that (other than with respect to rights created hereunder) they will not assert and claims of any kind, including claims for contribution and/or indemnity, under any state or federal statute, including but not limited to 42 U.S.C. 9601 et seq. (CERCLA), or any common law cause of action for the cost of any work covered by this Administrative Consent Order II, and/or any monies paid pursuant to this ACO II, against any other Signatory, its parents, subsidiaries or affiliates. It is further understood and agreed that this Administrative Consent Order II shall in no way be construed to affect or waive claims that the Signatories may have against any Non-settling Parties (including Signatories who later become Non-settling Parties), including claims for contribution and indemnity, whether under state or federal statute or under common law.

88. Neither the entering into, nor anything contained in this Administrative Consent Order II shall be deemed an admission of any issue of law or fact or of any liability on the part of any of the Signatories, other than their obligations to comply with this ACO II.

89. Signatories shall submit to the Department, along with the executed original Administrative Consent Order II, the appropriate documentary evidence (such as a corporate resolution) that the respective signatory for each of the Signatories has the authority to bind such Signatory to the terms of this Administrative Consent Order II.

90. This Administrative Consent Order II may be executed in any number of counterparts and by different parties hereto in separate counterparts, each of which when so executed and delivered shall be deemed to be an original and all of which counterparts of this Administrative Consent Order II taken together shall constitute but one and the same instrument, and shall take effect upon the execution by the Department.

In The Matter of Borne Chemical Company Site
Administrative Consent Order II

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DATE: 9-28-89

BY: *Ronald T. Corcory*
Ronald T. Corcory
Assistant Director for the Responsible
Party Cleanup Element
Division of Hazardous Waste Management

DATE _____

By: _____

NAME _____

TITLE _____

IN THE MATTER OF : ADMINISTRATIVE CONSENT
BORNE CHEMICAL COMPANY SITE : ORDER II

COMPANY SIGNATURE PAGE

Company Name: Bell Telephone Laboratories, Incorporated

Signature:



Name of Signer:

David R. Chittick

Title of Signer:

Environment and Safety Engineering
Vice President, AT&T

Date:

September 15, 1989

IN THE MATTER OF BORNE : ADMINISTRATIVE CONSENT
: ORDER II
CHEMICAL COMPANY SITE :

COMPANY SIGNATURE PAGE

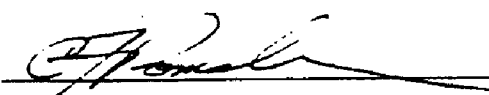
BUCKEYE PIPE LINE COMPANY, L.P.
A DELAWARE LIMITED PARTNERSHIP
BY BUCKEYE PIPE LINE COMPANY
A DELAWARE CORPORATION
ITS SOLE GENERAL PARTNER

Company Name:

Signature:

Name of Signer:

Title of Signer:


C. F. ROMAKER

Vice President, Administration

090689ATYRFR47

TIERRA-B-011615

IN THE MATTER OF BORNE : ADMINISTRATIVE CONSENT
: ORDER II
CHEMICAL COMPANY SITE :

COMPANY SIGNATURE PAGE

Company Name: Chesebrough-Pond's Inc.

Signature: Melvin H. Kurtz
(by Arnold J. Field)

Name of Signer: Melvin H. Kurtz

Title of Signer: Vice President, Secretary & General Counsel

IN THE MATTER OF BORNE : ADMINISTRATIVE CONSENT
: ORDER II
CHEMICAL COMPANY SITE :

COMPANY SIGNATURE PAGE

Company Name: Consolidated Rail Corporation

Signature:



H. William Brown

Name of Signer: H. William Brown

Title of Signer: Senior Vice President-Finance

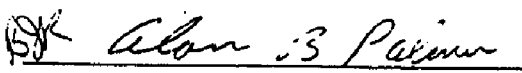
090689ATYRFR47

TIERRA-B-011617

IN THE MATTER OF BORNE : ADMINISTRATIVE CONSENT
: ORDER II
CHEMICAL COMPANY SITE :

COMPANY SIGNATURE PAGE

Company Name: Du Pont Company

Signature: 

Name of Signer: ALAN B PALMER

Title of Signer: MANAGER, SAFETY, HEALTH
& ENVIRONMENT

IN THE MATTER OF BORNE : ADMINISTRATIVE CONSENT
: ORDER II
CHEMICAL COMPANY SITE :

COMPANY SIGNATURE PAGE

Company Name: EXXON CORPORATION

Signature: *M. E. Gillis*

Name of Signer: M. E. Gillis

Title of Signer: Senior Vice President, Exxon Chemical Company,
a division of Exxon Corporation

IN THE MATTER OF BORNE : ADMINISTRATIVE CONSENT
: ORDER II
CHEMICAL COMPANY SITE :

COMPANY SIGNATURE PAGE

Company Name: MARISOL, INCORPORATED

Signature: H. Peter Nurger

Name of Signer: H. PETER NURGER

Title of Signer: PRESIDENT

IN THE MATTER OF BORNE : ADMINISTRATIVE CONSENT
: ORDER II
CHEMICAL COMPANY SITE :

COMPANY SIGNATURE PAGE

Company Name: Mobil Oil Corporation

Signature: *Robert J. Brenner*

Name of Signer: Robert J. Brenner

Title of Signer: Superfund Response Manager

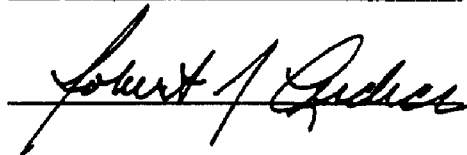
Date: *Sept. 18, 1987*

IN THE MATTER OF BORNE : ADMINISTRATIVE CONSENT
: ORDER II
CHEMICAL COMPANY SITE :

COMPANY SIGNATURE PAGE

Company Name: NL Industries, Inc.

Signature:



Name of Signer: Robert J. Leidich

Title of Signer: Vice President and General Counsel

IN THE MATTER OF BORNE : ADMINISTRATIVE CONSENT
: ORDER II
CHEMICAL COMPANY SITE :

COMPANY SIGNATURE PAGE

Company Name: THE OCEAN OIL COMPANY LIMITED

Signature:



Name of Signer: Dominique de RIBEROLLES

Title of Signer: Chairman of the Board of Directors

090689ATYRFR47


TIERRA-B-011623

IN THE MATTER OF BORNE : ADMINISTRATIVE CONSENT
: ORDER II
CHEMICAL COMPANY SITE :

COMPANY SIGNATURE PAGE

Company Name: Orange and Rockland Utilities, Inc.

Signature:



Frank E. Fischer

Name of Signer: Frank E. Fischer

Title of Signer: Vice President

090689ATYRFR47

TIERRA-B-011624

IN THE MATTER OF BORNE : ADMINISTRATIVE CONSENT
: ORDER II
CHEMICAL COMPANY SITE :

COMPANY SIGNATURE PAGE

Company Name: Phelps Dodge Copper Products Company, a
Division of Phelps Dodge Industries, Inc.

Signature: 

Name of Signer: William C. Tubman

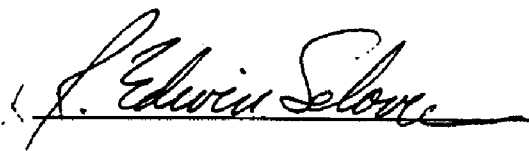
Title of Signer: Vice President and Secretary
Phelps Dodge Industries, Inc.

IN THE MATTER OF BORNE : ADMINISTRATIVE CONSENT
: ORDER II
CHEMICAL COMPANY SITE :

COMPANY SIGNATURE PAGE

Company Name: Public Service Electric & Gas Company

Signature:


R. Edwin Selover

Name of Signer:

R. Edwin Selover

Title of Signer:

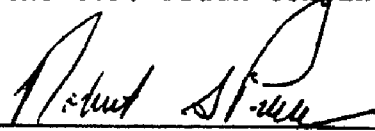
Senior Vice President and General
Counsel

IN THE MATTER OF BORNE : ADMINISTRATIVE CONSENT
: ORDER II
CHEMICAL COMPANY SITE :

COMPANY SIGNATURE PAGE

Company Name: Santa Fe Braun, Inc., formerly known
as the C.F. Braun Company

Signature:



Name of Signer: Robert S. Preece

Title of Signer: Corporate Labor Relations Counsel
of Santa Fe International Corporation

090689ATYRFR47

TIERRA-B-011627

IN THE MATTER OF BORNE :
CHEMICAL COMPANY SITE :

ADMINISTRATIVE CONSENT
ORDER II

Dated: August 29, 1989
ATTEST: RE Koch
R.E. Koch
Assistant Secretary

TEXACO INC.
By: Carl B. Davidson
NAME: Carl B. Davidson
TITLE: Vice President and
Secretary

Dated: August 29, 1989
ATTEST: RE Koch
R.E. Koch
Assistant Secretary

GETTY OIL COMPANY
By: Carl B. Davidson
NAME: Carl B. Davidson
TITLE: Vice President and
Secretary

IN THE MATTER OF BORNE : ADMINISTRATIVE CONSENT
: ORDER II
CHEMICAL COMPANY SITE :

COMPANY SIGNATURE PAGE

Company Name: THOMAS & BETTS CORPORATION

Signature: James D. Hay 9-18-89 ^{SR}

Name of Signer: James D. Hay

Title of Signer: Vice President - General Counsel

IN THE MATTER OF BORNE : ADMINISTRATIVE CONSENT
: ORDER II
CHEMICAL COMPANY SITE :

COMPANY SIGNATURE PAGE

Company Name: Wakefern Food Corporation

Signature: By: J. D. Yaguda

Name of Signer: J.D. Yaguda

Title of Signer: President

090689ATYRFR47

TIERRA-B-011630

LIST OF EXHIBITS

EXHIBIT

TITLE

A

BORNE CHEMICAL
SITE TRUST AGREEMENT

LIST OF EXHIBITS

EXHIBIT	TITLE
A	BORNE CHEMICAL SITE TRUST AGREEMENT

EXHIBIT A

**BORNE CHEMICAL SITE
TRUST AGREEMENT WORDING**

BORNE CHEMICAL COMPANY SITE TRUST AGREEMENT

The Borne Chemical Company Site Trust Agreement ("Agreement"), entered into as of September 26, 1989 by and between the Signatories, Peabody and the Trustees, as such Parties are hereinafter defined.

WHEREAS, the New Jersey Department of Environmental Protection ("NJDEP"), an agency of the State of New Jersey, and the Signatories have entered into an Administrative Consent Order II dated September 18, 1989, (the "ACO II" annexed hereto as Schedule A) requiring site security and removal and disposal activities at the Borne Chemical Company Site in Elizabeth, Union County, New Jersey, and pursuant to which the Signatories are obligated to establish a trust fund to assure the availability of funds to secure the performance of the Signatories' obligations under that ACO II.

WHEREAS, the Signatories and Peabody have designated three Trustees and the Trustees are willing to act as Trustees as provided under this Agreement.

NOW, THEREFORE, the Signatories, Peabody and the Trustees agree as follows:

Section 1. Definitions. As used in this Agreement:

- (a) For purposes of this Agreement the term "Signatories" shall mean those parties which have executed the ACO II (a list of which is attached as Schedule B).

- (b) The term "Peabody" means Peabody International Corporation on its own behalf and for the benefit of Peabody Clean Industry Inc. of Massachusetts.
- (c) The term "Trustees" means the Trustees designated by the Signatories and Peabody as provided herein, including any successor trustees. The names, addresses, and titles of the Trustees are:
- (i) William F. Pedersen, Jr., Esq.
Perkins, Cole
1100 Vermont Avenue, N.W.
Washington, D.C. 20005 ;
 - (ii) Becky Bucari, Esq.
PSE&G Law Department
80 Park Plaza, T5E
Newark, NJ 07101 ;
 - (iii) Jan F. Horwarth
Buckeye Pipe Line Co., L.P.
P.O. Box 368
100 Buckeye Road
Emmaus, PA 18049 ;
- (d) The term "Commissioner" means the Commissioner of the New Jersey Department of Environmental Protection.
- (e) The term "Beneficiary" means the New Jersey Department of Environmental Protection.
- (f) The term "NJDEP" means the New Jersey Department of Environmental Protection.
- (g) The term "Site" shall mean the Borne Chemical Company facility located at 600-616 and 632-650 South Front Street, Elizabeth, Union County, New Jersey, Block 4, Lots 1468 and 1469 on the Tax Map of the City of Elizabeth.

(h) The terms "Fund" and "Trust Fund" shall mean the trust fund established pursuant to Paragraph 3 hereof.

Section 2. Identification of Facilities. This Agreement pertains to the Site and the ACO II.

Section 3. Establishment of Fund. The Signatories, Peabody and the Trustees hereby establish a trust fund, in an initial amount of at least \$4,000,000, (the "Fund"), and such additional amounts as provided in this Agreement, for the benefit of NJDEP. The Signatories' and Peabody's initial contributions to this trust fund shall be in accordance with the Total Initial Contributions set forth on Appendix C to the Borne Chemical Company Site Participation Agreement ("Participation Agreement"), provided, however, that if Peabody or any Signatory defaults in making such contribution, then the remaining companies shall assume the defaulting party's contribution proportionately among themselves (without waiving any rights that either Signatories or Peabody may have against any such defaulting party). All payments to the Trust Fund shall be by check payable to "Borne Chemical Company Site Trust Fund" or by such other means as the Trustees deem appropriate. No party to this agreement shall be permitted to make its initial contribution hereunder unless and until it has executed the Participation Agreement. Peabody's sole obligation pursuant to this Trust Agreement shall be the payment of its Total Initial Contribution as set forth on Appendix C to the Participation Agreement.

Section 4. Designation of Trustees. There shall be three Trustees who shall be appointed in accordance with the provisions of Paragraph 4.2(h) of the Participation Agreement. Action shall be by the majority of Trustees voting. In the event that the Trustees are deadlocked on any issue, they shall, within seven (7) days, submit that issue for resolution to Liaison Counsel selected pursuant to the Participation Agreement.

Section 5. Powers of the Trustees. This Agreement shall confer upon the Trustees all powers and authority necessary to administer the Fund. The Signatories, Peabody and the Trustees intend that no third party have access to the Fund except as herein provided. The initial contributions and any subsequent contributions transferred to the Trustees are collectively referred to as the Fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustees pursuant to this Agreement. The Fund shall be held by the Trustees, IN TRUST, as herein provided. Except as set forth in Paragraphs 49 and 50 of the ACO II, the Trustees shall not be responsible, nor shall they undertake any responsibility for, the amount or adequacy of, nor any duty to collect from the Signatories or Peabody, any payments necessary to discharge any liabilities of the Signatories established by the NJDEP.

Section 6. Performance of Administrative Consent Order. The Trustees are assigned by the Signatories the

following powers and duties to effectuate the ACO II; (1) to use the Fund to (a) pay consultants and contractors selected by the Signatories for the work required by the ACO II upon receipt of approval of such charges by the Executive Committee established pursuant to the Participation Agreement; and (b) pay any other proper expenses pursuant to the ACO II or this Agreement as directed by the Executive Committee established pursuant to the Participation Agreement.

Section 7. Failure. In accordance with the terms and conditions of Paragraph 43 of the ACO II, in the event the Signatories fail in their obligations under the ACO II, the NJDEP, upon thirty (30) calendar days written notice to the Signatories, may require the Trustees to withdraw funds from the Trust Fund and pay those funds to the State of New Jersey to allow the State to perform the work required by the ACO II.

Section 8. Additional Funding. In accordance with the terms and conditions of the ACO II, funds additional to those provided in Section 3 of this Agreement may be required. Each Signatory shall be required, within 45 days of any call for additional funding under the ACO II, to transmit or transfer funds to satisfy its share of such additional funding which share shall be established by the Percentage Allocation of Shortfall and Overruns set forth on Appendix C to the Participation Agreement. If any Signatory defaults in its obligation to provide additional funding, the remaining Signatories shall assume the defaulting Signatory's share among themselves

proportionately (without waiving any rights which such Signatories may have against the defaulting party).

Section 9. Trust Fund Management. In the administration of the Fund, the Trustees shall, to the greatest extent possible, invest and reinvest the Trust Fund monies in Treasury certificates and Treasury bills of the United States, subject, however, to the requirement that the Trustees maintain sufficient liquidity of the assets of the Trust Fund in secure accounts to permit such payments as they are required to make. Each Trustee does hereby contract, agree, and covenant to execute the Fund herein declared, created and constituted, and to administer the Fund in the manner provided in this Agreement. The Trustees shall invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income. In investing, reinvesting, exchanging, selling and managing the Fund, the Trustees shall discharge their duties with respect to the Fund solely in the interest of the beneficiary and with the care, skill, prudence and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of a like character and with like aims.

Section 10. Taxes and Expenses. All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All other expenses incurred by

the Trustees in connection with the administration of this Trust including fees for services rendered to the Trustees, and all other proper charges and disbursements of the Trustees shall be paid directly from the Fund.

Section 11. Advice of Counsel. The Trustees may from time to time, with the prior approval of the Executive Committee established pursuant to the Participation Agreement, consult with counsel, who may be counsel to the Signatories, with respect to any questions arising as to the construction of this Agreement or any action to be taken hereunder. The Trustees shall be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

Section 12. Trustee Compensation. The Trustees shall serve without compensation.

Section 13. Successor Trustees. A Trustee may resign or be replaced, but such resignation or replacement shall not be effective until the Signatories have appointed a successor trustee in accordance with the Participation Agreement and this successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustees.

Section 14. Instructions to the Trustees. The Trustees shall act on behalf of the Signatories in accordance with the Trustees' powers and duties described in Sections 5, 6 and 9 of this Agreement. The Trustee shall be fully protected in acting without inquiry in accordance with the orders,

requests and instructions of the Executive Committee established pursuant to the Participation Agreement. In the event of a Failure under Section 7 of this Agreement, all orders, requests, and instructions by the NJDEP to the Trustees shall be in writing, signed by the NJDEP Commissioner or his/her designee and the Trustees shall act and shall be fully protected in acting in accordance with such orders, requests and instructions. The Trustees shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or a termination of the authority of any person to act on behalf of the Signatories or NJDEP hereunder has occurred. The Trustees shall have no duty to act in the absence of such orders, request and instructions, except as provided for herein.

Section 15. Amendment to Agreement. This Agreement may be amended by an instrument in writing executed by Peabody, all Signatories and the NJDEP. The Signatories and Peabody agree that their consent to such amendment shall not be unreasonably withheld.

Section 16. Irrevocability and Termination. Subject to the right of the parties to amend this Agreement, as provided in Section 15, this Trust shall be irrevocable and shall continue until terminated at the written agreement of Peabody, all Signatories and the NJDEP. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, shall be delivered to Signatories in proportion to their contribution to the Fund.

Section 17. Immunity and Indemnification. The Trustees shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of the Trust or in carrying out any directions by Signatories or the NJDEP issued in accordance with this Agreement. The Trustees shall be indemnified and saved harmless by Peabody and Signatories and/or the Fund, from and against any personal liability to which the Trustees may be subjected by reason of an alleged or actual act, or failure to act in their official capacity, including but not limited to any liability arising out of the ownership, removal, transfer, handling, disposal or redispisal of any hazardous substances from or at the Site. In addition, Peabody and all Signatories hereby covenant not to sue the Trustees for any liability arising out of any alleged or actual act, or failure to act in their official capacity (excluding fraud and wilful misconduct), including but not limited to any liability arising out of the ownership, removal, transfer, handling, disposal or redispisal of any hazardous substances from or at the Site.

Section 18. Choice of Law. This Agreement shall be administered, construed and enforced according to the laws of the State of New Jersey. Trustees agree that they will be subject to the jurisdiction of the courts of the State of New Jersey for purposes of enforcement of this Trust Agreement.

Section 19. Interpretation. As used in this Agreement, words in the singular include the plural and words in the

TRUST AGREEMENT

plural include the singular. The descriptive headings for each Section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

Section 20. Execution. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

In Witness Whereof the Trustees have executed this Agreement as of the date first above written.

William F. Pederson, Jr. Esq., TRUSTEE

Becky Bucari, Esq., TRUSTEE

Jan F. Horwath TRUSTEE

In Witness Whereof, the parties have caused this Agreement to be executed by their respective officers, duly authorized agents or attorneys as of the date first above written.

Name of Company: _____

Name of Signer: _____

Title of Signer: _____

REFERENCE NO. 5

SUPERFUND TECHNICAL ASSESSMENT AND RESPONSE TEAM		PROJECT NOTES
TO:	Borne Chemical file	DATE: 02/27/97
FROM:	K. Campbell (kc)	
SUBJECT:	Property Ownership	
REFERENCE	The background information for the site provides differing information regarding the site property ownership.	
	The City of Elizabeth Tax Assessor's office (Attachment A) reports that the current owner of the property is:	
	Borne, Scrymser	
	632 South Front Street	
	Elizabeth, NJ 07207	
	The City of Elizabeth Tax Collector's office state that the City of Elizabeth has a lien on the property	
	(Attachment B). According to a June 17, 1984 U.S. EPA Pollution Report for the site, the property is cited to	
	be owned by the Bankruptcy Court (Attachment C). For the purposes of this report the site will be considered	
	to be owned by the Borne Chemical Company (f/k/a Borne Scrymser), as reported by the local government	
	offices.	

R.L. 5

SUPERFUND TECHNICAL ASSESSMENT AND RESPONSE TEAM

TELECON NOTE

CONTROL NO:

DATE: 6/12/96

TIME: 1310

DISTRIBUTION:

BORNE CHEMICAL

BETWEEN:

TAX ASSESSOR

OF: ELIZABETH, NJ

PHONE: (908) 820-4136

AND

S. Keith

DISCUSSION

TAX ASSESSOR INFORMED ME THAT THE CURRENT OWNER OF THE PROPERTY LOCATED AT BLOCK 4 LOT 1469

BORNE SCRYMSEY SCRYMSEY

632 S. FRONT ST

ELIZABETH, NJ 07207

She said they do not have the phone number and did not know about the current status of the taxes being paid or not. She suggested calling the Tax Collector's office.

ACTION ITEMS:

SUPERFUND TECHNICAL ASSESSMENT AND RESPONSE TEAM TELECON NOTE

CONTROL NO: DATE: 6/12/96 TIME: 1315

DISTRIBUTION:
BORNE CHEMICAL FILE

BETWEEN: SCAM^(S) TAX COLLECTOR OF: ELIZABETH, NJ PHONE: (908)820-4115

AND SWAMY KETHA

DISCUSSION
The tax collector informed me that there was a lien on the properties put in by the city. She did not have any phone number of the owner of the property.

ACTION ITEMS:
Swamy S. Ketha

RCS
Att. B,
p. 1

U.S. ENVIRONMENTAL PROTECTION AGENCY

POLLUTION REPORT

DATE: July 27, 1984

Region II
Emergency Response Branch
Edison, NJ 08837

(201) 321-6670 - Commercial
(201) 548-8730 - 24 Hr. Emergency
340-6670 - FTS

TO: R. Dawling, EPA
W. Librizzi, EPA
B. Metzger, EPA
F. Rubel, EPA
J. Marshall, EPA
W. Mugdan, EPA
M. Sadat, NJDEP
USCG 3rd District (mep)
ERD, EPA Washington
(Data Gram)
USCG COTPNY
NRC
C. Stutzman, CDC
ERT
M. Chivinski, FEMA
R. Altman, NJDOH
R. Spear, EPA
J. Czapor, EPA
S. Kuhurtz, NJDEP
R. Ogg, EPA

Krusel
Burke
Chivinski
1

POLREP NO.: One (1)
INCIDENT NAME: Borne Chemical Company
SITE/SPILL NO.:
POLLUTANT: Oil and Unknown Solvents
CLASSIFICATION: Medium
SOURCE: Borne Chemical Company
LOCATION: S. Front Street, Elizabeth, New Jersey
AMOUNT: Unknown
WATER BODY: Arthur Kill River

1. SITUATION:

- A. Borne Chemical Company, located at 632 S. Front Street, Elizabeth, New Jersey is a facility which contains 20 storage tanks and approximately 600 55-gallon drums which contain unknown oils, chemicals and solvents.
- B. The storage tanks show signs of weathering and the drums show signs of deterioration.
- C. Recent litigation by the State of New Jersey resulted in a Court decision allowing Borne Chemical Company to declare bankruptcy and abandon the site.

Ref. 5

A.H.C.
p. 1

U

2. ACTION TAKEN

A. On March 23, 1984, a team consisting of representatives of the NJDEP, U.S. EPA, TAT and CDC visited the Borne Chemical site. At this time, the team was denied access to the site by Borne Chemical representatives.

B. Due to on-going litigation, attorneys for the State of New Jersey requested that no further actions be taken at this time to access the site.

C. Currently, Borne Chemical has been allowed to declare bankruptcy and abandon the site. The property is, therefore, owned by the Bankruptcy Court.

D. Rolfite Company has accepted responsibility for 558 of the 600 drums on site and has begun cleanup and disposal of these drums.

E. An attorney for the State of New Jersey has stated that access to the site, for assessment purposes, by the U.S. EPA would have to be attained via a petition filed in the Bankruptcy Court. This petition will be filed next week by the State attorney.

3. FUTURE PLANS AND RECOMMENDATIONS:

A. Upon gaining permission to access the site, the U.S. EPA will conduct a site inspection and assess the situation for possible emergency and/or immediate removal actions and funding.

CASE PENDING X CASE CLOSED _____

(TAT)

SUBMITTED BY

W. Gad Tawadros
W. Gad Tawadros
Emergency Re-
sponse Branch

Date Released: 6/27/84

Ref. 5

Att. C,
p. 2

U

REFERENCE NO. 6

SUPERFUND TECHNICAL ASSESSMENT AND RESPONSE TEAM	PROJECT NOTES
TO: Borne Chemical file	DATE: 02/27/97
FROM: K. Campbell <i>(KJ)</i>	
SUBJECT: NJDEP Notice of Authorization	
REFERENCE	
<p>The facility was issued an NJDEP Notice of Authorization to implement the Discharge Prevention, Containment or Countermeasure Plan and Discharge Cleanup and Removal Plan (DPCC/DCR) (Attachment A). However, the Permit was conditionally approved; Attachment B provides the required improvements and implementation schedule. Particular concerns include the presence of contaminated soils (Tank Farm Area), and inadequate housekeeping and maintenance programs.</p>	

Q. ROW Corcoran
Contract
20-10

Let's protect our earth



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION



NOTICE OF AUTHORIZATION

PERMIT NO.	ISSUANCE DATE	EFFECTIVE DATE	EXPIRATION DATE
82-04-178	April 12, 1983	April 12, 1983	April 12, 1986
ISSUED TO	FOR ACTIVITY/FACILITY AT		OWNER
Borne Chemical Company	Elizabeth, New Jersey		Borne Chemical Company, Inc.

ISSUING DIVISION

- Water Resources
- Coastal Resources
- Environmental Quality
- Waste Management

A PERMIT TO

TYPE OF PERMIT

Discharge Prevention, Containment or Countermeasure Plan and Discharge Cleanup and Removal Plan

STATUTE(S)

NJAC 7:1E et seq.

APPLICATION NO

82-04-178

NJSA 58:10-23.11 et al

Implement DPCC/DCR Plans

Report Discharge To:

New Jersey Department of Environmental Protection
Division of Waste Management

Day: (609) 292-5560

Night: (609) 292-7172


DEP AUTHORIZATION

Form DEP-008
7/80

THIS NOTICE MUST BE CONSPICUOUSLY DISPLAYED AT THE ACTIVITY/FACILITY SITE.

Ref. 6

Att. A



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT
32 E. Hanover St., CN 027, Trenton, N.J. 08625

JACK STANTON
DIRECTOR

April 12, 1983

LINO F. PEREIRA
DEPUTY DIRECTOR

Mr. Augustine J. Corona
Borne Chemical Company, Inc.
Elizabeth, NJ 07202

Dear Mr. Corona:

The revised Discharge Prevention and Containment and Countermeasure (DPCC) Plan and Discharge Cleanup and Removal (DCR) Plan submitted by Borne Chemical Company, Elizabeth, New Jersey has been reviewed by this office and found to be in conformance with N.J.A.C. 7:1E-4.4 through 4.21 of the "Rules Concerning Discharge of Petroleum and Other Hazardous Substances." Therefore, we are issuing this approval subject to the condition that Borne Chemical Company completes the following improvements as specified in the schedule proposed in your addendum to the DPCC plan:

PHASE I (Operational Within One Year of Approval Date)

1. Implementation of Inspection Program
2. Implementation of Personnel Training Program
3. Filling Voids in Tank Farm Dike
4. Concrete Crowns
5. Warning Signs
6. Earth Berm
7. Catch Basins
8. 8" Ø Ductile Iron Pipe
9. Concrete Pavement
10. Asphalt Pavement
11. Repair of Fence Encompassing Site
12. Concrete Curb
13. Concrete Dike Wall

PHASE II (Operational Within Two Years of Approval Date)

1. Catch Basins
2. 8" Ø Ductile Iron Pipe
3. Asphalt Pavement
4. Concrete Pavement
5. Concrete Crown
6. Concrete Curb

April 12, 1983

PHASE III (Operational Within Three Years of Approval Date)

1. Complete Tank Farm Dike Repair
2. Remove Contaminated Soil
3. Catch Basins
4. 8" Ø Ductile Iron Pipe
5. Concrete Crown
6. Concrete Curb
7. Concrete Block Dike Wall
8. Containment Thresholds
9. Refurbish Tile Tank Dike
10. Install Groundwater Monitoring Wells (Six in Number)
11. Reconstruct Dike Floor - Provide Impervious Liner as Required Within Active Tank Areas

PHASE IV (Operational Within Four Years of Approval Date)

1. Asphalt Pavement
2. Sump Pump (Tank Farm)
3. Catch Basins
4. 8" Ø Ductile Iron Pipe

PHASE V (Operational Within Five Years of Approval Date)

1. Pump Station (Pump House)
2. Force Main
3. Tank 37 Modifications
4. 8" Ø Ductile Iron Pipe
5. Sampling Manhole
6. Secondary Treatment Unit

That implementation schedule items requiring construction of engineering works shall be certified and sealed by a licensed professional engineer pursuant to N.J.S.A. 45:8-27 and 28, and that engineering plans for each phase be submitted to this office not less than thirty (30) days before actual construction.

That the DWM be notified, in writing, at least five days prior to actual major construction.

That the DWM be notified, in writing, at least five days prior to removal of contaminated soils.

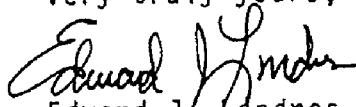
Your company must report to this office any change in the facility design, construction, operations, or maintenance which will materially affect the facility's potential for discharge of hazardous substances, or the substance of existing DPCC/DCR Plans. You are required to amend your Plans pursuant to N.J.A.C. 7:1E-4.23 following a reportable discharge from your facility.

Att. B, p. 2

April 12, 1983

This approval shall not be deemed to relieve your company from compliance with any other provisions of N.J.A.C. 7:1E-1.1 et seq., nor any other applicable provision of federal, state or local law.

Very truly yours,


Edward J. Londres
Assistant Director
Engineering

EJL:ch

Att. B, p. 3

Ref 6

SUMMARY REPORT
DPCC/DCR PLANS
BORNE CHEMICAL COMPANY, INC.
ELIZABETH, NEW JERSEY

Site Description

Borne Chemical Company is located on Front Street, Elizabeth, New Jersey. The facility's primary operation is blending and processing petroleum oil into lubricating oil. Base stocks are shipped via tank trucks and tank cars from outside suppliers. After the blending and processing operations are completed, the finished products are packaged at the site in cans and drums and loaded onto trucks for shipment. Bulk shipments are transported via tank trucks.

Secondary operations reportedly include the leasing of storage tanks and the "rail car to tank truck" transfer of products for outside companies. Presently, there is reported to be approximately 0.5M gallons of chemical wastes stored in the tank farm.

On-site inspections disclosed that there are contaminated soils that need to be removed particularly in the tank farm. The lack of adequate housekeeping and maintenance programs in the past are suspect for the unsatisfactory conditions that exist. As outlined in the DPCC/DCR Plan, the facility shall implement a regular program of housekeeping, maintenance, inspections, and integrity testing within one year.

DPCC/DCR Plan Review

The original DPCC/DCR Plans for Borne Chemical Corporation, Elizabeth, New Jersey were received by the Bureau of Prevention and Planning on June 2, 1981. The plans were found to be deficient. Additional information was requested on August 19, 1981.

In response, the company submitted an addendum to their DPCC Plan dated September 16, 1981, which proposed a five phase implementation plan, spanning five years, outlining upgrading work to bring the facility into compliance with the discharge prevention regulation to be done contingent on the Department's approval.

It was proposed that within three years, contaminated soils shall be removed from the site and disposed of in accordance with applicable laws. Other major items include the installation of six monitoring wells circa the tank farm, paving and curbing of transfer areas, reconstruction of the tank farm diking and flooring, and installation of a secondary treatment unit to handle storm water runoff.

Upon receipt of said addendum, it was the Bureau of Prevention and Planning's concern that three years was too long a duration for removal of contaminated soils. Also of concern was the fact that Borne's proposal was only in the form of a conceptual approach accompanied by a color coded site plan and would require more detailed information to ensure compliance with the DPCC regulations.

However, Borne requested and was implicitly granted an exemption from further "additional information" requests. The basis was that Borne was not in a financial position to spend the money needed to have an engineering firm prepare further responses.

Inasmuch that NJAC 7:1E-4.6(c)(3) allows an existing major facility a reasonable period of time, in light of all circumstances, including economic feasibility to upgrade to meet the standards of the DPCC regulations, and NJAC 7:1E-4.4(e) allows conditioning an approval of a DPCC plan on making such items operational on a schedule acceptable to the Division, it was recommended on February 22, 1982, that Borne's amended DPCC/DCR Plan be conditionally approved.

On June 29, 1982, Director Stanton signed the approval letter. The Division of Waste Management was on the verge of mailing it. However, in July, 1982, the approval was placed on hold by Bureau Chief F. Stoop pending resolution of outstanding concerns of the USEPA and the Department's Office of Regulatory Services (ORS) impacting the removal of hazardous waste from the site.

As of September, 1982, the DPCC program has been reorganized and no longer comes under the purview of the Bureau of Prevention and Planning. More recent, the USEPA has indicated its intention of mitigating its original concerns.

Therefore, it is recommended that the DPCC/DCR Plan be conditionally approved with the following provision:

That all upgrading plans are fully operating according to the implementation schedule submitted as an addendum to the plan.

Walter Nedick 3/15/83

Walt Nedick

Bureau of Hazardous Waste Engineering

WN:jb

Ref. 6

Att. B, p. 5

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

SPILL PREVENTION FORM 1 (1/80)

Facility's Name Borne Chemical Co. Inc. Elizabeth Plant	Owner/Operator's Name Borne Chemical Co. Inc.
Address 632 S. Front Street Elizabeth, NJ 07207	Address same
Name of Company Representative Augustine J. Corona	Date DPC Plan Submitted 6/5/81 Date DCR Plan Submitted 6/5/81
Date of Inspection 6/22/81 1/25/83	Inspected by WN, BS, JHC Plans Reviewed by WN, PC - SPEC PLANS

POLLUTION PREVENTION REGULATIONS (N.J.A.C. 7:1E-4)

Part		Petroleum Products	Chemicals reported
4.5 DPC Plans All proposed items may be found in the implementation schedule and 5 phase site plan	(a) Storage Capacity	2.7M gal	approx 0.5M gal hazardous waste
	(b) General Site Plan X		removal of which is in litigation with NJDEP & USEP.
	(c) Drainage Plans X		

Part	Item	Compliance			Remarks
		Yes	No	Other	
Facility Drainage and Secondary Containment	(A) Largest probable spill prevented from entering waters			Proposed	Implementation schedule
	(B) Appropriate secondary containment			Proposed	Implementation schedule
	(B) Appropriate secondary diversionary			Proposed	Implementation schedule
	(C)1 All probable routes blocked			Proposed	Implementation schedule
	(C)2 Sufficient capacity to contain or divert			Proposed	Capacity - largest tank
	(C)3 System made of or lined with impervious material			Proposed	Material - as per implementation schedule
	(C)4 No drainage into watercourse or sewer system	X			
	(C)5 Lagoon's not subject to flooding			N/A	
(C)6 Incompatible material not stored in same containment areas	X				
(C)7 Estimated time to clean-up largest spill	X			Time - 24 hours	
4.8 Housekeeping, Maintenance, Inspections and Records	(A) Suitable containers being used for storage	X			see Oct 3, 1981 or
	(B) All leaking tank, valves drums promptly repaired or out of service	X			
	(C) All Spills promptly cleaned up		X		part of proposed implementation schedule

(Att. B, p. 6)

Part	Item	Compliance			Remarks
		Yes	No	Other	
	(D) Loose quantities of chemicals not present	X			
	(E) Sorbents available	X			
	(F) Safety equipment for spills available	X			
	(G) Secondary containment systems in good repair	X			inspected once a month
	(H) Damaged transfer hoses removed from work areas	X			
	(I) Inspection records maintained for 3 years	X			
4.9	Detection of discharges to ground water				
	(A) Are observation wells necessary	X			
	(B) Sufficient number of wells for area			Proposed	Number- 6
	(C) Locations of wells mapped	X			
	(D) Wells sampled once quarterly			Proposed	Last Report- condition approval
	(E) Report of ground water problem to Department			N/A	
	(F) Baseline sample analysis established			N/A	
	(G) Access to wells available			Proposed	
4.10	Flood Hazard Areas				
	(A) Hazardous materials stored in flood hazard areas protected	X			p. 12 of submittal
4.11	Security				
	(A) Areas adequately fenced			Proposed	
	(B) Valves security locked			N/A	
	(C) Starter controls locked			N/A	
	(D) Manifolds capped or blanked off			N/A	
	(E) Adequate illumination	X			
	(F) If not fenced, all other security items in force	X			Guardhouse
4.12	Training				
	(A) Personnel training program implemented	X			
	(B) Person for discharge prevention designated	X			Mr. Edward Cincotta
	(C) Instruction given to employees	X			Date last inst. - every 3 months
4.13	Containment Equipment				
	Containment equipment maintained of available	X			
4.14	Bulk Storage Tanks				
	(A)1 Adequate secondary containment around above-ground tanks			Proposed	
	(A)3 Area below storage tank impervious				Exempt
	(A)4 Valves to tanks close to tanks	X			
	(A)5 Above-ground tanks tested periodically				Inspected monthly
	(B)2 New buried tanks made of corrosion-resistant Material			N/A	
	(B)3 New buried tanks have product sensitive detect-			N/A	Att. B. p. 7

Ref. 6

Part	Item	Compliance			Remarks	
		Yes	No	Other		
4.14	(B)4 Existing buried tanks have leak detection			N/A		
	(B)5 Buried tanks tested periodically			N/A		
	(C) No new, partially buried tanks			N/A		
	(D) Internal heating coils properly designed			N/A		
	(E) Overfill detection devices present				Manual	
4.15	Tank Car/Tank Truck Areas			Proposed	see implementation schedule	
	(A) Proper containment/diversion system around transfer areas			Proposed	"	
	(B) Secondary containment system sufficient			Proposed	"	
	(C) Areas paved with impermeable material			Proposed	"	
	(D) No leaking connections					
	(E) Warning light or barrier provided					
	(F) PIC present during transfer	X				
4.16	Drum Storage Areas			Proposed	see implementation schedule	
4.17	Process Areas N/A					
4.18	Pipelines	(A) Drainage system adequate				
		(B) Process/Cooling water segregated from chemicals				
		(A) Pipelines marked	X			
		(B) Pipes above-ground	X			
		(C) Buried pipes protected	N/A			
		(D) Buried pipes have product sensitive detection devices	N/A			
		(E) Inspection of pipes	X			
		(F) Out-of-service pipes capped or blanked	X			
	(G) Pipe supports properly designed	X				
	(H) Elevated pipes protected	N/A				
4.19	Transmission Pipelines N/A	(A) Conforms to U.S.D.O.T. 49 CFR Part 195				
		(B) Automatic shut-off devices or shut-off initiation procedures				
		(C) Pipeline wrapped and coated and/or cathodically protected				
		(D) Appropriated shut-off valves				
		(E) Map of pipeline				
R.F.6		Att. B, p. 8				

REFERENCE NO. 7

NEW JERSEY STATE DEPARTMENT



OF ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY
AIR POLLUTION CONTROL PROGRAM
BUREAU OF ENGINEERING AND TECHNOLOGY

All Correspondence must indicate your DEP PLANT ID NUMBER

Permit/Certificate Number 051269

DEP PLANT ID 40156

(Mailing Address)

(Plant Location)

BERNE SCRYMSEY COMPANY
632 SOUTH FRONT ST.
ELIZABETH NJ 07207

632 SOUTH FRONT ST.
ELIZABETH

Applicant's Designation of Equipment
N.J. Stack No. 016
Original Approval 05/21/81

BLEND TANK T 130000 GAL LUBOIL
No. of Stacks 001
Effective 05/21/81

No. of Sources 01
Expiration 05/21/81

CERTIFICATE TO OPERATE CONTROL APPARATUS OR EQUIPMENT (5 YEAR)

THIS PERMANENT (5 YEAR) CERTIFICATE IS BEING ISSUED UNDER THE AUTHORITY OF CHAPTER 106, P.L. 1967 (N.J.S.A. 26:2C-9.2). THE POSSESSION OF THIS DOCUMENT DOES NOT RELIEVE YOU FROM THE OBLIGATION OF COMPLYING WITH ALL OTHER PROVISIONS OF TITLE 7, CHAPTER 27, OF THE NEW JERSEY ADMINISTRATIVE CODE.

YOU MAY BE ENTITLED TO AN EXEMPTION OF TAXATION IF YOUR EQUIPMENT IS TAXED AND IS CONSIDERED TO BE AN AIR POLLUTION ABATEMENT FACILITY. A TAX EXEMPTION APPLICATION MAY BE OBTAINED FROM THIS SECTION.

IF IT IS NECESSARY TO AMEND YOUR EMERGENCY STANDBY PLANS, PLEASE CONSULT WITH THE APPROPRIATE FIELD OFFICE. (SEE OTHER SIDE).

THIS DOCUMENT MUST BE READILY AVAILABLE FOR INSPECTION AT THE PLANT.

N.J. Department of Environmental Protection
Division of Environmental Quality
CN-027
Trenton, New Jersey 08625

Approved by: _____
Supervisor
New Source Review Section

CITY OF ELIZABETH

05/21/81

STAC

NEW JERSEY DEPARTMENT



OF ENVIRONMENTAL PROTECTION

16

DIVISION OF ENVIRONMENTAL QUALITY
BUREAU OF AIR POLLUTION CONTROL

PERMIT TO CONSTRUCT, INSTALL OR ALTER CONTROL APPARATUS OR EQUIPMENT
AND
CERTIFICATE TO OPERATE CONTROL APPARATUS OR EQUIPMENT (5 YEAR DIRECT)

Permit and Certificate Number 051269

DEP Plant ID 40156

(Mailing Address)

(Plant Location)

Borne Chemical Co., Inc.
632 South Front St.
Elizabeth, N. J. 07207

Same as above
Union County

Applicant's Designation of Equipment 138,000 gal lube oil storage tank, blend tank T

N.J. Stack No. 016 No. of Stacks 01 No. of Sources 001

Approval 5 21 81 Start Up Expiration 5 21 86
Mo. Day Year Mo. Day Year Mo. Day Year

THIS PERMIT AND PERMANENT (5 YEAR) CERTIFICATE IS BEING ISSUED UNDER THE AUTHORITY OF CHAPTER 106, P.L. 1967 (N.J.S.A. 26:2C9.2), AND IS BEING ISSUED WITHOUT A FIELD INSPECTION. HOWEVER, FIELD INSPECTIONS ARE SCHEDULED FOR THE FUTURE AND APPROPRIATE ACTIONS WILL BE TAKEN IF SUCH INSPECTIONS DISCLOSE DEVIATIONS FROM YOUR APPLICATION.

YOU MAY BE ENTITLED TO AN EXEMPTION OF TAXATION IF YOUR EQUIPMENT IS TAXED AND IS CONSIDERED TO BE AN AIR POLLUTION ABATEMENT FACILITY. A TAX EXEMPTION APPLICATION MAY BE OBTAINED FROM THIS SECTION.

IF IT IS NECESSARY TO AMEND YOUR EMERGENCY STANDBY PLANS, PLEASE CONSULT WITH THE APPROPRIATE FIELD OFFICE. (SEE OTHER SIDE)

QUESTIONS ABOUT THIS DOCUMENT SHOULD BE DIRECTED TO THE PERMITS AND CERTIFICATES SECTION AT 609 - 292 - 6716 OR THE ADDRESS BELOW.

NOTE: This document must be readily available for inspection at the source location.

6/29/81 pmw

Approved by:

William F. Hart

Supervisor
Permits & Certificates Section

Elizabeth Air Pollution Commission

N.J. Department of Environmental Protection
Bureau of Air Pollution Control
CN-027

40300102

440
CG611

PERMIT-CERTIFICATE REVIEW FORM

P&CT Number 51269 Date Logged 5/16/81 Stack I.D. 90156-016
 Company, Div. Borg Chemical Co. (Elizabeth)
 Cancel P&CT _____ Legal Action _____
 Company Designation of Equipment 138000 gal fuel oil storage tank, Heat tank T
 Control Apparatus concentration vent
 Prop. Line 185 ft. Fuel used xl0⁶Stu/hr
 Stack Diam. .2 ft. Type of waste _____
 Stack Hr. 30 ft. Tank Capacity 138 xl0³Gallons
 Exit temp. 140 °F. Tank Diameter 25 feet
 Exit flow 50 cfm. Throughput 3450 xl0³Gal/year
 System use 8740 hr/y. Fill Rate 350 GPM
 Attachments to Permit _____

1 Stacks, 1 Sources.

EMISSIONS	NW	VP	EPM		Without Con.		With Con.		EFF.	Allowable	NJAC 7:27-
			Con.	Act.	#/h	T/y	#/h	T/y			
H-C					0.01	0.04	0.008	0.03	20%	-	5.2, 5.2

ADDITIONAL STATEMENTS :

Approval: Evaluator OK 5-11-81 Supv. William F. Hunt

Stack Tests required for :

Approval Date May 21 1981 Duration 05 Expiration _____ Letter D-55

Reasons for Disapproval: Evaluator _____ Date _____

- 1. Insufficient Information
- 2. Not State-of-The-Art
- 3. Equipment Violates _____

- 1. E.O.P.
- 2. P.S.D.
- 3. N.S.P.S.
- 4. NESILAPS
- 5. EPA-Audit
- 6. Carcinogen
- 7. Pineland

EXPEDITE

NEW JERSEY STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION



BUREAU OF AIR POLLUTION CONTROL

APPLICATION FOR PERMIT TO CONSTRUCT, INSTALL OR ALTER CONTROL APPARATUS OR EQUIPMENT AND CERTIFICATE TO OPERATE CONTROL APPARATUS OR EQUIPMENT

TO: New Jersey Department of Environmental Protection
Bureau of Air Pollution Control
CN- 027
Trenton, New Jersey 08625

Read Instructions Before Completing Application

SECTION A	1. Full Business Name	Borne Chemical Co., Inc.		
	2. Mailing Address	632 South Front St.	Elizabeth, NJ	07207
	3. Division and/or Plant Name	Same as Above		
	4. Plant Location	Same as Above		
	5. Location of equipment on premises (Bldg., Dept., area, etc.)	Blend Tank - T		
	6. Nature of business	Blend and Process Lubricating Oils		
	7. Estimated starting date of construction	May 1, 1981		
	8. Date equipment to be put in use	June 15, 1981		
	9. Plant Contact	A. J. Corona	Vice President	201-351-1717
SECTION B	REASON FOR APPLICATION (CHECK ONE)			
	<input type="checkbox"/> New Equipment without Control Apparatus	<input type="checkbox"/> Modification to Existing Equipment		
SECTION C	STACK INFORMATION (EQUIVALENT STACK INFORMATION)			
	1. Company Designation of Stack (s)	T		
	2. Previous Certificate Numbers (if any)	None		
	3. a. Number of Sources Venting to this Stack	1 (Complete a separate VEM-004 for each source)		
	b. Number of Stacks Venting Source Operation (s)	1		
	4. Distance to the nearest Property Line (ft.)	185		
	5. Stack Diameter (inches)	3		
	6. Discharge Height Above Ground (ft.)	30		
	7. Exit Temperature of Stack Gases (°F)	140		
	8. Volume of Gas Discharged at Stack Conditions (A.C.F.M.)	50 (Filling Operations Only)		
	9. Discharge Direction	<input type="checkbox"/> Horizontal	<input type="checkbox"/> Up	<input checked="" type="checkbox"/> Down

The information supplied on applications VEM-003 and VEM-004, including the data in supplements, is to the best of my knowledge true and correct.

A. J. Corona
Signature
A. J. Corona
Name (Print or Type)

May 4, 1981
Date
Vice President
Title

This application will not be processed unless proper fee is submitted.
FOR ASSISTANCE CALL (609) 292-6716

TR 060111

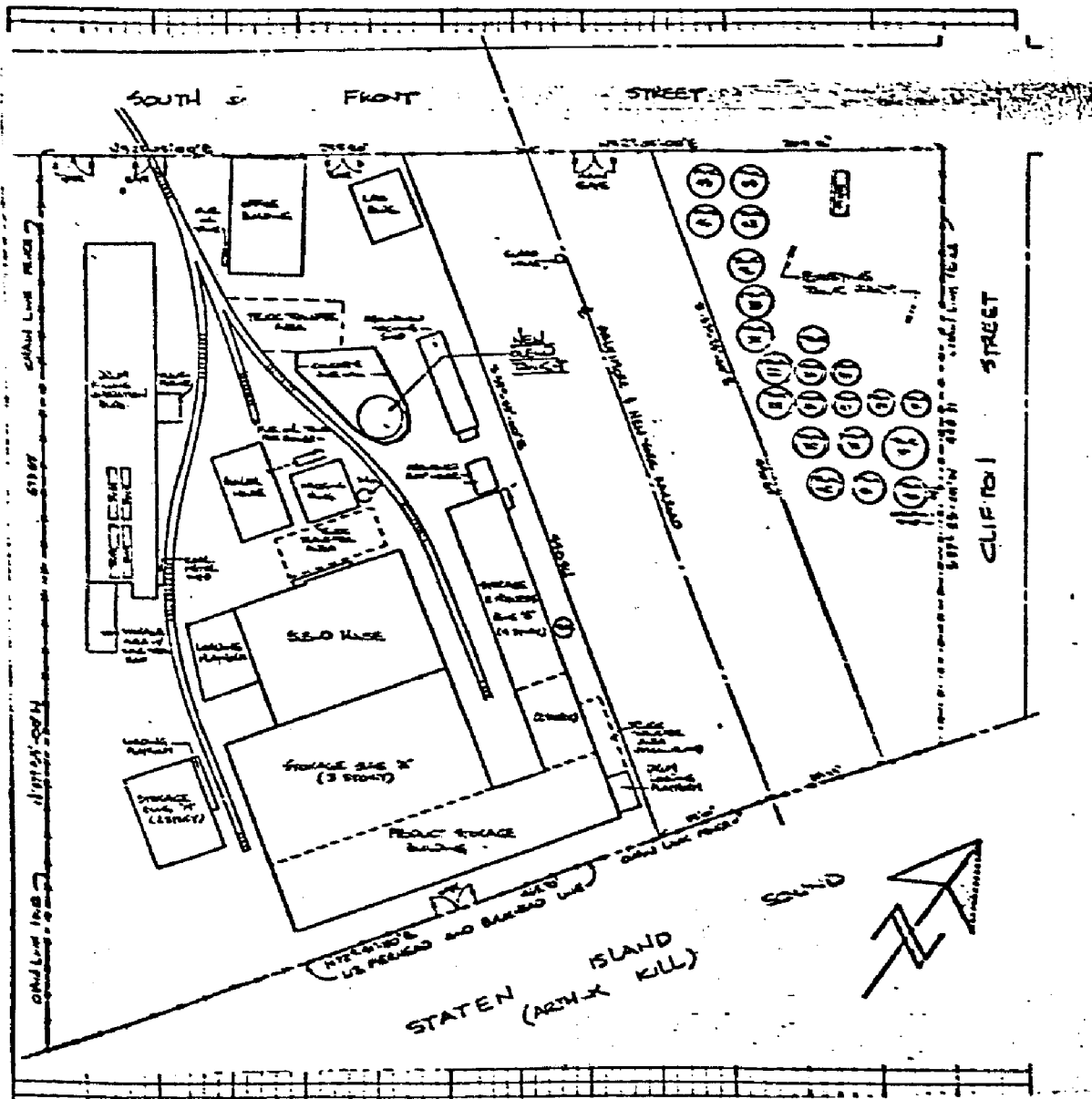
FOR DEPARTMENT USE ONLY

0000 - 000 - 0010 051269

(over)

SECTION D DIAGRAM INSTRUCTIONS - A diagram must be included showing the configuration of all stacks, control apparatus and sources related to this application. NOTE: In cases of multiple stacks, include the following information for each stack: (1) distance to nearest property line, (2) stack diameters, (3) stack height above ground, (4) exit temperature (°F) of stack gases, (5) volume rate of gases (ACFM) discharged at stack conditions, (6) the location and type of control apparatus, (7) direction of flows, and (8) maximum stack emissions.

Diagram



NEW JERSEY STATE DEPARTMENT



OF ENVIRONMENTAL PROTECTION

BUREAU OF AIR POLLUTION CONTROL

APPLICATION FOR
PERMIT TO CONSTRUCT, INSTALL OR ALTER CONTROL APPARATUS OR EQUIPMENT
AND
CERTIFICATE TO OPERATE CONTROL APPARATUS OR EQUIPMENT

Source Emissions And Source Data Form
(Complete this form for each source and submit
with application Form VEM-003)

SECTION E	SOURCE INFORMATION			
	1. Source Description <u>Storage Tank</u>			
	2. Operating Schedule	<u>24</u> Hours/Day	<u>8760</u> Hours/Year	<u>June 15, 1981</u> Operation Starting Date
	3. % Annual Production Throughput By Quarter	<u>25</u> Jan-Mar.	<u>25</u> Apr-June	<u>25</u> July-Sept.
SECTION F	CONTROL APPARATUS ON SOURCE			
	4. Volume Of Gas Discharged From This Source (ACFM)	<u>50 (Filling Only)</u>	Source Discharge Temperature (°F)	<u>140</u>
	Primary <u>Conservation Vent</u> ⁹⁶⁴	Capital Cost (Dollars) <u>5,000</u>	Annual Operating Cost (Dollars) [*] <u>500</u>	No. of Sources Connected <u>1</u>
	Secondary _____	_____	_____	_____
Tertiary _____	_____	_____	_____	
SECTION G	AIR CONTAMINANTS FROM SOURCE			
	CONTAMINANT NAME			
	<u>Lubricating Oil</u> ¹⁰⁶²⁸³	Emissions w/o Control (lbs./hr.) <u>< 0.01</u>	Emissions with Control (lbs./hr.) <u>< 0.01</u>	How Determined <u>3</u>
	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____

TO INSURE PROPER COORDINATION BETWEEN VEM-003 AND VEM-004 FORMS, INSERT IDENTICAL COMPANY NAME AND DESIGNATION OF STACK FROM VEM-003, SIDE 1.

Full Business Name Borne Chemical Co., Inc.
Company Designation of Stack (s) T

(over)

SECTION H	A. MANUFACTURING AND MATERIALS HANDLING			
	1. Process Description _____			
	2. Total Amount		<input type="checkbox"/> Batch _____ lb/batch _____ hr/batch <input type="checkbox"/> Continuous _____ lb/hr	
	3. Raw Materials		Raw Materials % By Wt.	
	_____		_____	
	_____		_____	
	_____		_____	
	_____		_____	
	_____		_____	
	_____		_____	
B. FUEL BURNING EQUIPMENT				
1. Gross Heat Input (10^6 BTU/HR) _____				
2. Type Heat Exchange <input type="checkbox"/> Direct <input type="checkbox"/> Indirect <input type="checkbox"/> Internal Combustion Engine				
PRIMARY FUEL		SECONDARY FUEL		
3. a. Type of Fuel: _____				
b. Heating Value (Btu/lb): _____				
4. Method of Firing: _____				
5. % Sulfur in Fuel (Dry): _____				
6. % Ash Content of Fuel (Dry): _____				
7. Amount Burned/Yr. _____				
Units: Solid Fuel (Tons)		Liquid Fuel (10^3 Gal.)	Gaseous Fuel (10^6 Ft. ³)	
C. INCINERATION				
1. Type of Unit _____				
2. Constituents of Waste (s) _____				
3. Waste Code <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6				
4. Amount Burned (lbs./hr.) _____ Type of Auxil. Fuel (If Any) _____				
D. STORAGE FACILITY				
1. Tank Contents <u>Lubricating Oil</u>				
2. Type of Tank or Bin <u>Fixed Roof w/Cons. Vent</u>		Height or Length (Ft.) <u>30</u>		
3. Capacity <u>138</u> (10^3 Ft. ³) <input type="checkbox"/>		Equivalent or Actual Diameter (Ft.) <u>28</u>		
		(10^3 Gal.) <input checked="" type="checkbox"/>		
THE REMAINING QUESTIONS ARE TO BE ANSWERED ONLY FOR LIQUID STORAGE				
4. Vapor Pressure at 70°F (PSIA) <u>< 0.0002</u>		Storage Temp. if Not Ambient (°F) <u>140</u>		
5. Filling Rate (Gal/Min) <u>350</u>		Annual Throughput (10^3 Gal/Yr) <u>3450</u>		
6. Method of Fill <input type="checkbox"/> Top <input checked="" type="checkbox"/> Bottom <input type="checkbox"/> Submerged <input type="checkbox"/> Other (Explain Below)				
7. Color of Tank <input type="checkbox"/> White <input checked="" type="checkbox"/> Other Exposed to Surs Rays <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
8. Insulation Data for Insulated Tanks (Volatile Organic Substances)				
Type <u>Shell-Brick</u> Thickness (Inches) <u>12" Shell</u>		Thermal Conductivity (BTU/HR/FT ² /°F) <u>0.3 Shell</u>		
<u>Roof-Urethane</u>		<u>2" Roof</u> <u>0.17 Roof</u>		
For Department Use Only				
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> - <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> - <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>				

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR POLLUTION CONTROL
SUBCHAPTER 16
Storage and Transfer Vessels of Volatile Organic Substances
(1000 gallon capacity or greater)

Borne Chem.

New Jersey Number 16-0014 (S.T.)
Company Designation #45
Tank Location Tank Farm
 Above Ground Below Ground

Plant I.D. Number _____

TANK DATA	1	Date	9-7-76				
	2	Investigator	Bitens				
	3	Plant Contact	Kaye				
	4	Capacity, Gallons (10 ³)	100				
	5	Diameter (Eqw.), Ft.	24'				
	6	Type of Vent Control (See Reverse)	1				
	7	Height of Vent Above Ground, Ft.	32'				
	8	Exposed to Rays of Sun (Yes or No)	Y				
	9	Color (White, Non-White, Etc.)	NW				
	10	Paint Condition (Good, Fair, Poor)	F				
CONTENTS	11	Organic Substance	Cracked Slop Oil				
	12	Vapor Pressure, PSIA @ 70°F	< .02				
	13	Operating Pressure, PSIA					
	14	Operating Temp., °F					
	15	Range, Table I					
TRANS- FER	16	Annual Throughput, Gallons (10 ⁶)					
	17	Transfer Rate, G.P.M.					
	18	Type of Fill: (Top, Bottom, Submerged)	B				
P & CT STATUS	19	Permit Number					
	20	Issue Date of Permit					
	21	Expiration Date of Certificate					
SPECIFIC GRAVITY	22	Degrees A.P.J. or Baume (Circle one)					
	23	Actual Specific Gravity					
	24	Molecular Weight					
	25	Distillation Range (%/Temp. °F)					
LOSSES	26	Working, Tons/Yr.					
	27	Working, Rb./Hr.					
	28	Breathing, Tons/Yr.					
	29	Breathing, Rb./Hr.					
	30	Total, Tons/Yr.					
	31	Total, Rb./Hr.					
COMPLIANCE Yes or No	32	16.2 (a) 1, White Paint					
	33	16.2 (b), Control Apparatus					
	34	16.2 (c), 13 PSIA					
	35	16.2 (d), Gauging	N/A				
	36	16.3 (a) Transfer					
	37	16.3 (b) Mobile					
	38	Exemption					
	39	Sub 8.1					

Air 148
Mar 78

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR POLLUTION CONTROL
SUBCHAPTER 16
Storage and Transfer Vessels of Volatile Organic Substances
(1000 gallon capacity or greater)

Borne Chem.

New Jersey Number 16-0015 (S) T
Company Designation #46
Tank Location Tank Farm
 Above Ground Below Ground

Part I.D. Number _____

TANK DATA	1	Date	7-7-76				
	2	Investigator	B. P. P. P.				
	3	Plant Contact	Kaye				
	4	Capacity, Gallons (10 ³)	100				
	5	Diameter (Equip.), Ft.	24'				
	6	Type of Vent Control (See Reverse)	1				
	7	Height of Vent Above Ground, Ft.	32'				
	8	Exposed to Rays of Sun (Yes or No)	Y				
	9	Color (White, Non-White, Exempt)	NW				
	10	Paint Condition (Good, Fair, Poor)	F				
CONTENTS	11	Organic Substance	Coastal Ship Oil				
	12	Vapor Pressure, PSIA @ 70°F	< .02				
	13	Operating Pressure, PSIA					
	14	Operating Temp., °F					
	15	Range, Table I					
TRANS-FER	16	Annual Throughput, Gallons (10 ³)					
	17	Transfer Rate, G.P.M.					
	18	Type of F.P. (Top, Bottom, Submerged)	B				
P & C STATUS	19	Permit Number					
	20	Issue Date of Permit					
	21	Expiration Date of Certificate					
SPECIFIC GRAVITY	22	Degrees A.P.F. or Baume (Crude oil)					
	23	Actual Specific Gravity					
	24	Molecular Weight					
	25	Distillation Range (%/Temp. °F)					
LOSSES	26	Working, Tons/Yr.					
	27	Working, Bbl./Hr.					
	28	Breathing, Tons/Yr.					
	29	Breathing, Bbl./Hr.					
	30	Total, Tons/Yr.					
	31	Total, Bbl./Hr.					
COMPLIANCE Yes or No	32	16.2 (a) 1, Spill Paint					
	33	16.2 (b), Control Apparatus					
	34	16.2 (c), 13 PSIA	N/A				
	35	16.2 (d), Gauging					
	36	16.3 (a) Transfer					
	37	16.3 (b) Mobile					
	38	Exemption					
	39	Sub E.1					

Ref. 7

p. 9

Apr 1988
Mar 76

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR POLLUTION CONTROL
SUBCHAPTER 16
Storage and Transfer Vessels of Volatile Organic Substances
(1000 gallon capacity or greater)

Borne Chem.

New Jersey Number 16-0013 (S) or T
Company Designation #44
Tank Location Tank Farm
 Above Ground Below Ground

Plant I.D. Number _____

TANK DATA	1	Date	7-9-76				
	2	Investigator	Bitenas				
	3	Plant Contact	Kaye				
	4	Capacity, Gallons (10 ³)	100				
	5	Diameter (Equip.), Ft.	24'				
	6	Type of Vent Control (See Revised)	1				
	7	Height of Vent Above Ground, Ft.	32'				
	8	Exposed to Rays of Sun (Yes or No)	Y				
	9	Color (White, Non-White, Exempt)	NW				
	10	Paint Condition (Good, Fair, Poor)	F				
CONTENTS	11	Organic Substance	Coastal stop Oil				
	12	Vapor Pressure, PSIA @ 70°F	4.02				
	13	Operating Pressure, PSIA					
	14	Operating Temp., °F					
	15	Range, Table 1					
TRANS- FER	16	Annual Throughput, Gallons (10 ³)					
	17	Transfer Rate, G.P.M.					
	18	Type of Fill, (Top, Bottom, Submerged)	B				
P & C STATUS	19	Permit Number					
	20	Issue Date of Permit					
	21	Expiration Date of Certificate					
SPECIFIC GRAVITY	22	Degrees A.P.I. or Baume (Circle one)					
	23	Actual Specific Gravity					
	24	Molecular Weight					
	25	Distillation Range (5% Temp. °F)					
LOSSES	26	Working, Tons/Yr.					
	27	Working, lbs./hr.					
	28	Breathing, Tons/Yr.					
	29	Breathing, lbs./hr.					
	30	Total, Tons/Yr.					
	31	Total, lbs./hr.					
COMPLIANCE Yes or No	32	16.2 (a) 1, White Paint					
	33	16.2 (b), Control Apparatus					
	34	16.2 (c), 13 PSIA					
	35	16.2 (d), Gauging	N/A				
	36	16.3 (a) Transfer					
	37	16.3 (b) Mobile					
	38	Exemption					
	39	Sub B.1					

AP 16
 2-26

Borne Chem.

STATE OF NEW JERSEY
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 BUREAU OF AIR POLLUTION CONTROL
 SUBCHAPTER 16
 Storage and Transfer Vessels of Volatile Organic Substances
 (1000 gallon capacity or greater)

New Jersey Number 16 0012 (S) T
 Company Designation #43
 Tank Location Tank Farm
 Above Ground Below Ground

Plant I.D. Number _____

TANK DATA	1	Date	7-9-76				
	2	Investigator	B. Tenna				
	3	Plant Contact	Kaye				
	4	Capacity, Gallons (10 ³)	100				
	5	Diameter (Eqw.), Ft.	24'				
	6	Type of Vent/Control (See Revised)	1				
	7	Height of Vent Above Ground, Ft.	32'				
	8	Exposed to Rays of Sun (Yes or No)	Y				
	9	Color (White, Non-White, Easmp)	NW				
	10	Paint Condition (Good, Fair, Poor)	F				
CONTENTS	11	Organic Substance	Control Strip oil				
	12	Vapor Pressure, PSIA @ 70°F	1.02				
	13	Operating Pressure, PSIA					
	14	Operating Temp., °F					
	15	Range, Table I					
TRANS- FER	16	Average Throughput, Gallons (10 ³)					
	17	Transfer Rate, G.P.M.					
	18	Type of F.I. (Top, Bottom, Submerged)	B				
PERMIT STATUS	19	Permit Number					
	20	Issue Date of Permit					
	21	Expiration Date of Certificate					
SPECIFIC GRAVITY	22	Degrees A.P.F. or Baume (Circle one)					
	23	Actual Specific Gravity					
	24	Molecular Weight					
	25	Distillation Range (1%/Tetra, °F)					
LOSSES	26	Working, Tons/Yr.					
	27	Working, lbs./Hr.					
	28	Breaching, Tons/Yr.					
	29	Breaching, lbs./Hr.					
	30	Total, Tons/Yr.					
	31	Total, lbs./Hr.					
COMPLIANCE Yr or No	32	16.2 (a) 1, White Paint					
	33	16.2 (b), Control Apparatus					
	34	16.2 (c), 13 PSIA					
	35	16.2 (d), Gauging	N/A				
	36	16.3 (a) Transfer					
	37	16.3 (b) Mobile					
	38	Exemption					
	39	- Sub B.1					

R.6.7

p. 11

Borne Chem.

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR POLLUTION CONTROL
SUBCHAPTER 16
Storage and Transfer Vessels of Volatile Organic Substances
(1000 gallon capacity or greater)

New Jersey Number 16-0011 (S) T
Company Designation #42
Tank Location Tank Farm
 Above Ground Below Ground

Plant I.D. Number _____

TANK DATA	1	Date	7-9-76				
	2	Investigator	Bateman				
	3	Plant Contact	Kaye				
	4	Capacity, Gallons (10 ³)	100				
	5	Diameter (Equiv.), Ft.	24'				
	6	Type of Vent/Control (See Reverse)	1				
	7	Height of Vent Above Ground, Ft.	32'				
	8	Exposed to Rays of Sun (Yes or No)	Y				
	9	Color (White, Non-White, Exempt)	W				
	10	Paint Condition (Good, Fair, Poor)	P				
CONTENTS	11	Organic Substanc ⁸	Slop Oil H ₂ O				
	12	Vapor Pressure, PSIA @ 70°F	2.02				
	13	Operating Pressure, PSIA					
	14	Operating Temp., °F					
	15	Range, Table I					
TRANS-FER	16	Annual Throughput, Gallons (10 ⁶)					
	17	Transfer Rate, G.P.M.					
	18	Type of Fill. (Top, Bottom, Submerged)	B				
P & C STATUS	19	Permit Number					
	20	Issue Date of Permit					
	21	Expiration Date of Certificate					
SPECIFIC GRAVITY	22	Degrees A.P.I. or Baume (Circle one)					
	23	Actual Specific Gravity					
	24	Molecular Weight					
	25	Distillation Range (%/Temp. °F)					
LOSSES	26	Working, Tons/Yr.					
	27	Working, lbs./Hr.					
	28	Breathing, Tons/Yr.					
	29	Breathing, lbs./Hr.					
	30	Total, Tons/Yr.					
	31	Total, lbs./Hr.					
COMPLIANCE Yes or No	32	16.2 (a) 1, White Paint					
	33	16.2 (b), Control Apparatus					
	34	16.2 (c), 13 PSIA					
	35	16.2 (d), Gauging	N/A				
	36	16.3 (a) Transfer					
	37	16.3 (b) Mobile					
	38	Exemption					
	39	Sub E.1					

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR POLLUTION CONTROL
SUBCHAPTER 16
Storage and Transfer Vessels of Volatile Organic Substances
(1000 gallon capacity or greater)

Boine Chem.

New Jersey Number 15-0010 S/T
 Company Designation F41
 Tank Location Tank Farm
 Above Ground Below Ground

Plant I.D. Number _____

TANK DATA	1	Date	9-7-76				
	2	Investigator	Bitens				
	3	Plant Contact	Raye				
	4	Capacity, Gallons (10 ³)	100				
	5	Diameter (Eqw.), Ft.	24'				
	6	Type of Vent Control (See Reverse)	1				
	7	Height of Vent Above Ground, Ft.	32'				
	8	Exposed to Rays of Sun (Yes or No)	Y				
	9	Color (White, Non-White, Exempt)	W				
	10	Paint Condition (Good, Fair, Poor)	P				
CONTENTS	11	Organic Substance	Empty				
	12	Vapor Pressure, PSIA @ 70°F					
	13	Operating Pressure, PSIA					
	14	Operating Temp., °F					
	15	Range, Table I					
TRANS- FER	16	Annual Throughput, Gallons (10 ³)					
	17	Transfer Rate, G.P.M.					
	18	Type of Fill, (Top, Bottom, Submerged)	B				
P & C STATUS	19	Permit Number					
	20	Issue Date of Permit					
	21	Expiration Date of Certificate					
SPECIFIC GRAVITY	22	Degrees A.P.I. or Baume (Circle one)					
	23	Actual Specific Gravity					
	24	Molecular Weight					
	25	Distillation Range (% Temp. °F)					
LOSSES	26	Blanking, Tons/Yr.					
	27	Blanking, lbs./Hr.					
	28	Breathing, Tons/Yr.					
	29	Breathing, lbs./Hr.					
	30	Total, Tons/Yr.					
COMPLIANCE Yes or No	31	Total, lbs./Hr.					
	32	15.2 (a) 1, White Paint					
	33	15.2 (b), Control Apparatus					
	34	15.2 (c), 13 PSIA					
	35	15.2 (d), Gauging					
	36	15.3 (a) Transfer					
	37	15.3 (b) Mobile					
	38	Exemption					
	39	Sub 8.1					

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR POLLUTION CONTROL
SUBCHAPTER 16
Storage and Transfer Vessels of Volatile Organic Substances
(1000 gallon capacity or greater)

Bonne Chem.

New Jersey Number 16 0009 Dr. T
 Company Designation R40
 Tank Location Tank Farm
 Above Ground Below Ground

Part I.D. Number _____

TANK DATA	1	Date	7-9-76				
	2	Investigator	R. Thomas				
	3	Plant Contact	Kayo				
	4	Capacity, Gallons (10 ³)	100				
	5	Diameter (Equiv.), Ft.	24'				
	6	Type of Vent Control (See Reverse)	1				
	7	Height of Vent Above Ground, Ft.	32'				
	8	Exposed to Rays of Sun (Yes or No)	Y				
	9	Color (White, Non-White, Exempt)	NW				
	10	Paint Condition (Good, Fair, Poor)	P				
CONTENTS	11	Organic Substance	Exxon Additive				
	12	Vapor Pressure, PSIA @ 70°F	2.02				
	13	Operating Pressure, PSIA					
	14	Operating Temp., °F					
	15	Range, Table I					
TRANS- FER	16	Annual Throughput, Gallons (10 ⁶)					
	17	Transfer Rate, G.P.M.					
	18	Type of Fill (Top, Bottom, Submerged)	B				
P & CT STATUS	19	Permit Number					
	20	Issue Date of Permit					
	21	Expiration Date of Certificate					
SPECIFIC GRAVITY	22	Degrees A.P.I. or Baume (Circle one)					
	23	Actual Specific Gravity					
	24	Molecular Weight					
	25	Distillation Range (No. Temp. °F)					
LOSSES	26	Working, Tons/Yr.					
	27	Working, lbs./hr.					
	28	Breathing, Tons/Yr.					
	29	Breathing, lbs./hr.					
	30	Total, Tons/Yr.					
	31	Total, lbs./hr.					
COMPLIANCE Yes or No	32	16.2 (a) 1, White Paint					
	33	16.2 (b), Control Apparatus					
	34	16.2 (c), 13 PSIA					
	35	16.2 (d), Gauging	N/A				
	36	16.3 (a) Transfer					
	37	16.3 (b) Mobile					
	38	Exemption					
	39	Sub 8.1					

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR POLLUTION CONTROL
SUBCHAPTER 16
Storage and Transfer Vessels of Volatile Organic Substances
(1000 gallon capacity or greater)

Bonne Chem.

New Jersey Number 16 0008 Air T
 Company Designation P 36
 Tank Location Tank Farm
 Above Ground Below Ground

Part I.D. Number _____

TANK DATA	1	Date	7-9-76				
	2	Investigator	B. Tomas				
	3	Plant Contact	Rayer				
	4	Capacity, Gallons (10 ³)	100				
	5	Diameter (Eqv.), Ft.	31'				
	6	Type of Vent Control (See Reverse)	1				
	7	Height of Vent Above Ground, Ft.	32'				
	8	Exposed to Rays of Sun (Yes or No)	Y				
	9	Color (White, Non-White, Exempt)	W				
	10	Paint Condition (Good, Fair, Poor)	P				
CONTENTS	11	Organic Substance	Fuel Oil #4				
	12	Vapor Pressure, PSIA @ 70°F	2.02				
	13	Operating Pressure, PSIA					
	14	Operating Temp., °F					
	15	Range, Table I					
TRANSFER	16	Annual Throughput, Gallons (10 ³)					
	17	Transfer Rate, G.P.M.					
	18	Type of Fill (Loc. Bottom Submerged)	B				
PERMIT STATUS	19	Permit Number					
	20	Issue Date of Permit					
	21	Expiration Date of Certificate					
SPECIFIC GRAVITY	22	Degrees A.P.I. or Baume (Circle one)					
	23	Actual Specific Gravity					
	24	Molecular Weight					
	25	Distillation Range (° Temp. °F)					
LOSSES	26	Working, Tons/Yr.					
	27	Working, lbs/Hr.					
	28	Breathing, Tons/Yr.					
	29	Breathing, lbs/Hr.					
	30	Total, Tons/Yr.					
	31	Total, lbs/Hr.					
COMPLIANCE Yes or No	32	16.2 (a) 1, White Paint					
	33	16.2 (b), Control Apparatus					
	34	16.2 (c), 13 PSIA	N/A				
	35	16.2 (d), Gauging					
	36	16.3 (a) Transfer					
	37	16.3 (b) Mobile					
	38	Exemption					
	39	Sub B.1					

Air 166
Mar 78

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR POLLUTION CONTROL
SUBCHAPTER 16
Storage and Transfer Vessels of Volatile Organic Substances
(1000 gallon capacity or greater)

Bonne Chem.

New Jersey Number 15-0007 (S)T
 Company Designation R32
 Tank Location Tank Farm
 Above Ground Below Ground

Plant I.D. Number _____

TANK DATA	1	Date	7-9-76			
	2	Investigator	Bitens			
	3	Plant Contact	Kaye			
	4	Capacity, Gallons (10 ³)	100			
	5	Diameter (Eqw.), Ft.	31'			
	6	Type of Vent Control (See Reverse)	1			
	7	Height of Vent Above Ground, Ft.	32'			
	8	Exposed to Rays of Sun (Yes or No)	Y			
	9	Color (White, Non-White, Exempt)	W			
	10	Paint Condition (Good, Fair, Poor)	P			
CONTENTS	11	Organic Substance	Excess vis "S" additive			
	12	Vapor Pressure, PSIA @ 70°F	2.02			
	13	Operating Pressure, PSIA				
	14	Operating Temp., °F				
	15	Range, Table I				
TRANSFER	16	Annual Throughput, Gallons (10 ³)				
	17	Transfer Rate, G.P.M.				
	18	Type of Fill, (Top, Bottom, Submerged)	B			
P.A.C.T. STATUS	19	Permit Number				
	20	Issue Date of Permit				
	21	Expiration Date of Certificate				
SPECIFIC GRAVITY	22	Degrees A.P.I. or Baume (Circle one)				
	23	Actual Specific Gravity				
	24	Molecular Weight				
	25	Distillation Range (% Temp. °F)				
LOSSES	26	Working, Tons/Yr.				
	27	Working, lbs./Hr.				
	28	Breathing, Tons/Yr.				
	29	Breathing, lbs./Hr.				
	30	Total, Tons/Yr.				
	31	Total, lbs./Hr.				
COMPLIANCE Yes or No	32	16.2 (a) 1, White Paint				
	33	16.2 (b), Control Apparatus				
	34	16.2 (c), 13 PSIA	N/A			
	35	16.2 (d), Gauging	N/A			
	36	16.3 (a) Transfer				
	37	16.3 (b) Mobile				
	38	Exemption				
	39	Sub B.1				

Air 168
Mar 76

Bonne Chem.

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR POLLUTION CONTROL
SUBCHAPTER 16
Storage and Transfer Vessels of Volatile Organic Substances
(1000 gallon capacity or greater)

New Jersey Number 16-0006 (S) T
Company Designation R-34
Tank Location Tank Farm
 Above Ground Below Ground

Plant I. D. Number _____

TANK DATA	1	Date	7-9-76				
	2	Investigator	Bitens				
	3	Plant Contact	Kaye				
	4	Capacity, Gallons (10 ³)	100				
	5	Diameter (Equip.), Ft.	31'				
	6	Type of Vent Control (See Reversal)	1				
	7	Height of Vent Above Ground, Ft.	32'				
	8	Exposed to Rays of Sun (Yes or No)	Y				
	9	Color (White, Non-White, Etc.)	W				
	10	Paint Condition (Good, Fair, Poor)	P				
CONTENTS	11	Organic Substances	Etan vis "J" additive				
	12	Vapor Pressure, PSIA @ 70°F	2.02				
	13	Operating Pressure, PSIA					
	14	Operating Temp., °F					
	15	Range, Table I					
TRANS-FER	16	Annual Throughput, Gallons (10 ³)					
	17	Transfer Rate, G.P.M.					
	18	Type of Fill, (Top, Bottom, Submerged)	B				
P & CT STATUS	19	Permit Number					
	20	Issue Date of Permit					
	21	Expiration Date of Certificate					
SPECIFIC GRAVITY	22	Degrees A.P.I. or Baume (Circle one)					
	23	Actual Specific Gravity					
	24	Molecular Weight					
	25	Distillation Range (%/Temp. °F)					
LOSSES	26	Working, Tons/Yr.					
	27	Working, lbs./hr.					
	28	Breathing, Tons/Yr.					
	29	Breathing, lbs./hr.					
	30	Total, Tons/Yr.					
	31	Total, lbs./hr.					
COMPLIANCE Yes or No	32	16.2 (a) 1, White Paint					
	33	16.2 (b), Control Apparatus					
	34	16.2 (c), 13 PSIA					
	35	16.2 (d), Gauging					
	36	16.3 (a) Transfer					
	37	16.3 (b) Mobile					
	38	Exemption					
	39	Sub 8.1					

Apr 148
Mar 76

5

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR POLLUTION CONTROL
SUBCHAPTER 16

Bonne Chem.

Storage and Transfer Vessels of Volatile Organic Substances
(1000 gallon capacity or greater)

New Jersey Number 15-0005 (S) T
Company Designation #37
Tank Location Tank Farm
 Above Ground Below Ground

Plant I.D. Number _____

TANK DATA	1	Date	7-9-76			
	2	Investigator	B. Thomas			
	3	Plant Contact	Kaye			
	4	Capacity, Gallons (10 ³)	160			
	5	Diameter (Equip.), Ft.	30'			
	6	Type of Vent/Control (See Reverse)	1			
	7	Height of Vent Above Ground, Ft.	31'			
	8	Exposed to Rays of Sun (Yes or No)	Y			
	9	Color (White, Non-White, Exempt)	NW			
	10	Paint Condition (Good, Fair, Poor)	P			
CONTENTS	11	Organic Substance	Filter clay & oil			
	12	Vapor Pressure, PSIA @ 70°F	2.02			
	13	Operating Pressure, PSIA				
	14	Operating Temp., °F				
	15	Range, Table I				
TRANS. PER	16	Annual Throughput, Gallons (10 ³)				
	17	Transfer Rate, G.P.M.				
	18	Type of Fill, (Top, Bottom, Submerged)	B			
P.A.C.T. STATUS	19	Permit Number				
	20	Issue Date of Permit				
	21	Expiration Date of Certificate				
SPECIFIC GRAVITY	22	Degrees A.P., or Baume (Circle one)				
	23	Actual Specific Gravity				
	24	Molecular Weight				
	25	Distillation Range (%/Temp. °F)				
LOSSES	26	Working, Tons/Yr.				
	27	Working, lbs./Hr.				
	28	Breathing, Tons/Yr.				
	29	Breathing, lbs./Hr.				
	30	Total, Tons/Yr.				
	31	Total, lbs./Hr.				
COMPLIANCE Yr or No	32	16.2 (a) 1, White Paint				
	33	16.2 (b), Control Apparatus				
	34	16.2 (c), 13 PSIA	N/A			
	35	16.2 (d), Gauging	N/A			
	36	16.3 (a) Transfer				
	37	16.3 (b) Mobile				
	38	Exemption				
	39	Sub B.1				

R26-2

12
12
12

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR POLLUTION CONTROL
SUBCHAPTER 16
Storage and Transfer Vessels of Volatile Organic Substances
(1000 gallon capacity or greater)

Borne Chem.

New Jersey Number	15-0004	(S/T)
Company Designation	<i>B-35</i>	
Tank Location	<i>Peak Farms</i>	
<input checked="" type="checkbox"/> Above Ground <input type="checkbox"/> Below Ground		

Plant I.D. Number _____

TANK DATA	1	Date	<i>7-9-76</i>				
	2	Inspector	<i>Bitomas</i>				
	3	Plant Contact	<i>Kaye</i>				
	4	Capacity, Gallons (10 ³)	<i>23.5</i>				
	5	Diameter (Eq. J), Ft.	<i>24'</i>				
	6	Type of Vent Control (See Revised)	<i>1</i>				
	7	Height of Vent Above Ground, Ft.	<i>26'</i>				
	8	Exposed to Rays of Sun (Yes or No)	<i>Y</i>				
	9	Color (White, Non-White, Exempt)	<i>NW</i>				
	10	Paint Condition (Good, Fair, Poor)	<i>P</i>				
CONTENTS	11	Organic Substance	<i>5/10 oil</i>				
	12	Vapor Pressure, PSIA @ 70°F	<i>2.02</i>				
	13	Operating Pressure, PSIA					
	14	Operating Temp., °F					
	15	Range, Table I					
TRANSFER	16	Annual Throughput, Gallons (10 ³)					
	17	Transfer Rate, G.P.M.					
	18	Type of Fill (Top, Bottom, Submerged)	<i>B</i>				
PERMIT STATUS	19	Permit Number					
	20	Issue Date of Permit					
	21	Expiration Date of Certificate					
SPECIFIC GRAVITY	22	Degrees A.P.I. or Baume (Circle one)					
	23	Actual Specific Gravity					
	24	Molecular Weight					
	25	Oscillation Range (°F Temp., °F)					
LOSSES	26	Working, Tons/Yr.					
	27	Working, Bbl./Hr.					
	28	Breathing, Tons/Yr.					
	29	Breathing, Bbl./Hr.					
	30	Total, Tons/Yr.					
	31	Total, Bbl./Hr.					
COMPLIANCE Yes or No	32	16.2 (a) 1, White Paint					
	33	16.2 (b), Control Apparatus					
	34	16.2 (c), 13 PSIA					
	35	16.2 (d), Gauging	<i>N/A</i>				
	36	16.3 (a), Transfer					
	37	16.3 (b), Mobile					
	38	Exemption					
	39	Sub E.1					

R36-7

P.19

3

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR POLLUTION CONTROL
SUBCHAPTER 16

Bonne Chem.

Storage and Transfer Vessels of Volatile Organic Substances
(1000 gallon capacity or greater)

New Jersey Number 16-0003 (S) T
Company Designation #32
Tank Location Tank Farm
 Above Ground Below Ground

Plant I.D. Number

TANK DATA	1	Date	7-9-76				
	2	Investigator	Bitomas				
	3	Plant Contact	Kaye				
	4	Capacity, Gallons (10 ³)	83.5				
	5	Diameter (Equip.), Ft.	34'				
	6	Type of Vent/Control (See Reverse)	1				
	7	Height of Vent Above Ground, Ft.	26'				
	8	Exposed to Rays of Sun (Yes or No)	Y				
	9	Color (White, Non-White, Exempt)	NW				
	10	Paint Condition (Good, Fair, Poor)	P				
CONTENTS	11	Organic Substance	Fine Clay oil				
	12	Vapor Pressure, PSIA @ 70°F	2.02				
	13	Operating Pressure, PSIA					
	14	Operating Temp., °F					
	15	Range, Table I					
TRANS-FER	16	Annual Throughput, Gallons (10 ⁶)					
	17	Transfer Rate, G.P.M.					
P & CT STATUS	18	Type of Fill, (Top, Bottom, Submerged)	B				
	19	Permit Number					
SPECIFIC GRAVITY	20	Issue Date of Permit					
	21	Expiration Date of Certificate					
	22	Degrees A.P.I. or Baume (Circle one)					
	23	Actual Specific Gravity					
	24	Molecular Weight					
LOSSES	25	Distillation Range (%/Temp. °F)					
	26	Working, Tons/Yr.					
	27	Working, lbs./Hr.					
	28	Breathing, Tons/Yr.					
	29	Breathing, lbs./Hr.					
	30	Total, Tons/Yr.					
COMPLIANCE Yr or Mo	31	Total, lbs./Hr.					
	32	16.2 (a) 1, White Paint					
	33	16.2 (b), Control Apparatus					
	34	16.2 (c), 13 PSIA					
	35	16.2 (d), Gauging					
	36	16.3 (a) Transfer					
	37	16.3 (b) Mobile					
	38	Exemption					
	39	Sub 8.1					

N/A

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR POLLUTION CONTROL
SUBCHAPTER 16

Bonne Chem.

Storage and Transfer Vessels of Volatile Organic Substances
(1000 gallon capacity or greater)

New Jersey Number 16-0002 (S) T
Company Designation P-23
Tank Location Tank Farm
 Above Ground Below Ground

Part I.D. Number _____

TANK DATA	1	Date	7-9-76				
	2	Investigator	<i>H. Pines</i>				
	3	Plant Contact	<i>Kaye</i>				
	4	Capacity, Gallons (10 ³)	83.5				
	5	Diameter (Eq. 4 J), Ft.	24'				
	6	Type of Vent/Control (See Reverse)	1				
	7	Height of Vent Above Ground, Ft.	26'				
	8	Exposed to Rays of Sun (Yes or No)	Y				
	9	Color (White, Non-White, Exempt)	W				
	10	Paint Condition (Good, Fair, Poor)	P				
CONTENTS	11	Organic Substance	<i>Empty</i>				
	12	Vapor Pressure, PSIA @ 70°F					
	13	Operating Pressure, PSIA					
	14	Operating Temp., °F					
	15	Range, Table I					
TRANS-FER	16	Annual Throughput, Gallons (10 ⁶)					
	17	Transfer Rate, G.P.M.					
	18	Type of Fill, (Top, Bottom, Submerged)	B				
P & CT STATUS	19	Permit Number					
	20	Issue Date of Permit					
	21	Expiration Date of Certificate					
SPECIFIC GRAVITY	22	Degrees A.P.I. or Baume (Circle one)					
	23	Actual Specific Gravity					
	24	Molecular Weight					
	25	Distillation Range (°F Temp., °F)					
LOSSES	26	Working, Tons/Yr.					
	27	Working, lbs./Hr.					
	28	Breathing, Tons/Yr.					
	29	Breathing, lbs./Hr.					
	30	Total, Tons/Yr.					
	31	Total, lbs./Hr.					
COMPLIANCE Yes or No	32	16.2 (a) 1, White Paint					
	33	16.2 (b), Control Apparatus					
	34	16.2 (c), 13 PSIA					
	35	16.2 (d), Gauging	<i>N/A</i>				
	36	16.3 (a) Transfer					
	37	16.3 (b) Mobile					
	38	Exemption					
	39	Sub 8.1					

APR 1988
MAY 76

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR POLLUTION CONTROL
SUBCHAPTER 16
Storage and Transfer Vessels of Volatile Organic Substances
(1000 gallon capacity or greater)

Bonne Chem.

New Jersey Number 15-0001 (S) T
Company Designation # 22
Tank Location Tank Farm
 Above Ground Below Ground

Plant I.D. Number 40156

TANK DATA	1	Date	7-9-76				
	2	Investigator	<i>J. J. Jones</i>				
	3	Plant Contact	<i>Keye</i>				
	4	Capacity, Gallons (10 ³)	<i>83.5</i>				
	5	Diameter (Equip.), Ft.	<i>24'</i>				
	6	Type of Vent/Control (See Reverse)	<i>1</i>				
	7	Height of Vent Above Ground, Ft.	<i>26'</i>				
	8	Exposed to Rays of Sun (Yes or No)	<i>Y</i>				
	9	Color (White, Non-White, Exempt)	<i>W</i>				
	10	Paint Condition (Good, Fair, Poor)	<i>P</i>				
CONTENTS	11	Organic Substances	<i>Skp oil</i>				
	12	Vapor Pressure, PSIA @ 70°F	<i>2.02</i>				
	13	Operating Pressure, PSIA					
	14	Operating Temp., °F					
	15	Range, Table I					
TRANS. FER	16	Annual Throughput, Gallons (10 ³)					
	17	Transfer Rate, G.P.M.					
	18	Type of Fill, (Top, Bottom, Submerged)	<i>B</i>				
PERM. STATUS	19	Permit Number					
	20	Issue Date of Permit					
	21	Expiration Date of Certificate					
SPECIFIC GRAVITY	22	Degrees A.P.I. or Baume (Circle one)					
	23	Actual Specific Gravity					
	24	Molecular Weight					
	25	Distillation Range (%/Temp. °F)					
LOSSES	26	Working, Tons/Yr.					
	27	Working, lbs./Hr.					
	28	Breathing, Tons/Yr.					
	29	Breathing, lbs./Hr.					
	30	Total, Tons/Yr.					
	31	Total, lbs./Hr.					
COMPLIANCE Yes or No	32	16.2 (a) 1, White Paint					
	33	16.2 (b), Control Apparatus					
	34	16.2 (c), 13 PSIA					
	35	16.2 (d), Gauging	<i>N/A</i>				
	36	16.3 (a) Transfer					
	37	16.3 (b) Mobile					
	38	Exemption					
	39	Sub 8.1					

Ref. 7

REFERENCE NO. 8



**POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 1 - SITE LOCATION AND INSPECTION INFORMATION**

I. IDENTIFICATION	
01 STATE	02 SITE NUMBER
NJ	000010150

II. SITE NAME AND LOCATION

01 SITE NAME (Legal, common, or descriptive name of site) Borne Chemical Co., Inc.		02 STREET, ROUTE NO., OR SPECIFIC LOCATION IDENTIFIER 632 South Front Street			
03 CITY Elizabeth		04 STATE NJ	05 ZIP CODE 07207	06 COUNTY Union	07 COUNTY CODE
09 COORDINATES LATITUDE: 40 38 30 LONGITUDE: 74 12 00		10 TYPE OF OWNERSHIP (Check one) <input checked="" type="checkbox"/> A. PRIVATE <input type="checkbox"/> B. FEDERAL <input type="checkbox"/> C. STATE <input type="checkbox"/> D. COUNTY <input type="checkbox"/> E. MUNICIPAL <input type="checkbox"/> F. OTHER <input type="checkbox"/> G. UNKNOWN			

III. INSPECTION INFORMATION

01 DATE OF INSPECTION 08 / 03 81 MONTH DAY YEAR	02 SITE STATUS <input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> INACTIVE	03 YEARS OF OPERATION 1916 on UNKNOWN BEGINNING YEAR ENDING YEAR
04 AGENCY PERFORMING INSPECTION (Check all that apply) <input checked="" type="checkbox"/> A. EPA <input type="checkbox"/> B. EPA CONTRACTOR <input type="checkbox"/> C. MUNICIPAL <input type="checkbox"/> D. MUNICIPAL CONTRACTOR <input checked="" type="checkbox"/> E. STATE <input type="checkbox"/> F. STATE CONTRACTOR <input type="checkbox"/> G. OTHER		

05 CHIEF INSPECTOR Amelia J. Janisz	06 TITLE Biostatistician	07 ORGANIZATION FCHA	08 TELEPHONE NO. 201621-6800
09 OTHER INSPECTORS Jim Shirk	10 TITLE Civil Engineer	11 ORGANIZATION "	12 TELEPHONE NO. () "
Jim Rogers	Env. Scientist	"	() "
Greg Skhuda	Chemist	"	() "
Pete Cangialosi	Env. Engineer	"	() "
			()

13 SITE REPRESENTATIVES INTERVIEWED Mr. A. J. Corona	14 TITLE Manager	15 ADDRESS Borne Chemical Co.	16 TELEPHONE NO. (201) 351-1717
Mr. Stuart Patrick	President	"	() "
Mr. Lewis Markowitz	Attorney	Epstein, Epstein, Brown, Bosek & Lyndorf P O Box 634 Elizabeth, NJ 07207	(201) 354-8111
			()
			()
			()

17 ACCESS GAINED BY (Check one) <input checked="" type="checkbox"/> PERMISSION <input type="checkbox"/> WARRANT	18 TIME OF INSPECTION 10:00 am	19 WEATHER CONDITIONS Overcast, 85°F, Humid
---	-----------------------------------	--

IV. INFORMATION AVAILABLE FROM

01 CONTACT Kevin Gashlin	02 OF (Agency Organization) NJDEP	03 TELEPHONE NO. 609 292-9877
04 PERSON RESPONSIBLE FOR SITE INSPECTION FORM Amelia J. Janisz	05 AGENCY FCHA	06 ORGANIZATION FCHA
	07 TELEPHONE NO. (201) 621-6800	08 DATE 08 24 81 MONTH DAY YEAR



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 2 - WASTE INFORMATION

I. IDENTIFICATION
01 STATE 02 SITE NUMBER

II. WASTE STATES, QUANTITIES, AND CHARACTERISTICS

01 PHYSICAL STATES (Check all that apply)

A. SOLID E. SLURRY
 B. POWDER, FINES F. LIQUID
 C. SLUDGE G. GAS

D. OTHER _____ (Specify)

02 WASTE QUANTITY AT SITE
(Measures of waste quantities must be independent)

TONS _____
 CUBIC YARDS _____
 NO. OF DRUMS 600

03 WASTE CHARACTERISTICS (Check all that apply)

A. TOXIC E. SOLUBLE I. HIGHLY VOLATILE
 B. CORROSIVE F. INFECTIOUS J. EXPLOSIVE
 C. RADIOACTIVE G. FLAMMABLE K. REACTIVE
 D. PERSISTENT H. IGNITABLE L. INCOMPATIBLE
 M. NOT APPLICABLE

III. WASTE TYPE

CATEGORY	SUBSTANCE NAME	01 GROSS AMOUNT	02 UNIT OF MEASURE	03 COMMENTS
SLU	SLUDGE			
OLW	OILY WASTE	> 468,000	gallons	This only includes 10 tanks out of 23 on the tank farm. It is Borne's estimate of the total materials in these 10 tanks. The oily wastes may include any of the other waste types.
SOL	SOLVENTS			
PSD	PESTICIDES			
OCC	OTHER ORGANIC CHEMICALS			
IOC	INORGANIC CHEMICALS			
ACD	ACIDS			
BAS	BASES			
MES	HEAVY METALS			

IV. HAZARDOUS SUBSTANCES (See Appendix for most frequently used CAS Numbers)

01 CATEGORY	02 SUBSTANCE NAME	03 CAS NUMBER	04 STORAGE/DISPOSAL METHOD	05 CONCENTRATION	06 MEASURE OF CONCENTRATION
OLW	PCB	1336-36-3	stored in tanks	< 10-48	ppm

V. FEEDSTOCKS (See Appendix for CAS Numbers)

CATEGORY	01 FEEDSTOCK NAME	02 CAS NUMBER	CATEGORY	01 FEEDSTOCK NAME	02 CAS NUMBER
FDS			FDS		
FDS			FDS		
FDS	N/A		FDS	N/A	
FDS			FDS		

VI. SOURCES OF INFORMATION (See specific references & State level sample analysis reports)

State files - New Jersey; sample analysis - Caleb Brett, 1428 E. Elizabeth Avenue, Linden, N.J. 07036; sample analysis -Case Consulting Laboratories, Inc. 622 Route 10, Whippany, N.J. 07981.



**POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT**
PART 3 - DESCRIPTION OF HAZARDOUS CONDITIONS AND INCIDENTS

L IDENTIFICATION

D1 STATE | D2 SITE NUMBER

II. HAZARDOUS CONDITIONS AND INCIDENTS

D1 A. GROUNDWATER CONTAMINATION D2 OBSERVED (DATE: 8/3/81) POTENTIAL ALLEGED
D3 POPULATION POTENTIALLY AFFECTED: _____ D4 NARRATIVE DESCRIPTION

Likely - High groundwater table according to the plant manager.

D1 B. SURFACE WATER CONTAMINATION D2 OBSERVED (DATE: 8/3/81) POTENTIAL ALLEGED
D3 POPULATION POTENTIALLY AFFECTED: _____ D4 NARRATIVE DESCRIPTION

Likely - there is some discharge of oily substances into the Arthur Kill by 2 (4" and 18" diameter) storm drain pipes apparently coming from the property.

D1 C. CONTAMINATION OF AIR D2 OBSERVED (DATE: _____) POTENTIAL ALLEGED
D3 POPULATION POTENTIALLY AFFECTED: _____ D4 NARRATIVE DESCRIPTION

Unknown - adjacent sewage treatment plant would mask any point source of chemical contamination from this site.

D1 D. FIRE/EXPLOSIVE CONDITIONS D2 OBSERVED (DATE: _____) POTENTIAL ALLEGED
D3 POPULATION POTENTIALLY AFFECTED: _____ D4 NARRATIVE DESCRIPTION

Several tanks in the tank farm have been tested as having flash points below a 100 F.

D1 E. DIRECT CONTACT D2 OBSERVED (DATE: _____) POTENTIAL ALLEGED
D3 POPULATION POTENTIALLY AFFECTED: _____ D4 NARRATIVE DESCRIPTION

None

D1 F. CONTAMINATION OF SOIL D2 OBSERVED (DATE: 8/3/81) POTENTIAL ALLEGED
D3 AREA POTENTIALLY AFFECTED: 4 D4 NARRATIVE DESCRIPTION
(ACPM)

Large portions of the site were saturated with oily materials - especially around the active buildings and the tank farm. A large tank in the middle of the site is surrounded by multicolored stained soils.

D1 G. DRINKING WATER CONTAMINATION D2 OBSERVED (DATE: _____) POTENTIAL ALLEGED
D3 POPULATION POTENTIALLY AFFECTED: _____ D4 NARRATIVE DESCRIPTION

unknown

D1 H. WORKER EXPOSURE/INJURY D2 OBSERVED (DATE: 8/3/81) POTENTIAL ALLEGED
D3 WORKERS POTENTIALLY AFFECTED: 25 D4 NARRATIVE DESCRIPTION

Workers do not wear any protective gear and no safety procedures are in evidence.

D1 I. POPULATION EXPOSURE/INJURY D2 OBSERVED (DATE: _____) POTENTIAL ALLEGED
D3 POPULATION POTENTIALLY AFFECTED: _____ D4 NARRATIVE DESCRIPTION

Possible, if tanks explode



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 3 - DESCRIPTION OF HAZARDOUS CONDITIONS AND INCIDENTS

I. IDENTIFICATION	
01 STATE	02 SITE NUMBER

II. HAZARDOUS CONDITIONS AND INCIDENTS (Continued)

01 J. DAMAGE TO FLORA
04 NARRATIVE DESCRIPTION

02 OBSERVED (DATE: 8/3/81) POTENTIAL ALLEGED

Not evident. The site is heavily used by trucks and railroad cars so not much vegetation is present.

01 K. DAMAGE TO FAUNA
04 NARRATIVE DESCRIPTION (include name(s) of species)

02 OBSERVED (DATE: 8/3/81) POTENTIAL ALLEGED

Not evident.

01 L. CONTAMINATION OF FOOD CHAIN
04 NARRATIVE DESCRIPTION

02 OBSERVED (DATE: 8/3/81) POTENTIAL ALLEGED

Unknown - There is some discharge of oily substances via 2 pipes into the Arthur Kill. This river is classified TW-3 and is considered suitable for secondary contact (boating) maintenance of fish populations, migration of anadromous fish, & other reasonable uses.

01 M. UNSTABLE CONTAINMENT OF WASTES
(Spills/Runoff/Stranding loads/Leaking drums)

02 OBSERVED (DATE: 8/3/81) POTENTIAL ALLEGED

03 POPULATION POTENTIALLY AFFECTED: About 600 drums abandoned by Rolfite are stacked on the property. FIT observed
04 NARRATIVE DESCRIPTION
pools of oily liquids outside the active buildings and saw a drum accidentally punctured by the fork lift operator.

01 N. DAMAGE TO OFFSITE PROPERTY
04 NARRATIVE DESCRIPTION

02 OBSERVED (DATE: 8/3/81) POTENTIAL ALLEGED

Not apparent

01 O. CONTAMINATION OF SEWERS, STORM DRAINS, WWTPs
04 NARRATIVE DESCRIPTION

02 OBSERVED (DATE: 8/3/81) POTENTIAL ALLEGED

Sewers on-site were not inspected for evidence of discharges. Apparent storm drain pipes exit into the Arthur Kill from the seawall. An oily sheen was noted on the water near the pipes.

01 P. ILLEGAL/UNAUTHORIZED DUMPING
04 NARRATIVE DESCRIPTION

02 OBSERVED (DATE: _____) POTENTIAL ALLEGED

According to Mr. Patrick, Company President, Coastal Services had previously made midnight runs onto the property to unload unknown quantities of chemicals possibly including dumping into the tanks.

05 DESCRIPTION OF ANY OTHER KNOWN, POTENTIAL, OR ALLEGED HAZARDS

A 12 foot oval surface impoundment exists to the left of the main entrance. Unknown quantities of oily liquids were dumped here in an attempt to separate the oil and water portions.

III. TOTAL POPULATION POTENTIALLY AFFECTED: 50 within 1 mile

IV. COMMENTS

The floors of the active buildings are coated with evidence of years of oily spills and multi-colored stains. There are abandoned tanks within the buildings.

V. SOURCES OF INFORMATION (See specific references, e.g. State level sample analysis reports)

State files - NJDEP; Observed.



**POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION
PART 4 - PERMIT AND DESCRIPTIVE INFORMATION**

I. IDENTIFICATION

01 STATE 02 SITE NUMBER

II. PERMIT INFORMATION

01 TYPE OF PERMIT ISSUED <i>(Check all that apply)</i>	02 PERMIT NUMBER	03 DATE ISSUED	04 EXPIRATION DATE	05 COMMENTS
<input type="checkbox"/> A. NPDES				
<input type="checkbox"/> B. UIC				
<input type="checkbox"/> C. AIR				
<input type="checkbox"/> D. RCRA				
<input type="checkbox"/> E. RCRA INTERIM STATUS				
<input type="checkbox"/> F. SPCC PLAN				Borne has submitted 5 year/SPCC plans; the EPA has not given these plans final approval.
<input type="checkbox"/> G. STATE <i>(Specify)</i>				
<input type="checkbox"/> H. LOCAL <i>(Specify)</i>				
<input type="checkbox"/> I. OTHER <i>(Specify)</i>				
<input type="checkbox"/> J. NONE				

III. SITE DESCRIPTION

01 STORAGE/DISPOSAL <i>(Check all that apply)</i>	02 AMOUNT	03 UNIT OF MEASURE	04 TREATMENT <i>(Check all that apply)</i>	05 OTHER
<input checked="" type="checkbox"/> A. SURFACE IMPOUNDMENT	unknown		<input type="checkbox"/> A. INCENERATION	<input checked="" type="checkbox"/> A. BUILDINGS ON SITE
<input type="checkbox"/> B. PILES			<input type="checkbox"/> B. UNDERGROUND INJECTION	
<input checked="" type="checkbox"/> C. DRUMS, ABOVE GROUND	600		<input type="checkbox"/> C. CHEMICAL/PHYSICAL	
<input checked="" type="checkbox"/> D. TANK, ABOVE GROUND	468,000		<input type="checkbox"/> D. BIOLOGICAL	6
<input type="checkbox"/> E. TANK, BELOW GROUND			<input type="checkbox"/> E. WASTE OIL PROCESSING	06 AREA OF SITE
<input type="checkbox"/> F. LANDFILL			<input type="checkbox"/> F. SOLVENT RECOVERY	6 (Acres)
<input type="checkbox"/> G. LANDFARM			<input type="checkbox"/> G. OTHER RECYCLING/RECOVERY	
<input type="checkbox"/> H. OPEN DUMP			<input type="checkbox"/> H. OTHER <i>(Specify)</i>	
<input checked="" type="checkbox"/> I. OTHER <i>(Specify)</i>	below ground		None	

07 COMMENTS

Tank farm has had many previous spills and leaks. Soundness of the tanks is unknown. Underground pipes run from the tank farm to the active buildings where the connections are now broken.

IV. CONTAINMENT

01 CONTAINMENT OF WASTES <i>(Check one)</i>	<input checked="" type="checkbox"/> UNKNOWN
<input type="checkbox"/> A. ADEQUATE, SECURE	<input type="checkbox"/> B. MODERATE
<input type="checkbox"/> C. INADEQUATE, POOR	<input type="checkbox"/> D. INSECURE, UNSOUND, DANGEROUS

02 DESCRIPTION OF DRUMS, DIKING, LINERS, BARRIERS, ETC.

There are approximately 600 abandoned drums on the property. The surface impoundment is a pool of oily sludge and dirt; no liners or barriers exist there. The tank farm is surrounded by an earth dike; no liner is present underneath. The tanks themselves may or may not be secure.

V. ACCESSIBILITY

01 WASTE EASILY ACCESSIBLE: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
02 COMMENTS Borne Chemical has securely and adequately fenced the entire site. Entry on and off-site is supervised by a guard stationed at the only entrance.

VI. SOURCES OF INFORMATION *(Cite specific references to C 1910.101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000*

Observed; Mr. Corona, Plant Manager



**POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 5 - WATER, DEMOGRAPHIC, AND ENVIRONMENTAL DATA**

I. IDENTIFICATION
01 STATE 02 SITE NUMBER

II. DRINKING WATER SUPPLY

01 TYPE OF DRINKING SUPPLY <i>(Check as applicable)</i>		02 STATUS			03 DISTANCE TO SITE	
COMMUNITY	SURFACE A. <input checked="" type="checkbox"/> 80%	WELL B. <input checked="" type="checkbox"/> 20%	ENDANGERED A. <input type="checkbox"/>	AFFECTED B. <input type="checkbox"/>	MONITORED C. <input checked="" type="checkbox"/>	A. <u>5</u> (mi)
NON-COMMUNITY	C. <input type="checkbox"/>	D. <input type="checkbox"/>	D. <input type="checkbox"/>	E. <input type="checkbox"/>	F. <input type="checkbox"/>	B. _____ (mi)

III. GROUNDWATER

01 GROUNDWATER USE IN VICINITY *(Check one)*

A. ONLY SOURCE FOR DRINKING B. DRINKING *(Other sources available)*
COMMERCIAL, INDUSTRIAL, IRRIGATION *(No other water sources available)*

C. COMMERCIAL, INDUSTRIAL, IRRIGATION *(Limited other sources available)* D. NOT USED, UNUSEABLE

02 POPULATION SERVED BY GROUND WATER _____ 03 DISTANCE TO NEAREST DRINKING WATER WELL _____ (mi)

04 DEPTH TO GROUNDWATER unknown (ft) 05 DIRECTION OF GROUNDWATER FLOW unknown

06 DEPTH TO AQUIFER OF CONCERN unknown (ft) 07 POTENTIAL YIELD OF AQUIFER unknown (gpd)

08 SOLE SOURCE AQUIFER YES NO

09 DESCRIPTION OF WELLS *(Including useage, depth, and location relative to population and buildings)*

10 RECHARGE AREA YES NO COMMENTS _____

11 DISCHARGE AREA YES NO COMMENTS _____

IV. SURFACE WATER

01 SURFACE WATER USE *(Check one)*

A. RESERVOIR, RECREATION DRINKING WATER SOURCE B. IRRIGATION, ECONOMICALLY IMPORTANT RESOURCES C. COMMERCIAL, INDUSTRIAL D. NOT CURRENTLY USED

02 AFFECTED/POTENTIALLY AFFECTED BODIES OF WATER

NAME:	AFFECTED	DISTANCE TO SITE
<u>Arthur Kill</u>	<input checked="" type="checkbox"/>	<u>Immediate</u> (mi)
_____	<input type="checkbox"/>	_____ (mi)
_____	<input type="checkbox"/>	_____ (mi)

V. DEMOGRAPHIC AND PROPERTY INFORMATION

01 TOTAL POPULATION WITHIN

ONE (1) MILE OF SITE A. <u>50</u> NO. OF PERSONS	TWO (2) MILES OF SITE B. <u>City of Elizabeth, N.J.</u> NO. OF PERSONS	THREE (3) MILES OF SITE C. <u>unknown</u> NO. OF PERSONS
--	--	--

02 DISTANCE TO NEAREST POPULATION Immediate (mi)

03 NUMBER OF BUILDINGS WITHIN TWO (2) MILES OF SITE unknown

04 DISTANCE TO NEAREST OFF-SITE BUILDING Immediate (mi)

05 POPULATION WITHIN VICINITY OF SITE *(Provide narrative description of nature of population within vicinity of site e.g. rural village densely populated urban area)*

There is oil refinery immediately to the north of the property close to the tank farm. To the south of the site, there is a large manufacturing plant. West of the site, there are private single and row houses containing probably not more than 50 people.



**POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 5 - WATER, DEMOGRAPHIC, AND ENVIRONMENTAL DATA**

I. IDENTIFICATION
01 STATE 02 SITE NUMBER

VI. ENVIRONMENTAL INFORMATION

01 PERMEABILITY OF UNSATURATED ZONE (Check one)

A. 10^{-8} - 10^{-6} cm/sec B. 10^{-4} - 10^{-6} cm/sec C. 10^{-4} - 10^{-3} cm/sec D. GREATER THAN 10^{-3} cm/sec
Unknown

02 PERMEABILITY OF BEDROCK (Check one)

A. IMPERMEABLE (Less than 10^{-6} cm/sec) B. RELATIVELY IMPERMEABLE (10^{-4} - 10^{-6} cm/sec) C. RELATIVELY PERMEABLE (10^{-2} - 10^{-4} cm/sec) D. VERY PERMEABLE (Greater than 10^{-2} cm/sec)

03 DEPTH TO BEDROCK

unknown (ft)

04 DEPTH OF CONTAMINATED SOIL ZONE

unknown (ft)

05 SOIL PH

unknown

06 NET PRECIPITATION

15 (in)

07 ONE YEAR 24 HOUR RAINFALL

unknown (in)

08 SLOPE SITE SLOPE

0 %

DIRECTION OF SITE SLOPE

N/A

TERRAIN AVERAGE SLOPE

N/A %

09 FLOOD POTENTIAL

SITE IS IN unknown YEAR FLOODPLAIN

10

SITE IS ON BARRIER ISLAND, COASTAL HIGH HAZARD AREA, RIVERINE FLOODWAY

11 DISTANCE TO WETLANDS (5 acre minimum)

ESTUARINE

unknown
OTHER

A. _____ (mi)

B. _____ (mi)

12 DISTANCE TO CRITICAL HABITAT (of endangered species)

N/A (mi)

ENDANGERED SPECIES: _____

13 LAND USE IN VICINITY

DISTANCE TO:

COMMERCIAL/INDUSTRIAL

RESIDENTIAL AREAS; NATIONAL/STATE PARKS,
FORESTS, OR WILDLIFE RESERVES

AGRICULTURAL LANDS
PRIME AG LAND AG LAND

Immediate

A. _____ (mi)

B. N/A (mi)

C. N/A (mi)

D. N/A (mi)

14 DESCRIPTION OF SITE IN RELATION TO SURROUNDING TOPOGRAPHY

Site is located on a level area adjacent to the Arthur Kill.

VII. SOURCES OF INFORMATION (Cite specific references, e.g. state map, geologic analysis, reports)

Observed; Geologic Map of New Jersey



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 6 - SAMPLE AND FIELD INFORMATION

I. IDENTIFICATION

01 STATE 02 SITE NUMBER

II. SAMPLES TAKEN

SAMPLE TYPE	01 NUMBER OF SAMPLES TAKEN	02 SAMPLES SENT TO	03 ESTIMATED DATE RESULTS AVAILABLE
GROUNOWATER			
SURFACE WATER			
WASTE			
AIR			
RUNOFF		N/A	
SPILL			
SOIL			
VEGETATION			
OTHER			

III. FIELD MEASUREMENTS TAKEN

01 TYPE	02 COMMENTS
	N/A

IV. PHOTOGRAPHS AND MAPS

01 TYPE GROUND AERIAL

02 IN CUSTODY OF Amelia J. Janisz, FCHA
(Name of organization or individual)

03 MAPS YES NO

04 LOCATION OF MAPS Topographic map of site; sketch map - attached.

V. OTHER FIELD DATA COLLECTED (Provide narrative description)

N/A

VI. SOURCES OF INFORMATION (Give specific references e.g. state files, sample analysis, reports)

Observed



**POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 7 - OWNER INFORMATION**

I. IDENTIFICATION

01 STATE 02 SITE NUMBER

II. CURRENT OWNER(S)

PARENT COMPANY (if applicable)

01 NAME Borne Chemical Co. Inc.			02 D+B NUMBER		08 NAME N/A			09 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.) 632 S. Front Street			04 SIC CODE		10 STREET ADDRESS (P.O. Box, RFD #, etc.)			11 SIC CODE	
05 CITY Elizabeth		06 STATE NJ	07 ZIP CODE 07207		12 CITY		13 STATE	14 ZIP CODE	
01 NAME N/A			02 D+B NUMBER		08 NAME N/A			09 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)			04 SIC CODE		10 STREET ADDRESS (P.O. Box, RFD #, etc.)			11 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE		12 CITY		13 STATE	14 ZIP CODE	
01 NAME N/A			02 D+B NUMBER		08 NAME N/A			09 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)			04 SIC CODE		10 STREET ADDRESS (P.O. Box, RFD #, etc.)			11 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE		12 CITY		13 STATE	14 ZIP CODE	
01 NAME N/A			02 D+B NUMBER		08 NAME N/A			09 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)			04 SIC CODE		10 STREET ADDRESS (P.O. Box, RFD #, etc.)			11 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE		12 CITY		13 STATE	14 ZIP CODE	

III. PREVIOUS OWNER(S) (List most recent first)

IV. REALTY OWNER(S) (if applicable, list most recent first)

01 NAME Same as above			02 D+B NUMBER		01 NAME Same as above			02 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)			04 SIC CODE		03 STREET ADDRESS (P.O. Box, RFD #, etc.)			04 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE		05 CITY		06 STATE	07 ZIP CODE	
01 NAME N/A			02 D+B NUMBER		01 NAME N/A			02 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)			04 SIC CODE		03 STREET ADDRESS (P.O. Box, RFD #, etc.)			04 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE		05 CITY		06 STATE	07 ZIP CODE	
01 NAME N/A			02 D+B NUMBER		01 NAME N/A			02 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)			04 SIC CODE		03 STREET ADDRESS (P.O. Box, RFD #, etc.)			04 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE		05 CITY		06 STATE	07 ZIP CODE	

V. SOURCES OF INFORMATION (List specific references e.g. state files, sample analysis reports)

Mr. Stuart Patrick, President, Borne Chemical Co.



**POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART B - OPERATOR INFORMATION**

I. IDENTIFICATION

01 STATE | 02 SITE NUMBER

II. CURRENT OPERATOR *(Provide if different from owner)*

OPERATOR'S PARENT COMPANY *(if applicable)*

01 NAME Borne Chemical Co., Inc.		02 D+B NUMBER	10 NAME Same		11 D+B NUMBER
03 STREET ADDRESS (P.O. Box, RFD #, etc.) 632 S. Front Street		04 SIC CODE	12 STREET ADDRESS (P.O. Box, RFD #, etc.)		13 SIC CODE
05 CITY Elizabeth,	06 STATE NJ	07 ZIP CODE 07207	14 CITY	15 STATE	16 ZIP CODE
08 YEARS OF OPERATION 1979 on	09 NAME OF OWNER Stuart Patrick				

III. PREVIOUS OPERATOR(S) *(List most recent first, provide only if different from above)*

PREVIOUS OPERATORS' PARENT COMPANIES *(if applicable)*

01 NAME Same		02 D+B NUMBER	10 NAME N/A		11 D+B NUMBER
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE	12 STREET ADDRESS (P.O. Box, RFD #, etc.)		13 SIC CODE
05 CITY	06 STATE	07 ZIP CODE	14 CITY	15 STATE	16 ZIP CODE
08 YEARS OF OPERATION 1959-1979	09 NAME OF OWNER DURING THIS PERIOD Ed Kaye				
01 NAME N/A		02 D+B NUMBER	10 NAME N/A		11 D+B NUMBER
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE	12 STREET ADDRESS (P.O. Box, RFD #, etc.)		13 SIC CODE
05 CITY	06 STATE	07 ZIP CODE	14 CITY	15 STATE	16 ZIP CODE
08 YEARS OF OPERATION	09 NAME OF OWNER DURING THIS PERIOD				
01 NAME N/A		02 D+B NUMBER	10 NAME N/A		11 D+B NUMBER
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE	12 STREET ADDRESS (P.O. Box, RFD #, etc.)		13 SIC CODE
05 CITY	06 STATE	07 ZIP CODE	14 CITY	15 STATE	16 ZIP CODE
08 YEARS OF OPERATION	09 NAME OF OWNER DURING THIS PERIOD				

IV. SOURCES OF INFORMATION *(Give specific references, e.g., state files, sample analysis reports)*

Mr. Stuart Patrick, President, Borne Chemical Co., Inc.



**POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 9 - GENERATOR/TRANSPORTER INFORMATION**

I IDENTIFICATION

01 STATE 02 SITE NUMBER

II. ON-SITE GENERATOR

01 NAME None		02 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE	
05 CITY	06 STATE	07 ZIP CODE	

III. OFF-SITE GENERATOR(S)

01 NAME Clean Venture, Inc.		02 D+B NUMBER		01 NAME A-Line		02 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.) P.O. Box 418		04 SIC CODE		03 STREET ADDRESS (P.O. Box, RFD #, etc.) Unknown		04 SIC CODE	
06 CITY Linden	06 STATE NJ	07 ZIP CODE 07036		05 CITY	06 STATE	07 ZIP CODE	

01 NAME Coastal Services, Inc.		02 D+B NUMBER		01 NAME Rolfite Co.		02 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE		03 STREET ADDRESS (P.O. Box, RFD #, etc.) 300 Broad Street		04 SIC CODE	
05 CITY New Brunswick	06 STATE NJ	07 ZIP CODE		05 CITY Stamford	06 STATE CT	07 ZIP CODE 06901	

IV. TRANSPORTER(S)

01 NAME Unknown		02 D+B NUMBER		01 NAME N/A		02 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE		03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE	
05 CITY	06 STATE	07 ZIP CODE		05 CITY	06 STATE	07 ZIP CODE	

01 NAME N/A		02 D+B NUMBER		01 NAME N/A		02 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE		03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE	
05 CITY	06 STATE	07 ZIP CODE		05 CITY	06 STATE	07 ZIP CODE	

V. SOURCES OF INFORMATION (See specific references, e.g., State Regs., Sample analysis reports)

Mr. Stuart Patrick, President, Borne Chemical Co. Inc.; State files - NJDEP



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 10 - PAST RESPONSE ACTIVITIES

I. IDENTIFICATION

01 STATE 02 SITE NUMBER

II. PAST RESPONSE ACTIVITIES

01 <input type="checkbox"/> A. WATER SUPPLY CLOSED 04 DESCRIPTION	N/A	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> B. TEMPORARY WATER SUPPLY PROVIDED 04 DESCRIPTION	N/A	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> C. PERMANENT WATER SUPPLY PROVIDED 04 DESCRIPTION	N/A	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> D. SPILLED MATERIAL REMOVED 04 DESCRIPTION	N/A	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> E. CONTAMINATED SOIL REMOVED 04 DESCRIPTION	N/A	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> F. WASTE REPACKAGED 04 DESCRIPTION		02 DATE _____	03 AGENCY _____
01 <input checked="" type="checkbox"/> G. WASTE DISPOSED ELSEWHERE 04 DESCRIPTION	Approximately 1,000 drums of miscellaneous waste stored on the property have been removed by the respective owners	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> H. ON SITE BURIAL 04 DESCRIPTION	N/A	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> I. IN SITU CHEMICAL TREATMENT 04 DESCRIPTION	N/A	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> J. IN SITU BIOLOGICAL TREATMENT 04 DESCRIPTION	N/A	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> K. IN SITU PHYSICAL TREATMENT 04 DESCRIPTION	N/A	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> L. ENCAPSULATION 04 DESCRIPTION	N/A	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> M. EMERGENCY WASTE TREATMENT 04 DESCRIPTION	N/A	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> N. CUTOFF WALLS 04 DESCRIPTION	N/A	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> O. EMERGENCY DIKING/SURFACE WATER DIVERSION 04 DESCRIPTION	N/A	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> P. CUTOFF TRENCHES/SUMP 04 DESCRIPTION	N/A	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> Q. SUBSURFACE CUTOFF WALL 04 DESCRIPTION	N/A	02 DATE _____	03 AGENCY _____



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 10 - PAST RESPONSE ACTIVITIES

I. IDENTIFICATION

01 STATE 02 SITE NUMBER

II. PAST RESPONSE ACTIVITIES (Continued)

01 <input type="checkbox"/> F. BARRIER WALLS CONSTRUCTED 04 DESCRIPTION	N/A	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> G. CAPPING/COVERING 04 DESCRIPTION	N/A	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> H. BULK TANKAGE REPAIRED 04 DESCRIPTION	N/A	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> I. GROUT CURTAIN CONSTRUCTED 04 DESCRIPTION	N/A	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> J. BOTTOM SEALED 04 DESCRIPTION	N/A	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> K. GAS CONTROL 04 DESCRIPTION	N/A	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> L. FIRE CONTROL 04 DESCRIPTION	N/A	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> M. LEACHATE TREATMENT 04 DESCRIPTION	N/A	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> N. AREA EVACUATED 04 DESCRIPTION	N/A	02 DATE _____	03 AGENCY _____
01 <input checked="" type="checkbox"/> 1. ACCESS TO SITE RESTRICTED 04 DESCRIPTION	Present management fenced the entire site and restricts access to one guarded gate.	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> 2. POPULATION RELOCATED 04 DESCRIPTION	N/A	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> 3. OTHER REMEDIAL ACTIVITIES 04 DESCRIPTION	N/A	02 DATE _____	03 AGENCY _____

III. SOURCES OF INFORMATION (Cite specific references, e.g., state files, sample analysis, reports)

Observed; State files - NJDEP



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 11 - ENFORCEMENT INFORMATION

I. IDENTIFICATION

01 STATE 02 SITE NUMBER

II. ENFORCEMENT INFORMATION

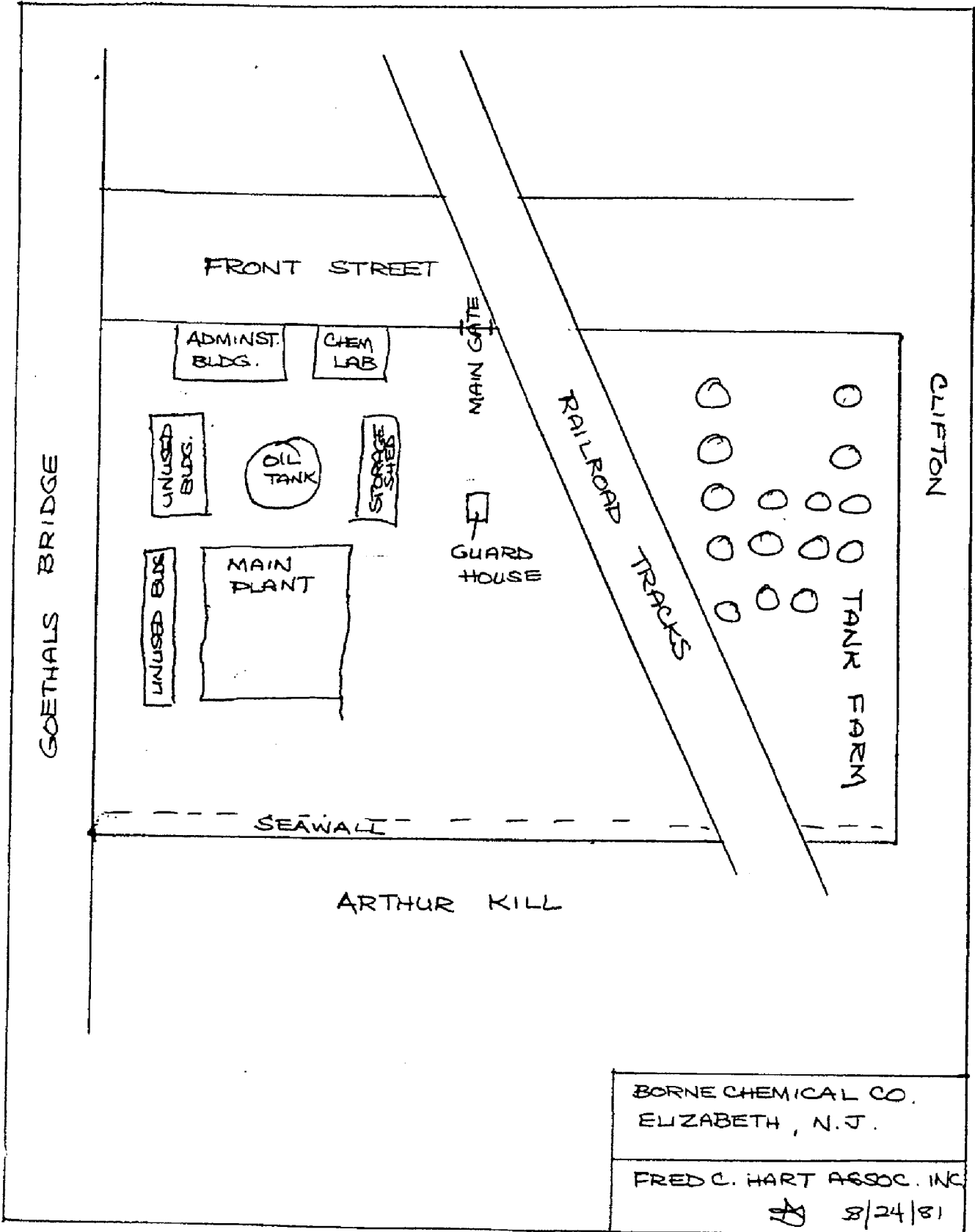
01 PAST REGULATORY/ENFORCEMENT ACTION YES NO

02 DESCRIPTION OF FEDERAL, STATE, LOCAL REGULATORY/ENFORCEMENT ACTION

State of New Jersey, Department of Environmental Protection, Division of Environmental Quality, Solid Waste Administration served Borne Chemical Co. Inc. with a Notice of Prosecution for violations occurring on the premises on April 21, 1980. The NJ DEP is currently attempting to place Borne on a clean-up schedule in the form of a consent order.

III. SOURCES OF INFORMATION (Cite specific references e.g. State files, sample analysis reports)

State files - NJDEP



BORNE CHEMICAL CO.
 ELIZABETH, N.J.
 FRED C. HART ASSOC. INC.
 8/24/81

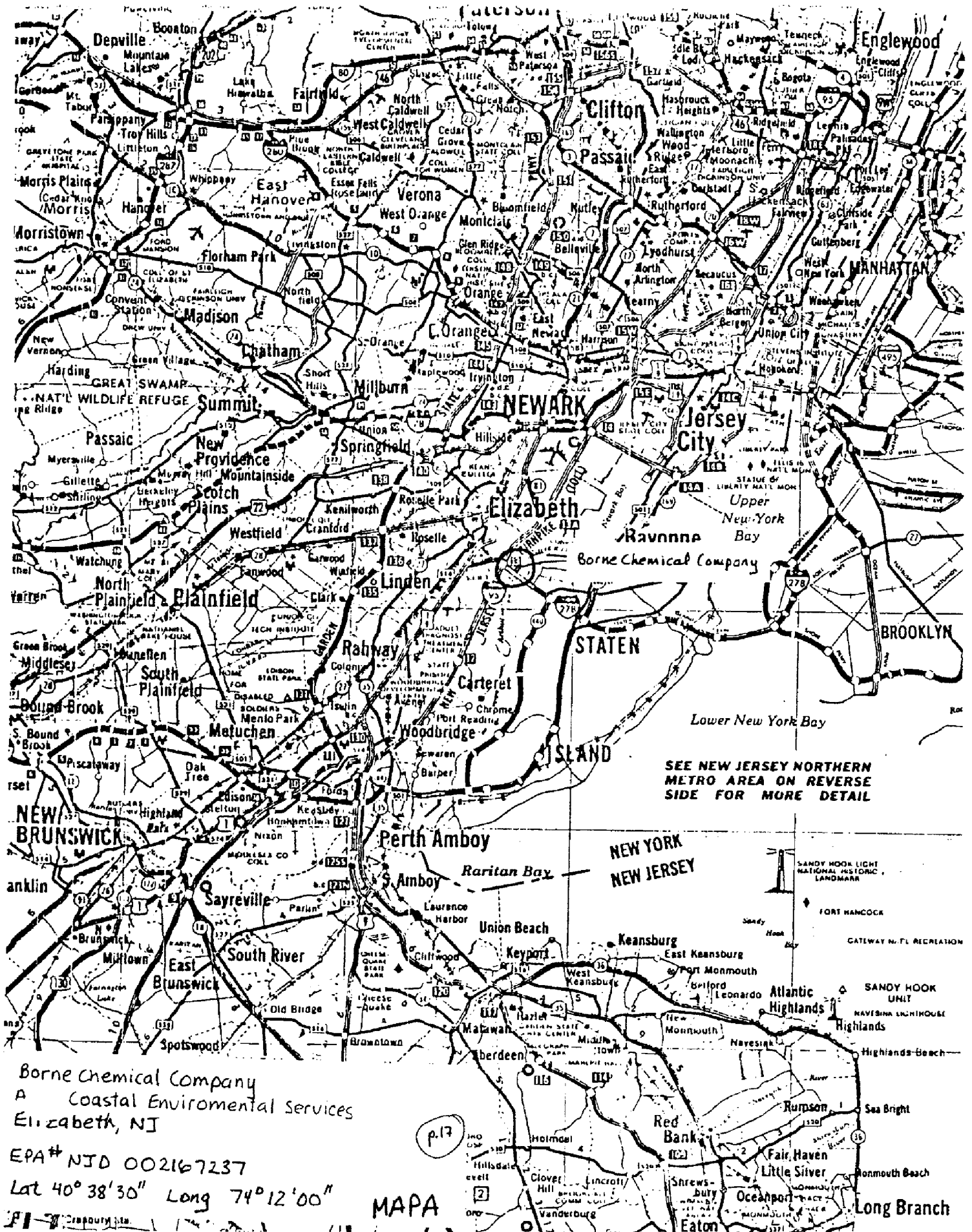
ATTACHMENTS
BORNE CHEMICAL

MAPS

- A. GENERAL MAP OF BORNE LOCATION
- B. U.S. GEOLOGICAL SURVEY ELIZABETH QUADRANGLE
- C. STREET MAP UNION COUNTY.
- D. WATER RESOURCE MAP ELIZABETH AREA.
- E. SITE MAP, BORNE

DOCUMENTS

- A. HISTORICAL BACKGROUND
- B. DRUM STORAGE ACTIVITIES
- C. TANK FARM ANALYSIS
- D. SOIL ANALYSIS
- E. ECRA RULING
- F. BORNE, COASTAL ENVIRONMENTAL LITIGATION
- G. TANK WATER ANALYSIS
- H. GENERAL INFORMATION
- I. SITE RECONNAISSANCE MEMO
- J. SITE INTERVIEW CASE MANAGEMENT MEMO
- K. ORS DIRECTIVE

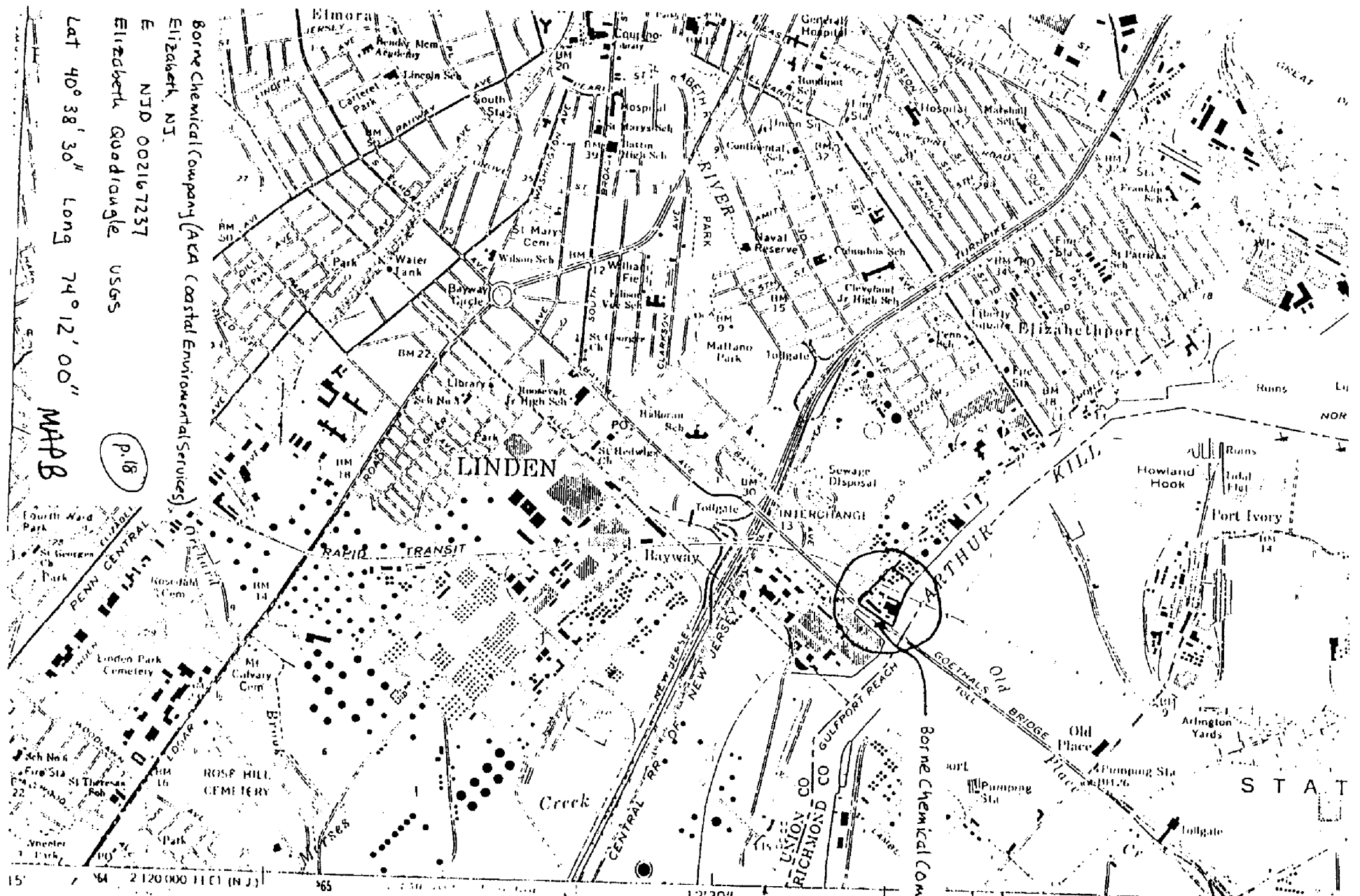


SEE NEW JERSEY NORTHERN METRO AREA ON REVERSE SIDE FOR MORE DETAIL

Borne Chemical Company
 A Coastal Environmental Services
 Elizabeth, NJ

EPA# NJD 002167237
 Lat 40° 38' 30" Long 74° 12' 00"

MAPA

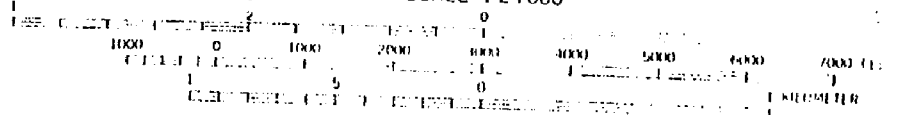
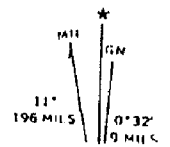


Lat 40° 38' 30" Long 74° 12' 00" MAPP
 Elizabeth, NJ
 Borne Chemical Company (AKA Coastal Environmental Services)
 Elizabeth, NJ
 E NID 002167237
 Elizabeth Goodangle USGS

P.18

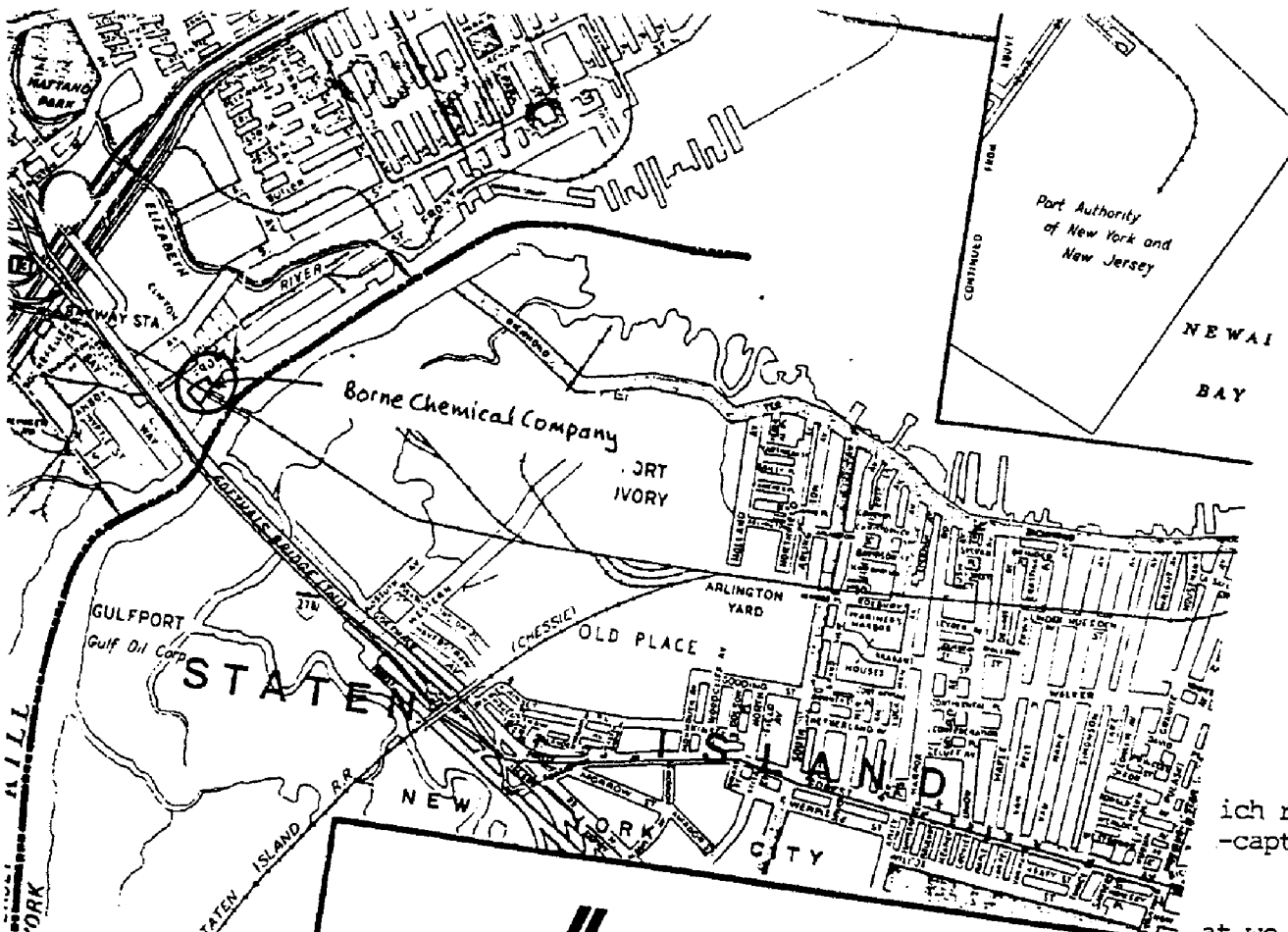
Map compiled and published by the Geological Survey
 Revised in cooperation with New York Department
 of Transportation

Control U.S.G.S. USC&GS USCEI, and New Jersey Geodetic Survey
 by methods of photogrammetric methods and from USC&GS Charts
 1-5416, 1-5417, 1-5418, 1-5467, 1-5468, and 1-5469
 by methods of photogrammetric methods from aerial
 photographs.



CONTOUR INTERVAL 10 FEET

(ARTHUR KILL) 609
 6165 II SW
 SCALE 1:24,000



JRTN
239pm -
J Capital
B Rev

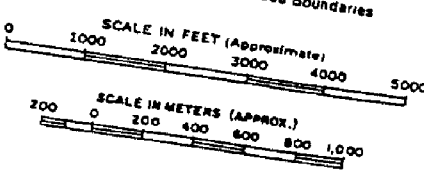
ich re-
-captioned

at we may

Hagstrom map of Union County New Jersey

Size: 40"x25 1/2"

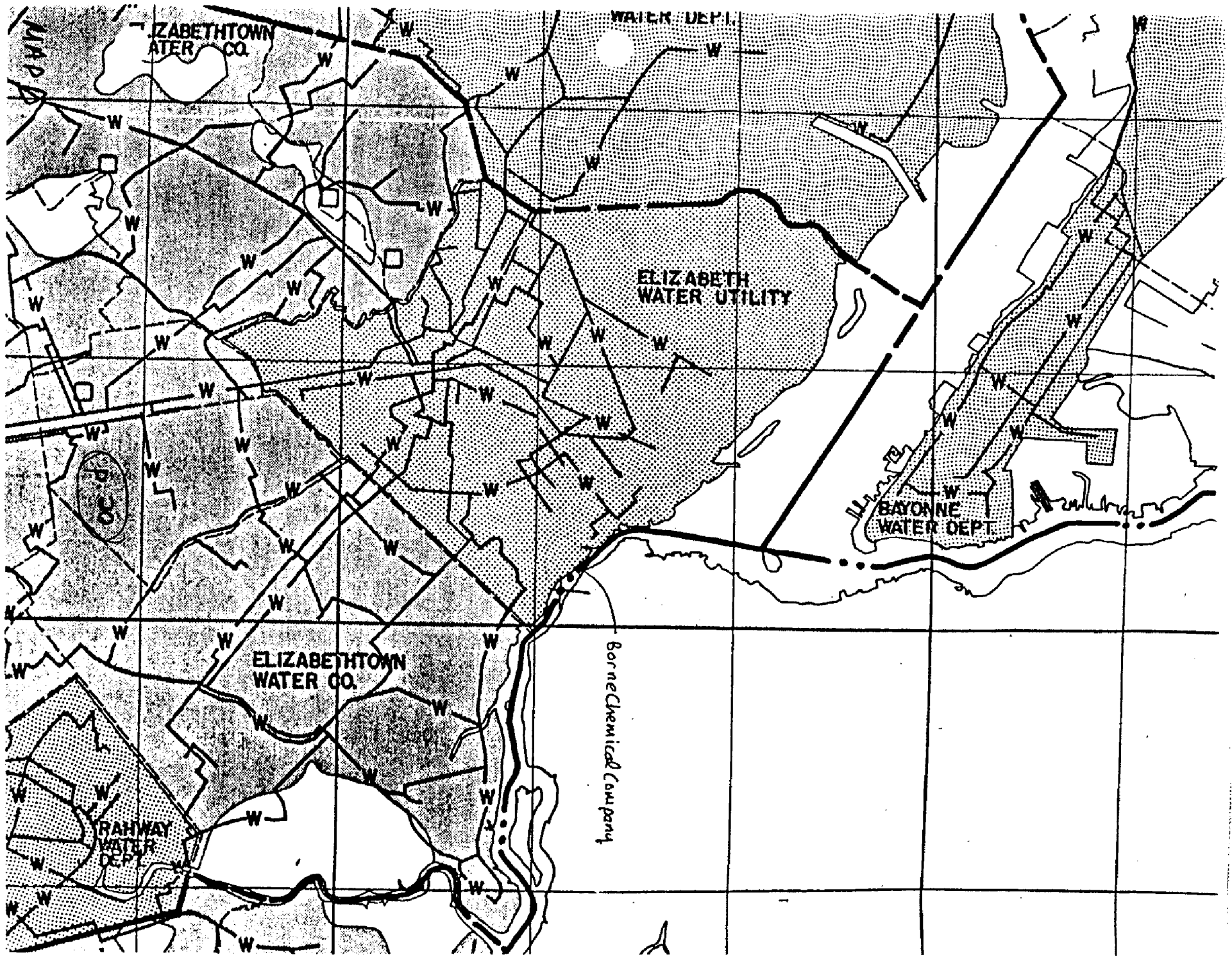
- | | | |
|-------------------------------------|--------------------------------------|---------------|
| Main Through Roads | Connecting and Other Municipal Roads | Airports |
| Highway Symbols | Railroad Lines and Stations | Parks |
| State Wide Secondary Highway System | Public Bus Lines | Cemeteries |
| N.J. Turnpike | State Boundary | Golf Courses |
| Garden State Pkwy | County Boundaries | State Lands |
| Emergency and Exit | Municipal Boundaries | Hospitals |
| Emergency Only | Zip Code Boundaries | Points of Int |
| Exit Only | | |



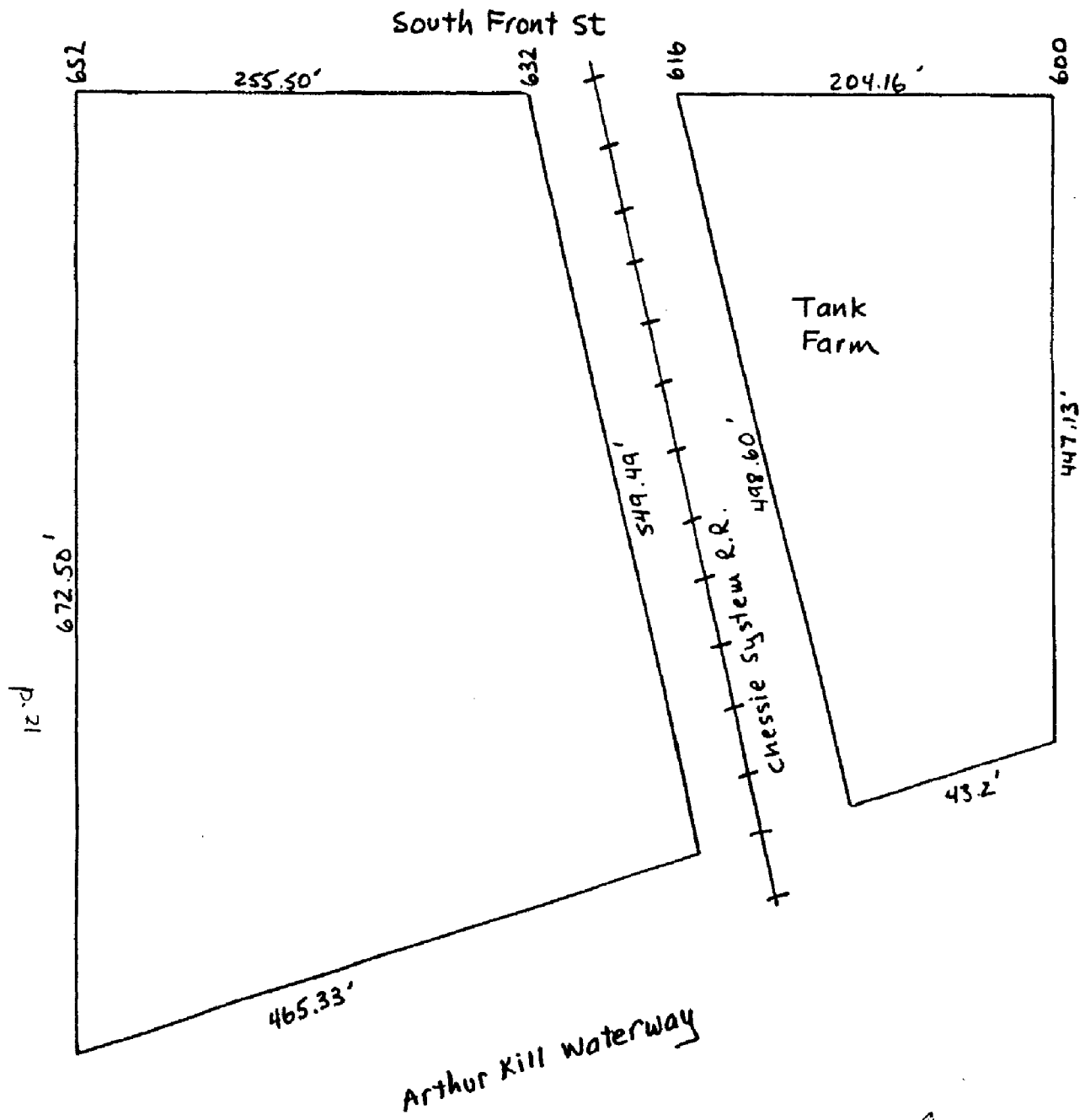
PUBLISHER'S NOTE
The information shown on this map has been obtained from various sources and is believed to be correct. However, it is not guaranteed by us. Any changes or additions to the information shown on this map will be made in the next edition.

© 1983 Hagstrom Map Company, Inc., a Subsidiary of American Map Corp. 46-35 54th Road, Maspeth, N.Y. 113

p. 19



MADP



Borne Scrymser Corp
 "Borne Chemical Company"
 Block 4 Lot 1469
 4.9073 Acres

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE 02/09/84

02/09/84

SUBJECT: 'Borne Chemical' (20)

FROM: John V. Czapora
Hazard Assessment Section

TO: Walter Mugdan, Chief
General Enforcement Branch

THRU: John S. Frisco, Chief
Hazard Assessment Section

The purpose of this memo is to briefly review Agency activities regarding Borne Chemical, outline the problems facing us and limiting our future options, and suggest alternative courses of action at the site.

History

Borne Chemical is a largely unused facility on South Front Street in Elizabeth, New Jersey. The sole remaining activity at the site is a oil blending operation which does not produce waste. The hazardous waste problem at the site centers around a tank farm - 23 tanks containing an estimated 486,000 gallons of chemicals and oils. Borne has disowned responsibility for these tanks in the past, claiming the material was brought to the site by companies leasing the property, most notably Coastal Services. There is little information on the nature of material in the tanks. Some analysis was performed years ago for Borne showing the presence of PCB's (less than 50 ppm) and flash points below 100°F. Due to the low flash points, FIT recommended sampling during the winter and was prepared to conduct the sampling in January.

Current Status

We have postponed sampling for two reasons. First, the New Jersey Hazardous Waste Strike Force requested a delay of about one month to allow for completion of a criminal investigation. This investigation may not affect Borne but rather a facility in Pennsylvania that may have received material from Borne in violation of its permit. Secondly, Borne is attempting to dispose of material in eight of the tanks by selling it to a oil reclamation and recycling operation. The broker, Valley Forge Engineering, has analyzed the contents of the tanks for PCB's, flash point, and chlorinated hydrocarbons. Final analytical results are due shortly, however, it appears that this will not immediately be of assistance as preliminary results show wide discrepancies between Borne's PCB results and split-sample results analyzed by a NJDEP contract lab. In addition, the proposed recycling facility is the subject of the criminal investigation; there is some question as to whether the material will be allowed to be removed to that facility.

The above facts present us with a dilemma. On the one hand we do not want to interfere with the ongoing state investigation, nor do we want to spend time and money sampling tanks which may be empty within a short time. On the other hand, we do not want to delay sampling with the result that the material is still in the tanks this summer.

Enforcement/Removal Options

Assuming that our objective is the removal of the material in the tanks by this summer, two areas need to be fully examined before we can act:

1. How many of the tanks contain material which can be reclaimed? When will the removal for purposes of reclamation occur? How many tanks will still contain material?
2. What is the nature of the Strike Force's investigation? Will it in any way result in the removal of the material in the tanks? Will it prevent the removal planned by Borne?

Assuming, as it now appears, that material will not be removed and reclaimed, there are a number of options which we could pursue:

1. Issuance of a §3013 letter requiring Borne to sample all tanks to determine quantity and quality of the material in the tanks.
2. Issuance of a Superfund notice letter to Borne preceding our investigatory activity and any conceivable removal activity.
3. Instruct the FIT to perform the sampling outright.

The first two points are only suggested to prevent the Agency from bearing analytical costs which are Borne's responsibility. It would be particularly inappropriate if our results were used by Borne to make a profit or remove a liability.

In summary, it is clear that the Borne Chemical site requires some immediate action on the part of either ourselves or the State. Some sampling must be done; sampling should be performed within the next 45 days while the temperatures are favorably low. I suggest that we resolve the enforcement issues with the New Jersey Strike Force within the next two weeks if we are to act responsibly at this site.

RECORD OF COMMUNICATION	<input type="checkbox"/> PHONE CALL <input type="checkbox"/> DISCUSSION <input type="checkbox"/> FIELD TRIP <input type="checkbox"/> CONFERENCE <input type="checkbox"/> OTHER (SPECIFY) Ten Page Report		
	<small>(Record of item checked above)</small>		
TO: Dr. Richard Spear	FROM: Amelia J. Janisz	DATE 8/24/81	
		TIME 12:00 pm.	

SUBJECT
Borne Chemical Co. Inc. Elizabeth, N.J.

SUMMARY OF COMMUNICATION

Borne Chemical has been located at this site since 1916. From 1959 to 1979, the facility rented space to many small and large companies for storage of various products including many wastes. No adequate records were kept during this period; security was lax; and several companies involved in 'cleaning up' hazardous wastes dumped unknown materials into the storage tanks. There was a change of management in 1979. Many drums were removed from the property at this time. The company is now a major facility blending virgin oils and does not produce any waste.

There are several active and several unused buildings on the site. The active buildings show much evidence of sloppy housekeeping. There are abandoned uncleaned tanks within the buildings and years of accumulated oil and multicolored stains on the floors. Soil outside the building appears saturated with oil.

Serious problems exist at this site in two areas. 1) The surface impoundment - this is a 12 foot oval immediately to the left of the main entrance gate. Oily wastes of unknown chemical composition and in unknown quantities were poured onto the ground here; 2) The tank farm - 23 tanks containing unknown quantities of liquids and sludges are located within an earthen dike. The ground is stained and saturated with oily wastes. According to a Borne Chemical estimate, ten of the tanks contain approximately 486,000 gallons of unknown chemicals. The tanks have been randomly tested for PCBs, flash points, and other parameters. PCBs range from <10 - 48 ppm and some of the tanks have flash points of <100°F. The structural integrity of the tanks is unknown.

The seawall bordering the site on the east is crumbling but poses no immediate problems with regards to the site's integrity.

CONCLUSIONS, ACTION TAKEN OR REQUIRED

Samples should be taken at the surface impoundment and from all the tanks with liquids. A sampling protocol will be developed since the structural integrity of the tanks is unknown and the flash points of some tanks are extremely low. The drums on site do not appear to be a major problem. The company has had large numbers of drums removed, and is in litigation to have the remaining abandoned drums removed.

p. 24

INFORMATION COPIES TO:

A

Record of Communications (cont'd)

No discharges were noted into Arthur Kill with the exception of 4" and 18" storm drain pipe(s). These pipes appear to be discharging into the Kill and an oily slick was evident next to them. There are approximately 600 drums of abandoned Rolfite property stacked near the railroad trestle; their contents do not appear to pose any immediate hazard based on a list from Borne Chemical.

Site Description

This is the site of an inactive lubricating oil manufacturing plant located on a five-acre tract of land bordering the Arthur Kill Waterway in a mixed residential and industrial section of the City of Elizabeth. In addition to petroleum processing and blending, the plant also manufactured products used in the leather tanning industry, tints for the textile industry and oil additives. The facility includes several bulk storage tanks, warehouses and a railroad car loading facility. The company also operated a leasing business for bulk storage tanks.

Environmental Impact

Sampling at the site has shown low levels of polychlorinated biphenyls (PCBs) present in waste oils contained in the bulk storage tanks. Approximately 600 drums of unknown contents also remain on site.

Various spillages on site have occurred and have contaminated soils and possibly contaminated surface water and ground water. Surface soil samples were collected by NJDEP (October 1984) and test results showed relatively high levels of toxic and hazardous compounds (base neutral compounds, lead and petroleum hydrocarbons).

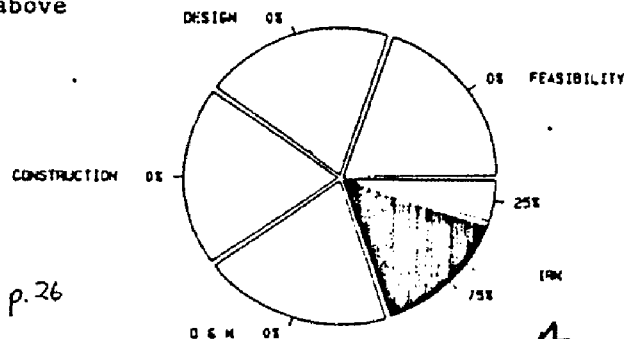
Status

In 1980 the company filed for bankruptcy. Various firms have rented the bulk storage tanks on the Borne Chemical site. In July 1984 one generator removed approximately 600 drums from the site. On February 24, 1986 NJDEP engaged a contractor to perform Phase I remediation - a tank and vessel inspection at the site to identify, quantify and characterize the contents and recommend a disposal plan. Work was completed with the results summarized in two reports submitted in May 1986. The scope of work for the second stage of Phase I remediation, removal of stored materials on-site, will be prepared and completed in the fall of 1986.

<u>Activity</u>	<u>Action Date</u>	<u>Status</u>	<u>Dollars Obligated (Millions)</u>	<u>Funding Source</u>	<u>Comments</u>
Drum Removal	FY'84	C	\$0.200	Responsible Party	

Phase I Remediation

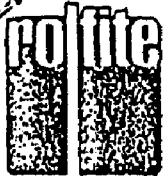
Tank and Vessel Inspection/ Characterization and Disposal Plan	FY'86	C	\$0.120	State	
		U	Included above		



p. 26

A

Background Info.



THE ROLFITE COMPANY

Advanced Combustion Technology

300 BROAD STREET STAMFORD, CONNECTICUT 06901
TELEPHONE: 203-327-3151 TWX: 710-474-3245

February 21, 1984

Mr. Philip Yeany
State of New Jersey
Department of Environmental
Protection
Office of Regulatory Services
CN 402
Trenton, N.J. 08625

Dear Mr. Yeany:

Re: Borne Chemical Company site

We appreciate the opportunity to have met with you and your associates of the New Jersey Department of Environmental Protection on February 15, 1984 to discuss the removal of drums and their contents from the Borne Chemical Company site in Elizabeth, New Jersey.

As was explained by the Rolfite representatives, we are endeavoring to comply with the terms of a settlement of litigation between Borne and Rolfite contained in a "Stipulation and Consent Order of Settlement" filed in the Superior Court of New Jersey on January 6, 1984. A copy of the Stipulation is attached to this letter as Exhibit A.

Paragraph 7 of the settlement makes it subject to the approval of the United States District Court for the District of New Jersey, Bankruptcy Division. That approval has been obtained and the relevant document is attached as Exhibit B.

Paragraph 2 of the settlement provides for the purchase by Rolfite of approximately 600 drums and the contents thereof for the sum of \$6,000 and obligates Rolfite to remove the drums and the contents within 90 days following January 6, 1984, the date on which the order was entered by the Superior Court. Without agreeing or disagreeing as to whether the New Jersey DEP has jurisdiction over removal of the drums and their contents, we would like to cooperate with you in arriving at a reasonable basis on which it would be possible for Rolfite to comply with its obligations as approved by the Court(s).

p. 27

B



Attached hereto as Exhibit C is a statement from Mr. Bowers as to the nature and composition of the materials contained in the drums which Rolfite wishes to remove from the Borne facility at Elizabeth pursuant to its settlement with Borne.

In the removal process, Rolfite intends to pump as much of the liquid from the drums as is feasible directly into one or more tanktrucks and to transport such liquid in bulk to Rolfite's plant at Shelton, Connecticut where the liquid will be pumped into appropriate storage tanks. The drums and their residual contents of magnesium oxide, in particle or agglomerated form, will be loaded onto one or more trucks such as box trailers for transport to the Rolfite plant. At the plant the drums will be emptied of solid materials and such solid materials will be stored there. We intend that both the liquid and the solid materials will be utilized in Rolfite's process for producing fuel additives.

As discussed during our meeting, Rolfite will engage a carrier known to the New Jersey DEP who would provide a plan for the removal as well as appropriate assurances with respect to the prevention and containment of any spills that might occur during the removal process. With respect to the transport of liquids and of the drums and their contents between Elizabeth, New Jersey and Shelton, Connecticut, we are agreeable to see that manifests for tacking purposes are provided, if you feel that is necessary. R

After a tanktruck is loaded with liquid material and before it leaves the Elizabeth site, its contents would be sampled. A sample will be available to the New Jersey DEP if you deem it necessary.

We will advise you 10 days in advance of loading any materials for transport so that appropriate personnel of the New Jersey DEP may be on the site when the sampling is done, at the time of removal of liquids and at the time of removal of the drums, again should you feel it necessary.

Please let me know as soon as possible if the foregoing proposal is acceptable.

If you would like any further information feel free to contact me by telephone at Rolfite.


Very truly yours,
Robert Hockfield
Robert Hockfield
Secretary

RH/k
cc: Rebecca Fields, DAG
Fred Sickels, DWM

B

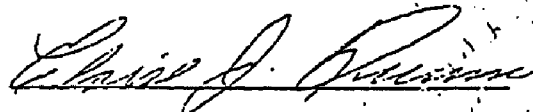
I, Wayne E. Bowers, being duly sworn deposes and says:

1. I developed formulations for magnesium oxide dispersion products used as fuel additives and developed the processes for manufacturing such dispersion products for The Rolfite Company ("Rolfite").
2. Prior to establishing a plant of its own for the production of dispersion products, I assisted Rolfite in obtaining outside contractors to manufacture dispersion products for Rolfite. One of such outside contractors that I assisted was Borne Chemical Company ("Borne") at its plant in Elizabeth, New Jersey where dispersion products have been produced.
3. I am aware of the settlement of certain litigation between Rolfite and Borne described in a Stipulation and Consent Order filed in the New Jersey Superior Court on January 6, 1984, of which Stipulation paragraph 2 provides for the purchase by Rolfite of approximately 600 drums and the contents thereof.
4. On or about September 12, 1984, I inspected the aforesaid drums at Borne's plant in Elizabeth, New Jersey and obtained samples from a number of such drums on a random, but representative basis.
5. Based on my knowledge of procedures carried out by Borne and my inspection and sampling of the aforesaid drums, I can say that such drums contain manganese oxide in a slurry or dispersed in a #2 fuel oil carrier.
6. Further, based on my knowledge and experience in working at the Borne plant, the materials in the aforesaid drums were originally scheduled for re-work in new batches of Rolfite's fuel additive products and to the best of my knowledge can still be so utilized.



Wayne E. Bowers

Subscribed and sworn before me this 21st day of February, 1984.



NOTARY PUBLIC

NOTARY PUBLIC

My Commission Expires March 31, 1988

FILED

JAN 6 1984

FREDERICK C. NENTZ, JR.
U. S. C.
ORIGINAL TO MEMPHIS

CRUMMY, DEL DEO, DOLAN & PURCELL
A Professional Corporation
Attorneys for Plaintiffs
Gateway I
Newark, New Jersey 07102
(201) 622-2235

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: UNION COUNTY
DOCKET NO. C-5071-79

BORNE CHEMICAL COMPANY, INC., a
corporation, JOSEPH A. PATRICK and
STUART K. PATRICK,

Plaintiffs,

vs.

Civil Action

THE ROLFITE COMPANY, a corporation
TETRAHEDRON, INC., a corporation;
RIT-CHEM CO., INC., a corporation;
WAYNE E. BOWERS; EDWARD KAYE; ROGER
GILBERT; ANTHONY ALEXANDRE; H. NORMAN
SCHENCK, JR. and HENRY RITELL,

Defendants.

STIPULATION AND CONSENT
ORDER OF SETTLEMENT

Representatives of the plaintiffs Borne Chemical Company, Inc
("Borne"), Joseph A. Patrick and Stuart K. Patrick (hereinafter referred
to as "plaintiffs") and of the defendants The Rolfite Company ("Rolfite
Tetrahedron, Inc., the Estate of Roger Gilbert, Anthony Alexandre and H
Norman Schenck (hereinafter referred to as "named defendants") having
negotiated and discussed settlement and the resolution of the above
matter, and the plaintiffs and the named defendants having decided to
resolve and settle the matters in dispute between themselves and to

into a stipulation and agreement as set forth hereafter and to present the same to the Court for its approval and entry as a Consent Order in the above litigation. The plaintiffs and named defendants agree as follows:

1. The defendant Rolfite shall pay to plaintiff Borne on behalf of itself and the other named defendants herein the sum of \$75,000. This sum shall be paid as follows:

(a) \$19,000 by certified check payable to Crummy, Del Deo, Dolan & Purcell, A Professional Corporation, Attorney for Borne Chemical Company, Inc. upon entry of this Order in partial settlement of the action.

(b) \$6,000 by certified check payable to Crummy, Del Deo, Dolan & Purcell, A Professional Corporation, Attorney for Borne Chemical Company, Inc. upon entry of this Order in payment for approximately 600 drums and the contents purchased hereunder.

(c) \$50,000 to be evidenced by a promissory note from Rolfite payable to Borne on or before a date six (6) months immediately following the entry of this Order. Said note shall bear interest at the rate of 14% per annum.

2. Rolfite agrees to purchase from Borne approximately 600 drums and the contents thereof for the sum of \$6,000 to be paid as set forth in Paragraph 1(b) above. Rolfite shall remove the drums and the contents of the drums within 90 days of the entry of this Order.

3. In the event Rolfite defaults in making any payment hereunder when due or in failing to remove the drums and contents within 90 days, pursuant to paragraph 2 supra, and fails to cure said default

Within five (5) days thereafter, Borne shall have the right to make application to this Court, upon affidavit certifying that the payment or removal has not been made, for a judgment of this Court against the defendant Rolfite in the sum of the note plus accrued interest and/or directing immediate removal. The said defendant Rolfite agrees to the entry of such judgment against it upon submission to this Court of a certifying affidavit and notice of the application and affidavit being given to it.

4. All claims and/or causes of action between and among the plaintiffs and the named defendants herein be and the same shall be dismissed with prejudice and without costs upon the entry of this Order.

5. It is a condition of this stipulation that crossclaims against the named defendants be dismissed with prejudice and without costs at or prior to the entry of this Order.

6. The plaintiffs and the named defendants herein shall exchange general releases as to all matters which are or which could have been asserted in the above-captioned litigation.

7. The within settlement is subject to the approval of the United States District Court for the District of New Jersey, Bankruptcy Division. Borne, a Debtor and Debtor-in-Possession under Chapter 11 of the Bankruptcy Code, agrees to expeditiously make application to the Bankruptcy Court and to give notice to necessary parties, including governmental agencies, for an Order approving the within settlement.

The within settlement has been fully and properly approved by the parties and the attorneys representing said parties have been authorized and directed to consent to the entry of the within Order on their behalf.

The Court having considered the above Stipulation and Agreement of Settlement, and having found the terms therein to be reasonable, and the Court having noted the consent of the attorneys for the interest parties annexed hereto, and for good cause shown.

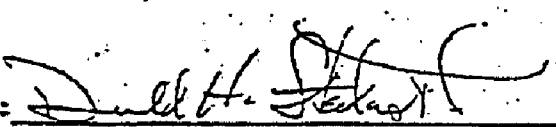
It is on this 6th day of ~~November~~ *January* 1984

ORDERED, that the Stipulation and Agreement of Settlement as set forth above and as consented to by the parties be and the same is hereby approved, incorporated and made a part of this Order in its entirety.


Edward W. McGrath, J.S.C.

The undersigned hereby consent to the form and entry of the within Order.

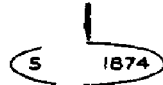
CRUMMY, DEL DEO, DOLAN & PURCELL
A Professional Corporation
Attorneys for Plaintiffs

By: 
Donald H. Steckroth

PITNEY, HARDIN, KEPP & SZUCH
Attorneys for Defendants, The
Rolfite Company, Tetrahedron, Inc.
Estate of Roger Gilbert, Anthony
Alexandre and H. Norman Schenck

By: _____

CASHLIN



BORNE CHEMICAL COMPANY, INC.

Elizabeth, N. J. 07207

201-381-1717 N.Y. 212-732-8070

TELEX - 139163

MARCH 23, 1981

N.J. DEPT. OF ENVIRONMENTAL PROTECTION
SOLID WASTE ADMINISTRATION
32 EAST HANOVER STREET
TRENTON, N.J. 08625

ATTN: KEVIN GASHLIN, ENVIRONMENTAL SPECIALIST

DEAR MR. GASHLIN,

RE: THE ROLFITE COMPANY
REMOVAL OF 600 DRUMS FROM
BORNE CHEMICAL ELIZABETH PLANT

PER OUR DISCUSSION, BORNE CHEMICAL COMPANY, INC. MANUFACTURED PRODUCTS FOR ROLFITE FROM 1971 TILL MID-YEAR 1979. THESE PRODUCTS WERE PRODUCED FOR ROLFITE TO THEIR EXACT FORMULATIONS AND SPECIFICATIONS. GENERALLY, ROLFITE PURCHASED THE RAW MATERIALS AND CONTAINERS AND HAD THEM SHIPPED TO BORNE CHEMICAL ELIZABETH PLANT. THEREFORE, BORNE HAD AN INTIMATE KNOWLEDGE OF THE RAW MATERIALS OF ROLFITE'S FINISHED PRODUCTS. THESE PRODUCTS WERE MAINLY FUEL OIL ADDITIVE COMPOUNDS. IN TURN BORNE CHEMICAL HAD SIMILAR KNOWLEDGE OF ALL INTERMEDIATE MANUFACTURING PRODUCTS AND EQUIPMENT FLUSHINGS.

BORNE CHEMICAL HAS ALREADY PROVIDED YOU WITH A LIST OF THE TOTAL RAW MATERIALS USED FOR THE MANUFACTURE OF THE ROLFITE PRODUCTS INDICATING THE FEW RAW MATERIALS THAT BORNE HAD IN COMMON WITH ROLFITE.

WE PROVIDED THE PAST INFORMATION AND ARE PROVIDING THIS CLARIFICATION IN ORDER TO SUPPORT THE N.J. DEPT. OF ENVIRONMENTAL PROTECTION'S ACTION TO CAUSE ROLFITE TO REMOVE FROM THE BORNE CHEMICAL PLANT TO AN APPROVED DISPOSAL SITE, THE APPROXIMATE 600 DRUMS NOW STORED IN THE BORNE CHEMICAL ELIZABETH PLANT YARD. BORNE HAS ATTEMPTED AND CONTINUES TO ATTEMPT TO GET ROLFITE'S AGREEMENT TO DO THIS. HOWEVER, AFTER APPROXIMATELY 18 MONTHS WE HAVE NOT BEEN SUCCESSFUL AT ALL, IN FACT THEY HAVE REFUSED TO REMOVE THEIR PROPERTY, NAMELY THE DRUMS, FROM BORNE CHEMICAL ELIZABETH PLANT.

WE HAVE TAKEN CIVIL ACTION BUT IT IS COMPLICATED BY FINANCIAL AND BUSINESS ISSUES. THIS ITEM HAS BEEN PLACED BY THE COURT ON A LONG LIST OF OTHER ITEMS UNDER LITIGATION WITH ROLFITE. DUE TO THE SLOW PROCESS OF THE CIVIL LITIGATION, BORNE CHEMICAL REQUIRES YOUR ASSISTANCE. WE REQUEST THAT THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY PROCEED WITH ORDERS FOR ROLFITE'S PROPER REMOVAL OF THEIR PROPERTY FROM THE BORNE CHEMICAL ELIZABETH PLANT.



p.34

Attachment B

PETROCHEMICALS • LUBRICATING OILS • GREASES • TEXTILE OILS • TEXTILE TINTS • LEATHER COMPOUNDS • OIL ADDITIVES

TIERRA-B-011718

S 1874

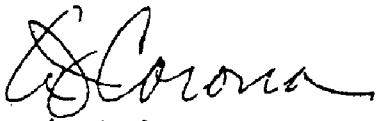
BORNE CHEMICAL COMPANY, INC.

Elizabeth, N. J. 07207
201-881-1717 N.Y. 212-782-8070
TELEX - 138163

MARCH 23, 1981
LETTER - CORONA TO GASHLIN
CONTINUED - PAGE 2

THANK YOU FOR YOUR ASSISTANCE; IF YOU REQUIRE ASSISTANCE
OR ADDITIONAL INFORMATION, PLEASE LET ME KNOW.

SINCERELY YOURS,



A. J. CORONA
GENERAL MANAGER

AJC/BHB



p.35

PETROCHEMICALS • LUBRICATING OILS • GREASES • TEXTILE OILS • TEXTILE TINTS • LEATHER COMPOUNDS • OIL ADDITIVES

B

DEC 13 1 20 PM '83
U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
NEWARK, NEW JERSEY

CRUMMY, DEL DEO, DOLAN & PURCELL
A Professional Corporation
Gateway I
Newark, New Jersey 07102
(201) 622-2235
Attorneys for Debtor-in-Possession

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

In the Matter of: (Hon. D. Joseph DeVito)
BORNE CHEMICAL COMPANY, INC., : Chapter 11
a corporation of the State of : No. 80-00495
New Jersey, :
Debtor-in-Possession. : ORDER APPROVING SETTLEMENT

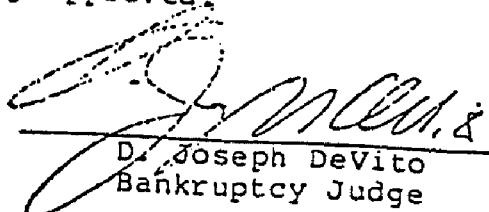
This matter having been opened to the Court on the return date of an Order to Show Cause filed by Crummy, Del Deo, Dolan & Purcell, co-counsel to the Debtor-in-Possession herein ("Borne") seeking the approval of this Court of a Stipulation and Consent Order between Borne and The Rolfite Company ("Rolfite" and other named defendants in settlement of litigation pending in the Superior Court of New Jersey, Chancery Division, Union County, Docket No. 5071-79 under terms as are set forth in the Stipulation and Consent Order of Settlement annexed to Borne's Application to this Court, and notice of the Application and Order to Show Cause having been given by Borne pursuant to this Court's Order to Show Cause dated December 1, 1983, and a hearing having been held by this Court on December 12, 1983, upon the Application in the presence of Crummy, Del Deo, Dolan & Purcell (Donald H. Steckroth, Esq. appearing); Robert

B

Hockfield, Esq., counsel for Rolfite; Hahn & Hessen, counsel for Lincoln First Commercial Corp.; Platzer and Fineberg, counsel for the Creditors Committee; Rosemary Gambardella, Esq., Assistant United States Trustee; Rebecca Fields, Esq., Deputy Attorney General for the State of New Jersey, attorney for the Department of Environmental Protection of the State of New Jersey; the U.S. Attorneys' Office, attorney for the Environmental Protection Agency of the United States of America, and Skadden, Arps, Slate, Meagher & Flom (Mitchell Bernstein, Esq., appearing) attorneys for the Chessie System Railroads, all having appeared on said Application, and the Court having reviewed the Application and considered all of the comments with respect thereto, and the Court being of the opinion that the settlement is in the best interests of the Debtor and the Debtor's estate, and for good and sufficient cause;

It is on this 13th day of December 1983

ORDERED AND ADJUDGED that Borne Chemical Company's Application for approval of the settlement set forth in the Stipulation and Consent Order of Settlement between Borne Chemical Company and The Rolfite Company in the litigation presently pending in the Superior Court of New Jersey, Chancery Division, Union County, Docket No. C-5071-79 entitled Borne Chemical Company, Inc., et al. vs. The Rolfite Company, et al., be and the same is hereby approved.


D. Joseph DeVito
Bankruptcy Judge

ADM 12

NEW JERSEY STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION

MEMO

TO Shirlee Schiffman - Assistant Chief Bureau of Hazardous
Waste Classification and Manifest

FROM Fred Sickels - Principal Environmental
Specialist Bureau of Field Operations - Central Region DATE 2/29/84

SUBJECT Purchase of MgO from Borne Chemical Co by the Rolfite Co,
Shelton Connecticut

I write this memo in the hope that your Bureau can lend me assistance in determining if the subject activity is proper. In the past the Borne Chemical Company blended MgO with various oils for the Rolfite Co because Rolfite did not have the capability for blending. The MgO would be shipped by Rolfite to Borne for blending. During the blending process, a portion of the MgO would precipitate out and collect in the bottoms of the blending vessels. This precipitated material would then be removed from these vessels and placed in fifty-five gallon drums awaiting reblending. When Rolfite developed their own production capability, Borne ceased blending the MgO. Presently there are approximately 600 drums of the precipitated MgO being stored on land leased by the Borne Chemical Co. Borne is now in Bankruptcy Court and Rolfite has agreed to purchase the MgO precipitate for use in their Shelton, Connecticut plant. The attached document may provide more information concerning the above.

My question to you is, is the precipitated MgO a hazardous waste? If it is, then Rolfite will be required to manifest the material and get TSD status for their Shelton, Connecticut plant, correct? Should you require more information, please contact me at 292-5560. Your prompt consideration of this matter is appreciated.

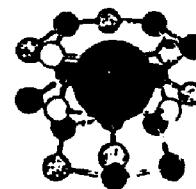


FOC4:efw
Attachment:

B

Stablex-Reutter Inc.

Ninth and Cooper Streets • P. O. Box 499
Camden, New Jersey 08101
Telephone: (609) 541-6700 TWX: 834477



February 10, 1982

NJDEP
Solid Waste Division
32 Hanover Street
Trenton, NJ 08625

Attention: Mr. Wayne Howitz, Hazardous Waste Bureau

Reference: Test Report No. SR6449

This report covers the analysis of four (4) oil samples submitted to Stablex-Reutter, Inc. (S-R) on January 22, 1982. The samples were submitted for the following analyses:

- . Organics
 - Volatile Aromatic Hydrocarbons
 - Volatile Halogenated Hydrocarbons
 - Polychlorinated Biphenyls
 - Oil and Grease
- . Physical
 - Flashpoint

This test report is organized in the following manner:

- Sample Preparation
- Analysis
- Analytical Results

I. Sample Preparation

Organic Preparatory Work

A known weight (1.00 grams \pm 0.05 grams) of homogenized sample is quantitatively transferred to a centrifuge tube and shaken vigorously with 10 ml of pesticide grade methanol for five minutes. The mixture is allowed to separate, and is then centrifuged to facilitate separation of the two phases. An aliquot of the methanol layer is then analyzed by Gas Chromatography for volatile halogenated organics, volatile aromatic compounds and Polychlorinated Biphenyls. Any required dilutions are done with pesticide grade methanol.

p. 39

Attachment C

Stablex-Reutter Inc.

NJDEP
Solid Waste Division
Test Report No. SR6449
February 10, 1982
Page 2 of 5

The samples were also prepared for Polychlorinated Biphenyl Analysis using procedures in the following reference.

- . EPA-EMSL-The analysis of Polychlorinated Biphenyls in Transformer Fluids & Waste Oils, 1980.

II. Analysis

Following preparation, the samples were analyzed as described in the following publications.

- . Methods 601, 602 Federal Register, Vol. 44 No. 233, December 3, 1979. (Columns and GC conditions for aromatics and volatile halogenated organics).
- . EPA-EMSL - The Analysis of Polychlorinated Biphenyls in Transformer Fluids and Waste Oils, 1980. (Columns and GC conditions for PCB's, as well as GC/MS conditions for PCB confirmation.)
- . ASTM Method D-56-Standard Method of test for Flash Point by tag closed tester.
- . EPA - Test Methods for Evaluating Solid Waste-Physical/Chemical Methods-SW846-1980. (Procedure for oil and grease determination, partition Gravimetric procedure).

The volatile halogenated organics and Polychlorinated Biphenyls were analyzed on the Hall Electrolytic Conductivity Detector. The aromatics were analyzed using a Photoionization Detector. PCB's were confirmed by GC/MS/DS.

III. Analytical Results

The parameters analyzed and results are delineated in the following tables. The interlaboratory variability of the parameters analyzed in the type of sample matrix submitted has not been established by EPA, and could be at least $\pm 20\%$. S-R is currently evaluating the variability of all tests performed for NJDEP in different types of matrices.

Stablex-Reutter Inc.

NJDEP
 Solid Waste Division
 Test Report No. SR6449
 February 10, 1982
 Page 3 of 5

Volatile Aromatic Hydrocarbon Screen

Constituent	<u>Sample and Designation</u>					<u>SR6449-1 + Spike</u>	
	SR6449-1 AI127	SR6449-2 AI128	SR6449-3 AI130	SR6449-4 AI131	SR6449-2 Dup. AI128 Dup.	Amount of Spike	% Recover
Benzene	<1	<1	<1	<1	<1	300	111
Toluene	28,000	11,000	410	11,000	13,000	1000	100
Xylenes, total	<1	950	<1	<1	780	---	---
Ethylbenzene	<1	<1	<1	<1	<1	---	---

Volatile Halogenated Hydrocarbon Screen

Constituent	<u>Sample and Designation</u>					<u>SR6449-1 + Spike</u>	
	SR6449-1 AI127	SR6449-2 AI128	SR6449-3 AI130	SR6449-4 AI131	SR6449-2 Dup. AI128 Dup.	Amount of Spike	% Recover
Methyl Chloride	<1	<1	<1	<1	<1	---	---
Methylene Chloride	14	15	1.2	20	8.0	---	---
Chloroform	3.7	3.7	<1	16	7.2	370	156
Carbon Tetrachloride	<1	<1	<1	<1	<1	---	---
Dibromochloromethane	<1	<1	<1	<1	<1	---	---
Bromodichloromethane	<1	<1	<1	<1	<1	---	---
1,1,1 Trichloroethane	<1	3000	<1	<1	2500	400	160
1,1,2 Trichloroethane	<1	<1	<1	<1	<1	---	---
Trichloroethylene	2.6	26	<1	150	17	397	60
Tetrachloroethylene	13	140	<1	1200	80	400	140
1,2 Dichloroethane	<1	<1	<1	<1	<1	---	---
1,1 Dichloroethylene	<1	<1	<1	<1	<1	---	---
1,1 Dichloroethane	<1	<1	<1	<1	<1	---	---
1,2 Dichloropropane	<1	<1	<1	<1	<1	---	---
2-Chloroethylvinyl Ether	<1	<1	<1	<1	<1	---	---
Bromoform	<1	<1	<1	<1	<1	---	---
1,1,2,2,-Tetrachloroethane	<1	<1	<1	<1	<1	---	---
Chlorobenzene	<1	<1	<1	<1	<1	---	---

All results are in micrograms of constituent per gram of sample.

Dup. - Duplicate Analysis

Stablex-Reutter Inc.

NJDEP
 Solid Waste Division
 Test Report No. SR6449
 February 10, 1982
 Page 4 of 5

Polychlorinated Biphenyl Analysis

Quantitative Analysis by GC

Sample and Designation

<u>Constituent</u>	<u>Sample and Designation</u>				<u>SR6449-1 + Spike</u>	
	<u>SR6449-1</u> AI127 <i>2</i>	<u>SR6449-2</u> AI128 <i>1</i>	<u>SR6449-3</u> AI130 <i>2</i>	<u>SR6449-4</u> AI131 <i>2</i>	<u>Amount of Spike</u>	<u>% Recovery</u>
Polychlorinated Biphenyl fragments, Total as Arochlor 1254, ug/gram						
Primary Analysis	320	1200	<1.0	1200	225	84
Confirmatory analysis	340	1200	<1.0	1600	---	---

Primary column - 1.5% SP-2250; 1.95% SP-2401 on 100/120 Supelcoport

Confirmatory Column - 4% SE-30; 6% SP2401 on 100/120 Supelcoport

Qualitative Confirmation by GC/MS/DS

Sample No. 6449-2 and 6449-4 were confirmed by GC/MS/DS using a forward search against the SR priority pollutant library as well as against the NBS Library. The technique of multiple interval scanning was used against the characteristic ions listed below, with the characteristic ions at the centroid of the interval.

<u>ICB Compound</u>	<u>Target Ions*</u>			<u>Scan Interval</u>
Arochlor 1016	224	260	294	185 - 230
Arochlor 1221	190	224	260	
Arochlor 1242	224	260	294	255 - 300
Arochlor 1248	294	330	362	325 - 370
Arochlor 1254	294	330	362	
Arochlor 1260	330	362	394	385 - 400

* From Federal Register, Vol. 44 No. 233, Dec. 3, 1979, Method 625.

Stablex-Reutter, Inc.

NJDEP
 Solid Waste Division
 Test Report No. SR6449
 February 10, 1982
 Page 5 of 5

Using the above multiple interval scanning procedure, the following Polychlorinated Biphenyl fragments were identified.

Qualitative GC/MS/DS Scan for PCB's

<u>Sample and Designation</u>	<u>Polychlorinated Biphenyl Fragment Peaks</u>	<u>Fit*</u>
SR6449-2 (A1128)	1,1' - Biphenyl, 2,2' - Dichloro	998
	1,1' - Biphenyl, 2,4 - Dichloro	938
	(1,1' - Biphenyl)-4 ol, 3-Chloro	948
SR6449-4 (A1131)	1,1' - Biphenyl, 2,2' - Dichloro	992
	1,1' - Biphenyl, 2- Chloro	951
	1,1' - Biphenyl, 4- Chloro	954

A Fit of 850 or above is considered as positive identification of the analyte against the library, with 1000 being a perfect fit.

Miscellaneous Analysis

<u>Parameter</u>	<u>Sample and Designation</u>			
	<u>32</u> SR6449-1 A1127	<u>42</u> SR6449-2 A1128	<u>27</u> SR6449-3 A1130	<u>27</u> SR6449-4 A1131
Flash Point, °F closed cup	>180	175	>180	>180
Oil and Grease, %	79	75	.098	82

If you have any questions concerning the above analysis, please don't hesitate to contact me.

Respectfully submitted,

STABLEX-REUTTER, INC.



William J. Ziegler
 Laboratory Manager

WJZ/bb

p. 43

C

Stablex-Reutter Inc.

LABORATORY NOTEBOOK ACCOUNTABILITY RECORD

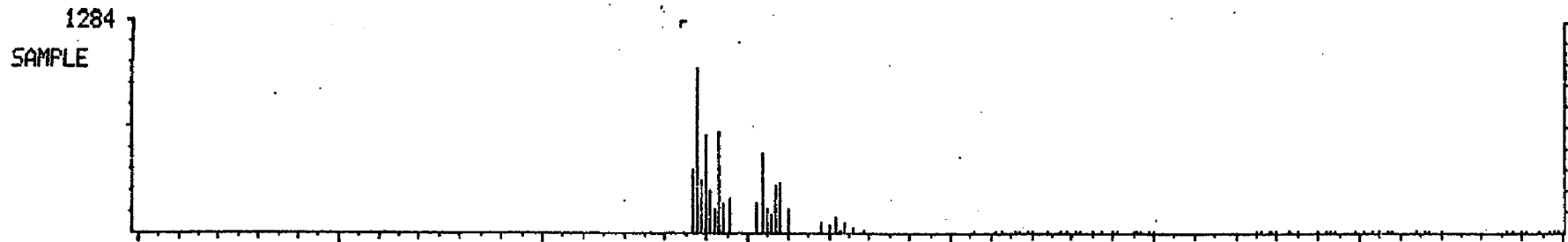
Test Report No. SR6449

ANALYSIS	SAMPLE NO. (S-R)	OSW DESIGNATION	NOTEBOOK NUMBER	PAGE(S)	DATE	ANALYS:
Organic Prep. H ₂ O	SR6449 -1 thru 4	AI 127 AI 128 AI 130 AI 131	1142	18	1/22/92	LC
Flash PT.	↓	↓	1138	61	1/27/92	RB
Oil & Grease			1150	21	1/29/92	DB
Aromatics			1145	29	2/4/92	ER
Volatiles/Halogenateds			1145	29	2/4/92	ER
PCB's			1141	47, 49 69, 73	2/5/92	DD JJ
PCB Confirmation	SR6449-2 -4	AI 128 AI 131	Date on archival storage in GC/MS data system. File name: SR64492 SR64494	2/8-2/10/92	JJ	

LIBRARY SEARCH
02/08/82 14:25:00 + 13:59
SAMPLE: SR 64494

DATA: 64494M # 839

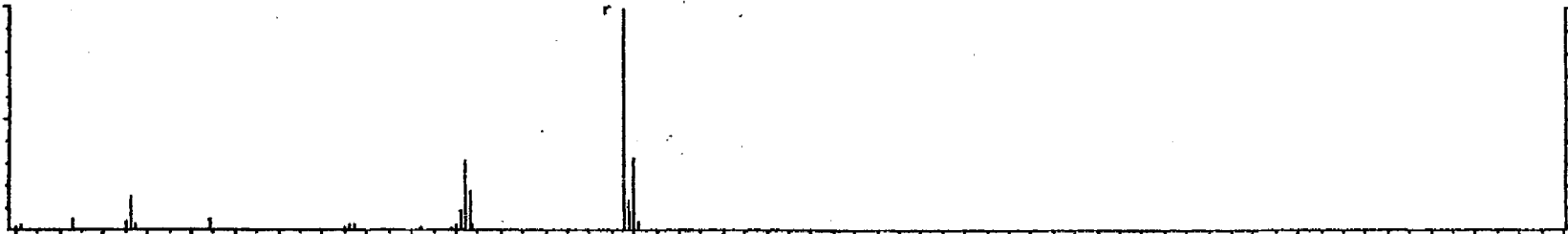
BASE M/E: 188
RIC: 1970170.



C12.H9.CL 1,1'-BIPHENYL,4-CHLORO-

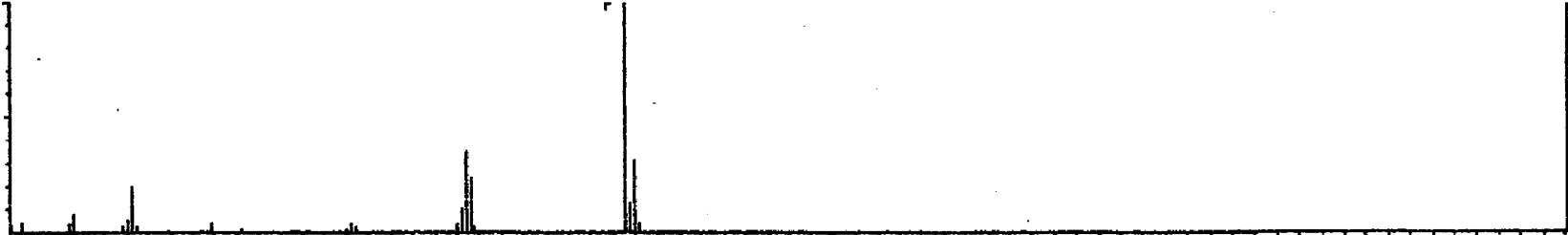
1284
M WT 188
B PK 188
RANK 1
IN 2
FIT 943

p.45



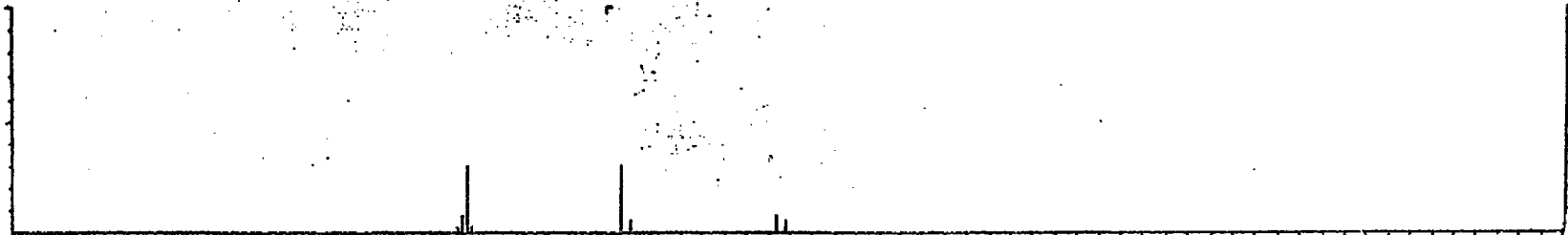
C12.H9.CL 1,1'-BIPHENYL,2-CHLORO-

1284
M WT 188
B PK 188
RANK 2
IN 1
FIT 939



C12.H8.CL2 1,1'-BIPHENYL,2,2'-DICHLORO-

1284
M WT 222
B PK 187
RANK 3
IN 5
FIT 896

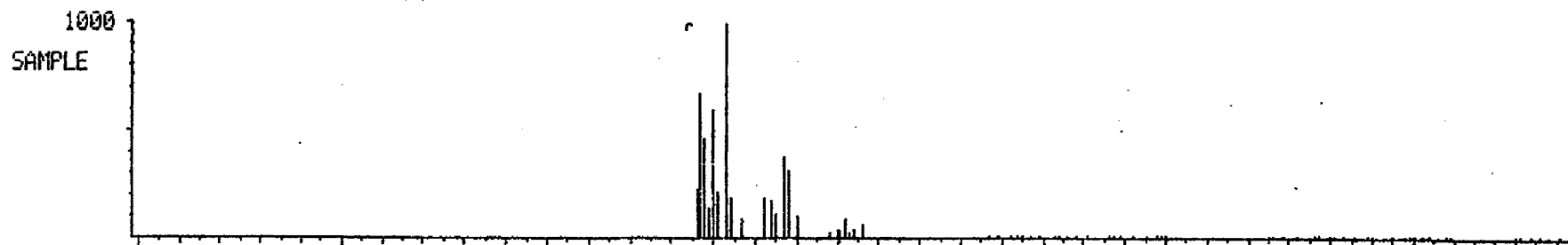


M/E 50 100 150 200 250 300 350 400

LIBRARY SEARCH
02/08/82 14:25:00 + 14:07
SAMPLE: SR 64494

DATA: 64494M # 847

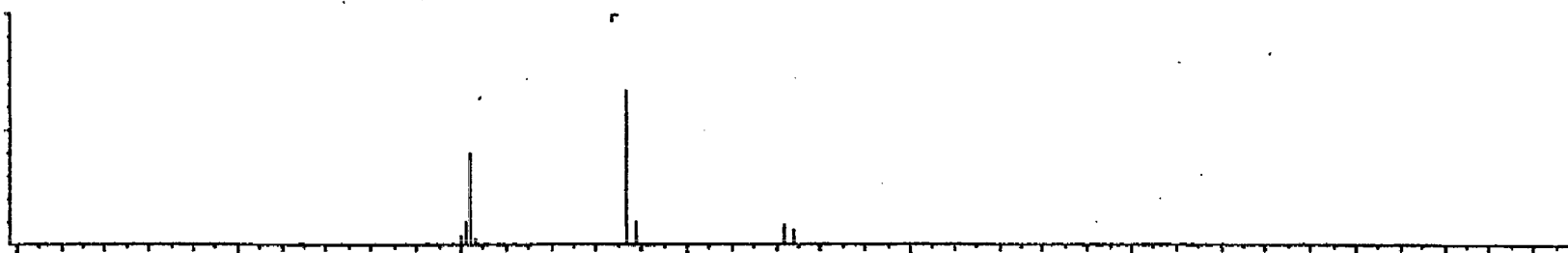
BASE M/E: 193
RIC: 2818040.



C12.H8.CL2

1,1'-BIPHENYL,2,2'-DICHLORO-

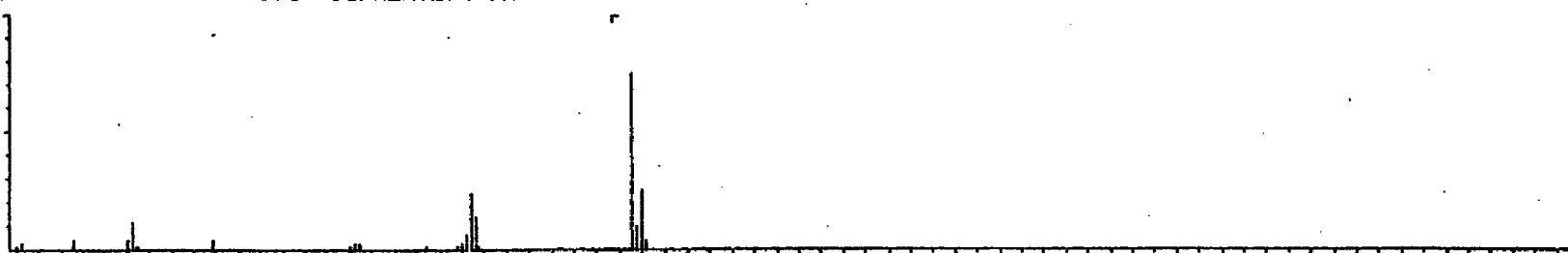
1000
M WT 222
B PK 187
RANK 1
IN 6
FIT 992



C12.H9.CL

1,1'-BIPHENYL,4-CHLORO-

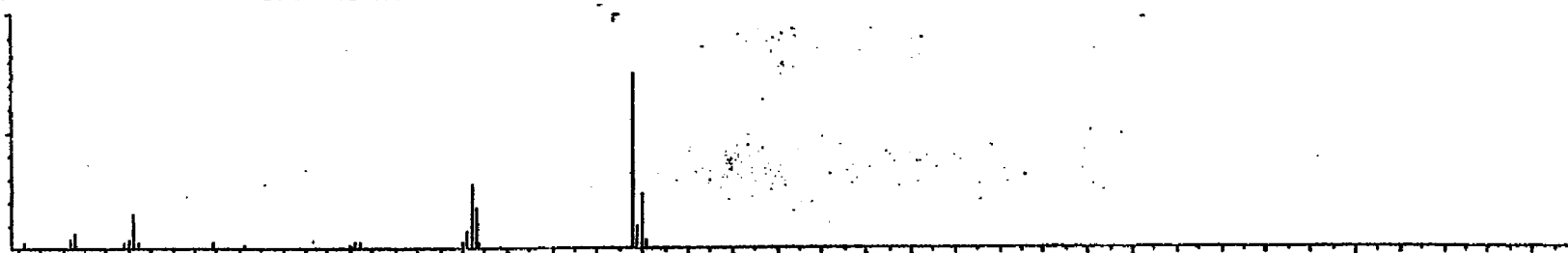
1000
M WT 188
B PK 188
RANK 2
IN 2
FIT 858



C12.H9.CL

1,1'-BIPHENYL,2-CHLORO-

1000
M WT 188
B PK 188
RANK 3
IN 1
FIT 862

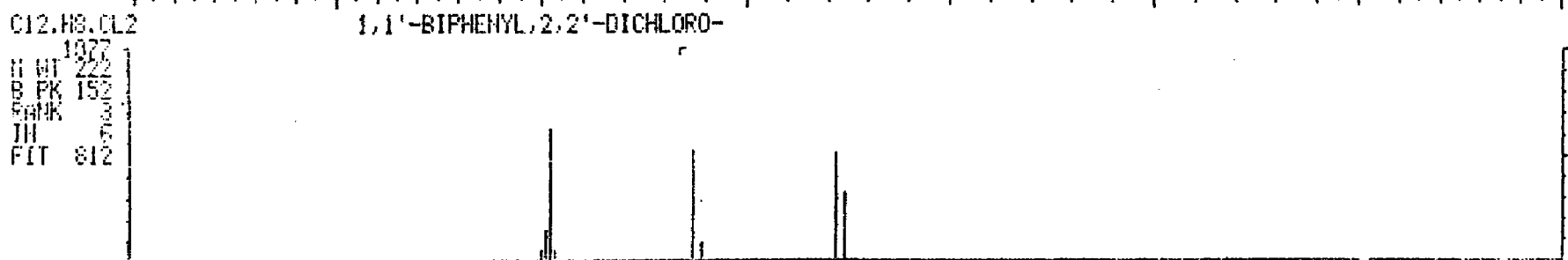
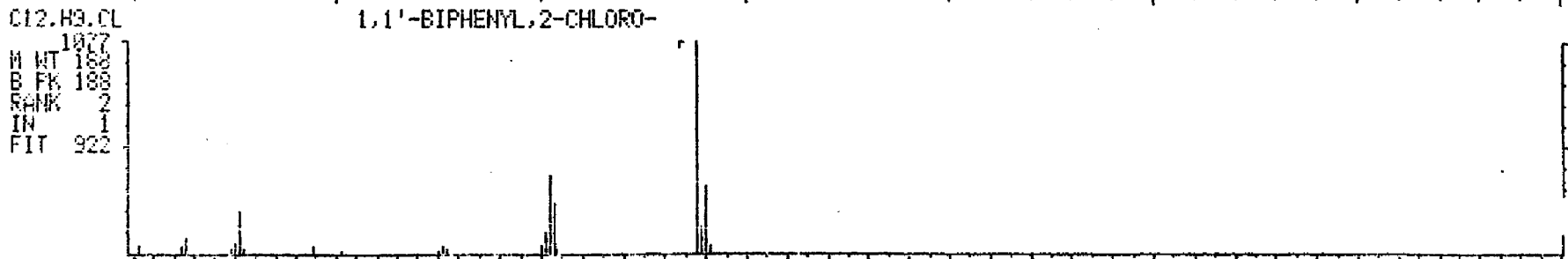
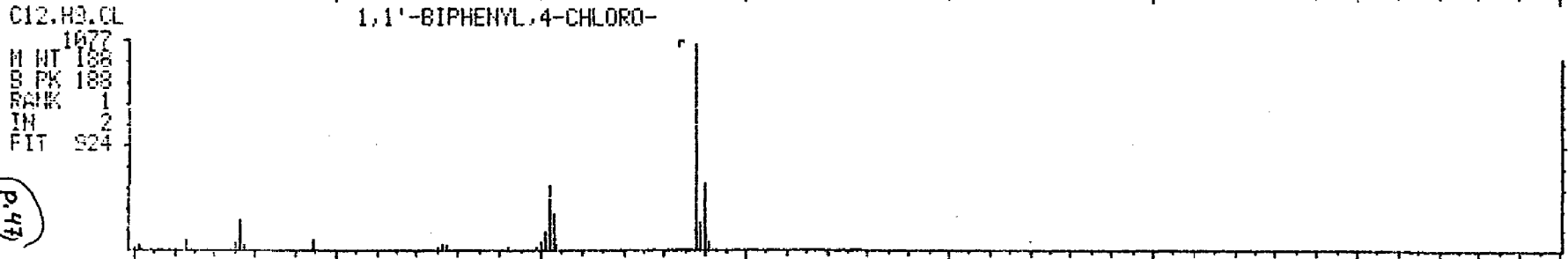
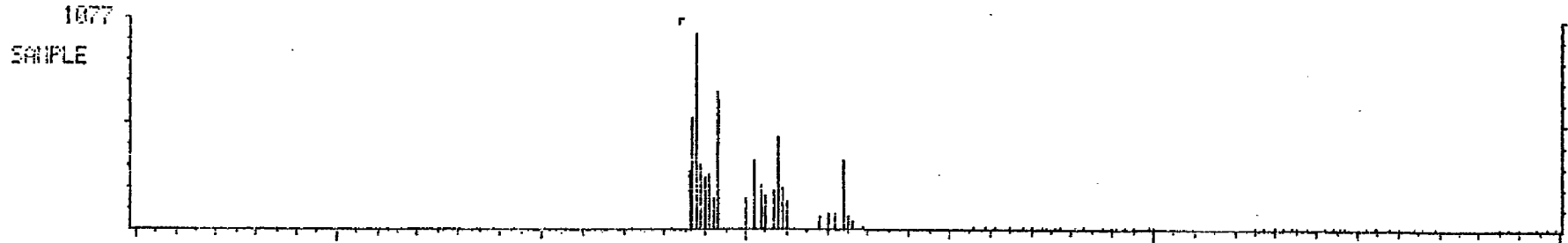


M/E 50 100 150 200 250 300 350 400

LIBRARY SEARCH
02/08/82 14:25:00 + 14:24
SAMPLE: SR 64494

DATA: 64494M # 864

BASE M/E: 188
RIC: 2093050.

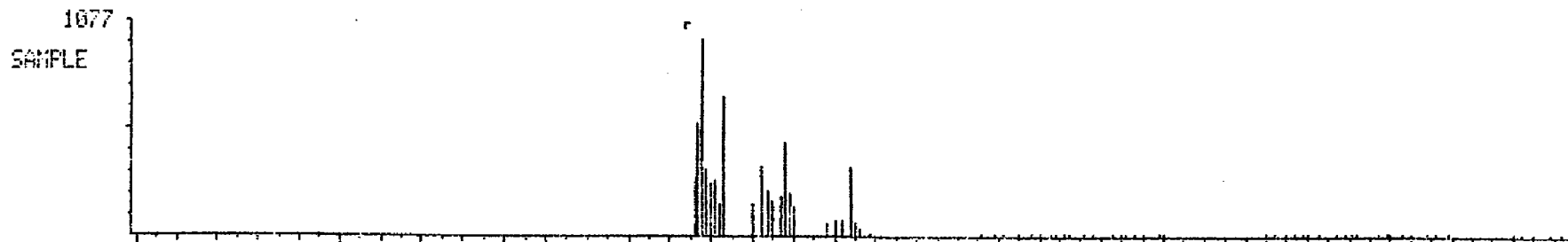


M-E 50 100 150 200 250 300 350 400

LIBRARY SEARCH
02/08/82 14:25:00 + 14:24
SAMPLE: SR 64494

DATA: 64494M # 864

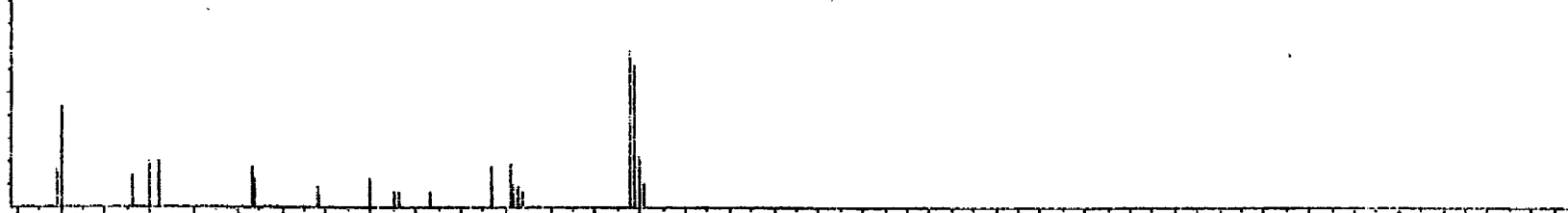
BASE M/E: 188
RIC: 2093050.



C9.H9.N3.S.BR

PYRIDO[3,2-D]THIAZOLO[3,2-B]PYRIDAZIN-4-IUM, 2,3-DIHYDRO-, BROMIDE

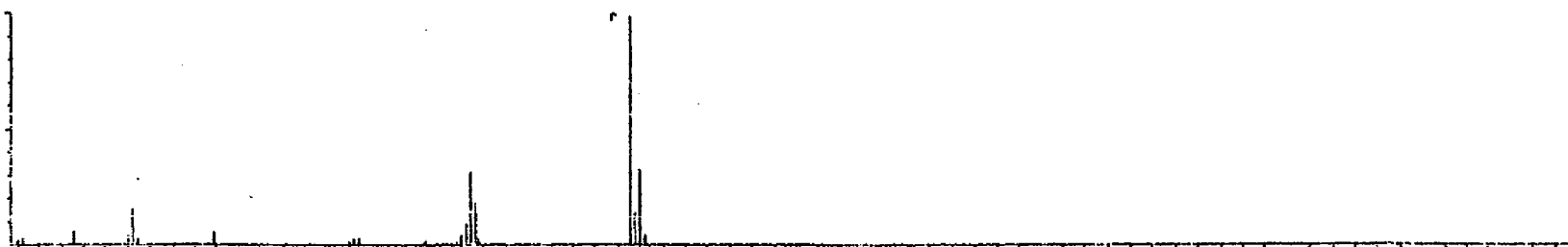
1077
M HT 259
B PK 188
RANK 1
IN 19688
FIT 934



C12.H9.CL

1,1'-BIPHENYL, 4-CHLORO-

1077
M HT 188
B PK 188
RANK 2
IN 11357
FIT 924



C12.H9.CL

1,1'-BIPHENYL, 2-CHLORO-

1077
M HT 188
B PK 188
RANK 3
IN 11356
FIT 922



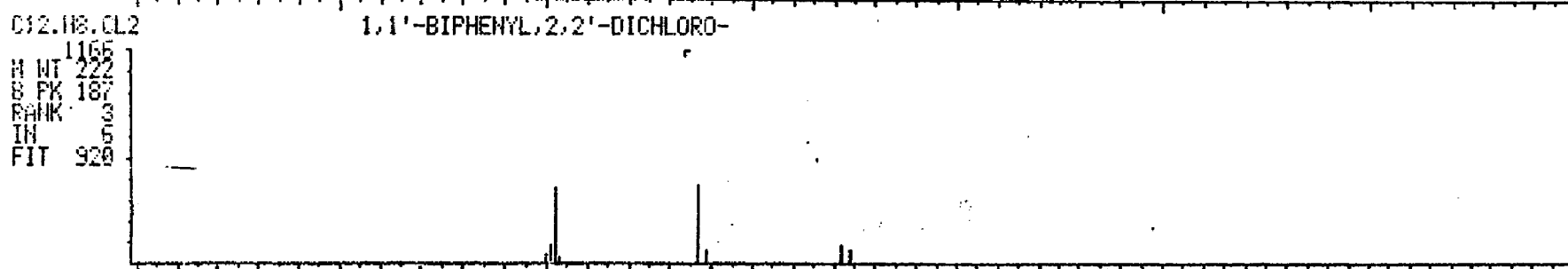
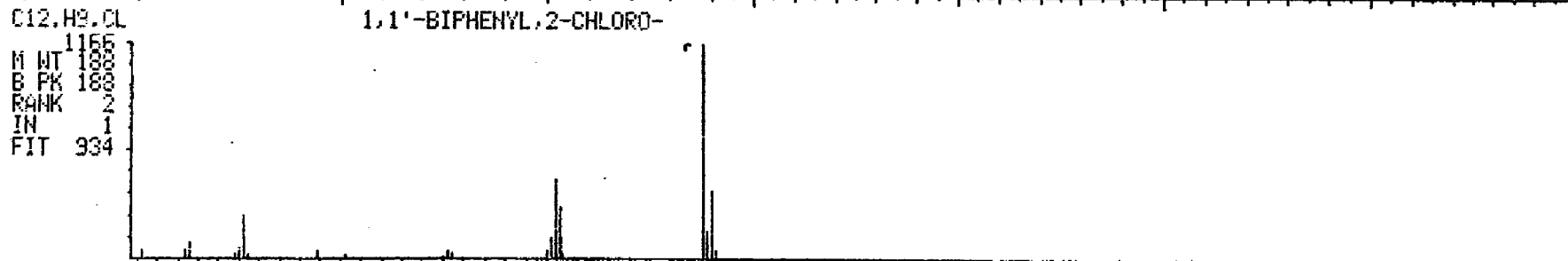
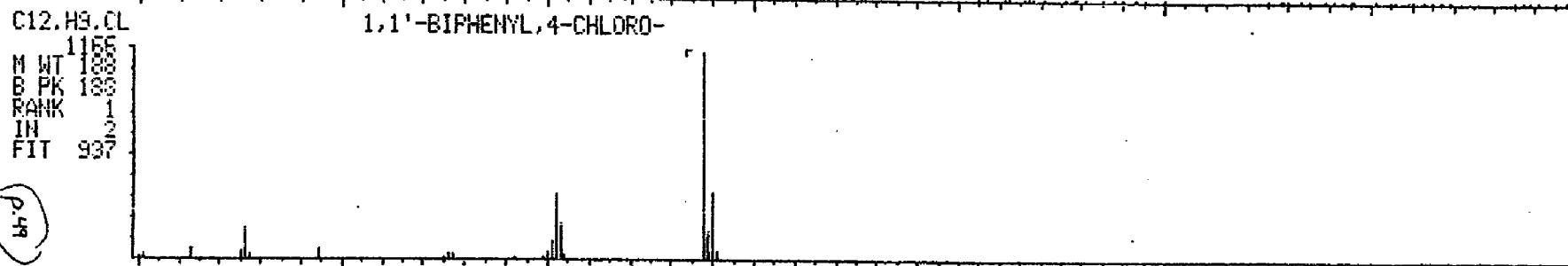
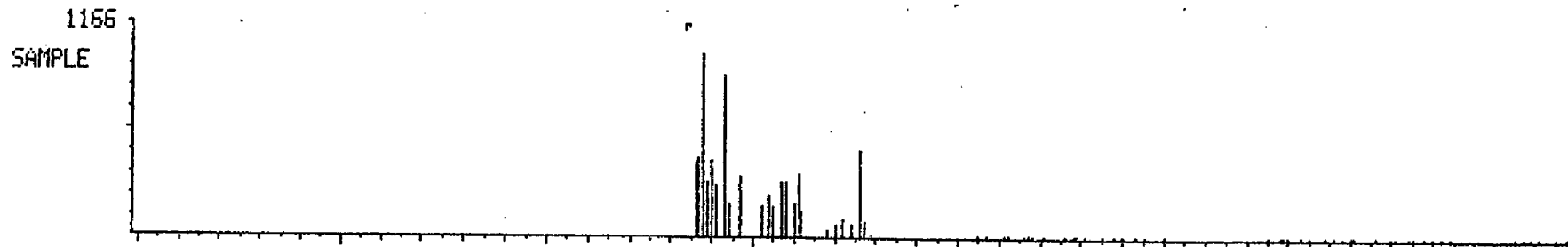
M/E

50 100 150 200 250 300 350 400

LIBRARY SEARCH
02/03/82 14:25:00 + 14:10
SAMPLE: SR 64494

DATA: 64494M # 850

BASE M/E: 188
RIC: 2146300.

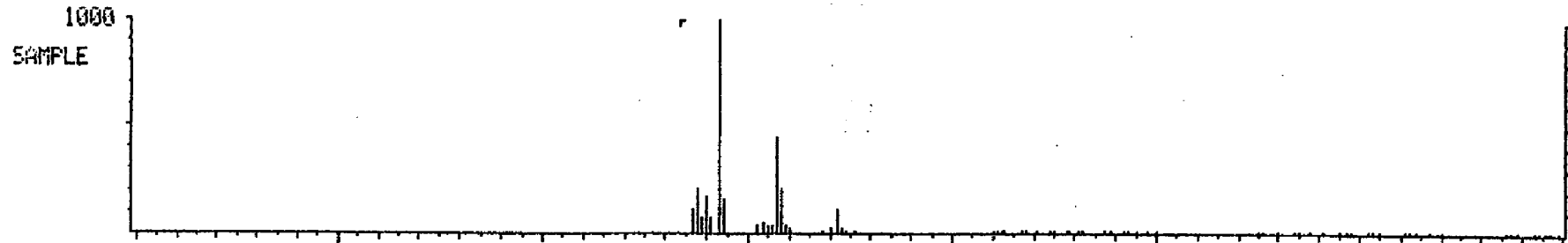


M/E 50 100 150 200 250 300 350 400

LIBRARY SEARCH
02/08/82 14:25:00 + 14:14
SAMPLE: SR 64494

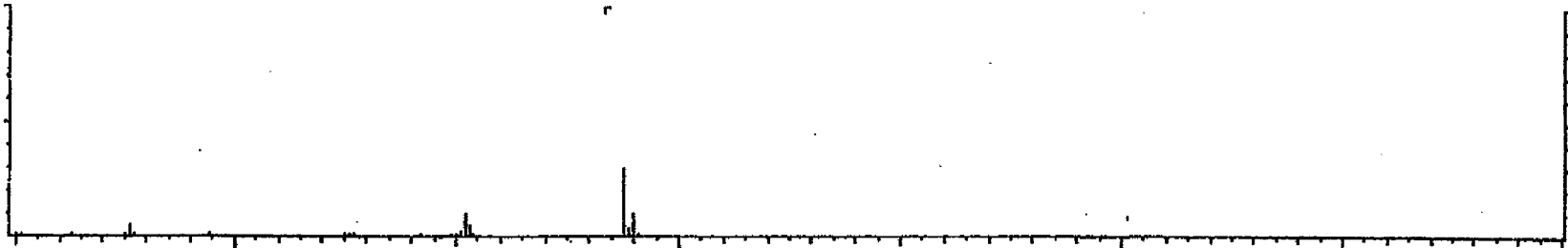
DATA: 64494M # 854

BASE M/E: 193
RIC: 4456440.



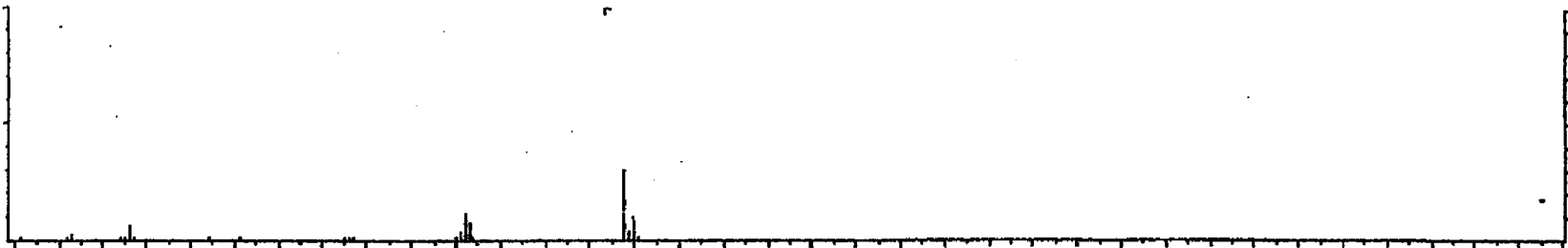
C12.H9.Cl
1,1'-BIPHENYL,4-CHLORO-

1000
M WT 188
B PK 188
RANK 1
IN 2
FIT 968



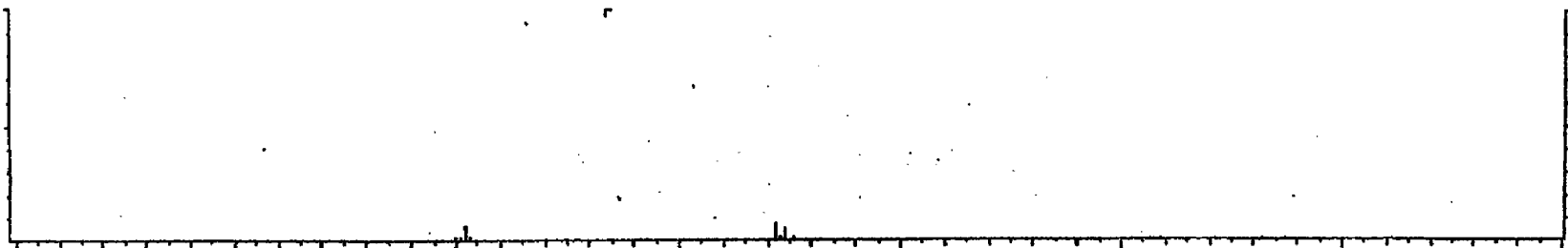
C12.H9.Cl
1,1'-BIPHENYL,2-CHLORO-

1000
M WT 188
B PK 188
RANK 2
IN 1
FIT 904



C12.H8.Cl2
1,1'-BIPHENYL,2,4-DICHLORO-

1000
M WT 222
B PK 222
RANK 3
IN 3
FIT 877

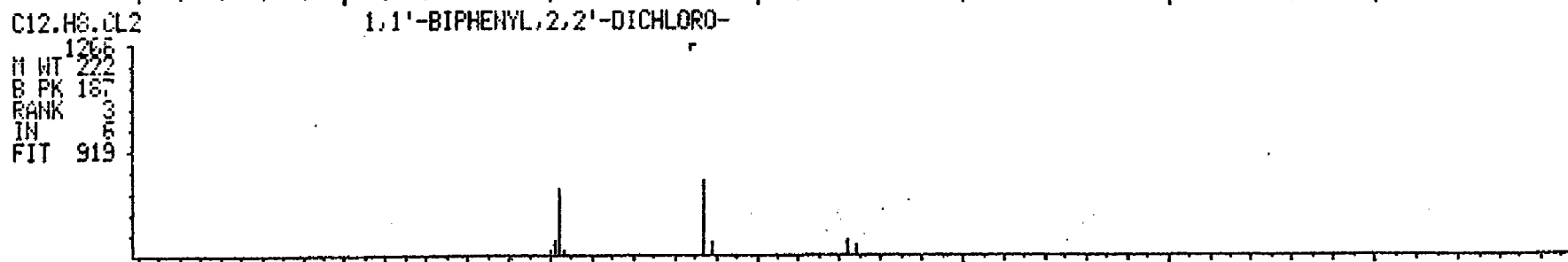
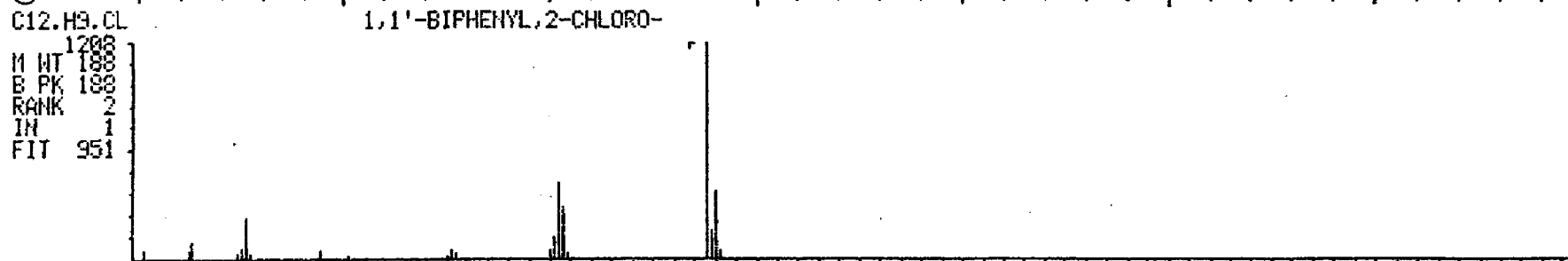
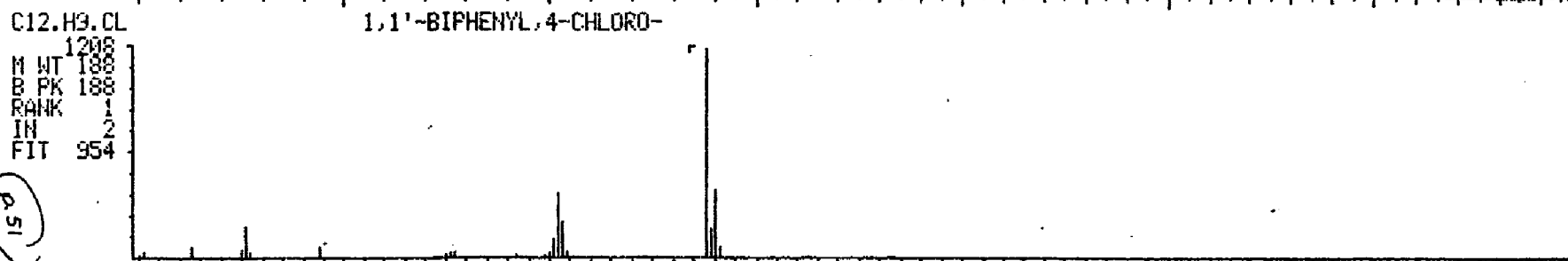
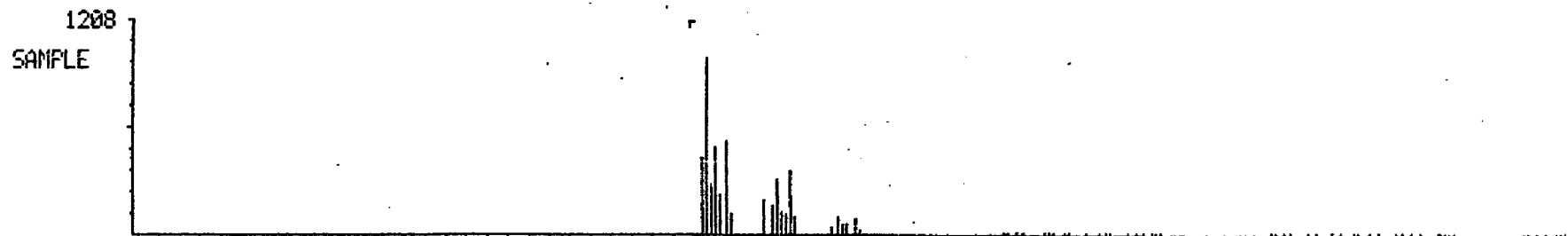


M/E 50 100 150 200 250 300 350 400

LIBRARY SEARCH
02/08/82 14:25:00 + 14:22
SAMPLE: SR 64494

DATA: 64494M # 862

BASE M/E: 188
RIC: 2355190.

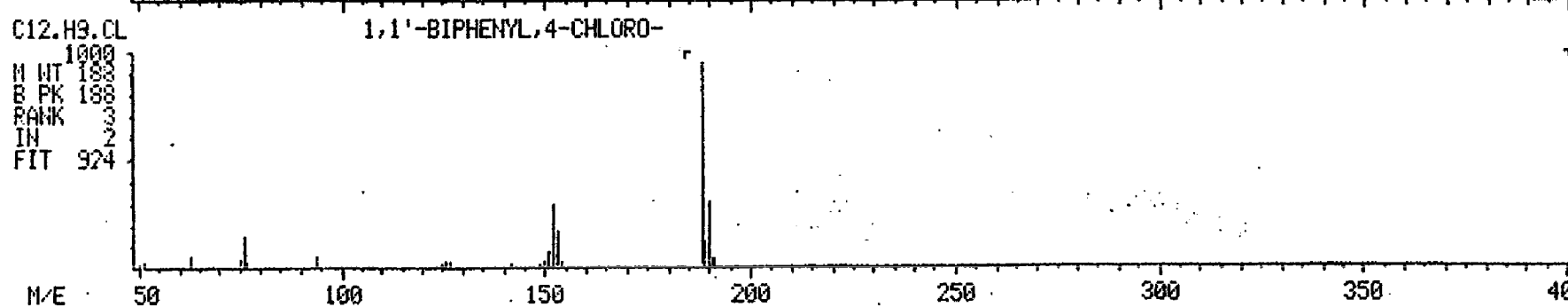
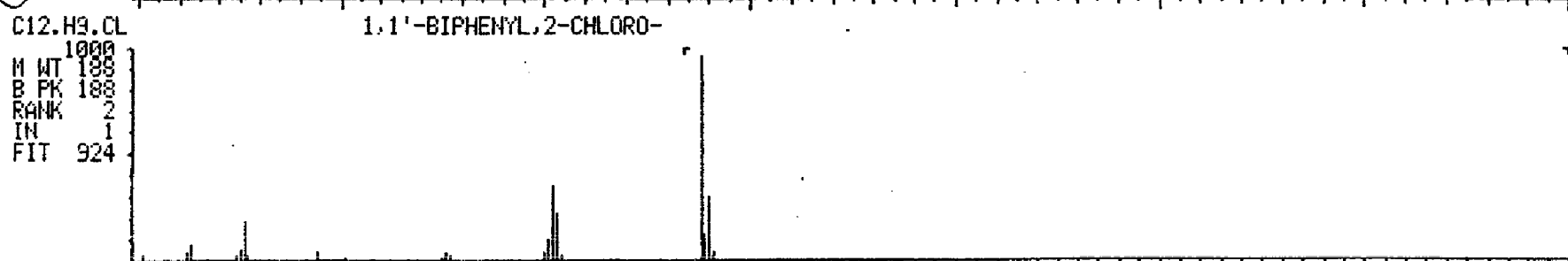
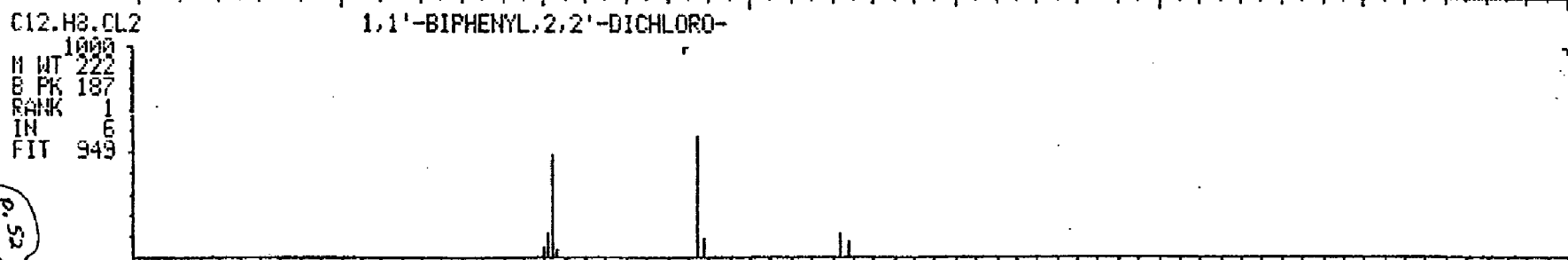
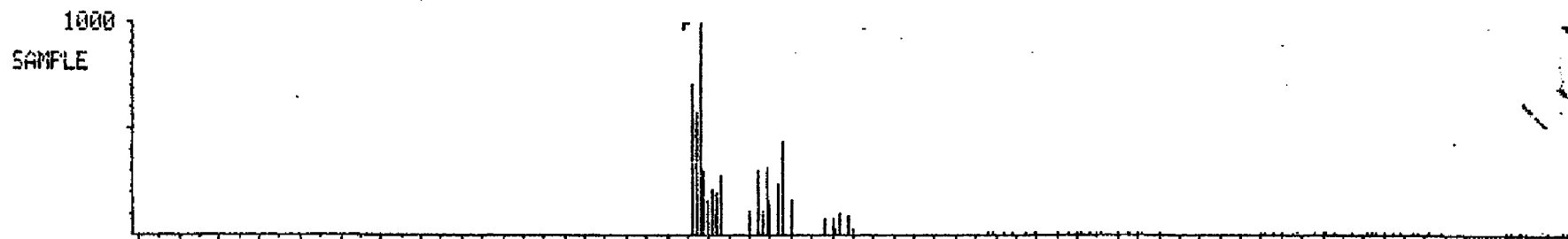


M/E 50 100 150 200 250 300 350

LIBRARY SEARCH
02/08/82 14:25:00 + 14:35
SAMPLE: SR 64494

DATA: 64494M # 875

BASE M/E: 188
RIC: 1957880.

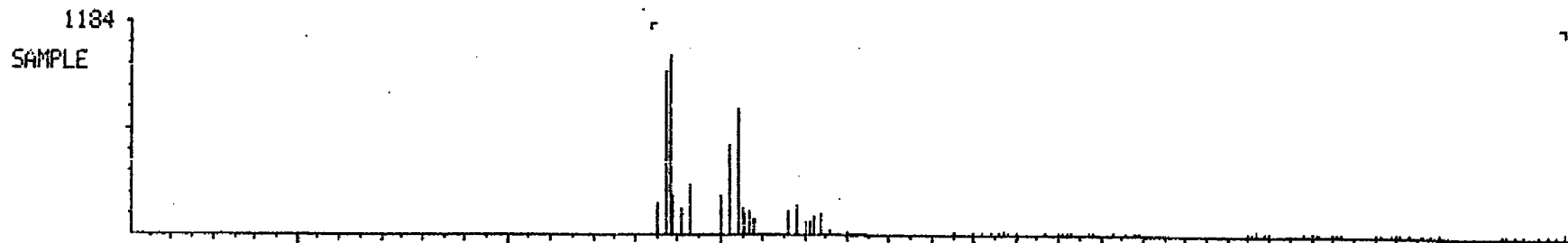


M/E 50 100 150 200 250 300 350 400

LIBRARY SEARCH
02/09/82 8:57:00 + 14:55
SAMPLE: SR 6449-2

DATA: 64492M # 895

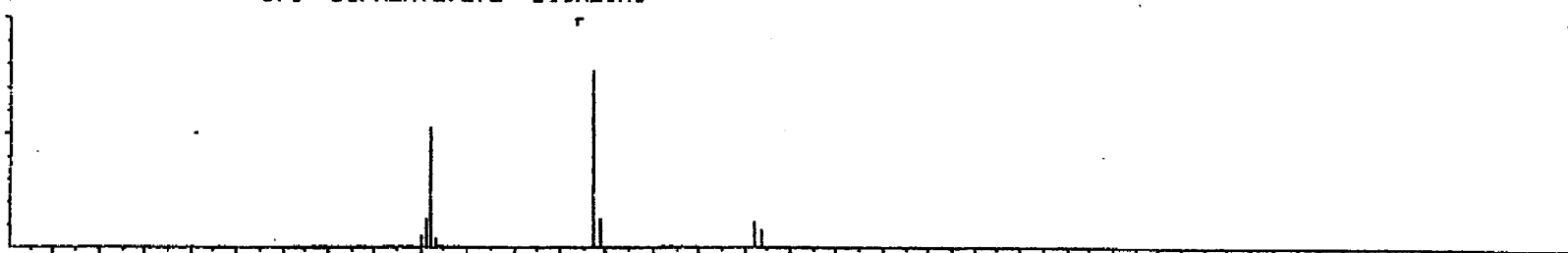
BASE M/E: 188
RIC: 12156900.



C12.H8.CL2

1,1'-BIPHENYL,2,2'-DICHLORO-

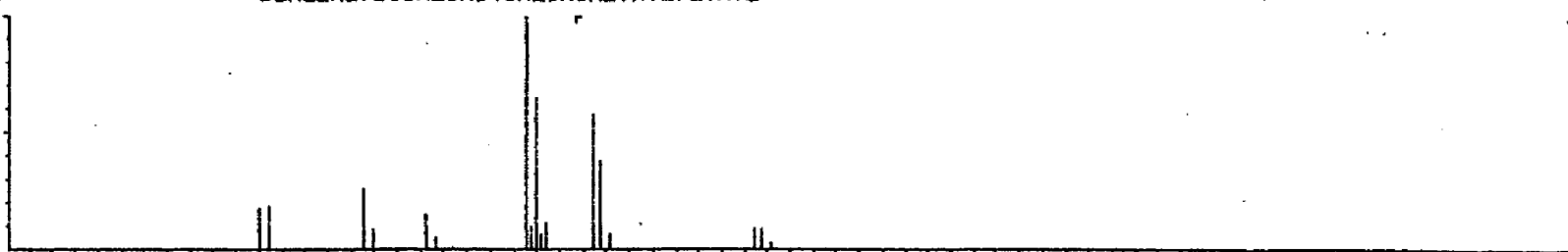
1184
M WT 222
B PK 187
RANK 1
IN 15267
FIT 391



C9.H9.CL3

BENZENE, DICHLORO(CHLOROMETHYL)ETHYL-

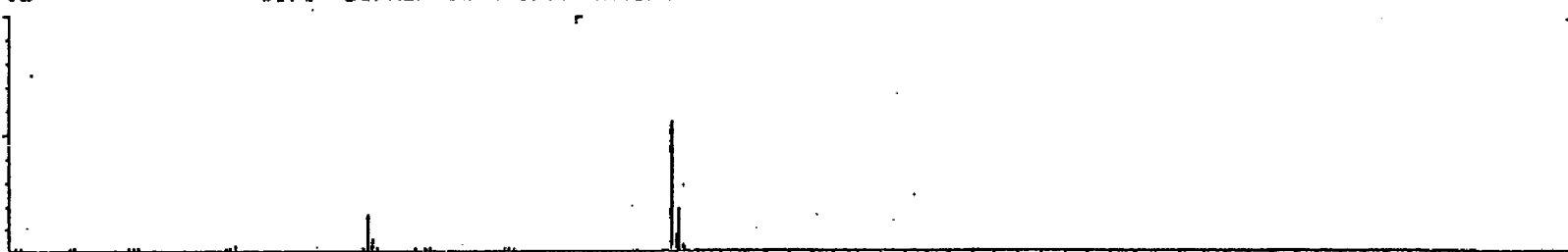
1184
M WT 222
B PK 173
RANK 2
IN 15407
FIT 336



C12.H9.O.CL

[1,1'-BIPHENYL]-4-OL,3-CHLORO-

1184
M WT 204
B PK 204
RANK 3
IN 13273
FIT 541



M/E

100

150

200

250

300

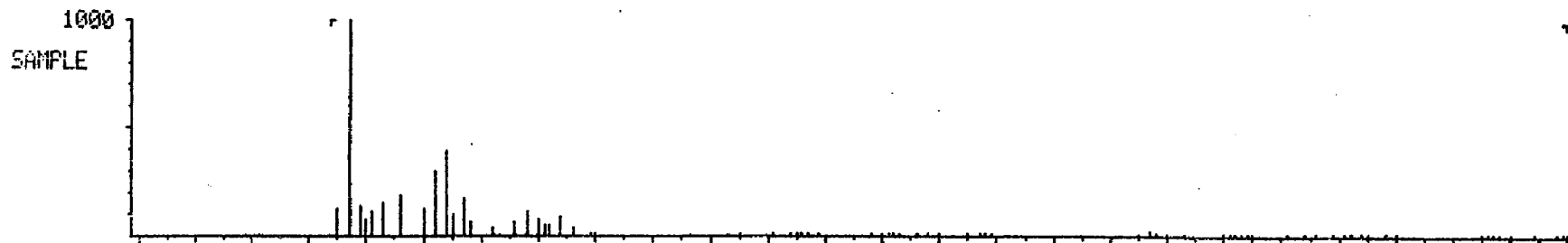
350

400

LIBRARY SEARCH
02/09/82 8:57:00 + 14:50
SAMPLE: SR 6449-2

DATA: 64492M # 890

BASE M/E: 187
RIC: 11845600.



C12.H8.CL2 1,1'-BIPHENYL,2,2'-DICHLORO-

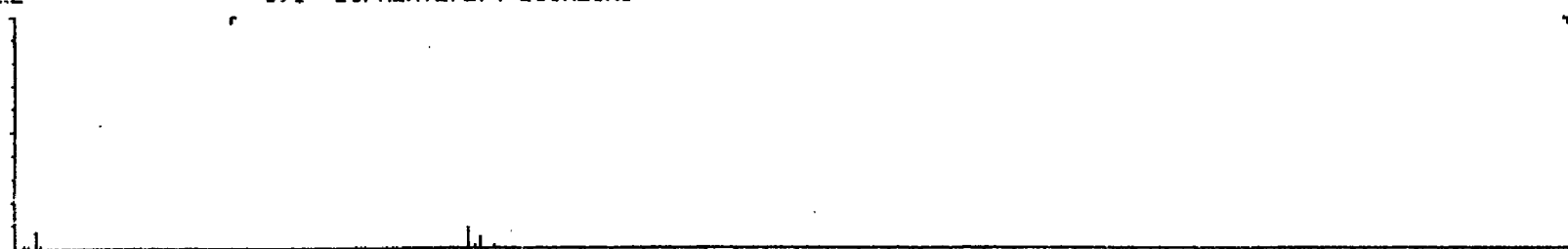
1000
M WT 222
B PK 187
RANK 1
IN 5
FIT 982

PS4



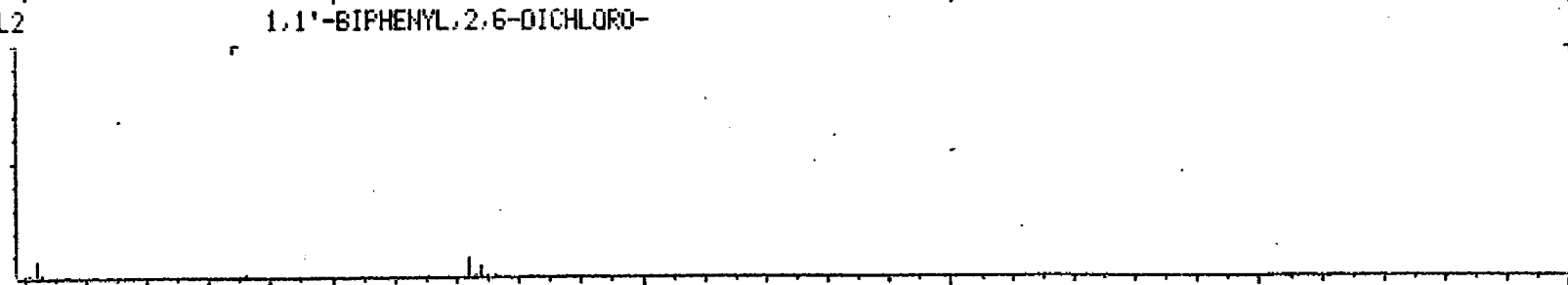
C12.H8.CL2 1,1'-BIPHENYL,2,4-DICHLORO-

1000
M WT 222
B PK 222
RANK 3
IN 5
FIT 845



C12.H8.CL2 1,1'-BIPHENYL,2,6-DICHLORO-

1000
M WT 222
B PK 222
RANK 3
IN 4
FIT 805

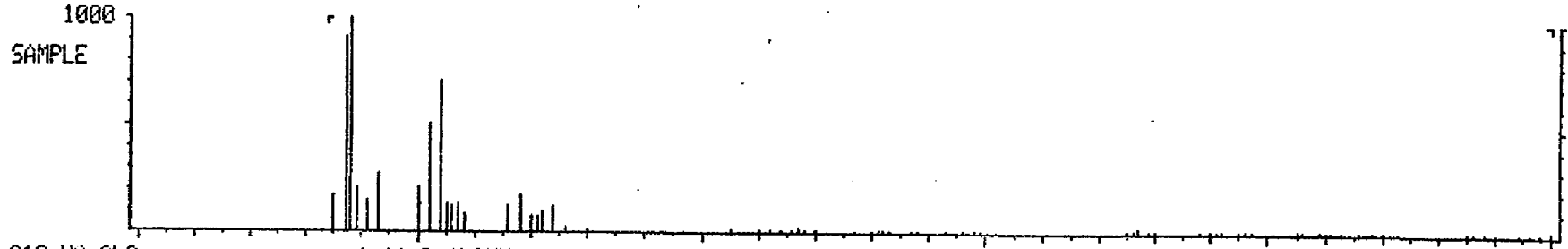


M/E 150 200 250 300 350 400

LIBRARY SEARCH
02/09/82 8:57:00 + 14:55
SAMPLE: SR 6449-2

DATA: 64492M # 895

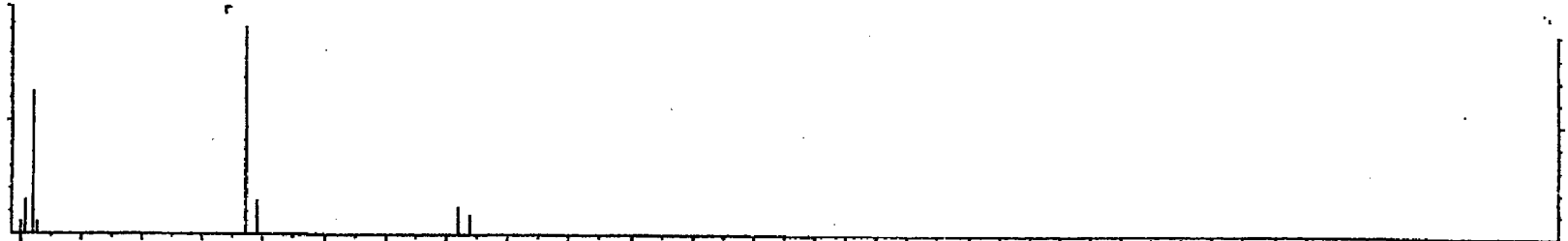
BASE M/E: 188
RIC: 12156900.



C12.H8.CL2 1,1'-BIPHENYL,2,2'-DICHLORO-

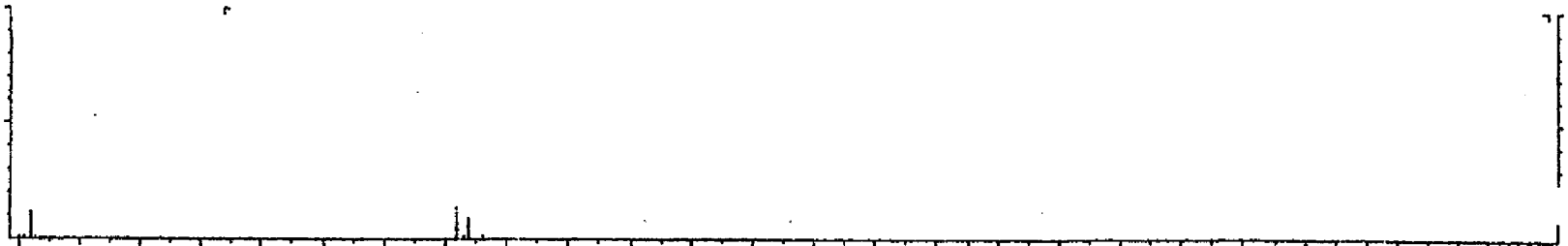
1000
M WT 222
B PK 187
RANK 1
IN 5
FIT 531

PSS



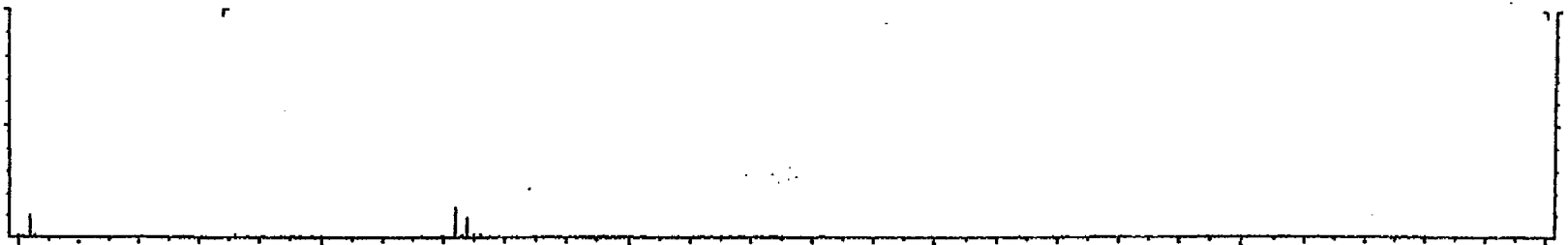
C12.H8.CL2 1,1'-BIPHENYL,2,4-DICHLORO-

1000
M WT 222
B PK 222
RANK 2
IN 5
FIT 907



C12.H8.CL2 1,1'-BIPHENYL,2,6-DICHLORO-

1000
M WT 222
B PK 222
RANK 3
IN 4
FIT 864

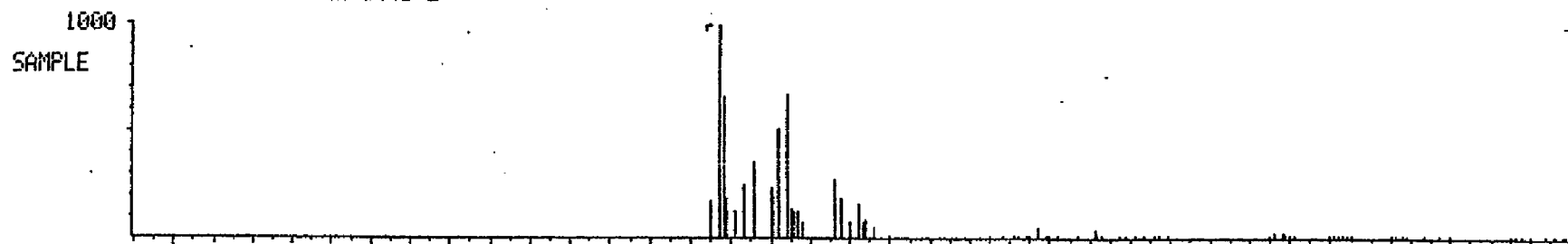


M/E 150 200 250 300 350 400

LIBRARY SEARCH
02/09/82 8:57:00 + 15:00
SAMPLE: SR 6449-2

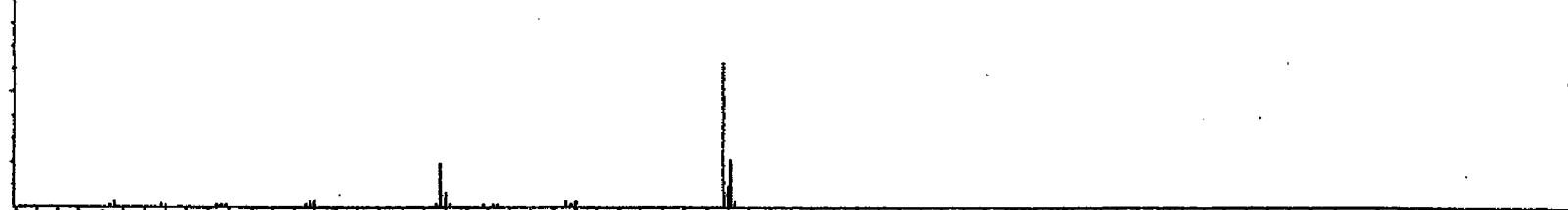
DATA: 64492M # 900

BASE M/E: 187
RIC: 13598700.



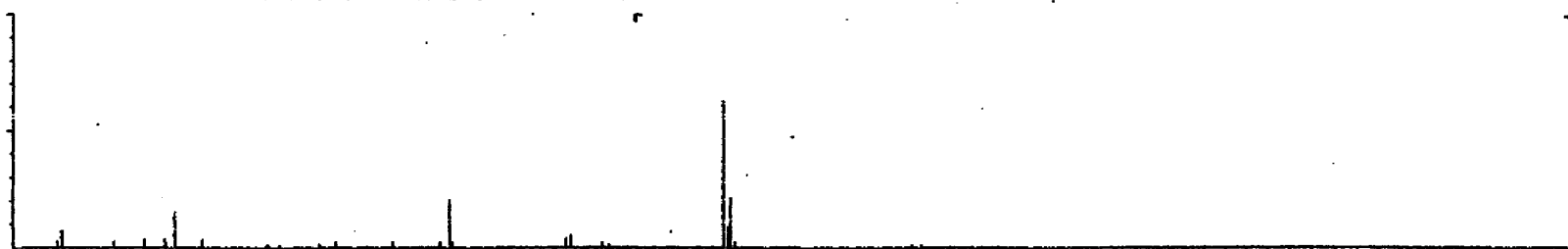
C12.H9.O.CL [1,1'-BIPHENYL]-4-OL,3-CHLORO-

1000
M WT 204
B PK 204
RANK 1
IN 13273
FIT 948



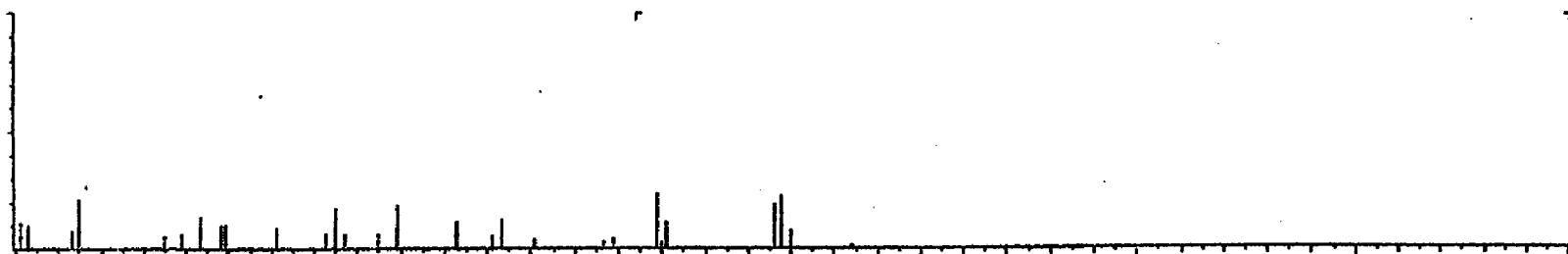
C12.H9.O.CL BENZENE,1-CHLORO-4-PHOXY-

1000
M WT 204
B PK 204
RANK 2
IN 13275
FIT 941



C9.H14.O2.CL2 6-HEPTENOICACID,7,7-DICHLORO-,ETHYLESTER

1000
M WT 224
B PK 199
RANK 3
IN 15633
FIT 937

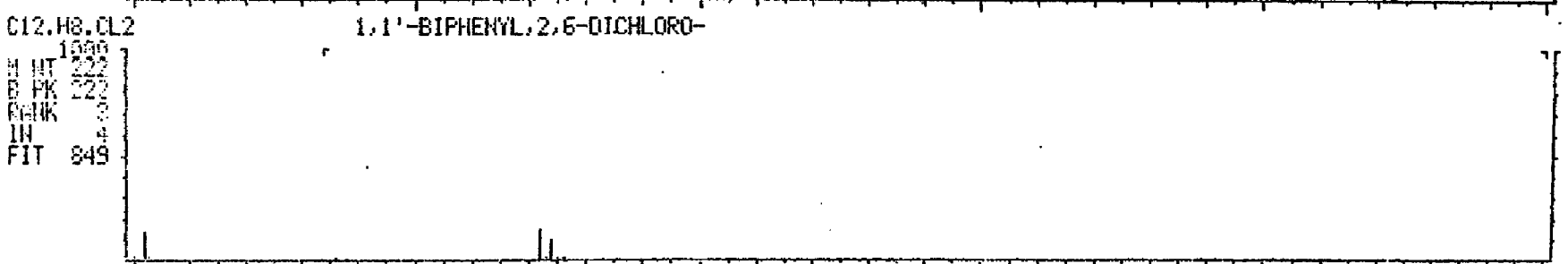
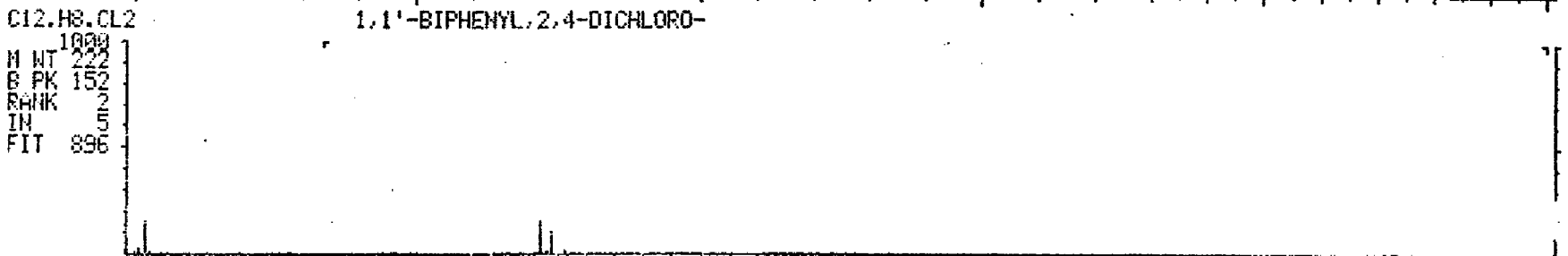
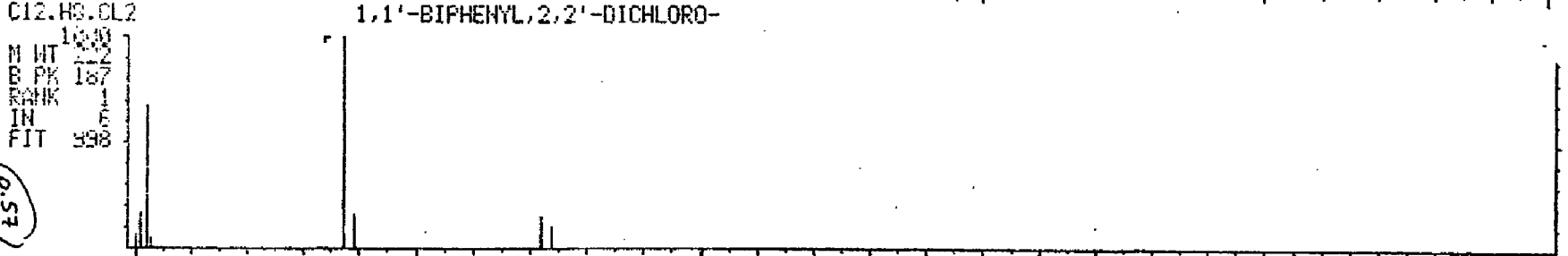


M/E 50 100 150 200 250 300 350 400

LIBRARY SEARCH
02/03/82 8:57:00 + 15:00
SAMPLE: SR 6449-2

DATA: 64492M # 900

BASE M/E: 187
RIC: 13598700.

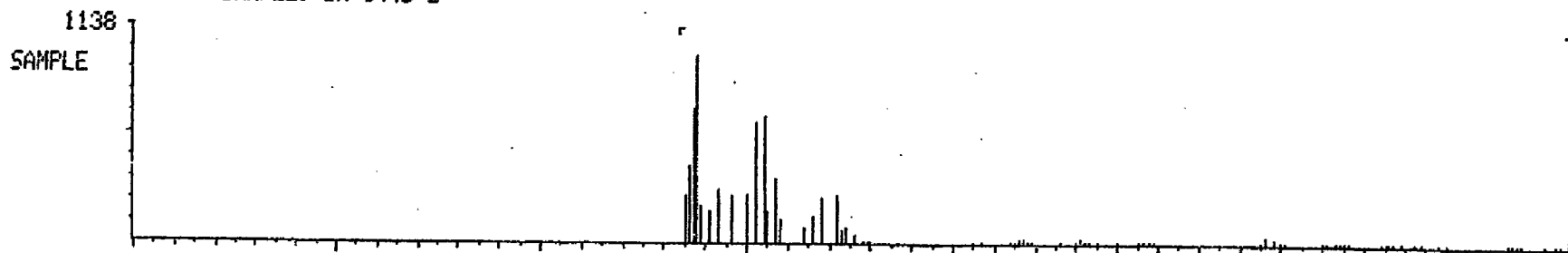


M/E 150 200 250 300 350 400

LIBRARY SEARCH
02/09/82 8:57:00 + 15:06
SAMPLE: SR 6449-2

DATA: 64492M # 906

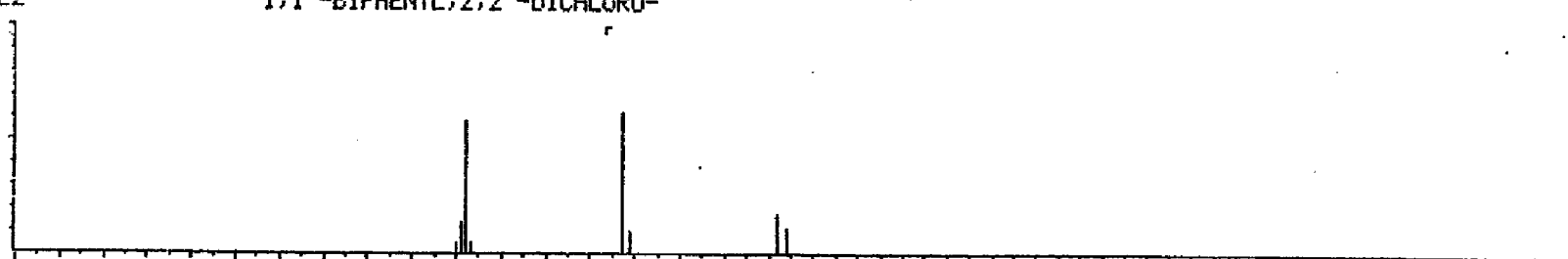
BASE M/E: 188
RIC: 14090200.



C12.H9.CL2

1,1'-BIPHENYL,2,2'-DICHLORO-

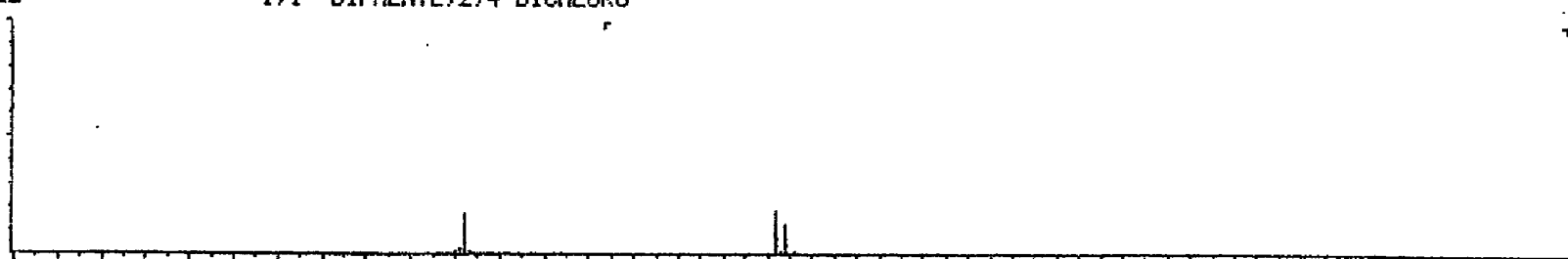
1138
M WT 222
B PK 187
RANK 1
IN 6
FIT 982



C12.H9.CL2

1,1'-BIPHENYL,2,4-DICHLORO-

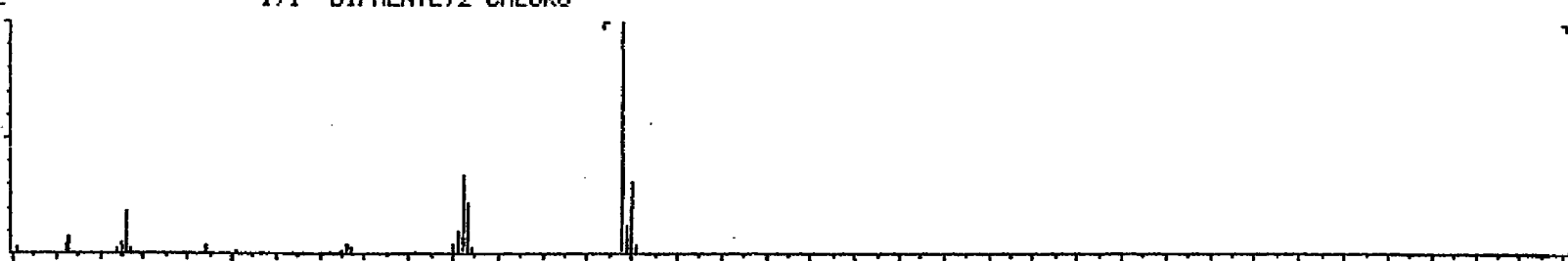
1138
M WT 222
B PK 272
RANK 2
IN 5
FIT 908



C12.H9.CL

1,1'-BIPHENYL,2-CHLORO-

1138
M WT 188
B PK 188
RANK 3
IN 1
FIT 758



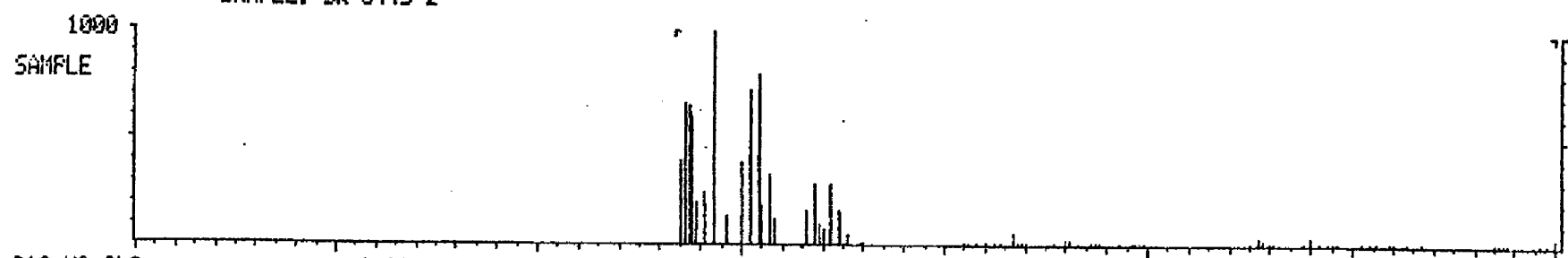
M/E

50 100 150 200 250 300 350 400

LIBRARY SEARCH
02/03/82 8:57:00 + 15:15
SAMPLE: SR 6449-2

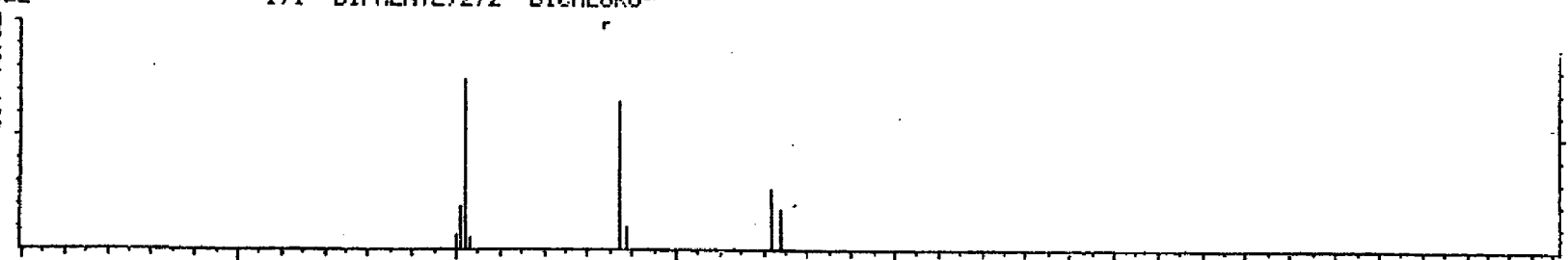
DATA: 64492M # 915

BASE M/E: 193
RIC: 14172100.



C12.H9.CL2
M WT 1000
B PK 222
RANK 1
IN 6
FIT 937

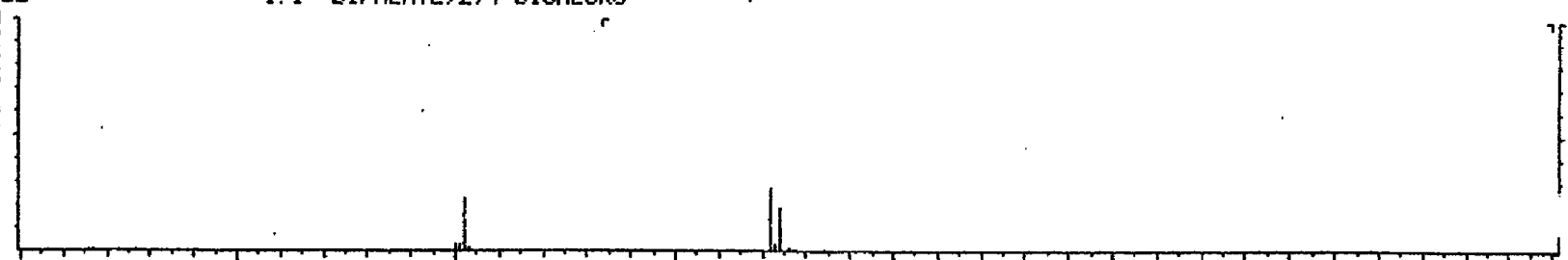
1,1'-BIPHENYL,2,2'-DICHLORO-



(p-59)

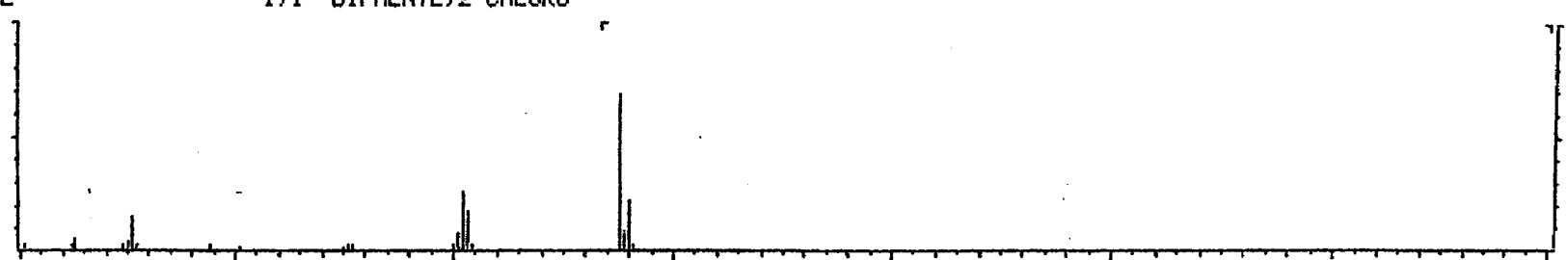
C12.H9.CL2
M WT 1000
B PK 222
RANK 2
IN 5
FIT 938

1,1'-BIPHENYL,2,4-DICHLORO-



C12.H9.CL
M WT 1000
B PK 188
RANK 3
IN 1
FIT 688

1,1'-BIPHENYL,2-CHLORO-



M/E 50 100 150 200 250 300 350 400

LIBRARY SEARCH
02/09/82 8:57:00 + 15:26
SAMPLE: SR 6449-2

DATA: 64492M # 926

BASE M/E: 187
RIC: 15417300.



C12.H8.CL2 1,1'-BIPHENYL,2,2'-DICHLORO-

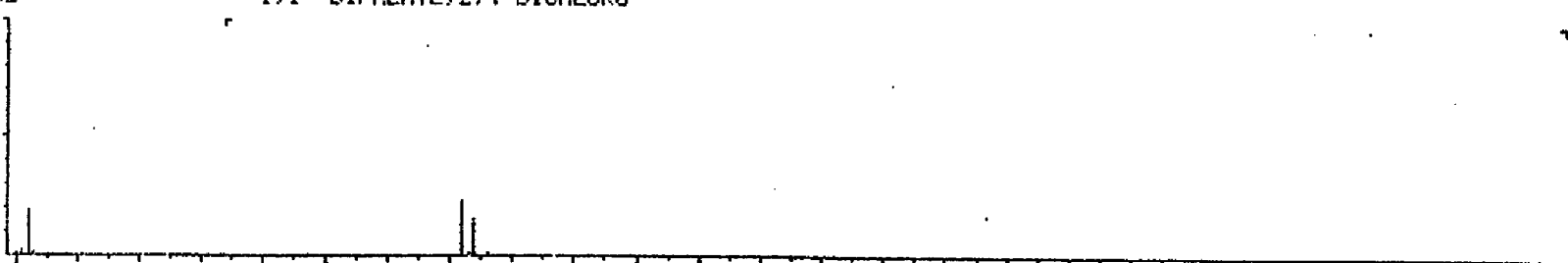
1014
M WT 222
B PK 187
RANK 1
IN 5
FIT 873

060



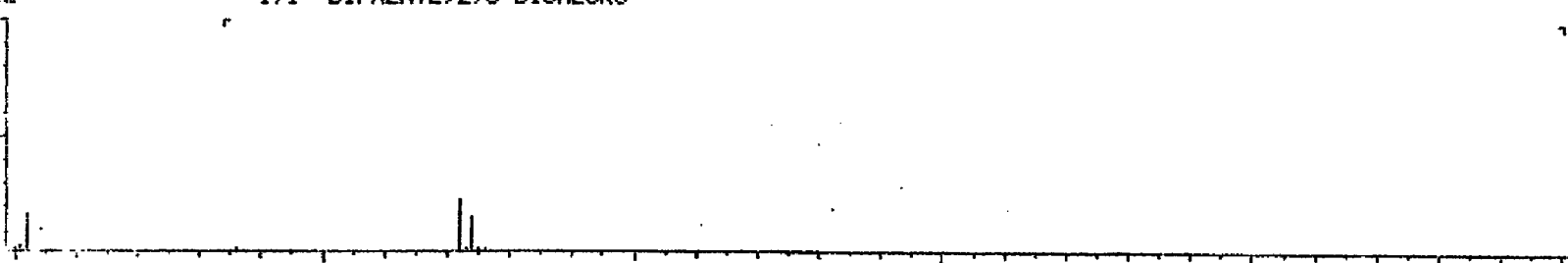
C12.H8.CL2 1,1'-BIPHENYL,2,4-DICHLORO-

1014
M WT 222
B PK 222
RANK 2
IN 5
FIT 884



C12.H8.CL2 1,1'-BIPHENYL,2,6-DICHLORO-

1014
M WT 222
B PK 222
RANK 3
IN 3
FIT 940

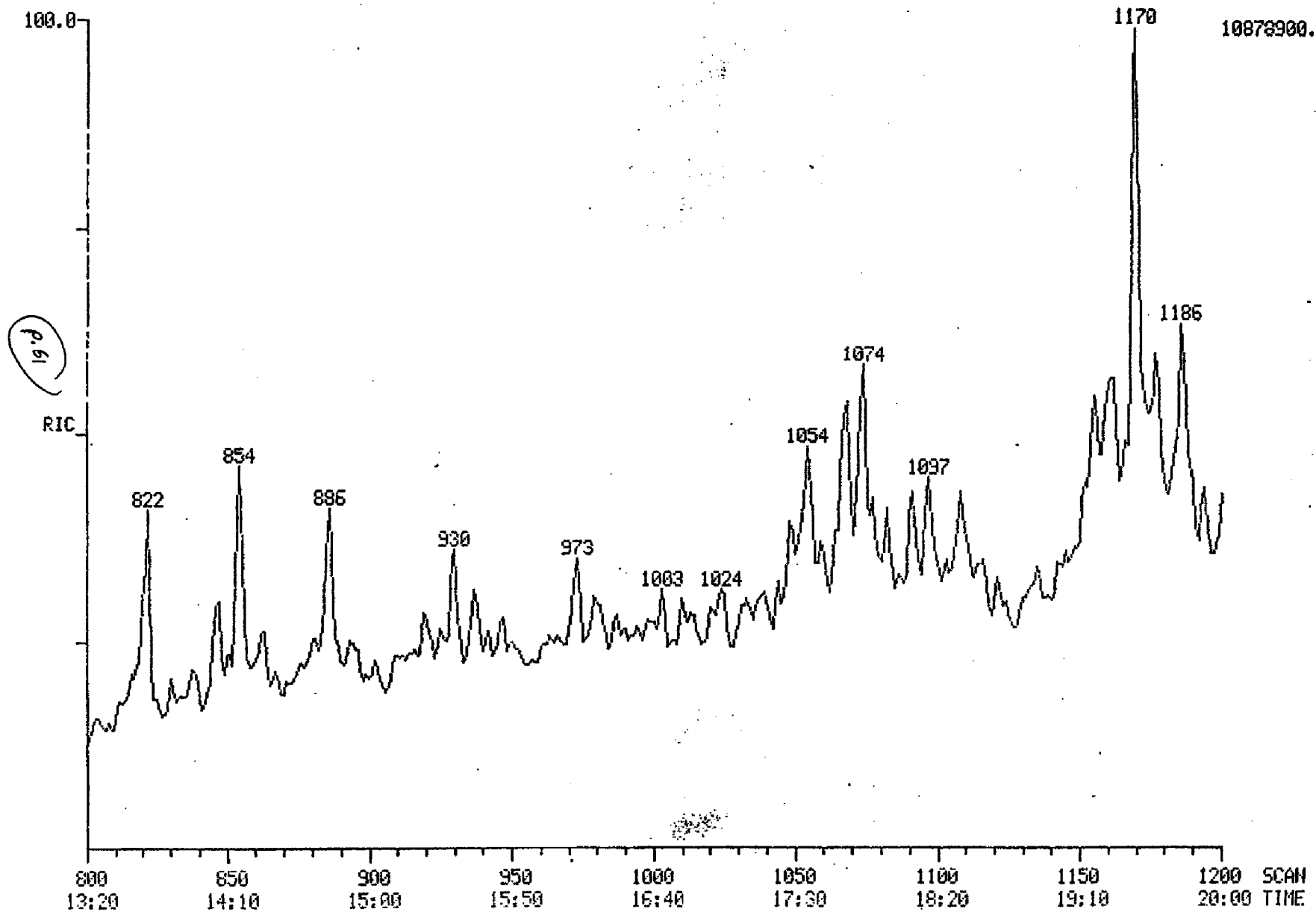


M/E 150 200 250 300 350 400

RIC
02/08/02 14:25:00
SAMPLE: SR 64494

DATA: 64494M

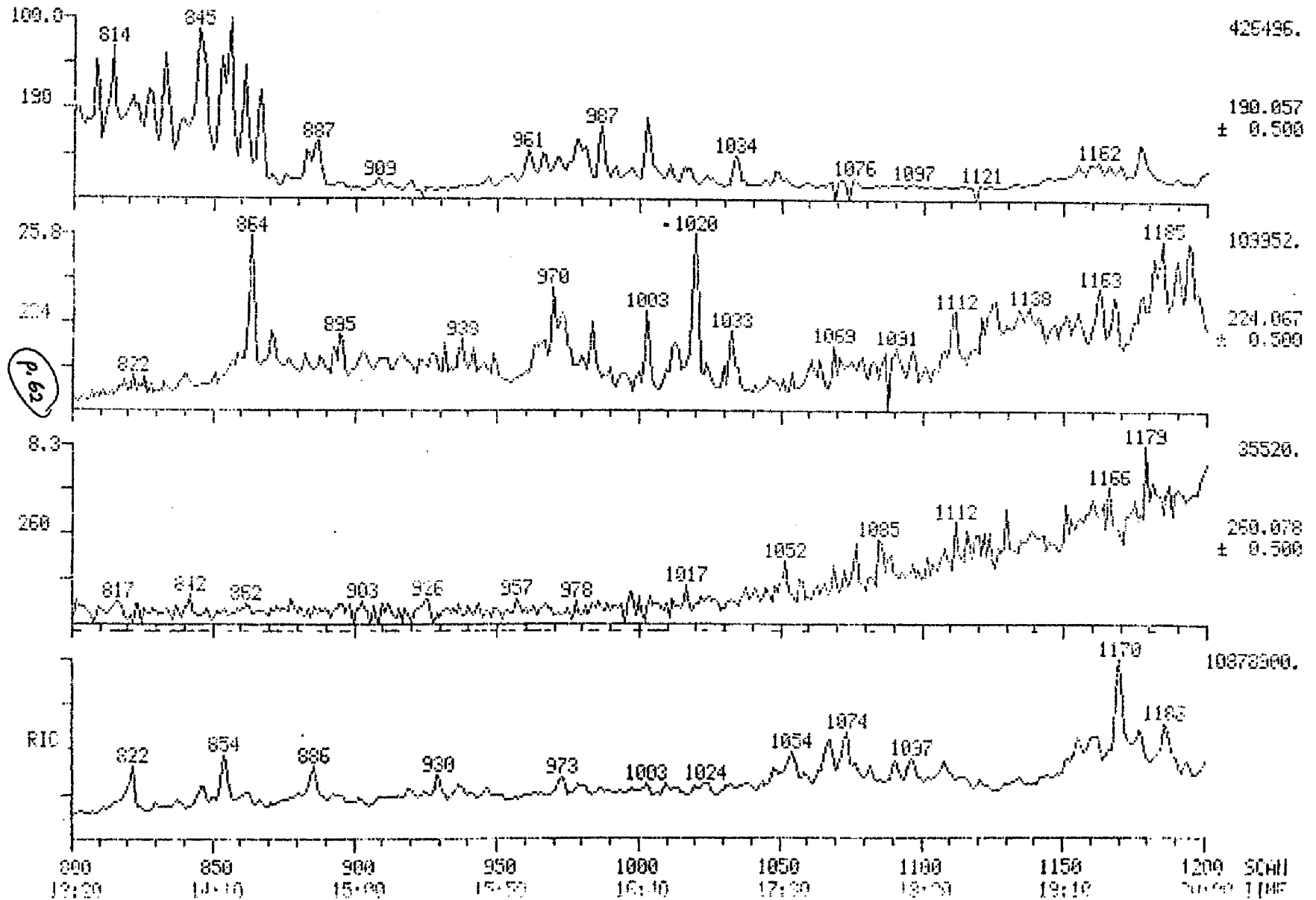
SCANS 800 TO 1200

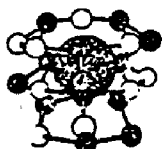


RIC + MASS CHROMATOGRAMS
02/08/82 14:25:00
SAMPLE: SR 64494

DATA: 64494M

SCANS 890 TO 1200





"SOLUTIONS
START
HERE"

Stablex-Reutter Inc.

28 Springdale Road
P.O. Box 4201
Cherry Hill, NJ 08003

Phone: 609-541-6700
Telex: 834477

November 19, 1984

NJDEP
Division of Waste Management
120 Rt. 156
Yardville, NJ 08620

Attention: Mr. Wayne Howitz

Reference: Test Report No. SR10445, DWM Sample Nos. FAS018, FAS019, FAS020

This report covers the analysis of three (3) non-aqueous samples submitted to Stablex-Reutter, Inc. (S-R) on November 9, 1984. The following analyses were requested:

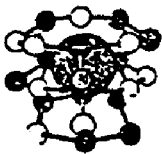
- . Purgeable Organics
- . Polychlorinated Biphenyls
- . Petroleum Hydrocarbons by GC
- . Inorganic Parameters

This report is organized in the following manner:

- . Analysis
- . Analytical Results
- . Quality Assurance Data
- . Method Detection Limits and Accuracy Statements

P. 63

C



SOLUTIONS
START
HERE "

Stablex-Reutter Inc.

Ninth and Cooper Streets
P.O. Box 499
Camden, New Jersey 08101

NJDEP
Test Report No. SR10445
November 19, 1984
Page 2

Phone: 609-541-6700
Telex: 834477

I. Analysis

Acid Extractable and Base/Neutral Extractable Organics

Solid and soil samples are prepared according to the following procedure:

A known weight of sample is soxhlet-extracted with 70 ml of pesticide-grade methylene chloride for a minimum of three hours. The extract is then transferred to a Kuderna-Danish apparatus and evaporated over a hot water bath to a volume of 10 milliliters.

Oil samples are prepared by diluting a known weight of sample in methylene chloride.

Aqueous samples are prepared according to the following procedure:

A known volume of sample is adjusted with 6 M NaOH to $\text{pH} \geq 12$. The sample is extracted three times with pesticide-grade methylene chloride and the extracts combined in a Kuderna-Danish (K-D) apparatus. The sample is then adjusted with 6M HCl to a $\text{pH} \leq 2$ and extracted three more times with methylene chloride. These extracts are combined in a second K-D apparatus. Both sets of extracts are then evaporated over a hot water bath to a final volume of 10 milliliters

Analysis of the above extracts is carried out by capillary column GC/MS/DS in accordance with the following method:

- EPA Method 625, Federal Register, Vol. 44, No. 233, December 3, 1979.

Purgeable Organics

Non-aqueous samples are prepared by adding a known weight of sample to a screw-cap test tube with 10 ml of methanol. The tube is sealed, agitated and allowed to sit in a freezer for no less than 1 hour. An aliquot of the methanol extract is then transferred to a 35 ml purge vessel along with 30 ml of DI Water, and an internal reference standard added for recovery purposes.

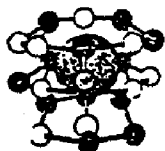
Aqueous samples are prepared by transferring an aliquot of the sample directly to a 35 ml purge vessel along with an internal reference standard.

Samples are then analyzed by purge-and-trap GC/MS/DS in accordance with the following method:

- EPA Method 624, Federal Register, Vol. 44, No. 233, December 3, 1979.

p. 64

C



"SOLUTIONS
START
HERE"

Stablex-Reutter Inc.

Ninth and Cooper Streets
P.O. Box 499
Camden, New Jersey 08101

Phone: 609-541-6700
Telex: 834477

NJDEP
Test Report No. SR10445
November 19, 1984
Page 3

Pesticides and Polychlorinated Biphenyls

Aqueous and solid samples are prepared in accordance with the methods outlined under "Acid Extractables and Base/Neutral Extractable Organics." Following evaporation in the Kuderna-Danish apparatus, the extract is then solvent exchanged to hexane and eluted through a 20-gram florisil column with 50% petroleum ether in diethyl ether for cleanup.

Oil samples are prepared by adding a known amount of sample to a 20 gram florisil column, and eluting with 50% petroleum in diethyl ether. The analysis was conducted according to the procedures as described in:

- . EPA Method 608, Organochlorine Pesticides and PCB's, Federal Register, Vol. 44, No. 233, December 3, 1979.

Petroleum Hydrocarbons by GC

The samples were analyzed according to the following methodology:

- . ASTM D3328-78 Comparison of Waterborne Petroleum Oils by Gas Chromatography.

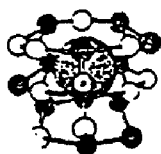
Inorganic Parameters

Aqueous, non-aqueous and solid samples are prepared and analyzed according to the following publications:

- . EPA Test Methods for Evaluating Solid Wastes - Physical/Chemical Methods - SW846, 1982.
- . Standard Methods for the Examination of Water and Wastewater, 15th edition.
- . EPA Chemical Analysis of Water and Wastes, EPA-600, 1979.
- . ASTM Method D93, Test for Flashpoint by Pensky-Martens Closed Tester.
- . Federal Register, Vol. 45, No. 98, May 19, 1980, Section 261.23 (Characteristic of Reactivity).
- . Federal Register, Vol. 45, No. 98, May 19, 1980, Section 261.22 (Characteristic of Corrosivity).

(p. 65)

C



"SOLUTIONS
START
HERE"

Stablex-Reutter Inc.

Ninth and Cooper Streets
P.O. Box 499
Camden, New Jersey 08101

NJDEP
Test Report No. SR10445
November 19, 1984
Page 4

Phone: 609-541-6700
Telex: 834477

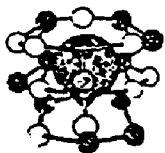
Purgeable Organic Compounds (Method 624)

Sample Designation

<u>Constituent</u>	<u>10445-1 FAS018</u>	<u>10445-1 Duplicate</u>	<u>10445-2 FAS019</u>	<u>10445-3 FAS020</u>	<u>Blank</u>
Chloromethane	<10	<10	<10	<10	<10
Bromomethane	<10	<10	<10	<10	<10
Vinyl chloride	<10	<10	<10	<10	<10
Chloroethane	<10	<10	<10	<10	<10
Methylene chloride	<10	<10	<10	<10	<10
1,1-Dichloroethylene	<10	<10	<10	<10	<10
1,1-Dichloroethane	<10	<10	<10	<10	<10
trans-1,2-Dichloroethylene	<10	<10	<10	<10	<10
Chloroform	<10	<10	<10	<10	<10
1,2-Dichloroethane	<10	<10	<10	<10	<10
1,1,1-Trichloroethane	<10	<10	<10	<10	<10
Carbon tetrachloride	<10	<10	<10	<10	<10
Bromodichloromethane	<10	<10	<10	<10	<10
1,2-Dichloropropane	<10	<10	<10	<10	<10
trans-1,3-Dichloropropene	<10	<10	<10	<10	<10
Trichloroethylene	<10	<10	<10	<10	<10
Dibromochloromethane	<10	<10	<10	<10	<10
Benzene	<10	<10	<10	<10	<10
1,1,2-Trichloroethane	<10	<10	<10	<10	<10
cis-1,3-Dichloropropene	<10	<10	<10	<10	<10
2-Chloroethyl vinyl ether	<10	<10	<10	<10	<10
Bromoform	<10	<10	<10	<10	<10
1,1,2,2-Tetrachloroethane	<10	<10	<10	<10	<10
Tetrachloroethylene	<10	<10	40	<10	<10
Toluene	<10	<10	570	<10	<10
Chlorobenzene	<10	<10	<10	<10	<10
Ethyl benzene	<10	<10	200	<10	<10
Units	(ppm)	(ppm)	(ppm)	(ppm)	(ppm)

p. 66

C



SOLUTIONS
START
HERE"

Stablex-Reutter Inc.

Ninth and Cooper Streets
P.O. Box 499
Camden, New Jersey 08101

Phone: 609-541-6700
Telex: 834477

NJDEP
Test Report No. SR10445
November 19, 1984
Page 5

Polychlorinated Biphenyls

<u>Constituent</u>	<u>Sample Designation</u>				<u>Blank</u>
	<u>10445-1 FAS018</u>	<u>10445-1 Duplicate</u>	<u>10445-2 FAS019</u>	<u>10445-3 FAS020</u>	
Polychlorinated Biphenyls, as Arochlor 1242, ppm	<2	<2	<15	<15	<3
Polychlorinated Biphenyls, as Arochlor 1260, ppm	<5	<5	<25	<25	<3

Petroleum Hydrocarbons by GC/FID

<u>Constituent</u>	<u>Sample Designation</u>				<u>Blank</u>
	<u>10445-1 FAS018</u>	<u>10445-1 Duplicate</u>	<u>10445-2 FAS019</u>	<u>10445-3 FAS020</u>	
#2 Fuel Oil, %	<1	<1	<1	<1	<1
Gasoline, %	<1	<1	<1	<1	<1
Kerosene, %	<1	<1	<1	<1	<1

Reactivity

The observations for Reactivity were as follows:

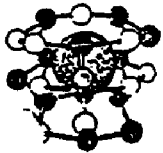
- . The samples did not undergo violent changes under normal conditions.
- . The samples did not react violently or form a potentially explosive mixture with water.
- . The samples did not appear readily capable of detonation or explosive decomposition or reaction at standard temperature or pressure.
- . The determination of reactive cyanide and sulfide were as follows:

<u>Parameter</u>	<u>Sample Designation</u>		
	<u>10445-1 FAS018</u>	<u>10445-2 FAS019</u>	<u>10445-3 FAS020</u>
Sulfide, ppm	<10; <10*	<10	<10
Cyanide, ppm	<5; <5*	<5	<5

* Duplicate Analysis

p. 67

C



"SOLUTIONS
START
HERE"

Stablex-Reutter Inc.

Ninth and Cooper Streets
P.O. Box 499
Camden, New Jersey 08101

NJDEP
Test Report No. SR10445
November 19, 1984
Page 6

Phone: 609-541-6700
Telex: 834477

EP Extractables

<u>Parameter</u>	<u>Sample Designation</u>			<u>EP Toxicity Limits</u>
	<u>10445-1** FAS018</u>	<u>10445-2* FAS019</u>	<u>10445-2* Duplicate</u>	
Arsenic, total, ug/ml	<0.05	0.06	<0.05	5.0
Barium, total, ug/ml	0.12	0.11	0.11	100
Cadmium, total, ug/ml	<0.1	<0.1	<0.1	1.0
Chromium, total, ug/ml	0.36	0.56	0.62	5.0
Lead, total, ug/ml	<1	<1	<1	5.0
Mercury, total, ug/ml	<0.02	<0.02	<0.02	0.2
Selenium, total, ug/ml	<0.1	<0.1	<0.1	1.0
Silver, total, ug/ml	0.2	<0.1	<0.1	5.0

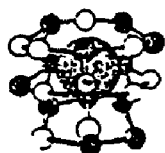
<u>Parameter</u>	<u>10445-3** FAS020</u>	<u>Blank</u>	<u>EP Toxicity Limits</u>
Arsenic, total, ug/ml	0.06	<0.05	5.0
Barium, total, ug/ml	0.14	0.11	100
Cadmium, total, ug/ml	<0.1	<0.1	1.0
Chromium, total, ug/ml	1.0	<0.1	5.0
Lead, total, ug/ml	<1	<1	5.0
Mercury, total, ug/ml	<0.02	<0.02	0.2
Selenium, total, ug/ml	<0.1	<0.1	1.0
Silver, total, ug/ml	<0.1	<0.1	5.0

- * Biphase filtrate - solid digestion performed.
** Single phase filtrate - solid digestion for uniformity with FAS019.

Flashpoint and pH

<u>Parameter</u>	<u>Sample Designation</u>			
	<u>10445-1 FAS018</u>	<u>10445-2 FAS019</u>	<u>10445-2 Duplicate</u>	<u>10445-3 FAS020</u>
Flashpoint, closed cup, °F	>180	115	114	>180
pH, units	7.24; 7.25*	7.97; 7.94*	—	6.03; 6.05*

*Duplicate Analysis



Stablex-Reutter Inc.

SOLUTIONS
START
HERE"

Ninth and Cooper Streets
P.O. Box 499
Camden, New Jersey 08101

NJDEP
Test Report No. SR10445
November 19, 1984
Page 7

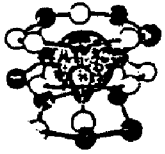
Purgeable Organic Compounds

SR10445-1 plus Spike

<u>Constituent</u>	<u>Amount of Spike, ug</u>	<u>% Recovery</u>
Chloromethane	1.0	71
Bromomethane	1.0	92
Vinyl chloride	1.0	73
Chloroethane	1.0	78
Methylene chloride	1.0	110
1,1-Dichloroethylene	1.0	77
1,1-Dichloroethane	1.0	79
trans-1,2-Dichloroethylene	1.0	75
Chloroform	1.0	78
1,2-Dichloroethane	1.0	74
1,1,1-Trichloroethane	1.0	79
Carbon tetrachloride	1.0	58
Bromodichloromethane	1.0	78
1,2-Dichloropropane	1.0	81
trans-1,3-Dichloropropene	1.0	85
Trichloroethylene	1.0	86
Dibromochloromethane	1.0	82
Benzene	1.0	85
1,1,2-Trichloroethane	1.0	82
cis-1,3-Dichloropropene	1.0	82
2-Chloroethyl vinyl ether	1.0	83
Bromoform	1.0	78
1,1,2,2-Tetrachloroethane	1.0	85
Tetrachloroethylene	1.0	83
Toluene	1.0	89
Chlorobenzene	1.0	88
Ethyl benzene	1.0	91

p. 69

C



SOLUTIONS
START
HERE "

Stablex-Reutter Inc.

Ninth and Cooper Streets
P.O. Box 499
Camden, New Jersey 08101

Phone: 609-541-6700
Telex: 834477

NJDEP
Test Report No. SR10445
November 19, 1984
Page 8

Polychlorinated Biphenyls

SR01445-2 plus Spike

<u>Constituent</u>	<u>Amount of Spike, ppm</u>	<u>% Recovery</u>
Polychlorinated Biphenyls, as Arochlor 1242	530	77

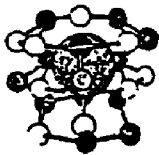
EP Extractables

10445-EP plus spike

<u>Parameter</u>	<u>Amount of Spike</u>	<u>% Recovery</u>
Arsenic	500	31
Barium	500	98
Cadmium	500	94
Chromium	500	93
Lead	500	95
Mercury	20	71
Selenium	500	114
Silver	500	32

p. 70

C



"SOLUTIONS
START
HERE"

Stablex-Reutter Inc.

Ninth and Cooper Streets
P.O. Box 499
Camden, New Jersey 08101

NJDEP
Test Report No. SR10445
November 19, 1984
Page 9

Phone: 609-541-6700
Telex: 834477

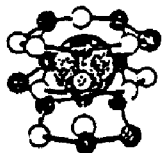
IV. Method Detection Limits and Accuracy Statements

Purgeable Organic Compounds (Method 624)

<u>Constituent</u>	<u>Method Detection Limit (MDL), ug/g</u>	<u>Precision % RSD</u>	<u>Accuracy, (P + 2sd.)</u>
Chloromethane	1.0	38	111 + 76
Bromomethane	1.0	16	94 + 32
Vinyl chloride	1.0	24	108 + 47
Chloroethane	1.0	14	98 + 27
Methylene chloride	1.0	12	101 + 23
1,1-Dichloroethylene	1.0	14	100 + 28
1,1-Dichloroethane	1.0	13	97 + 26
trans-1,2-Dichloroethylene	1.0	19	118 + 38
Chloroform	1.0	11	107 + 22
1,2-Dichloroethane	1.0	18	113 + 37
1,1,1-Trichloroethane	1.0	14	108 + 27
Carbon tetrachloride	1.0	14	97 + 29
Bromodichloromethane	1.0	10	110 + 21
1,2-Dichloropropane	1.0	10	103 + 21
trans-1,3-Dichloropropene	1.0	7.0	106 + 14
Trichloroethylene	1.0	15	99 + 30
Benzene	1.0	17	109 + 34
Dibromochloromethane	1.0	8.5	105 + 17
1,1,2-Trichloroethane	1.0	11	108 + 22
cis-1,3-Dichloropropene	1.0	12	109 + 23
2-Chloroethylvinyl ether	1.0	9.5	109 + 19
Bromoform	1.0	20	116 + 39
1,1,2,2-tetrachloroethane	1.0	13	111 + 26
Tetrachloroethylene	1.0	14	100 + 29
Toluene	1.0	20	98 + 39
Chlorobenzene	1.0	20	93 + 40
Ethyl Benzene	1.0	22	100 + 43

p. 71

C



"SOLUTIONS
START
HERE"

Stablex-Reutter Inc.

Ninth and Cooper Streets
P.O. Box 499
Camden, New Jersey 08101

NJDEP
Test Report No. SR10445
November 19, 1984
Page 10

Phone: 609-541-6700
Telex: 834477

Polychlorinated Biphenyls

<u>Constituent</u>	<u>Method Detection Limit, ug/l</u>	<u>Precision % RSD</u>	<u>Accuracy, % (P + 2sp.)</u>
Polychlorinated Biphenyls, total as Arochlor 1260	5.0	17	95 ± 34

Heavy Metals (EP Extractable)

<u>Parameter</u>	<u>Method Detection Limit, ug/ml</u>	<u>Precision % RSD</u>	<u>Accuracy, %</u>
Antimony	0.002	23	84 ± 76
Arsenic	0.002	18	94 ± 19
Beryllium	0.010	20	91 ± 18
Cadmium	0.004	12	98 ± 11
Chromium	0.026	10	107 ± 22
Copper	0.050	3.9	96 ± 14
Lead	0.043*	12	101 ± 19
Mercury	0.001	25	97 ± 28
Nickel	0.036	5.2	94 ± 22
Selenium	0.001	17	89 ± 24
Silver	0.009	13	84 ± 52
Thallium	0.10	8.9	92 ± 24
Zinc	0.010	17	36 ± 14

* Requires concentration of the sample prior to analysis.

Should the State of New Jersey have any questions concerning this analysis,
please don't hesitate to contact me.

Respectfully submitted,

STABLEX-REUTTER, INC.

Ian C. Lambert
Laboratory Manager

p. 72

ICL/dk

C



RECEIPT FOR PROPERTY

UNIT DESIGNATION OF RECEIVING HEADQUARTERS		COMPLAINT OR CASE NR (if any) 20-04-07
LOCATION		
NAME OF PERSON FROM WHOM PROPERTY IS OBTAINED <input type="checkbox"/> OWNER <input type="checkbox"/> OTHER		ADDRESS (Include ZIP Code)
LOCATION OF PROPERTY		
PURPOSE FOR WHICH OBTAINED		

ITEM NR	QUAN-TITY	DESCRIPTION OF ARTICLES <small>(Include model, serial Nr, Identifying marks, condition, and value, when appropriate)</small>
1	1	950 ml amber glass bottle labelled FAS018 CONTAINING A YELLOW, VISCOUS LIQUID
2	1	950 ml amber glass bottle labelled FAS019 CONTAINING A DARK LIQUID
3	1	950 ml amber glass bottle labelled FAS020 CONTAINING A YELLOW, VISCOUS LIQUID

CHAIN OF CUSTODY					
ITEM NR	Date	Time	RELINQUISHED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1 2 3	11/16/84	5:55	TYPED NAME FRANK SICKEL SIGNATURE <i>Frank Sickel</i>	TYPED NAME WAYNE HOWITZ SIGNATURE <i>Wayne Howitz</i>	TRANSPORT TO LAB.
1 2 3	11/19/84	5:40	TYPED NAME WAYNE HOWITZ SIGNATURE <i>Wayne Howitz</i>	TYPED NAME CHARLES CORLEMAN SIGNATURE <i>Charles Corleman</i>	TRANSFER ITEMS 1, 2 & 3 TO STABEX REITER FOR ANALYSIS
1 2 3	11/16/84	10:00	TYPED NAME LAW LAMBERT SIGNATURE <i>Law Lambert</i>	TYPED NAME JOSEPH P. McLAUGHLIN SIGNATURE <i>Joseph P. McLaughlin</i>	analysis
1, 2, 3	11/16/84	11:00	TYPED NAME Joseph P. McLaughlin SIGNATURE <i>Joseph P. McLaughlin</i>	TYPED NAME LAW LAMBERT SIGNATURE <i>Law Lambert</i>	STORAGE

P. 73

CHAIN OF CUSTODY (Continued)

ITEM NO.	DATE	RELINQUISHED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1, 2, 3	11/21/84	TYPED NAME, GRADE AND BRANCH LAW LAMBERTS SIGNATURE <i>[Signature]</i>	TYPED NAME, GRADE AND BRANCH Howard Whaley SIGNATURE <i>[Signature]</i>	analysis
1, 2, 3	11/14/84	TYPED NAME, GRADE AND BRANCH Howard Whaley SIGNATURE <i>[Signature]</i>	TYPED NAME, GRADE AND BRANCH LAW LAMBERTS SIGNATURE <i>[Signature]</i>	storage
1, 2, 3	11/12/84	TYPED NAME, GRADE AND BRANCH LAW LAMBERTS SIGNATURE <i>[Signature]</i>	TYPED NAME, GRADE AND BRANCH JOSEPH H. WALKER SIGNATURE <i>[Signature]</i>	analysis
1, 2, 3	11/12/84	TYPED NAME, GRADE AND BRANCH JOSEPH H. WALKER SIGNATURE <i>[Signature]</i>	TYPED NAME, GRADE AND BRANCH LAW LAMBERTS SIGNATURE <i>[Signature]</i>	storage
1, 2, 3	11/12/84	TYPED NAME, GRADE AND BRANCH LAW LAMBERTS SIGNATURE <i>[Signature]</i>	TYPED NAME, GRADE AND BRANCH MARIA S. DANIK SIGNATURE <i>[Signature]</i>	ACTIVITY
2, 3	11/13/84	TYPED NAME, GRADE AND BRANCH MARIA S. DANIK SIGNATURE <i>[Signature]</i>	TYPED NAME, GRADE AND BRANCH LAW LAMBERTS SIGNATURE <i>[Signature]</i>	STORAGE
		TYPED NAME, GRADE AND BRANCH	TYPED NAME, GRADE AND BRANCH	
		SIGNATURE	SIGNATURE	
		TYPED NAME, GRADE AND BRANCH	TYPED NAME, GRADE AND BRANCH	
		SIGNATURE	SIGNATURE	
		TYPED NAME, GRADE AND BRANCH	TYPED NAME, GRADE AND BRANCH	
		SIGNATURE	SIGNATURE	
		TYPED NAME, GRADE AND BRANCH	TYPED NAME, GRADE AND BRANCH	
		SIGNATURE	SIGNATURE	
		TYPED NAME, GRADE AND BRANCH	TYPED NAME, GRADE AND BRANCH	
		SIGNATURE	SIGNATURE	
		TYPED NAME, GRADE AND BRANCH	TYPED NAME, GRADE AND BRANCH	
		SIGNATURE	SIGNATURE	

Stablex - Reutter Inc.

LABORATORY NOTEBOOK ACCOUNTABILITY RECORD

ANALYSIS	SAMPLE NO. (S-R)	OSW DESIGNATION	NOTEBOOK NUMBER	PAGE(S)	DATE	ANALYST
PURGEABLE PREP	10445-1,2,3	FAS 018 FAS 019 FAS 020	1323	31	11/2/84	HW
PURGEABLE ANALYSIS	"	"	GC/MS	-	11/2/84	LFC
PCB PREP	"	"	1306	41	11/2/84	AP
PCB ANALYSIS	"	"	1311	125	11/3/84	DMCD
PETROLEUM HYDROCARBONS	"	"	1313	19	11/2/84	HW
	"	"	1324	38	11/3/84	EP
REACTIVITY	"	"	1307	179	11/3/84	MS
EP EXTRACTION	"	"	1309	55	11/11/84	JH
HYDRIDE DIGESTION	"	"	1308	123, 193	11/13/84	MCM
MERCURY DIGESTION	"	"	1308	193	11/13/84	MCM
	"	"	1320	87	11/12/84	NS
METALS DIGESTION	"	"	1308	123, 195	11/13/84 11/17/84	MCM
HYDRIDE ANALYSIS	"	"	1304	189	11/13/84	EL
	"	"	1312	169	11/14/84	CD
MERCURY ANALYSIS	"	"	1315	167	11/12/84	JW
METALS ANALYSIS	"	"	1322	ICP	11/13/84	MSK
FLASHPOINT	"	"	1307	167	11/13/84	MS
pH	"	"	1316	137	11/12/84	JW

p. 75



Anthony McMahon, HSMA 20-040
 Rebecca Fields, DAG
 John Renella, ORS
 Fred Sickels, BFO
 Marja VanOuwesker, HSMA

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
 DIVISION OF WASTE MANAGEMENT

MARWAN M. SADAT, P.E.
 DIRECTOR

HAZARDOUS SITE MITIGATION ADMINISTRATION
 CN 028, Trenton, N.J. 08625

JORGE H. BERKOWITZ, PH.D.
 ADMINISTRATOR

Soils Results

8 FEB 1985

Fred Rubel
 Emergency Response Branch
 USEPA - Region II
 Woodbridge Avenue
 Edison, NJ 08837

Re: Borne Chemical Site

Dear Mr. Rubel:

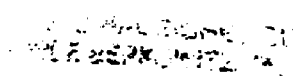
In October 1984, NJDEP performed a limited sampling program at the Borne Chemical Site. The results indicate extensive soil contamination with volatile organics, base/neutral compounds and heavy metals. Analyses for total petroleum hydrocarbon indicate soil contamination ranging from 62,000 to 312,000 mg/kg (NJDEP regulates levels above 100 mg/kg as hazardous waste). These data were previously submitted to Gad Twadros for review.

In addition, representative samples were obtained from drums recently discovered on the site. The data identifies the material as waste oils, mineral oil, and some drums of solvents.

Based on this information and the bankrupt financial situation of the operating company, NJDEP intends to provide remedial measures at this site utilizing State Funds. Initially, an extensive sampling program will be performed, followed by the implementation of a remedial program. NJDEP will also determine if the new analytical data will alter the present Hazard Ranking Score for the site. (Presently not eligible for the NPL.)

NJDEP will continue to advise the USEPA regarding the status of this site. If you have any questions please do not hesitate to contact the assigned site manager, Chris Altomari, (609) 984-3074. Thank you.

Very truly yours,


 Dr. Jorge H. Berkowitz
 Administrator

HS54:cd

20-04-07

Form ADM-015A
11/82

State of New Jersey
Department of Environmental Protection

REFERRAL FORM

Date 1-11-85

TO

FROM

Rebecca Fields, DAG
8th Flr West Wing
Justice Complex

Chris Altomai
HSMA / NJDEP
TELEPHONE EXT. 4-3074

For Your	<input type="checkbox"/> ACTION	<input type="checkbox"/> APPROVAL	<input type="checkbox"/> INFORMATION	<input type="checkbox"/> REVIEW
	<input type="checkbox"/> COMMENTS	<input type="checkbox"/> SIGNATURE	<input type="checkbox"/> FILE	<input type="checkbox"/>

Attached is additional data from the Borne Chemical site - total petroleum hydrocarbons. State regulates at 100 ppm - classified as hazardous waste and requires disposal at a hazardous waste facility. Concentrations at Borne vary from:

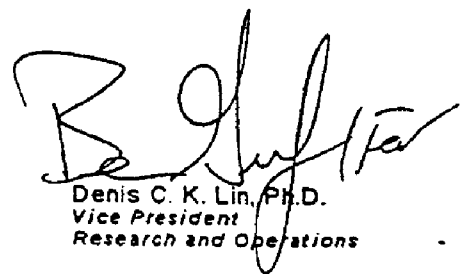
Lagoon	105,000 ppm
Tank farm	312,000 ppm
Loading area	106,000 ppm
drum area	62,000 ppm
Railroad bed	170,000 ppm (drainage from site)

cc: John Renella, ORS
Fred Sickles, BFO

1/7/85

Technical Report
for
NJDEP
8 EAST HANOVER STREET
TRENTON, NJ 08625

Chain of Custody Data Required for ETC Data Management Summary Reports						
ETC Sample No.	Company	Facility	Sample Point	Date	Time	Hours
G0335-G0339	NJDEP	NJDBORNE				


 Denis C. K. Lin, Ph.D.
 Vice President
 Research and Operations

p. 78

D

TABLE 1: QUANTITATIVE RESULTS and QUALITY ASSURANCE DATA
Conventional Analysis Data (QR12)

Chain of Custody Data Required for ETC Data Management Summary Reports

00335	NJ DEP	NJDBORNE	STANKFARM	841003		
ETC Sample No.	Company	Facility	Sample Point	Date	Time	Elapsed Hours

HPDES Number	Compound	Results								
		Sample Concn. mg/kg	MOL mg/kg							
	Petroleum Hydrocarbons (IR)	3.12E+05	5							

p. 79

TABLE 1: QUANTITATIVE RESULTS and QUALITY ASSURANCE DATA
Conventional Analysis Data (QR12)

Chain of Custody Data Required for ETC Data Management Summary Reports					
ETC Sample No.	Company	Facility	Sample Point	Date	Elapsed Time Hours
G0336	NJ DEP	NJDBORNE	SLAGDON	841003	

NPDES Number	Compound	Results							
		Sample Concn. mg/kg	MDL mg/kg						
p. 80 D	Petroleum Hydrocarbons (IR)	1.05E+05	5						

TABLE 1: QUANTITATIVE RESULTS and QUALITY ASSURANCE DATA
Conventional-Analysis Data (QR12)

Chain of Custody Data Required for ETC Data Management Summary Reports

G0337	NJ DEP	NJDBORNE	SDRUMSTORAG	841003
ETC Sample No.	Company	Facility	Sample Point	Date Time Elapsed Hours

NPDES Number	Compound	Results								
		Sample Concn. mg/kg	MDL mg/kg							
	Petroleum Hydrocarbons (IR)	62000	5							

p.81

TABLE 1: QUANTITATIVE RESULTS and QUALITY ASSURANCE DATA
Conventional Analysis Data (QR12)

Chain of Custody Data Required for ETC Data Management Summary Reports

G0338	NJ DEP	NJDBORNE	SLOADRACK	841003
ETC Sample No.	Company	Facility	Sample Point	Date Time Elapsed Hours

NPDES Number	Compound	Results								
		Sample Concn. mg/kg	MDL mg/kg							
p.82	Petroleum Hydrocarbons (IR)	1.06E+05	5							

D

TABLE 1: QUANTITATIVE RESULTS and QUALITY ASSURANCE DATA
Conventional Analysis Data (QR12)

Chain of Custody Data Required for ETC Data Management Summary Reports

Q0339	NJ DEP	NJOBORNE	SRRBED	841003
ETC Sample No.	Company	Facility	Sample Point	Date Time Elapsed Hours

NPDES Number	Compound	Results								
		Sample Concn. mg/kg	MCL mg/kg							
	Petroleum Hydrocarbons (IR)	1.70E+05	5							

P. 83

Subcontracted Analytical Results

54783-B3

ETC Job # 601337

City: MW Chynal

Facility:

--	--	--	--	--	--	--	--	--	--

Sample Point:

--	--	--	--	--	--	--	--	--	--

12/3/84

Date Sampled:

--	--	--	--	--	--

Time Sampled:

--	--	--	--	--	--

RECEIVED DEC 4 1984
Comments

Parameter	Units Of Measure	MDL	Value	Comments
INTENTIONALS				
Chloride	mg/l			
Fluoride	mg/l			
Nitrate as N	mg/l			
Sulfate as SO4	mg/l			
Phenolics, Total	mg/l			
Total Organic Halides (TOX)	ug/l			
Total Organic Halides (TOX)	ug/l			
Total Organic Halides (TOX)	ug/l			
Total Organic Halides (TOX)	ug/l			
Total Organic Carbon	mg/l			
Total Organic Carbon	mg/l			
Total Organic Carbon	mg/l			
Total Organic Carbon	mg/l			
Specific Conductance (Lab)	um/cm			
Specific Conductance (Lab)	um/cm			
Specific Conductance (Lab)	um/cm			
Specific Conductance (Lab)	um/cm			
pH (Lab)	std			
pH (Lab)	std			
pH (Lab)	std			
pH (Lab)	std			
Acidity as CaCO3	mg/l			
Alkalinity as CaCO3	mg/l			
Alkalinity, Total as CaCO3	mg/l			
Ammonia as N	mg/l			
Bicarbonate as CaCO3	mg/l			
Biochemical Oxygen Demand	mg/l			
Bromide	mg/l			
Carbonate as CaCO3	mg/l			
Chemical Oxygen Demand	mg/l			
Chlorine, Total	mg/l			
Coliform, Total	C/100			
Coliform, Fecal	C/100			
Color, Apparent (Lab)	Pt/Co			
Cyanide, Total	mg/l			
Dissolved Organic Carbon	mg/l			
Gross Alpha	PCi/l			
Gross Beta				
Hardness as CaCO3	mg/l			
Nitrite as N	mg/l			
Nitrogen Total Kjeldahl (TKN)	mg/l			
Nitrogen, Total Organic Carbon (Lab)	mg/l			
Oil and Grease (grav. IR)	mg/l			
Petroleum Hydrocarbons (IR)	mg/l			
Phosphate, ortho	mg/l			
Phosphate, Total	mg/l			
Phosphate, Total	mg/l			
Solids Total	mg/l			

665 62,000 mg/kg

(p. 86)

Subcontracted Analytical Results

ETC Job # 60338

184783-04
 Submitted by: HW Chaper
12/3/84

Facility:
 Sample Point:
 Date Sampled:
 Time Sampled:

RECEIVED DEC 6 4 1984

Line No.	Parameter	Units Of Measure	MDL	Value	Comments
CONVENTIONALS					
1	Chloride	mg/l			
2	Fluoride	mg/l			
3	Nitrate as N	mg/l			
4	Sulfate as SO4	mg/l			
5	Phenolics, Total	mg/l			
6	Total Organic Halides (TOX)	ug/l			
	Total Organic Halides (TOX)	ug/l			
	Total Organic Halides (TOX)	ug/l			
	Total Organic Halides (TOX)	ug/l			
7	Total Organic Carbon	mg/l			
	Total Organic Carbon	mg/l			
	Total Organic Carbon	mg/l			
	Total Organic Carbon	mg/l			
	Total Organic Carbon	mg/l			
8	Specific Conductance (Lab)	um/cm			
	Specific Conductance (Lab)	um/cm			
	Specific Conductance (Lab)	um/cm			
	Specific Conductance (Lab)	um/cm			
9	pH (Lab)	std			
	pH (Lab)	std			
	pH (Lab)	std			
	pH (Lab)	std			
10	Acidity as CaCO3	mg/l			
11	Alkalinity as CaCO3	mg/l			
12	Alkalinity, Total as CaCO3	mg/l			
13	Ammonia as N	mg/l			
14	Bicarbonate as CaCO3	mg/l			
15	Biochemical Oxygen Demand	mg/l			
16	Bromide	mg/l			
17	Carbonate as CaCO3	mg/l			
18	Chemical Oxygen Demand	mg/l			
19	Chlorine, Total	mg/l			
20	Coliform, Total	C/100			
21	Coliform, Fecal	C/100			
22	Color, Apparent (Lab)	Fu/Co			
23	Cyanide, Total	mg/l			
24	Dissolved Organic Carbon	mg/l			
25	Gross Alpha	pCi/l			
26	Gross Beta	pCi/l			
27	Hardness as CaCO3	mg/l			
28	Nitrite as N	mg/l			
29	Nitrogen Total Kjeldahl (TKN)	mg/l			
30	Nitrogen Total Organic	mg/l			
31	Odor (Lab)	TON			
32	Oil and Grease (grav, IR)	mg/l			
	Petroleum Hydrocarbons (IR)	mg/l	665	106,000	mg/kg
	Phosphate ortho	mg/l			
35	Phosphate, Total	mg/l			
36	Phosphorus	mg/l			
37	Solids Total	mg/l			

Pa:
 ENTIO
 Ch
 Fil
 Nil
 Su
 Ph
 To
 To
 To
 To
 To
 S:
 S:
 S:
 S:
 P
 P
 P
 P
 A
 A
 /
 E

(P. 87)

184783-85
 ID: NW Chyan
12/3/84

Facility: []
 Sample Point: []
 Date Sampled: []
 Time Sampled: []
 Job # G0339
 RECEIVED DEC 04 1984

Parameter	Units Of Measure	MDL	Value	Comments
INTENTIONALS				
Chloride	mg/l			
Fluoride	mg/l			
Nitrate as N	mg/l			
Sulfate as SO4	mg/l			
Phenolics, Total	mg/l			
Total Organic Halides (TOX)	ug/l			
Total Organic Halides (TOX)	ug/l			
Total Organic Halides (TOX)	ug/l			
Total Organic Halides (TOX)	ug/l			
Total Organic Carbon	mg/l			
Total Organic Carbon	mg/l			
Total Organic Carbon	mg/l			
Total Organic Carbon	mg/l			
Specific Conductance (Lab)	um/cm			
Specific Conductance (Lab)	um/cm			
Specific Conductance (Lab)	um/cm			
Specific Conductance (Lab)	um/cm			
pH (Lab)	std			
pH (Lab)	std			
pH (Lab)	std			
pH (Lab)	std			
Acidity as CaCO3	mg/l			
Alkalinity as CaCO3	mg/l			
Alkalinity, Total as CaCO3	mg/l			
Ammonia as N	mg/l			
Bicarbonate as CaCO3	mg/l			
Biochemical Oxygen Demand	mg/l			
Calcium as CaCO3	mg/l			
Chemical Oxygen Demand	mg/l			
Chlorine, Total	mg/l			
Coliform, Total	C/100			
Coliform, Fecal	C/100			
Color, Apparent (Lab)	Pl/Co			
Cyanide, Total	mg/l			
Dissolved Organic Carbon	mg/l			
Gross Alpha	pCi/l			
Gross Beta	pCi/l			
Hardness as CaCO3	mg/l			
Nitrite as N	mg/l			
Nitrogen Total Kjeldahl (Total)	mg/l			
Nitrogen Total Organic Carbon	mg/l			
Oil and Grease (grav, IR)	mg/l			
Petroleum Hydrocarbons (IP)	mg/l	05	170,000	mg/Kg
Phosphate, Orthophosphate	mg/l			
Phosphate, Total	mg/l			
Phosphorus	mg/l			
Solids, Total	mg/l			

p. 88



20-04-07

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT
HAZARDOUS SITE MITIGATION ADMINISTRATION
CN 028, Trenton, N.J. 08625

MARWAN M. SADAT, P.E.
DIRECTOR

JORGE H. BERKOWITZ, Ph.D.
ADMINISTRATOR

MEMORANDUM

TO REBECCA FIELDS, DAG
FROM: ANTHONY MCMAHON, CHIEF, BISE *Long*
SUBJECT: BORNE CHEMICAL COMPANY, INC.
CASE NO. 80-00495 DV

In response to your memorandum of December 19, 1984, we have reviewed carefully the ECRA applicability issue concerning Borne Chemical. It is our opinion that the blending operation and the tank farm should be considered separate and individual places of business. As such the sale of the blending operation would be subject to ECRA and the sale of the tank farm would not.

ECRA provides that Industrial Establishments must meet certain administrative and environmental conditions prior to the sale or transfer. An Industrial Establishment is defined in ECRA as "any place of business engaged in operations which involve...hazardous substances in waste on site, above or below ground, having a Standard Industrial Classification number with 22-39 inclusive, 46-49 inclusive, 51 or 76..."

For Borne Chemical, it has been determined that the blending business is located at 632-650 S. Front St., Elizabeth. This place of business is also known as Block 4, Lot 1469 in the City of Elizabeth. The Tank Farm is located at 600-616 S. Front St., Elizabeth, also known as Block 4, Lot 1468. As you can see, the businesses are on separate lots and have different non-contiguous addresses.

Since the blending business and the tank farm were not in any way interdependent, that is, substances stored in the tank farm were not used in the blending process and neither products nor raw materials involved in the blending business were stored at the tank farm, we consider these separate businesses owned by the same company.

Looking at ECRA applicability these as separate places of business, the blending business has an SIC Number of 2992 and is handling hazardous substances. It's sale would therefore trigger ECRA. The tank farm was a "petroleum and chemical bulk station and terminal for hire" and therefore classified as SIC 4226 and not subject to ECRA.

p. 89

Attachment E

I hope this explains our positions and its basis. If any questions arise please call Joe Douglass or me at 3-7i41.

HS81:dr

cc: Dr. Jorge Berkowitz, HSMA
Anthony Farro, Chief, BSM
Chris Altomari, Site Manager, BSM
Fred Sickels, DWM Enforcement
Joe Douglas, Case Manager, BISE
Joe Schmitt, ORS

p. 90

E

NEW JERSEY STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION**MEMO**

TO Vince Krisak *ek*
 FROM Fred Sickels *FS* DATE December 18, 1984
 SUBJECT Borne Chemical, S. Front Street, Elizabeth 20-04-07

December 13, 1984 -

1355 hrs. - I arrive on site and meet Mr. Ed Cincotta. I request to observe the progress being made in identifying and segregating the drums in Building C. Mr. Cincotta accompanies me to the drum storage area. Presently Mr. Cincotta is separating empty drums and known materials into appropriate groups. On oils he is running flash-point analyses. To this date he has handled approximately 150 drums, with 50% containing identifiable materials and approximately 20 being empty. He is presently placing identification marks on the drums and compiling a list of all drums on this site. Most of the materials appear to be polymers and #4 fuel oil. Many of these materials are in their original containers.

Drums which are open topped are having lids put in place. Drums of like material which are not full, are being consolidated so that each container is filled to capacity. This operation is being conducted with a pump.

Mr. Cincotta estimated that the identification and segregation program would be completed within a month.

Mr. Cincotta informed me that samples of oil taken previously (FAS 018,020) may have been vegetable based oils. Also, the low viscosity, low flash-point material sampled (FAS019) may have been a drying agent.

I will inspect this site again in early January.

c: Rebecca Fields - DAG
 Chris Altomari - HSMA
 Tony McMahan - ECRA

FOC4:ekp

20-04-07



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF WASTE MANAGEMENT

HAZARDOUS SITE MITIGATION ADMINISTRATION

CN 028, Trenton, N.J. 08625

WARWAN M. SADAT, P.E.
DIRECTOR

JORGE H. BERKOWITZ, PH.D.
ADMINISTRATOR

MEMORANDUM

TO: Rebecca Fields, DAG

THROUGH: Anthony J. McMahon, Chief
Bureau of Industrial Site Evaluation

FROM: Joseph R. Douglass, ^{MM} Principal Environmental Specialist
Bureau of Industrial Site Evaluation

SUBJECT: Borne Chemical Company
Elizabeth, Union County

30 NOV 1984

On November 14, 1984, NJDEP met with representatives of the Borne Chemical Company to continue discussion of Borne's bankruptcy status, its desire to sell its property and operations, and the applicability of ECRA to the proposed sale. The meeting was attended by the following:

Frank Veccione, Attorney for Borne
Tim O'Neil, Borne's Trustee in Bankruptcy
Rebecca Fields, Deputy Attorney General
John Renella, Office of Regulatory Services
Fred Sickles, DWM Bureau of Field Operations
Joseph Douglass, DWM Bureau of Industrial Site Evaluation

A key issue discussed at the meeting was the applicability of ECRA to the entire site. Borne has expressed a desire to sell its blending operation, located on what is referred to as Parcel A. NJDEP has maintained the position that the sale of Parcel A would render Parcels A and C subject to ECRA and may also render Parcel B subject. Parcels A and C were used together in Borne's blending operations. Borne has indicated that Parcel B was used as a bulk petroleum terminal for hire, an operation having a standard industrial classification (SIC) number 4226, which is not subject to ECRA. (At the meeting, I told Borne that the SIC number for their stated operation at Parcel B fell within the range that is subject to ECRA. When I later double checked the SIC number, I discovered I had made a mistake and that the SIC number for operation of a bulk petroleum terminal for hire is not subject to ECRA. I relayed this information to you by phone as soon as possible, and I trust you have notified Mr. Veccione of my error.) However, NJDEP has not been satisfied that the operations at Parcel B are not subject to ECRA. Borne has indicated that they have used fuel oil from Parcel B for heating purposes at Parcel A. Also, there are indications that Parcel B and C were used together for the operations centered at Parcel B, which provides an indirect connection between the operations at Parcels A and B. Finally, to my knowledge, Borne has not provided documentation affirming their contention that Parcel B was only used as a bulk

p. 92

New Jersey Is An Equal Opportunity Employer

E

TIERRA-B-011776

Memo to Rebecca Field
 Re: Borne Chemical
 Page Two

petroleum terminal for hire. It seems probable that the tank farm was originally constructed for use in connection with the blending operations at Parcel A and that Borne leased the tanks in Parcel B when they found that they had no further need for them in the blending operations. To resolve this issue, Borne should request to provide a complete description of the historical uses of Parcel B, provide SIC numbers for each historical use, and provide any documentation available to support their submittal. Based on this information, NJDEP should be able to make a final determination on the applicability of ECRA to Parcel B.

Borne requested that we provide them with rough cost estimates for the cleanup of each individual parcel. We have already provided Borne with a rough in-house estimate for disposal costs associated with a cleanup of all three parcels together. The following is an estimate of disposal costs for the suspected volumes of waste at each parcel. The volumes given are very rough, hypothetical estimates. The costs given are for disposal only; they do not include the costs of engineering, excavation, transportation, backfilling or sampling. Therefore, the cost for the entire cleanup of each Parcel should well exceed those for disposal only which are estimated below:

The estimates below make the following assumptions:

The contaminated soil must be disposed as a hazardous waste.

The contents of the tank farm can not be re-used.

The rusted tank truck observed on-site is full of non-useable, non-aqueous material.

The drums in the Cooper Building on Parcel A (approximately 600) contain PCB-contaminated waste.

Where oily soils are prominent, they must be removed to a depth of 2-3 feet.

Disposal Costs

Parcel A

Soil	3028 yd ³ x \$100/yd ³ =	\$ 302,800	
Bulk Oily Waste	6000 gal x \$89/55 gal =	9,709	
Drums	600 x \$31/55 gal =	18,600	
	600 x \$650/55 gal =	390,000	
Boric Acid	1 ton x \$350/ton =	350	
			<u>\$ 721,459</u>

Parcel B

Soil	4560 yd ³ x \$100/yd ³ =	\$ 456,000	
Bulky Oily Waste	316,000 gal \$89/55 gal =	<u>511,345</u>	
			<u>\$ 976,345</u>

Parcel C

Soil	1615 yd ³ x \$100/yd ³ =		<u>\$ 161,500</u>
------	--	--	-------------------

LAW OFFICES
SCHWARTZ, STEINBERG, TOBIA & STANZIALE

A PROFESSIONAL ASSOCIATION

SUBURBAN PLAZA
141 SOUTH HARRISON STREET
EAST ORANGE, NEW JERSEY 07018

(201) 678-0610
CABLE CASLAW

THEODORE A. SCHWARTZ
CHARLES A. STANZIALE, JR.
JOEL M. STEINBERG
RONALD L. TOBIA

STEPHEN L. GORDON
JOSEPH S. OBERWAGER

RICHARD J. MURRAY
KENT A. F. WEISERT
JANET BURAK MELCHIONE
WARREN B. KASDAN
ALFRED V. GELLENE

*Kaly h - consult
w/ Nat E and
EJ L over
response*

NEW YORK OFFICE
350 FIFTH AVENUE
SUITE 1112
NEW YORK, NEW YORK 10001
(212) 564-6340

May 8, 1980

Hw/EF

20-10

Ralph Pasceri, Chief
Bureau of Hazardous Waste
Solid Waste Administration
Department of Environmental Protection
Division of Environmental Quality
John Fitch Plaza, CNO27
Trenton, New Jersey 08625

Re: Borne Scrymser Corp., 600-616 and 632-650 S. Front St.
Elizabeth, New Jersey

Dear Mr. Pasceri:

Please be advised that this office represents Peabody Coastal Services, Inc. regarding the above referenced Notice of Prosecution and Order. Your Notice of Prosecution indicates an investigation has taken place on January 28, 1980 and that solid waste was disposed of without first obtaining an approved registration statement from the Department of Environmental Protection.

Your notice failed to specify the nature of the substance disposed of, and precisely when such disposal actually took place. I can only presume that the references in your request for submission of information, #2, (a), (b), (c) and (d) alludes to specificity.

If such is the case, I respectfully advise that Peabody Coastal has not been on the subject premises since September, 1978 and has had no use or occupation of the premises since that time.

Therefore, please forward a copy of any and all investigative reports and/or departmental memoranda regarding the alleged violation. Receipt and review of such reports will necessarily extend beyond the May 21st, 1980 settlement date in your notice of prosecution, and I respectfully request an extension of that date.

The rules and regulations of the D.E.P., and the Administrative Procedures Act, require that the Order contain factual allegations which form the basis of the order, as well as the citation of the relevant statutory and regulatory Code provision under which my client has been cited. Without such specificity, the notice is insufficient and the Order has no legal foundation.

p. 94

Attachment F

Mr. Ralph Pasceri
May 8, 1980
Page 2.

In reality, there appears to be little in the allegations in the Notice or Order that actually applies to my client, and we are aggrieved by the issuance thereof. We believe that we have valid and substantial defenses to any such action and therefore specifically request an administrative hearing pursuant to the rules and regulations as made and provided.

In conclusion, we are requesting the following:

- 1: Copies of all investigative reports and memoranda relating to the matter.
- 2: An extension of the settlement date beyond May 21, 1980.
- 3: A more specific Notice of Prosecution setting forth specific statutory violations, as well as names, dates and places.
- 4: A full administrative hearing affording us the opportunity to defend this action.

Awaiting your advices, I remain.

Yours very truly,

CHARLES A. STANZIALE, JR.

cc: Mr. Hayes Hunter
Mr. Patrick Chapman
Mr. Thomas Dalton
Mr. George Tyler, Director,
Division of Environmental Quality

p. 95

F

Haz-Mat Division
2 Lincoln Street | Trenton, N.J. 07036
201 862-2722

Mr. Kevin Gashlin
Environmental Specialist
N. J. Department of Environmental Protection
Solid Waste Administration
32 E. Hanover Street
Trenton, New Jersey 08625



Peabody Coastal Services

Dear Mr. Gashlin:

Following up with our phone conversation, I should like to report back to you that the offer we made to Borne Chemical to settle their claim against Coastal Services, was accepted on February 4, 1980, subject to ratification by the Board of Directors of Borne Chemical.

On February 11, 1980 the attorney for Coastal Services notified me that Borne Chemical was refusing our offer, since they would not give us a release in full per the terms of the agreement.

We are therefore back to "Square 1" with respect to settling this matter.

Very truly yours,

Thomas F. Dalton,
Vice President

TFD:smh

STATEMENT OF FACTS

This action concerns the use of storage tanks and other facilities of Plaintiff's premises located at 632 South Front Street in Elizabeth, New Jersey. The plaintiff Borne Chemical Company, Inc. (hereinafter referred to as "Borne"), by its own admission has used and is using the subject premises for the blending and formulating of oils and for the manufacture of petrochemical and other oil-based liquids.

From 1973 to approximately December 31, 1978, the defendant Coastal Services, Inc., (hereinafter referred to as "Coastal"), co-extensively with the plaintiff Borne and other parties used portions of the subject premises as a base of operation for its pollution control business and for the temporary storage of liquid waste materials it collected from spills.

Plaintiff filed a Complaint upon an Order to Show Cause dated May 14, 1979 alleging that the Defendant Coastal breached a lease agreement dated June 1, 1977 and a termination of lease agreement dated August 28, 1978 by failing to clean certain storage tanks and dike areas surrounding the same. Plaintiff is now seeking a preliminary mandatory injunction to compel the defendant Coastal to empty and clean approximately 22 tanks located on Borne's premises as well as the dike areas surrounding the same.

The hearing on plaintiff's application for injunctive relief has been rescheduled by the court for Friday, July 13, 1979.

What Borne did

Defendant Coastal has filed an Answer and Counterclaim in response to the Complaint and also has filed affidavits and certifications of four of its employees in opposition to the plaintiff's application for preliminary mandatory injunctive relief that of Mr. Thomas Dalton, Mr. John Guy, Mr. Dennis Ayr and Mr. Joseph Verdon.

The defendant Coastal vigorously denies the material allegations made against in the Complaint and the supporting affidavits of Borne's employees. Although Coastal admits entering into the lease and termination agreements referred to above, it denied that it was obligated to vacate the subject premises as of October 31, 1978. In fact, defendant Coastal's right to use the subject premises was extended by the parties to December 31, 1978, as evidenced by purchase order number 3944 dated October 23, 1978 and annexed to the affidavit of Mr. Thomas Dalton, Vice-President of Coastal.

Most importantly, defendant Coastal denies that it used 28 tanks located on the subject premises, as alleged by the plaintiff Borne. Defendant Coastal used the following tanks only: 43, 44, 45, 46, 34, B-1, B-2, B-3, B-4, B-5 (tile tank), CS-1 and CS-2.

Contrary to the allegations of the plaintiff, the defendant Coastal specifically denies ever using the following tanks: 22, 23, 24, 25, 26, 27, 29, 31, 32, R-1, R-2 and 41. See affidavit of Dennis Ayr, (Para. 6, P. 2) and affidavit of Mr. Thomas Dalton, (Para. 13, P. 6)

Further, in his affidavit, Mr. Thomas Dalton states that he had a number of conversations with Mr. Edward Kaye of Borne between September, 1978 through April, 1979. These conversations concerned the emptying and cleaning of only 13 tanks. Mr. Dalton states that the first time plaintiff Borne alleged that Coastal was responsible for more than 13 tanks was in April, 1979, some three months after the defendant Coastal had vacated the Borne premises. Not only was such a claim unwarranted, but it was completely inconsistent with the many conferences and discussions held between Mr. Kaye and Mr. Dalton during the previous six months. Affidavit of Mr. Thomas Dalton, (Para. 12, P. 6).

Mr. Edward Kaye and Mr. Walter Lane of Borne have alleged in their affidavits that 22 tanks located on their premises contained polluted materials left by Coastal. Affidavit of Mr. Edward Kaye, (Para. 9, P. 4); affidavit of Mr. Walter Lane (Para. 8, P. 3). Defendant Coastal vigorously denies this allegation. With the exception of a relatively small amount of material located in tank no. 34 (responsibility and control of which was to be assumed by Borne), Coastal emptied all tanks it had used of their liquid contents. See affidavit of Mr. Dalton, (Para. 8, P. 3-4).

With regard to plaintiff's request that the defendant Coastal be ordered to clean all of the tanks referred to in the Complaint, it is important to note that paragraph 4 of the termination of lease agreement dated August 28, 1978 provided that

Coastal's responsibility for 7 of the tanks which it used was limited solely to emptying said tanks of their liquid content, as distinguished from a thorough cleaning. Defendant Coastal contends that it satisfied its responsibilities in connection with said tanks by emptying the same of their liquid content.

Defendant Coastal also contends that, contrary to the allegations of the plaintiff and its representatives, it cleaned tank numbers 35, 45 and B-5 (tile tank) and that said tanks were inspected and verbally approved by plaintiff's representative during November-December, 1978. See affidavit of Mr. Dennis Ayr, (Para. 13, P. 4) and affidavit of Mr. Joseph Verdon, (Para. 9, P. 3).

During December, 1978 severe cold weather arrived and Coastal was unable to complete the cleaning of tank numbers 34, 43, 44 and 46. Consequently, on several occasions in January and February, 1979, Coastal sent Dennis Ayr to Borne's premises in order to determine whether or not the cleaning of the above tanks could be completed.

Because of severe freezing conditions, it was impossible to commence cleaning of said tanks until March, 1979. At that time, Dennis Ayr arrived with the work crew at the Borne Chemical site ready to complete the clean-up of the tanks. However, he was told by Mr. Edward Kaye, President of Borne that Coastal was not to complete the cleaning of the subject tanks because Borne had contracted with other parties to do the same. See affidavit of Mr. Dennis Ayr, (Para. 15, P. 5).

It is defendant Coastal's contention that such action by the plaintiff Borne constituted a material breach of the termination of lease agreement relieving the defendant Coastal its obligation to complete the clean-up of the aforesaid four tanks pursuant to the same. In this regard, defendant Coastal has filed a counterclaim seeking a judgment declaring that it is no longer obligated to perform any additional services pursuant to the termination of lease agreement.

Two other points should be kept in mind by the Court in reviewing plaintiff's application for preliminary mandatory injunctive relief. First, Dennis Ayr disputes the statement in the affidavit of Mr. Walter Skok that the Borne premises were devoid of polluted oil, sludge or foreign materials as of June 1, 1977. Mr. Ayr states in his affidavit, (Para. 9, P. 3) that since his employment commenced with Coastal in 1974 he recalls seeing polluted oil and liquid waste material in the dike areas surrounding the tank farm located at Borne.

Secondly, the papers filed by the plaintiff in this matter seem to indicate that the defendant Coastal was the only company using its storage tanks and facilities. This impression is not true. In fact, according to the affidavit of Mr. John Guy, Anderson Waste Oil Co. maintained an operational facility on the Borne premises at the same time as Coastal and, to his information and belief, used certain tanks on the Borne premises for storage of waste oil. Further, Mr. Guy observed tanks trucks operated by Shannon Waste Oil Company and other companies on the premises during the time period when Coastal was operating from the

same. See affidavit of Mr. John Guy (Para. 6, P. 2)

Mr. Guy's affidavit also establishes that Borne failed to maintain the security of the premises and that opportunities were provided for other unknown parties to discharge waste materials into the tanks and dike area without the knowledge of Borne.

-6-

p. 102

F

ARGUMENT

PLAINTIFF'S APPLICATION FOR A PRELIMINARY
MANDATORY INJUNCTION SHOULD BE DENIED.

Plaintiff Borne is seeking a preliminary mandatory injunction from the Court which would compel the defendant Coastal to clean and remove polluted material allegedly left by Coastal in 22 of its approximately 28 tanks and in the dike areas surrounding said tanks. See affidavit of Mr. Walter Lane (Para. 6-8, P. 2-3).

For the reasons set forth below defendant Coastal submits that plaintiff Borne has failed to satisfy the requirements for the issuance of a preliminary injunctive relief pending final resolution of this matter.

However, before defendant Coastal sets forth the facts and law which compel the denial of the plaintiff's application, it is important to examine the three reasons advanced by plaintiff Borne in its Brief in support of its request for a injunctive relief. They are as follows:

1. The condition of plaintiff's premises caused by defendant creates a serious potential for grave public harm;
2. The defendant, Coastal Services, Inc., is an acknowledged expert in the area of pollution control;
3. The consequences of plaintiff's having to spend the money to clean up its premises before a plenary hearing is held would be so devastating as to cause it to close its Elizabeth facility. (Plaintiff's Brief, P. 6)

Although the first reason stated by plaintiff certainly would be a compelling factor requiring issuance of injunctive relief at this stage of this litigation if proven, it assumes resolution of the key fact in issue in this case--whether the material allegedly remaining in Borne's tanks was placed there by the defendant Coastal or by some other party(ies). Defendant Coastal has filed an Answer and Counterclaim to the Complaint filed by the plaintiff herein and responding affidavits and certifications, all of which deny that the material in said tanks was placed there by it and which established the use of Borne's tanks and premises by other parties as well as Borne's lack of security on the premises.

The defendant Coastal contends that the plaintiff Borne's allegation that the public welfare is at issue is at most an unsubstantiated, uncorroborated and unspecific conclusionary opinion and, at minimum, is based upon nothing more than conjecture and speculation. Indeed, one may ask whether the rectangular pit (approximately 35 times 25 feet) containing waste material, which was created by A-Line Environmental Services, plaintiff Borne's contractor, on Borne's premises also constitutes a "grave threat" to the public health and safety? See affidavit of Mr. John Guy (Para. 9, P.3).

It also should be noted that the case of City of Bridgeton v. B.P. Oil, Inc., 146 N.J. Super 169 (Law Div. 1976),

relied upon by plaintiff Borne in support of its first reason is clearly inapposite to plaintiff's application for preliminary injunctive relief (plaintiff's Brief, P. 7). The plaintiff city in the Bridgeton case was not seeking injunctive relief against the defendants therein; rather, the plaintiff sought (and was denied) damages to reimburse it for expenses it incurred in containing an oil spill. The principal of strict liability for damages for oil spills to proper plaintiffs, which was established by Judge Miller in said case, has no bearing on plaintiff's claim herein for injunctive relief.

Similarly, the case of Township of Hanover v. Town of Morristown 108 N.J. Super 461 (Ch. Div. 1970) is of no relevance to the instant matter in that the plaintiffs in said case were seeking a permanent injunction forbidding certain planned physical alterations and extensions of facilities at an airport or, alternatively, an injunction curtailing the active use and operation of the subject airport. In this matter, there are no such plans for future development or such continuing actions, but rather only a condition left by the past acts of unknown persons.

The second reason advanced by plaintiff Borne for issuance of preliminary injunctive relief, i.e., the fact that the defendant Coastal is an acknowledged expert in the field of pollution control, is also entirely irrelevant to whether a preliminary injunction should issue in this matter. Not only does

this reason falsely assume defendant Coastal to be the party responsible for the placement of the material in Borne's tanks, it also erroneously assumes that defendant Coastal's expertise is a pertinent factor for the issuance of preliminary injunctive relief. No authority has been cited by the plaintiff in support of this dubious proposition and the defendant Coastal submits that none exists.

Furthermore, the plaintiff's reference to the present condition of the Chemical Control Corp. plant in Elizabeth and defendant Coastal's role in the removal of hazardous materials from said plant (plaintiff's Brief, P. 8) is bewildering. The Chemical Control matter has no bearing whatsoever on the resolution of the case sub judice, either in terms of plaintiff's application for injunctive relief or its claim for damages. As to plaintiff's claim that a failure on the part of this Court to issue the request for injunctive relief would constitute an "embarrassment" to the Court, the defendant Coastal believes that this Court can not and will not be "guided" by allegations of embarrassment but rather will judge this application and case on the merits.

The third reason propounded by the plaintiff Borne in support of its application for a preliminary injunctive relief, namely, that it can not afford to pay for the clean-up and removal of the subject material, is completely devoid of merit. Plaintiff Borne has not cited, and can not cite, any case which holds that a preliminary mandatory injunction should issue whenever a defendant is unable to pay for the costs of correcting the condition complained of. In fact, there is no such case.

Plaintiff Borne's reliance upon the decisions in Out-

Door Sports Corp. v. A. F. L., Local 23132 6 N.J. 217 (1959),
Evening Times, etc., Co. v. American etc. Co., Guild 124 N. J. Eq.
71 (E. & A. 1938) and Scherman v. Stern, 93 N. J. Eq. 626 (E & A
1922), is misplaced. All of these cases cited concern contem-
poraneous acts by the defendants therein which allegedly were
destroying the plaintiffs' business and profits. In Outdoor
Sports Corp. and Evening Times, the defendant unions were engaged
in the picketing of plaintiffs' places of business. In Scherman
the defendants were engaged in the operation of a competing
candy and stationery store allegedly in violation of a restrictive
covenant not to compete.

None of the holdings in the above cases apply to this
matter before the Court. This Court is not faced with any al-
legation of active wrongdoing by the defendant Coastal. On the
contrary, it is faced with a present condition caused by the
past acts or omissions of unknown parties.

Therefore defendant Coastal submits that none of the
reasons set forth by the plaintiff Borne in support of its
application for preliminary injunctive relief survive careful
scrutiny and examination. Further, defendant Coastal contends
that the plaintiff Borne has failed to satisfy the prerequisites
for the issuance of a preliminary injunction.

The lodestone case governing the issuance of preliminary
injunctions is Citizens Coach v. Camden Horse and Railroad Track, 29
N. J. Eq. 299 (E. & A. 1878).

The Court of Errors and Appeals in the Citizens Coach case established three requirements which must be met before a preliminary injunction will issue. They are as follows:

"First: It is entirely settled that a preliminary injunction will never be ordered unless from the pressure of an urgent necessity. The damage threatened to be done, and which it is legitimate to prevent, during the pendency of the suit, must be, in an equitable point of view, of an irreparable character.

Second: No rule of equity is better settled than the doctrine that a complainant is not in a position to ask for a preliminary injunction when the right on which he founds his claim is, as a matter of law, unsettled.

In the third place: When this order for this injunction was made, every fact that created an equity in favor of the complainant was denied by the answer and proofs of the defendant...

The general rule, subject to but a few exceptions, is, that if the facts constituting the claim of the complainant for the immediate interposition of the court are contraverted, under oath, by the defendant, the court will not interfere at the initial stage of the cause." pp. 303-306

These standards mandated by the Court in the Citizens Coach case have continued to be applied by our Courts. Benton vs. Kiernan, 126 N. J. Eq. 343 (E. & A.) (1939); General Electric Co. vs. Gem Vacuum Stores, 36 N.J. Super. 234 (App. Div. 1955); and Accident Index Bureau vs. Male, 95 N.J. Super. 39 (App. Div. 1967), aff'd 51 N.J. 107.

Application of the Citizens Coach standards to the case sub judice lead to the inevitable conclusion that the plaintiff's application must be denied.

First, the plaintiff has failed to establish that there is an urgent necessity for the same and that it will suffer irreparable injury in the event a preliminary injunction is not issued. Defendant Coastal vacated the Borne premises as of December 31, 1978 or thereabouts. Although plaintiff Borne has continued to conduct its business operations at the same premises since 1917 up to the present, the complaint in this matter was not filed until May 14, 1979. Even if one assumed for the moment that defendant Coastal was responsible for the material presently in Borne's tanks, one may ask whether "urgent necessity" exists where the plaintiff waited 4½ months to commence this action.

Further, defendant Coastal contends that plaintiff has failed to demonstrate that it will suffer irreparable injury absent an injunction. Plaintiff has already stated to the Court that it has procured verbal and written estimates for the costs of cleaning and removing the material presently in its tanks and dike areas. This admission on its face contradicts a charge of irreparable injury, since it constitutes an acknowledgement that pecuniary damages can be assessed if plaintiff is successful in proving its claims. "Irreparable injury" has been defined by our Courts as a material injury for which pecuniary damages would not afford adequate compensation. Scherman v. Stern 93 N. J. Eq. 626 (E. & A. 1922) and Board of Ed., Borough of Union Beach v. N.J. Ed. Ass'n. 96 N.J. Super 371 (Ch. Div. 1967) aff'd 53 N.J. 29.

Defendant Coastal also contends that the plaintiff has failed to establish with certainty, specificity, and corroboration that it is in imminent danger of being shut down by the EPA or having its insurance coverage cancelled as a result of the present condition of its premises. In fact, over 6 months have elapsed since the defendant Coastal has vacated the premises and plaintiff has not introduced any notice from either the EPA threatening a shut down or from its insurance carrier threatening a cancellation in coverage because of the present condition of its premises.

Therefore, the plaintiff herein has failed to satisfy the first requirement for a preliminary injunction.

Plaintiff does not fare any better with the second requirement which demands the denial of a preliminary injunction where the right upon which one founds his claim is unsettled.

In this case, it can not be denied that plaintiff's rights vis-a-vis the defendant Coastal are not clear in view of the material issue of fact as to the identity of party or parties who placed the subject material in the tanks and dike areas in question.

Secondly, upon what case or statute can the plaintiff base its claim of right for injunctive relief pending litigation where plaintiff's essential claim is one for damages? There is none.

Thus it can not be denied that plaintiff's claim of right, at best, is as a matter of law, unsettled and that plaintiff

has failed to satisfy the second requirement of Citizens Coach,
Supra.

Plaintiff's application must be also fail because the
third requirement of Citizens Coach, Supra has not been satisfied.
The defendant has filed affidavits and certifications which
deny that the material allegations made by the plaintiff. As
to the use of certifications In Lieu of oath see Rule of Court
1:4-4 (b).

In light of the failure of the plaintiff to satisfy
the three requirements set forth in Citizens Coach, the application
for a preliminary injunction must be denied.

It also should be noted that the plaintiff does not
fall within the exception to the Citizens Coach rule which
authorizes the issuance of a preliminary injunction in order to
prevent the subject matter of litigation from being destroyed
or substantially impaired pending final determination. General
Electric Co. vs. Gem Vacuym Stores, 36 N.J. Super. 234 (App.
Div. 1955); Pfaus vs. Feder, 88 N.J. Super 468 (Ch. Div. 1965);
and Coleman vs. Wilson, 123 N.J. Super 310 (Ch. Div. 1973).

Indeed, the plaintiff is seeking to change the status
quo by requesting this Court to issue a mandatory preliminary
injunction. Consequently, the status quo exception to the
Citizens Coach requirements does not apply to this matter.

Since the plaintiff has not established its right to a
preliminary injunction, a fortiori the plaintiff is not
entitled to a mandatory preliminary injunction. Such injunctions

are rarely granted before final hearing and are strictly confined to cases where the remedy at law is plainly inadequate and plaintiff has established a right free from doubt or reasonable dispute. Allmann v. United Brotherhood Carpenters, etc. 79 N.J. Eq. 150 (Ch. 1911), aff'd 79 N.J. Eq. 641 (E & A 1911); Hoffmann Hardware Co., v. Naame 18 N.J. Super 234 (Ch. Div. 1952); and Colombo v. Peters 32 N.J. Super 593 (Ch. 1954.)

Such is not the case in this matter before the Court.

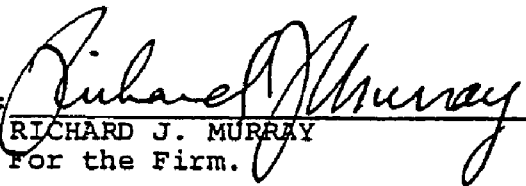
It is also important for the Court to keep in mind that not only is a preliminary mandatory injunction unwarranted both under the facts and the law as set forth above, but also that such an injunction would cause a severe hardship upon Coastal Services which is presently engaged in a number of emergent matters involving the removal and clean-up of hazardous materials. See Certification of Mr. Thomas Dalton. (Para. 15 P.7)

CONCLUSION

On the basis of the foregoing facts and law, defendant Coastal Services, Inc., respectfully requests that the Court deny plaintiff's application for a preliminary mandatory injunction.

SCHWARTZ, STEINBERG, TOBIA & STANZIALE
Attorneys for Defendant Coastal Service
Inc.

BY:


RICHARD J. MURRAY
For the Firm.

CT-

AZARDOUS WASTE INVESTIGATION

Inspector: George Smajda
Location: Costal Services

Date: February 7, 1979

St: S. Front Street

Town: Elizabeth

County: Union

Lot:

Block:

Origin of Complaint: Follow-up for Clear-up

Complaint:

Findings: See Attached Sheet

Recommendations:

p. 114

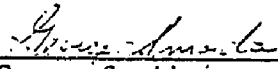
F

On January 29, and February 7, 1979 I inspected the now-abandoned Costal Services facility located on South Front Street, Elizabeth. The purpose of this inspection was to determine if all hazardous waste materials had been removed from the Costal facility.

It appears that the clean-up of the tank farm area is proceeding. A hole had been cut into one tank and most of the sludge had been removed. Black sludge-like material was present inside the diked area.

It appears that Costal left several large storage tanks full of a semi-solid sludge material. During previous discussions with Costal personnel, it was indicated that these inside storage tanks had sludges contained within them and Costal anticipated difficulty removing these materials as they are now fairly solid and no longer pumpable.

I also observed a considerable number of 55 gallon drums stored on a loading dock. These drums, approximately 100-200, contain special waste belonging to Costal Services.


George Smajda

GS:bad

p. 115

F

HAZARDOUS WASTE FACILITY
INSPECTION FORM

2 -10

Facility Name: Coastal Services Inc. ID# Date: 12/8/78 Time: 10:15
Street: Lot & Block:
Town: Elizabeth Phone: -
County: Person Contacted:
Inspector: M.Kramer/G.Smajda Position:

Weather Conditions: Clear

Wind Dir./SP: NE 2 mph Temp: 35°

Inspection Observations:

Odors: On Site Moderate Off Site none

Leaks, Spills: Yes X No _____

Source: Could not be determined; possibly from holding tanks.

Overall Housekeeping:

Poor. Currently in process of cleaning up the site.

Security Measures:

Chain link fence

Safety Features:

Comments:

Coastal Services, not registered as a special waste facility, is currently in the process of shutting down operations on their Elizabeth site. Several activities in conjunction with the clean up operation are being performed.

The major problems encountered during the cleaning up operation are finding a buyer and/or disposing between 60-65,000 gallons of nitrobenzene currently being held in one of their storage tanks.

Also there exists on the tank farm which is used by Coastal Services and the Borne Oil Co. a substantial amount of spilled, or leaking oil covering approximately 5 acres with a maximum depth of 4 inches. The spilled oil surrounds the tanks. A presence of nitrobenzene identified by its light brown-yellow color was also noted around the tank it was being stored in.

The tank farm is diked, however, there is no impermeable liner underneath it. Debris lies scattered throughout the farm.

Other activities include the disposal of a reddish soil around a diked storage tank. The soil appears to be contaminated with fe oxide.

Coastal Services has received a letter of permission to dispose of 80 yards of this soil at a N.J. landfill. The letter was hand delivered by G. Smajda during the inspection. Additional soil still needs to be disposed of, and more permission will be asked.

p.116

F

It is my conclusion that a substantial amount of cleanup work exists on the present site. The cleanup of the oil lake in and around the tank farm should be considered as a part of this cleanup operation. There might be some argument about who should foot the bill, as two companies are presently using the farm. It is my opinion that a substantial fire hazard does exist on this site and cleanup operations should be commenced as soon as possible.

MEMO

NEW JERSEY STATE DEPARTMENT

ENVIRONMENTAL PROTECTION

TO GEORGE SMAJDA

FROM KEVIN GASHLIN

DATE FEBRUARY 15, 1980

SUBJECT BORNE SCRYMSER CORP., S. FRONT st. ELIZABETH N.J.

On January 31, 1980 I inspected the Borne site to observe progress of waste removal attributed to Peabody-Coastal Services of Elizabeth. Coastal had occupied storage capacity through a rental agreement until Coastal shut down operations in December 1978. Clean-up had been undertaken by Coastal and continued through January 1979 when conflict evolved between the two principals concerning ownership of remaining waste. Litigation is currently active to decide ultimate responsibility (see attached letter from Tom Dalton and statement of facts from Coastal).

Upon my arrival at Borne, I contacted representative Ed Cincotta who supplied information concerning tank contents and drummed waste on the premises. See attached information. Storage has been lengthy and spillage resulting in on site soil contamination is extensive in storage areas (see attached report dated 12-8-78). Conditions described are consistent with those I observed on 1-31-80.

Tank contents on Borne Property as of 1-31-80 supplied by Ed Cincotta total quantity = 400 - 500K gal.

	<u>TANK</u>	<u>CONTENTS</u>
*	24	2 feet of liquid
*	25	#4 fuel oil
*	27	bottom solids
*	29	water/nitro benzene
*	32	water, dirty
	34	water
*	33	oil
*	23	water
*	22	heptonol. 4' 6"
	42	contaminated sludge

*Please refer to attached analysis dated 5-18-79 by Caleb Brett.

Cincotta stated that no material had been removed in months. My assumption therefore is that the analysis accurately reflects the contents of the (*) designated tanks. This should be verified by updated analysis. The drummed contents were described as being "waste oils and chemicals". Many of these were leaking. Their location can be observed on the attached diagram.

At the time of my inspection, a diked depression, 20'x30', contained a clear frozen layer under which was located a black substance. Cincotta was not certain of the contents.

Due to the lack of progress in the case, I request that an administrative order be issued to Borne-Scrymeser Corp. for illegally storing waste materials on their property.

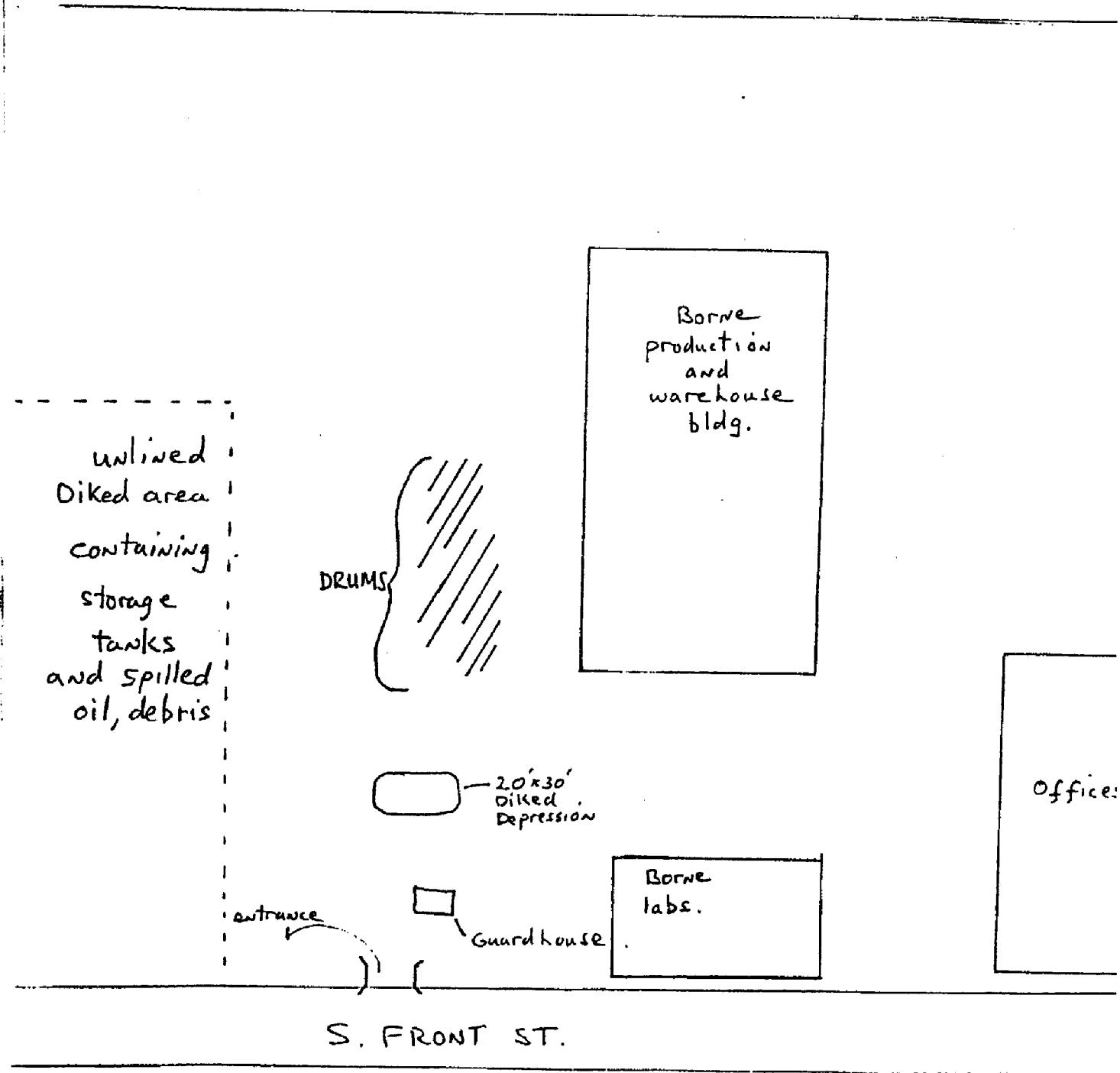
Kevin F. Gaslin
KEVIN GASLIN

vd

p.119

F

River



MEMO

NEW JERSEY STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION

TO George Smaida
FROM Kevin Gashlin DATE March 14, 1980
SUBJECT Borne - Scrymser Corporation, S. Front St., Elizabeth, NJ

As you know, Borne Chemical and Coastal are in litigation to determine the extent of Coastal's liability regarding cleanup of storage tanks leased by Coastal from Borne. As of the above date, no settlement has been approved by Borne's officials. The most recent offer by Coastal was refused on February 11, 1980.

Coastal has maintained that their responsibility extends only to 13 storage tanks, 11 of which were emptied by early 1979. Attempting to resolve this problem, I have issued an N.O.P. to Borne requiring them to dispose of all waste material currently being stored on their property. Although this includes the two tanks which Coastal claims, the property on which the tanks are located belongs to Borne. It's therefore the responsibility of Borne to oversee proper and prompt disposal. Hopefully, official action by our department will help Borne and Coastal cooperate.

Kevin Gashlin

K.G.

KG:jr

p. 121

REVIEWED 3-25-80

F

12.11

MEMORANDUM

State of New Jersey
Department of Environmental Protection

TO: Ralph Pasceri

DATE: April 30, 1980

FROM: Kevin Gashlin

SUBJ: Synopsis of activity at Borne-Scrymser Corp./Peabody Coastal Services Facility

LOCATION: 600-616 and 632-650 S. Front Street, Elizabeth, New Jersey

On December 8, 1978 Coastal Services was observed to have amounts of possibly hazardous waste on site in tank facilities rented from Borne. Removal of waste oils had begun in September 1978 and continued through January 1979. A February 7, 1979 inspection observed that Coastal had abandoned several large storage tanks containing sludge and 100-200 drums of special waste. Litigation ensued in May of 1979 with the plaintiff (Borne) disclaiming responsibility for the remaining material and the defendant (Coastal) denying that they ever occupied the tanks alleged by Borne. Responsibility for some on site material was assumed by the defendant. On January 31, 1980 inspection revealed that there had been no progress in on-site clean up. Borne representatives estimated that 400-500k gallons of various waste types remain on site. A February 4, 1980 settlement offer from Coastal was rejected by Borne on February 11. The inactivity of the case was detailed in a February 15 report and recommendations for N.O.P.'s to both parties were submitted on March 14. The orders to Borne and Coastal were issued on April 21, 1980 for violation of N.J.A.C. 7:26-2.2(b) and (c).

Kevin Gashlin
Kevin Gashlin

gd

p. 122

F

NEW JERSEY STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION**MEMO**

TO TO FILE

FROM NORMAN DAVIS, JR. HSMS IV, BUREAU OF PLANNING AND ASSESSMENT DATE

SUBJECT COASTAL ENVIRONMENTAL SERVICES, NJD 980530836

Coastal Environmental Services was using the Borne Chemical tank farm from 1973 until December 1978. During this time the Borne tank farm was an operational base for Coastal as a temporary storage area for liquid waste materials it collected. During this time Coastal was renting about $\frac{1}{2}$ of the 23 tanks available at the farm. Due to a dispute over the responsibility for the waste problems at Borne both parties went to court. The results of the court litigation was a full transfer of Coastal's responsibility to Borne after a monetary settlement on behalf of Borne. Therefore Coastal Environmental site NJD 980530836 is an AKA for the Borne Chemical Company site NJD 00216/237 in Elizabeth, New Jersey.

Handwritten notes:
Roth
Hobby
White



RECEIVED
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF REGULATORY SERVICES
HS&E

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF REGULATORY SERVICES
CN 402
TRENTON, N.J. 08625
609-292-2908

MICHAEL F. CATANIA
DIRECTOR

HERBERT E. BENNETT
KEITH A. ONSDORFF
ASSISTANT DIRECTORS

January 9, 1984

Mr. Ernest Roth
Valley Forge Engineering, Inc.
P.O. Box 798
Bryn Mawr, Pa. 19010

Re: Borne Chemical Co., Inc. Site

Dear Mr. Roth:

I am setting forth in this letter my understanding of the Department's requirements for your parcel (Parcel B) of the Borne Chemical Co., Inc. (Borne) site. This letter should reflect your discussions on December 20, 1983 with Chris Altomari, Fred Sickels, Walt Nedick, Scott Santora and myself, representing the Department, plus the telephone conversation that you and I had on December 21, 1983.

The major portion of our discussions at the meeting concerned the sampling and analysis of the tanks and soils on Parcel B. Your first concern was that you needed some assurance that the contractor you would employ for the sampling work to be done at the site and the analysis of the samples be acceptable to the Department. You had proposed Ecology & Environment (E&E) as your contractor. E&E is acceptable to the Department to do this work. Before the sampling begins, E&E will have to submit a plan for sampling and analysis to the Department for approval. I have set out in Appendix I where the samples are to be taken and the parameters for each sample. In Appendix II I have set out in general terms the Department's requirements for the parcel.

We agreed at the meeting that the sampling and analysis of the oil phase in certain tanks could proceed as a preliminary step. However, as we discussed in our telephone conversation, removal of any materials from any tank cannot be initiated until sampling and analysis of all phases in the tank has been completed. EPA requirements for the cleanup and disposal of PCB's mandate that all of this work must be done prior to cleanup of a tank. As I told you this is because EPA interprets their regulations as requiring that if any phase of a tank contains high levels of PCB's, all phases must be treated as being contaminated to the same degree. If you still wish to do your work in stages, you do not have to sample all tanks at once.

You stated as your intention to send the waste oil to Flower Oil Refining Valley, Inc., the waste water to Dupont's Deepwater treatment

New Jersey is an Equal Opportunity Employer

p. 124

Handwritten: 1-10-84 G

facility and the waste sludge to the Norlite facility in New York. You will be using Borne's EPA generator number for manifesting purposes. The removal of the soil from the site will depend on the results of the analysis. (Soil analysis will have to be submitted as part of your submission for the DPCC/DCR plan.)

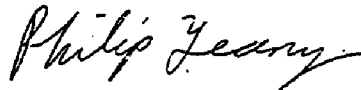
I should note that a proposed DPCC/DCR must be submitted at least 90 days prior to the facility being used. The Department's initial approval for Borne's DPCC/DCR plan allowed five years for implementation. This was because of Borne's weak financial status. The Department would expect that a DPCC/DCR plan for Parcel B would be implemented over a very much shorter time frame since Borne's DPCC/DCR plan involved a larger area. Submissions for the other required permits should be in accordance with applicable regulations.

As was noted in our meeting the Department is concerned with the cleanup of the entire site presently owned or used by Borne. Borne used a parcel (Parcel C) which separates Parcel A from Parcel B. Although the Rolfite Company may remove drums stored on Parcel C, there is an existing surface impoundment on Parcel C, for which neither you, Rolfite, Borne, nor Bruncor has been willing to take responsibility. This is to inform you that the Department will take all necessary enforcement action to insure that this impoundment is cleaned up.

As I discussed with you, the "Environmental Cleanup Responsibility Act", P.L. 1983, c.330, became operative on December 31, 1983. If the transfer of Parcels A and B did not occur prior to this date, then the statute and regulations promulgated thereunder apply. I have enclosed a copy of each for your information.

If you have any questions or comments about this, please contact me at (609) 292-2689.

Very truly yours,



Philip Yeany

Attachments

APPENDIX I

Sampling and Analysis for All Tanks

I. Where samples are to be taken (All samples are to be kept separate.)

- A. One foot from top (for oil phase) or the middle of the phase if less than one foot
- B. Middle of aqueous phase
- C. Six inches above top of sludge
- D. Sludge - approximately the middle

II. Method of Sampling and Analysis

- A. The Department would prefer the use of a Bacon Bomb sampler.
- B. The field sampling plan should outline all field sampling techniques and laboratory analysis procedures.

III. Parameters for analysis

A. Oil Phase

1. PCB's
2. Total Chlorine
3. Flash point
4. Sulfur
5. BTU's
6. Viscosity
7. Ash

B. Aqueous Phase

1. Cyanide
2. Sulfide
3. PCB's
4. Total Organic Carbon (TOC)

C. Sludge

1. BTU's
2. PCB's
3. ICP or X-ray (for metals)
4. Ash
5. Cyanide
6. Chlorine
7. Sodium Sulfide

D. Soil

1. Priority pollutants plus forty
2. Total petroleum hydrocarbons

APPENDIX II

Tank Farm ("Parcel B")

The tank farm includes numerous large holding tanks where oils and liquids have been stored. The area is unlined. The tanks and the diking are of unknown integrity. The major environmental and safety concerns regarding this portion of the facility entail the analysis, identification, and removal of waste materials and residual sludges stored in the tanks, the removal of contaminated soils, the cleansing of tanks and the disposal of sludges, residues and waste-encrusted pipes.

A. Waste Inventory and Removal Program

1. The responsible parties should develop a waste inventory of materials on site and identify the waste types and characteristics of all such materials. This identification program should be submitted to NJDEP for review and approval prior to implementation and include the following items: site safety during sampling, identification of appropriate analytic parameters and techniques, identification of sampling techniques, and the identity of all contractors.
2. The responsible party should develop a remedial action plan based on the results of the sampling and waste inventory in order to address the following items:
 - a. environmental contamination originating at the site
 - b. site safety during remedial operations
 - c. removal of materials stored in tanks
 - d. tank cleaning and repair if future use is intended
 - e. identification and removal of contaminated soils
 - f. identification of all contractors including transporters and disposal facilities.

B. Spill Plan

The DPCC/DCR Spill Prevention Plan, approved by NJDEP in April 1983 addressed this parcel as only one part of the entire site. Any potential operator of this facility must submit a revised plan limited to this facility with a revised schedule for implementation and, upon approval by the Department, this plan should be implemented.

C. Permits

The owner and operator of the facility shall obtain all required permits from the NJDEP for the proposed operation of the facility as a tank farm. This may include discharge permits pursuant to the New Jersey Water Pollution Control Act, the implementation of federal SPOC and State DPCC/DCR Plans required by the New Jersey Spill Compensation and Control Act, the registration of the corporation as a generator pursuant to the New Jersey Solid Waste Management Act and RCRA requirements, the registration and filing of engineering and

design documents for the facility pursuant to the Solid Waste Management Act, and any and all air pollution control permits.

p.128

G

NEW JERSEY STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION

MEMO

TO Thomas B. Harrington^{at} Supervisor, Metro Region

FROM Richard White^{DW} DATE February 17, 1984

SUBJECT Borne Chemical Company, South First Street, Elizabeth, NJ

On November 11, 1984 the Borne Chemical Company facility in Elizabeth was visited for the purpose of obtaining samples of the lagoon/surface impoundment located on the site. Present during the sampling were:

- Mr. E. Cincotta, Plant Manager
- Mr. H. Brunwasser, Partner, Brun-Cor
- Mr. G. Corona, Partner, Brun-Cor

Samples were obtained Chain of Custody for Temp, pH, COD, TOC, Chloride, TSS, Petroleum Hydrocarbons, Cadimium, Chrome, Mercury, Lead, Zinc, V.O. Scan and PCB's.

The results of the analysis is attached.

A53:G25

Attachment

Sample results forwarded to DWM 3/23/84

1/13/84

*Water Quality
Westchester
6-17-87*

p. 129

6

PLEASE TYPE OR PRINT
WITH BALLPOINT PEN

MUNICIPALITY: ELIZABETH
 FACILITY: ELIZABETH WATER TREATMENT PLANT
 REPRESENTATIVE: CHLOE TAYLOR
 REMARKS: SURFACE IMPROVEMENT

SACT LAB NO. _____
 DATE REC'D _____
 SAMPLE NO. 24805
 DATE REC'D _____
 STORED ENT. _____
 READ _____

Station Identification Number: SC
 YR. MO. DAY: 8/4/11 HOUR: 10:50
 Sample No.: P3 24805

FIELD ANALYSIS

Water Temp. °C. (2) P00010. 10.4

D.O. - Winkler (3) P00009. _____

D.O. - Probe (4) P00299. _____

pH (Field) (5) P00400. _____

Sample Depth-ft. (6) P00003. _____

Stream Flow-CFS (7) P00061. _____

Gate Height-ft. (8) P00065. _____

Spec. Cond. @ 25°C (9) P00095. _____

Salinity ‰ (10) P00480. _____

Tide Stage (11) P70211. _____

BACTERIOLOGICAL - DILUTIONS (REQUESTED)

Fecal Coliform _____

Total Coliform _____

Fecal Streptococci (MPN/100ml) _____

Total Coli (MPN/100 ml) _____

BIOCHEMICAL OXYGEN DEMAND

INITIAL _____

CONDITION CODES

Weather Conditions (12) P00041. _____

Flow Severity (13) P01151. _____

_____ Severity (14) P01152. _____

_____ Severity (15) P01153. _____

NUTRIENTS

LEVEL HIGH LOW

NO₂ - N (16) P00415. _____

NO₂ + NO₃ - N (17) P00680. _____

NH₃ - N (18) P00610. _____

Tot. Kjeldahl N (19) P00625. _____

Ortho-P (20) P70507. _____

PO₄ as PO₄ (21) P00660. _____

Phosphorus-P (22) P00665. _____

tot as PO₄ (23) P00650. _____

Turbidity (33) P00075. _____

Suspended Solids (34) P00530. 128

Suspended Solids (35) P00540. _____

Tot. Solids (36) P00560. _____

Tot. Solids - Ash (37) P00510. _____

Tot. Dissolved Solids (38) P00500. _____

Chloride (39) P00460. 31.7

Ammonia as Chloride (40) P00410. _____

Nitrate (41) P00940. 15

Nitrite (42) P00260. _____

Cyanide (44) P00230. _____

Hexachlorocyclopentadiene (45) P00900. _____

Sulfate (46) P00945. _____

Oil & Grease (47) P00556. _____

Petroleum Hydrocarbons (48) P05501. 3.81

Lead (49) P00720. _____

Cadmium (50) P01102. _____

Total Copper (51) P01022. 5

Total Zinc (52) P01034. 3.1

Total Nickel (53) P01010. 9.3

Total Manganese (54) P01045. _____

Total Iron (55) P01000. 6.5K

Total Arsenic (56) P01055. _____

Total Selenium (57) P01060. _____

Total Mercury (58) P01031. 1.09

Zn - tot ug/l (59) P01052. 86.5

ADDITIONAL ANALYSIS

_____ P _____

_____ P _____

_____ P _____

_____ P _____

_____ P _____

RESULTS MUST BE VERIFIED BY CDR

FEB 2011

Form VST-010
3-79

STATE OF NEW JERSEY
Department of Environmental Protection
Division of Water Resources
WATER ANALYSIS

CHAIN OF CUSTODY

PLEASE TYPE OR PRINT
WITH BALLPOINT PEN

MUNICIPALITY BRIDGEWATER COUNTY BERGEN STREAM SLATE BROOK
FACILITY BRIDGEWATER WASTE TREATMENT PLANT LOCATION 6325 FIRST ST
REPRESENTATIVE BRIDGEWATER TITLE PLANT MGR. COLL. NAME WHITE
REMARKS SURFACE IMPROVEMENT

BACT. LAB NO. 2480
DATE REC'D. _____
BOTTLE NO. _____
DATE REC'D. _____
STORET ENT. READ _____

STATION IDENTIFICATION NUMBER SC 2480 1 YR. MO. DAY 4 4 1 HOUR 12 20

FIELD ANALYSIS

<input checked="" type="checkbox"/> Water Temp °C	P10.	<u>67-10</u>
<input type="checkbox"/> D.O.-Winkler	P100.	
<input type="checkbox"/> D.O.-Probe	P299.	
<input type="checkbox"/> pH (Field)	P400.	
<input type="checkbox"/> Sample Depth-ft.	P3.	
<input type="checkbox"/> Gage Height-ft.	P65.	
<input type="checkbox"/> Spec. Cond. @ 25°C	P95.	
<input type="checkbox"/> Salinity ‰/00	P480.	
<input type="checkbox"/> Tide Stage	P70211.	

BACTERIOLOGICAL - DILUTIONS (REQUESTED)

Fecal Coliform

10	1	-1	-2	-3	-4	-5	-6
10	10	10	10	10	10	10	10

Total Coliform

10	1	-1	-2	-3	-4	-5	-6
10	10	10	10	10	10	10	10

Fecal Streptococci

10	1	-1	-2	-3	-4	-5	-6
10	10	10	10	10	10	10	10

Fecal coli /100 ml

MPN P31615. _____

MF P31613. _____

Fecal Strept MPN /100 ml P31677. _____

Tot coli MPN /100 ml P31505. _____

BIOCHEMICAL OXYGEN DEMAND

INITIAL D.O. (lab.) _____ SAMPLE _____

SEED YES NO

CONC. %			
BOD			

BOD 5-DAY P310. _____ 6-DAY P312. _____

ANALYSIS	UNITS	PARAMETER	VALUE	RMKs
<u>P.C.T.</u>	<u>PPM</u>	<u>P</u>	<u>110</u>	<u>110</u>
		<u>P</u>		
		<u>P</u>		
		<u>P</u>		
		<u>P</u>		
		<u>P</u>		
		<u>P</u>		
		<u>P</u>		
		<u>P</u>		
		<u>P</u>		
		<u>P</u>		
		<u>P</u>		
		<u>P</u>		
		<u>P</u>		
		<u>P</u>		
		<u>P</u>		
		<u>P</u>		
		<u>P</u>		
		<u>P</u>		
		<u>P</u>		
		<u>P</u>		
		<u>P</u>		

RECEIVED
FEB 16 1984

DATE _____ TIME _____

CHAIN OF CUSTODY

DECL. ENCLEROM (NAME) _____

NEWARK OFFICE

FORM NAME: _____

APPROVED BY _____

P-131

13

Form VST-010
8/79
PLEASE TYPE OR PRINT
WITH BALLPOINT PEN

STATE OF NEW JERSEY
Department of Environmental Protection
Division of Water Resources
WATER ANALYSIS

CHAIN OF CUSTODY

BACT. LAB NO. _____
DATE REC'D. _____
BOTTLE NO. 24806
DATE REC'D. _____
STORET ENT. _____
READ _____

MUNICIPALITY LIVINGSTON	COUNTY MIDDLESEX	STREAM Livingston
FACILITY DUNN CO. TANK	LOCATION 655 W. 1 st ST.	
REPRESENTATIVE G. C. (A. C. T.)	TITLE PLANT MON.	COLL NAME WHITE
REMARKS S. P. REC'D. FOLLOWUP MEET.		

STATION IDENTIFICATION NUMBER YR. MO. DAY HOUR

SC. 24806 840111 12.56.

FIELD ANALYSIS		ANALYSIS	UNITS	PARAMETER	VALUE	RMKS.
<input checked="" type="checkbox"/> Water Temp °C	P10.					
<input type="checkbox"/> D.O.-Winkler	P300.					
<input type="checkbox"/> D.O.-Probe	P299.					
<input type="checkbox"/> pH (Field)	P400.					
<input type="checkbox"/> Sample Depth-ft.	P3.					
<input type="checkbox"/> Gage Height-ft.	P65.					
<input type="checkbox"/> Spec. Cond. @ 25°C	P95.					
<input type="checkbox"/> Salinity ‰/100	P480.					
<input type="checkbox"/> Tide Stage	P70211.					
BACTERIOLOGICAL - DILUTIONS (REQUESTED)		<input type="checkbox"/> Benzene			.55	
<input type="checkbox"/> Fecal Coliform	10 1 -1 -2 -3 -4 -5 -6 10 10 10 10 10 10 10	<input type="checkbox"/> o-dichlorobenzene			.28	
<input type="checkbox"/> Total Coliform	10 1 -1 -2 -3 -4 -5 -6 10 10 10 10 10 10 10	<input type="checkbox"/> p-dichlorobenzene			.21	
<input type="checkbox"/> Fecal Streptococci	10 1 -1 -2 -3 -4 -5 -6 10 10 10 10 10 10 10	<input type="checkbox"/> 1,2-dichloroethene			.305	
<input type="checkbox"/> Fecal Col. MPN	P31615.	<input type="checkbox"/> N-propyl benzene			.10	
<input type="checkbox"/> Fecal Col. MF	P31613.	<input type="checkbox"/> Toluene			.31	
<input type="checkbox"/> Fecal Strept MPN	P31677.	<input type="checkbox"/> Trichloroethene			.3	
<input type="checkbox"/> Tot col. MPN	P31505.	<input type="checkbox"/> 1,3,5-trimethyl benzene			.4	
BIOCHEMICAL OXYGEN DEMAND		<input type="checkbox"/> m-xylene			.7	
INITIAL O.O. (lab.)	SAMPLE	<input type="checkbox"/> p-xylene			.10	
SEED YES <input type="checkbox"/> NO <input type="checkbox"/>		<input type="checkbox"/> o-cresol				
CONC. %		<input type="checkbox"/> p-cresol				
BOD		<input type="checkbox"/> m-cresol				
BOD	5-DAY P310. 6-DAY P312.	<input type="checkbox"/> toluene				

RECEIVED

CHAIN OF CUSTODY FROM (NAME) _____

TO (NAME) _____

DATE _____ TIME _____

DEPT. _____

P-132

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
TRENTON, NEW JERSEY 08625

CHAIN OF CUSTODY RECORD

17

NAME OF UNIT AND ADDRESS:

1700 Kinnelon Boulevard, Suite
100, Kinnelon, N.J.

SAMPLE NUMBER	Number of Containers	DESCRIPTION OF SAMPLES
24805	1	250 ml pH
"	1	100 ml Copper, (Cd, Pb, Ni, TSS)
"	1	200 ml Total Solids
"	1	200 ml (Cd, Cr, Cu, Hg, Pb, Zn)
24806	4	V.G. SO ₄ ²⁻
"	2	Beams
24807	1	200 ml

Bak. = CITE 11/11/84
CITE 11/11/84
E. J.

PERSON ASSUMING RESPONSIBILITY FOR SAMPLE:

KENNETH WHITE

TIME DATE
1:45 1/11/84

SAMPLE NUMBER	RELINQUISHED BY:	RECEIVED BY:	TIME	DATE	REASON FOR CHANGE OF CUSTODY
24805-7	R. WHITE	Ray Banger	1:45	1/11/84	TRANSFER TO TRUSTEE
24805-7	Ray Banger	Ray Banger	1:40	1/11/84	DOH RECEIVING AREA
24805	Ray Banger	Robinson	1:25	1/11/84	COO
"	Ray Banger	Robinson	1:35	1/12/84	TOC
"	Ray Banger	Robinson	1:35	1/12/84	Unsoluble Solids
"	Ray Banger	Robinson	1:40	1/11/84	pH
"	Ray Banger	Chris Haysman	1:20	1/11/84	Chloride
"	Ray Banger	Chris Haysman	1:25	1-12-84	Petroleum Hydrocarbons
"	Ray Banger	William Sam	9:15	1/12/84	CO/PB
"	Ray Banger	William Sam	9:15	1/12/84	Cd/Cu/Zn
"	Ray Banger	William Sam	9:15	1/11/84	Hg
24806	Ray Banger	Mohamed El-Hang	1:30	1/11/84	NO Scan DEPT. ENVIRONMENTAL PROTECTION
24807	Ray Banger				PCB'S NEWARK OFFICE
					FEB 6 1984
					NEWARK Environmental Chemistry Laboratory

RECEIVED

FEB 16 1984

G

80

100

12

P

ENTI

C

F

N

S

P

T

T

T

T

T

T

T

S

S

S

S

P

P

P

P

A

A

A

A

J

E

E

E

E

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

Appendix D Subcontractor's Data

1) A copy of the originating subcontractor's report is included for all data not generated within ETC's laboratory.

G

ETC Job # 60335

94753-81
12/ MW Chaper
12/3/54

Facility: [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] []
Sample Point: [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] []
Date Sampled: [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] []
Time Sampled: [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] []

Parameter	Units Of Measure	MDL	Value	RECEIVED	Comments
ENTONALS					
Chloride	mg/l				
Fluoride	mg/l				
Nitrate as N	mg/l				
Sulfate as SO ₄	mg/l				
Phenolics, Total	mg/l				
Total Organic Halides (TOX)	ug/l				
Total Organic Halides (TOX)	ug/l				
Total Organic Halides (TOX)	ug/l				
Total Organic Halides (TOX)	ug/l				
Total Organic Carbon	mg/l				
Total Organic Carbon	mg/l				
Total Organic Carbon	mg/l				
Total Organic Carbon	mg/l				
Specific Conductance (Lab)	um/cm				
Specific Conductance (Lab)	um/cm				
Specific Conductance (Lab)	um/cm				
Specific Conductance (Lab)	um/cm				
pH (Lab)	std				
pH (Lab)	std				
pH (Lab)	std				
pH (Lab)	std				
Acidity as CaCO ₃	mg/l				
Alkalinity as CaCO ₃	mg/l				
Alkalinity, Total as CaCO ₃	mg/l				
Ammonia as N	mg/l				
Bicarbonate as CaCO ₃	mg/l				
Biochemical Oxygen Demand	mg/l				
Bromide	mg/l				
Carbonate as CaCO ₃	mg/l				
Chemical Oxygen Demand	mg/l				
Chlorine, Total	mg/l				
Coliform, Total	C/100				
Coliform, Fecal	C/100				
Color, Apparent (Lab)	Pt/Co				
Cyanide, Total	mg/l				
Dissolved Organic Carbon	mg/l				
Gross Alpha	PCi/l				
Gross Beta	pCi/l				
Hardness as CaCO ₃	mg/l				
Nitrite as N	mg/l				
Nitrogen Total Kjeldahl (TKN)	mg/l				
Nitrogen Total Organic Carbon	mg/l				
Oil and Grease (grav. IR)	mg/l				
Petroleum Hydrocarbons (IR)	mg/l		1415	312,000	110 Pks
Phosphate, ortho	mg/l				
Phosphate, Total	mg/l				
Silica	mg/l				
Solids, Total	mg/l				

(p. 136)

G

Subcontracted Analytical Results

EPC JOB # 60336

LB4783-B2
 by: NW Chyun
12/3/84

Facility: []
 Sample Point: []
 Date Sampled: []
 Time Sampled: []

RECEIVED DEC 04 1984

Parameter	Units Of Measure	MDL	Value	Comments
CONVENTIONAL				
1 Chloride	mg/l			
2 Fluoride	---			
3 Nitrate as N	mg/l			
4 Sulfate as SO4	mg/l			
5 Phenolics, Total	mg/l			
6 Total Organic Halides (TOX)	ug/l			
Total Organic Halides (TOX)	ug/l			
Total Organic Halides (TOX)	ug/l			
Total Organic Halides (TOX)	ug/l			
7 Total Organic Carbon	mg/l			
Total Organic Carbon	mg/l			
Total Organic Carbon	mg/l			
Total Organic Carbon	mg/l			
8 Specific Conductance (L)	um/cm			
Specific Conductance (Lab)	um/cm			
Specific Conductance (Lab)	um/cm			
Specific Conductance (Lab)	um/cm			
9 pH (Lab)	std			
pH (Lab)	std			
pH (Lab)	std			
pH (Lab)	std			
Acidity as CaCO3	mg/l			
Alkalinity as CaCO3	mg/l			
12 Alkalinity Total as CaCO3	mg/l			
13 Ammonia as N	mg/l			
14 Bicarbonate as CaCO3	mg/l			
15 Biochemical Oxygen Demand	mg/l			
16 Bromide	mg/l			
17 Carbonate as CaCO3	mg/l			
18 Chemical Oxygen Demand	mg/l			
19 Chlorine, Total	mg/l			
20 Coliform, Total	C/100			
21 Coliform, Fecal	C/100			
22 Color, Apparent (Lab)	Pt/Co			
23 Cyanide, Total	mg/l			
24 Dissolved Organic Carbon	mg/l			
25 Gases	PC/l			
26 Gross Solids	g/l			
27 Hardness as CaCO3	mg/l			
28 Nitrite as N	mg/l			
29 Nitrogen Total Kjeldahl (TKN)	mg/l			
30 Nitrogen Total Organic	mg/l			
31 Copper (Lab)	TC/l			
32 Oil and Grease (grav, IR)	mg/l			
Petroleum Hydrocarbons (IR)	mg/l			
Phosphate ortho	mg/l			
35 Phosphate, Total	mg/l			
36 Phosphate, Total	mg/l			
37 Silica	mg/l			

AS 105,000 mg/kg

(p. 137)

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

Subcontracted Analytical Results

ETC Job # 60338

LC4783-04
 by MW Chappel
12/3/84

Facility: _____ Sample Point: _____
 Date Sampled: _____ Time Sampled: _____

RECEIVED DEC 4 1984

No.	Parameter	Units Of Measure	MDL	Value	Comments
CONVENTIONALS					
1	Chloride	mg/l			
2	Fluoride	mg/l			
3	Nitrate as N	mg/l			
4	Sulfate as SO4	mg/l			
5	Phenolics, Total	mg/l			
6	Total Organic Halides (TOX)	ug/l			
	Total Organic Halides (TOX)	ug/l			
	Total Organic Halides (TOX)	ug/l			
	Total Organic Halides (TOX)	ug/l			
7	Total Organic Carbon	mg/l			
	Total Organic Carbon	mg/l			
	Total Organic Carbon	mg/l			
	Total Organic Carbon	mg/l			
	Specific Conductance (Lab)	um/cm			
	Specific Conductance (Lab)	um/cm			
	Specific Conductance (Lab)	um/cm			
	Specific Conductance (Lab)	um/cm			
9	pH (Lab)	std			
	pH (Lab)	std			
	pH (Lab)	std			
	pH (Lab)	std			
	Acidity as CaCO3	mg/l			
11	Alkalinity as CaCO3	mg/l			
12	Alkalinity, Total as CaCO3	mg/l			
13	Ammonia as N	mg/l			
14	Bicarbonate as CaCO3	mg/l			
15	Biochemical Oxygen Demand	mg/l			
16	Bromide	mg/l			
17	Carbonate as CaCO3	mg/l			
18	Chemical Oxygen Demand	mg/l			
19	Chlorine, Total	mg/l			
20	Coliform, Total	C/100			
21	Coliform, Fecal	C/100			
22	Color, Apparent (Lab)	PCU			
23	Cyanide, Total	mg/l			
24	Dissolved Organic Carbon	mg/l			
25	Gross Alpha	PCi/l			
26	Gross Beta	PCi/l			
27	Hardness as CaCO3	mg/l			
28	Nitrite as N	mg/l			
29	Nitrogen Total Kjeldahl (TKN)	mg/l			
30	Nitrogen Total Organic	mg/l			
31	Odor (Lab)	TON			
32	Oil and Grease (grav, IR)	mg/l			
33	Petroleum Hydrocarbons (IR)	mg/l	65	106,000	mg/kg
34	Phosphate, Total	mg/l			
35	Phosphate, Total	mg/l			
36	Phosphate, Total	mg/l			
37	Solids, Total	mg/l			

P. 138

6

NEW JERSEY STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION

MEMO

TO Fred Sickels

FROM Wayne Howitz DATE 15 NOV 1984

SUBJECT Analytical results received verbally by telephone
Case: Borne Chemical

On November 14, 1984 at 0902 hours, I received the following results verbally by telephone from Ian Lambert of Stablex-Reutter, Inc., Cherry Hill, NJ.

Volatiles	FAS018	FAS019	FAS020
Acrolein	LT 10 ppm	LT 10 ppm	LT 10 ppm
Acrylonitrile	LT 10 ppm	LT 10 ppm	LT 10 ppm
Benzene	LT 10 ppm	LT 10 ppm	LT 10 ppm
Bis(chloromethyl)ether	LT 10 ppm	LT 10 ppm	LT 10 ppm
Bromoform	LT 10 ppm	LT 10 ppm	LT 10 ppm
Carbon Tetrachloride	LT 10 ppm	LT 10 ppm	LT 10 ppm
Chlorobenzene	LT 10 ppm	LT 10 ppm	LT 10 ppm
Chlorodibromomethane	LT 10 ppm	LT 10 ppm	LT 10 ppm
Chloroethane	LT 10 ppm	LT 10 ppm	LT 10 ppm
2-chloroethylvinyl ether	LT 10 ppm	LT 10 ppm	LT 10 ppm
Chloroform	LT 10 ppm	LT 10 ppm	LT 10 ppm
Dichlorobromomethane	LT 10 ppm	LT 10 ppm	LT 10 ppm
Dichlorodifluoromethane	LT 10 ppm	LT 10 ppm	LT 10 ppm
1, 1-dichloroethane	LT 10 ppm	LT 10 ppm	LT 10 ppm
1, 2-dichloroethane	LT 10 ppm	LT 10 ppm	LT 10 ppm
1, 1-dichloroethylene	LT 10 ppm	LT 10 ppm	LT 10 ppm
1, 2-dichloropropane	LT 10 ppm	LT 10 ppm	LT 10 ppm
1, 3-dichloropropylene	LT 10 ppm	LT 10 ppm	LT 10 ppm
Ethylbenzene	LT 10 ppm	1,300 ppm	LT 10 ppm
Methyl bromide	LT 10 ppm	LT 10 ppm	LT 10 ppm
Methyl chloride	LT 10 ppm	LT 10 ppm	LT 10 ppm
Methylene chloride	LT 10 ppm	LT 10 ppm	LT 10 ppm
1, 1, 2, 2-tetrachloroethane	LT 10 ppm	LT 10 ppm	LT 10 ppm
Tetrachloroethylene	LT 10 ppm	40 ppm	LT 10 ppm
Toluene	LT 10 ppm	570 ppm	LT 10 ppm
1, 2-trans-dichloroethylene	LT 10 ppm	LT 10 ppm	LT 10 ppm
1, 1, 1-trichloroethane	LT 10 ppm	LT 10 ppm	LT 10 ppm
1, 1, 2-trichloroethane	LT 10 ppm	LT 10 ppm	LT 10 ppm
Trichloroethylene	LT 10 ppm	LT 10 ppm	LT 10 ppm
Trichlorofluoromethane	LT 10 ppm	LT 10 ppm	LT 10 ppm
Vinyl chloride	LT 10 ppm	LT 10 ppm	LT 10 ppm
pH	7.24	7.97	6.03
Polychlorinated Biphenyls			
Arochlor 1242	LT 2 ppm	LT 15 ppm	LT 15 ppm
Arochlor 1260	LT 5 ppm	LT 25 ppm	LT 25 ppm

** - LT denotes less than

(K) Verbal only

F07:sm

p.140

G

MEMO

NEW JERSEY STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION

TO Fred SickelsFROM Wayne HowitzDATE 15 NOV 1984SUBJECT Analytical results received verballyCase: Borne Chemical 20-01-07

On November 13, 1984 at 1650 hours, I received the following results verbally by telephone from Ian Lambert of Stablex-Reutter, Inc., Cherry Hill, NJ.

<u>PARAMETER</u>	<u>FAS018</u>	<u>FAS019</u>	<u>FAS020</u>
Flashpoint (c.c.) °F	G.T. 180	115	G.T. 180
Reactivity	Negative	Negative	Negative
EP TOXICITY (mg/L)			
Metals ¹			
Arsenic	L.T. 5	L.T. 5	L.T. 5
Barium	L.T. 100	L.T. 100	L.T. 100
Cadmium	L.T. 1.0	L.T. 1.0	L.T. 1.0
Chromium	L.T. 5.0	L.T. 5.0	L.T. 5.0
Lead	L.T. 5.0	L.T. 5.0	L.T. 5.0
Mercury	L.T. 0.20	L.T. 0.20	L.T. 0.20
Selenium	L.T. 1.0	L.T. 1.0	L.T. 1.0
Silver	L.T. 5.0	L.T. 5.0	L.T. 5.0

¹ According to Ian Lambert, the results for EP Metals were below the EP Toxicity limit. For documentation purposes, the results are reported less than (L.T.) the EP Toxicity limit. The actual detection limits will be provided in Stablex-Reutter's test report.

F07:sm

FRED C. HART ASSOCIATES, INC.

155 WASHINGTON STREET NEWARK, NEW JERSEY 07102

TELEPHONE (201) 621-6800

MEMORANDUM

TO: Dr. Richard Spear

FROM: Amelia Janisz *AJ*

THRU: Peter Franconeri *PF*

SUBJECT: Borne Chemical Co.
TDD #02-8106-03

DATE: May 14, 1982

I enclose a sampling plan designed for Borne Chemical Co. by FIT. Because of legal liability problems, FCHA cannot provide a safety plan for Borne Chemical Co. employees. We would like to remind you sampling at Borne is potentially hazardous.

p. 142

Fred C. Hart H

BORNE CHEMICAL CO.

SAMPLING PLAN FOR TANK FARM

Figure 1 provides the location of the tanks. Most tanks appear to be open or vented or to have the porthole cracked. Those tanks which have closed portholes and are not vented, however, should be approached with extreme caution. Portholes should be opened carefully to minimize sparking. Borne Chemical Co. should develop a safety plan for its sampling team.

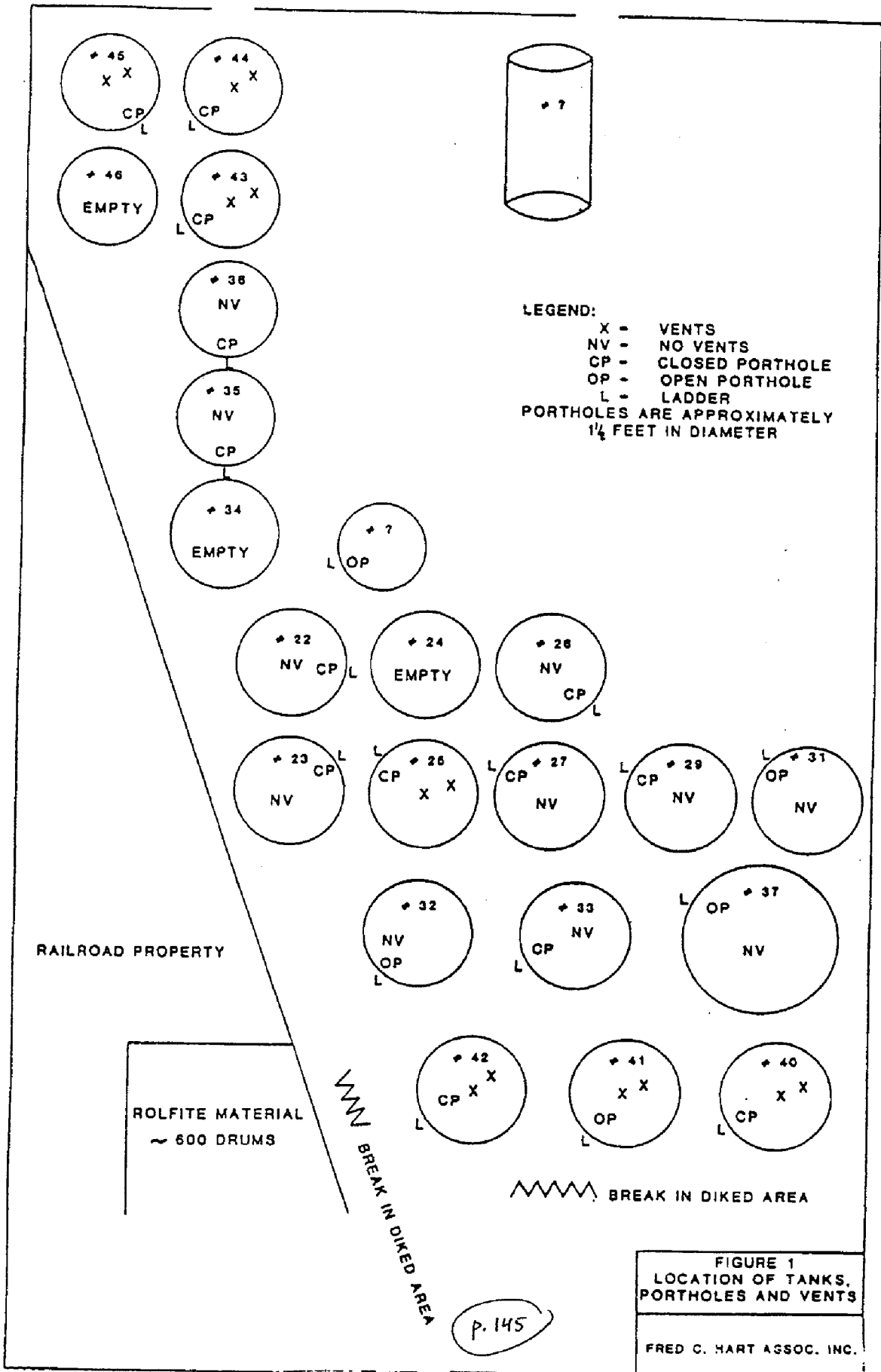
The fourteen tanks shown in Figure 2 should be sampled as follows:

- a) Determine the presence or absence of liquid using a high powered flashlight through the porthole. Take soundings to determine the height of the materials in the tank using a weighted rope marked in one foot sections.
- b) After determining the depth of materials take three samples: one shallow, one near the middle of the liquid and one near the bottom using a bomb sampler. Do not composite the samples from each tank. Sample all tanks including tanks with only sludge remaining. It is not necessary to clean the bomb sampler between depths but between tanks it must be cleaned with methylene chloride. The used methylene chloride must be drummed. Samples will be placed in eight-ounce glass jars with Teflon-lined tops which have been detergent and solvent washed. The remainder of the liquid in the sampler can be drummed or returned to the tank.

Tanks #24 and #34 are empty (per John Czapor). Tank #46 appeared empty from the bridge but should be sampled for sludge if any exists.

SCHEDULE OF ACTIVITIES AT BORNE CHEMICAL CO. SINCE 8/81

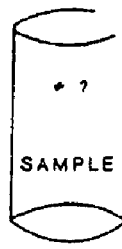
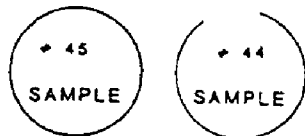
Date	Activity
8/3/81	FIT preliminary site inspection. Delay in sampling recommended until colder weather.
12/1/81	FIT begins preliminary planning and meetings for tank sampling. EPA tells FIT to put sampling plans on hold.
1/25/82	FIT activity stopped by John Czapor due to Criminal Justice Department involvement.
1/82	Valley Forge Engineering samples tanks #22, #27, #29, #32, #33, and #42. Samples split between NJDEP and Borne.
2/82	Discrepancies in PCB levels from two laboratories are found. NJDEP reports 1300 ppm; Borne analyses reports 10 ppm.
3/82	Discrepancies resolved by EPA Chemist. Permission to broker tanks given to Borne Chemical. Flash points of tanks sampled in January found to be 180°F.
3/31/82	FIT surveys portholes from Chessie System Railroad bridge.
4/22/82	Hazelton Oil Co., Pennsylvania begins removal of materials from tanks #22, 29, 33 and 42. material from tank #27 will be removed to Dupont.
4/26/82	Local residents express concern over stored drums at site to Elizabeth Environmental Protection Department.
5/-/82	State of Pennsylvania Department of Environmental Protection wants tanks retested before oil is manifested to their state.



LEGEND:

- X - VENTS
 - NV - NO VENTS
 - CP - CLOSED PORTHOLE
 - OP - OPEN PORTHOLE
 - L - LADDER
- PORTHOLES ARE APPROXIMATELY
1 1/2 FEET IN DIAMETER

Fig. 2



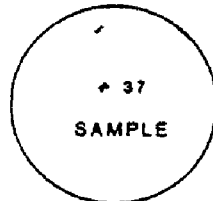
LEGEND:

EMPTY

BEING REMOVED - MATERIALS IN TANK ARE GOING TO BEOR ARE BEING REMOVED

SAMPLE - SAMPLE 3 DEPTHS AS SPECIFIED IN SAMPLING PROGRAM OR SLUDGE

PORTHOLES ARE APPROXIMATELY 1 1/2 FEET IN DIAMETER.



RAILROAD PROPERTY

ROLFITE MATERIAL
~ 600 DRUMS

~~~~~ BREAK IN DIKED AREA

~~~~~ BREAK IN DIKED AREA

P. 146

FIGURE 2
TANKS
REQUIRING SAMPLING
FRED C. HART ASSOC. INC.

H

Borne Chemical Company, Inc.

Investigation and Implementation
of Clean-Up and Waste Disposal Measures
in Elizabeth, New Jersey

I. Processing Area ("Parcel A")

The oil processing area is comprised of several storage and manufacturing facilities where oils are blended. The major environmental and safety concerns regarding this facility entail the implementation of an approved NJDEP spill prevention and containment plan, the removal and proper disposal of drums containing waste materials, the removal and proper disposal of waste materials and residues contained in processing and holding tanks, the proper cleansing of empty tanks, process piping, drainage lines and sumps, and the removal of contaminated soils.

A. Spill Plan

The DPCC/DCR Spill Prevention Plan, approved by NJDEP in April 1983, should be implemented by the property owner as it applies to the processing facility. This requires NJDEP approval of amendments and revisions to that document to limit its application to Parcel A.

E. Waste Inventory and Removal Program

1. The responsible party should identify and separate waste materials from product and develop a waste inventory to identify the quantities, waste types, and characteristics of all waste materials on site. This identification program shall be submitted to NJDEP for review and approval prior to implementation and include the following items: site safety during sampling, identification of appropriate sampling techniques, identification of appropriate analytical parameters and techniques, and disclosure of identity of all contractors.
2. The waste inventory plan shall also address contamination resulting from the present and past releases of waste materials from activities on the site, such as soil, tanks, drums, sewer lines, sumps.
3. The responsible party shall also prepare a waste removal and disposal plan for waste identified as a result of the analysis of samples taken in the waste inventory. All materials not identified as waste shall be removed according to applicable regulations. All hazardous waste must be manifested to an approved site. The removal and disposal plan shall identify site safety measures during these operations, shall include provisions for the repacking of leaking containers (so as to prevent the

spillage of materials during removal activities), shall identify the method of transportation of materials to a waste disposal site (i.e. bulk shipping), shall identify treatment and disposal measures, such as burning, landfill, recycling, and shall identify all contractors.

C. Permits

The owner and operator of the facility shall obtain all required permits from the NJDEP for the operation of the proposed facility. This may include discharge permits pursuant to the New Jersey Water Pollution Control Act, the implementation of federal SPCC and State DPCC/DCR Plans required by the New Jersey Spill Compensation and Control Act, the registration of the corporation as a generator pursuant to the New Jersey Solid Waste Management Act and RCRA requirements, the registration and filing of engineering and design documents for the facility pursuant to the Solid Waste Management Act, and any and all air pollution control permits.

II. Tank Farm ("Parcel B")

The tank farm includes numerous large holding tanks where oils and liquids have been stored. The area is unlined. The tanks and the diking are of unknown integrity. The major environmental and safety concerns regarding this portion of the facility entail the analysis, identification, and removal of waste

materials and residual sludges stored in the tanks, the removal of contaminated soils, the cleansing of tanks and the disposal of sludges, residues and waste-encrusted pipes.

A. Waste Inventory and Removal Program

1. The responsible parties should develop a waste inventory of materials on site and identify the waste types and characteristics of all such materials. This identification program should be submitted to NJDEP for review and approval prior to implementation and include the following items: site safety during sampling, identification of appropriate analytic parameters and techniques, identification of sampling techniques, and the identity of all contractors.

2. The responsible party should develop a remedial action plan based on the results of the sampling and waste inventory in order to address the following items:
 - a. environmental contamination originating at the site
 - b. site safety during remedial operations
 - c. removal of materials stored in tanks
 - d. tank cleaning and repair if future use is intended
 - e. identification and removal of contaminated soils
 - f. identification of all contractors including transporters and disposal facilities.

p. 150

B. Spill Plan

The DPCC/DCR Spill Prevention Plan, approved by NJDEP in April 1983 addressed this parcel as only one part of the entire site. Any potential operator of this facility must submit a revised plan limited to this facility with a revised schedule for implementation and, upon approval by the Department, this plan should be implemented.

C. Permits

The owner and operator of the facility shall obtain all required permits from the NJDEP for the proposed operation of the facility as a tank farm. This will include all permits set forth in Item I-C, above.

III. Parcel C

Major environmental and safety concerns regarding the Borne operations on this leased property entail the proper closure of the surface impoundment (lagoon) situated there and the proper removal and disposal of drums and contaminated soils on the property. A waste inventory and waste removal program must be developed consistent with the programs set forth above for Parcels A and B.

U.S. ENVIRONMENTAL PROTECTION AGENCY

POLLUTION REPORT

DATE: July 27, 1984

Region II
Emergency Response Branch
Edison, NJ 08837

(201) 321-6670 - Commercial
(201) 548-8730 - 24 Hr. Emergency
340-6670 - FTS

TO: R. Dewling, EPA
W. Librizzi, EPA
B. Metzger, EPA
F. Rubel, EPA
J. Marshall, EPA
W. Mugdan, EPA
M. Sadat, NJDEP
USCG 3rd District (mep)
ERD, EPA Washington
(Data Gram)
USCG COTPNY
NRC
C. Stutzman, CDC
ERT
M. Chivinski, FEMA
R. Altman, NJDOH
R. Spear, EPA
J. Czapor, EPA
S. Kuhurtz, NJDEP
R. Ogg, EPA

Krusil
Rubel
Metzger
Marshall

POLREP NO.: One (1)
INCIDENT NAME: Borne Chemical Company
SITE/SPILL NO.:
POLLUTANT: Oil and Unknown Solvents
CLASSIFICATION: Medium
SOURCE: Borne Chemical Company
LOCATION: S. Front Street, Elizabeth, New Jersey
AMOUNT: Unknown
WATER BODY: Arthur Kill River

I. SITUATION:

- A. Borne Chemical Company, located at 632 S. Front Street, Elizabeth, New Jersey is a facility which contains 20 storage tanks and approximately 600 55-gallon drums which contain unknown oils, chemicals and solvents.
- B. The storage tanks show signs of weathering and the drums show signs of deterioration.
- C. Recent litigation by the State of New Jersey resulted in a Court decision allowing Borne Chemical Company to declare bankruptcy and abandon the site.

p. 152

H

2. ACTION TAKEN.

A. On March 23, 1984, a team consisting of representatives of the NJDEP, U.S. EPA, TAT and CDC visited the Borne Chemical site. At this time, the team was denied access to the site by Borne Chemical representatives.

B. Due to on-going litigation, attorneys for the State of New Jersey requested that no further actions be taken at this time to access the site.

C. Currently, Borne Chemical has been allowed to declare bankruptcy and abandon the site. The property is, therefore, owned by the Bankruptcy Court.

D. Rolfite Company has accepted responsibility for 558 of the 600 drums on site and has begun cleanup and disposal of these drums.

E. An attorney for the State of New Jersey has stated that access to the site, for assessment purposes, by the U.S. EPA would have to be attained via a petition filed in the Bankruptcy Court. This petition will be filed next week by the State attorney.

3. FUTURE PLANS AND RECOMMENDATIONS:

A. Upon gaining permission to access the site, the U.S. EPA will conduct a site inspection and assess the situation for possible emergency and/or immediate removal actions and funding.

CASE PENDING CASE CLOSED

(TAT)

SUBMITTED BY

W. Gad Tawadros
W. Gad Tawadros
Emergency Re-
sponse Branch

Date Released: 6/27/84

HAZARDOUS WASTE INVESTIGATION

Inspector: Alphonse Iannuzzi Date: 1/5/82

Location: Borne Chemical Company, Inc.

St: 632 S. Front Street

Town: Elizabeth

County: Union

Tax Account # 4-1468 and 4-1469

Lot: Block:

Origin of Complaint: Kevin Gashlin, BHW

Complaint: Document removal of waste material from storage tanks on site.

Findings:

On 1/5/82 at the above address, Borne Chemical was investigated to document the removal of hazardous waste from the facility. Borne had contacted Kevin Gashlin (BHW), to indicate that they were going to remove waste material from their tank farm. Mr. Herbert Brunwasser, V.P., and Joe Cincotta, plant manager, were contacted at Borne and supplied all pertinent information.

Mr. Brunwasser stated that Borne did not remove any material from the tank farm containing oily waste. A shipment of mixed flammable solvents had been removed today from a tank in the grease house. This material was left on site when Borne's present administration took over (1979) and could not be sold. Hazleton Oil Salvage, Hazleton, PA received this material. Mr. Cincotta stated that Nassau Tank, Brooklyn, NY contracted through Valley Forge Engineering, Bryn Mawr, PA had removed oil and water from tank #24 to 42. Tank #24 will be used to store water from other tanks.

An order from NJDEP on 10/3/81 to Borne calling for removal of all waste material within 30 days was clearly not complied with. Mr. Brunwasser stated that this order was for the drums of fuel additive manufactured by Borne for Rofite Co., Stanford, Conn., not for the 8 tanks of oil waste. These drums, still on site and in poor condition, are said to be Rofite property. According to Mr. Brunwasser, Borne and Rofite are in court trying to solve this problem.

The 8 tanks of oil clean-up waste, supposedly accumulated by Coastal Services who leased the tanks will be emptied in the near future (facility did not know Coastal's address). Mr. Brunwasser stated that the present administration inherited this material and can't prove that Coastal generated the wastes. Laboratory analysis of the material in all 8 tanks is attached to this report. Valley Forge Engineering has agreed to broker the removal of all waste from these tanks within 4 months of 12/24/81. The oil will probably be brought to Hazleton and water will be brought to DuPont, Deepwater, NJ. Agreement between Borne and Valley Forge is attached. Borne estimated the total amount of oil and water in all tanks to be 475,000 gallons. Removal of material may stop at anytime that Valley Forge does not believe that it will obtain 200,000 gallons of oil.

P. 154

Alphonse Iannuzzi

H

HAZARDOUS WASTE INVESTIGATION

Inspector: Alphonse Iannuzzi Date: 1/7/82

Location: Borne Chemical Company, Inc.

St: 632 S. Front Street

Town: Elizabeth

County: Union

Tax Account # 4-1468 and 4-1469

Lot: Block:

Origin of Complaint:

Complaint: Obtain samples from storage tanks on site

Findings:

On 1/7/82 Mr. Brunwasser, Borne Chem. V.P., was contacted. Valley Forge Engineering, Bryn Mawr, PA was obtaining samples of waste from storage tanks and was to give NJDEP duplicate samples of waste material.

Joe Meehan of Valley Forge obtained samples. Rob Collins and Jose Lara of Nassu Tank, Brooklyn, NY were contracted by Valley Forge to measure levels in each tank.

Samples were obtained with a glass bottle containing a weight. Mr. Meehan would let the bottle down slowly to obtain a composite sample at several levels. Mr. Meehan used plastic bottles for most of the samples obtained.

Water level measurements were taken with a weighted measuring tape that contained a pink cream which turned to white with contact to water.

When I arrived on site, Mr. Meehan had sampled tanks #32 and 42. He supplied me with plastic jars of duplicate samples he had taken. I witnessed the sampling of tanks #22, 27, 29 and 33. Sample data and chain of custody forms were completed and will be attached to this report. Mr. Meehan stated that tank #34 will not be sampled due to "too high concentrations".

The following tanks that Valley Forge is interested in contained material: tank #24 - empty, 27 - 1' from top, 29 - 2 ½' from top, 32 - 5' from top, 22 - 5 ½' from top, 42 - 14' from top, and 33 - 6 ½' from top. All measurements were taken from top parts.

The following tanks were measured for water content: tank # 32 - no water, 42 - no water, 27 - all water, 29 - no water. All measurements were taken from top parts.

P.155

Alphonse Iannuzzi
Alphonse Iannuzzi

H

HAZARDOUS WASTE INVESTIGATION

Inspector: K. Gashlin Date: 2/15/81

Location: Borne Chemical Co.

St: 632 S. Front St.

Town: Elizabeth

County: Union

Tax Account Numbers 4-1468 and 4-1469
~~XXXX~~ ~~XXXX~~

Origin of Complaint:

Complaint: Waste Material stored on site - follow up to 10/27/80 investigation.

Findings:

Conversations with Borne Chemical representatives Stuart Patrick (President) and Gus Corona (General Manager) have convinced me that approximately 600 drums of material (inventory included) on the Front Street property belong to prior tenants. The owner has been identified by Corona as Rolfite Co., 300 Broad Street, Stamford, CT06901. Rolfite's attorney, Richard Collier, has stated that his client's position is that Rolfite is not legally responsible for removing the material and that much of it is virgin or finished product, not waste.

This claim is not a new one. Litigation has been in process since early 1980 against Rolfite to assume possession of this material. I have been in receipt of correspondence from Borne regarding removal of waste stored in other portions of the facility. Specifically, waste in a 35' by 15' surface impoundment 200 drums and stationary vertical tanks (see diagram.) Corona has indicated that Borne is willing to assume responsibility for the tanks. Some inconclusive sampling has been performed. These results and other pertinent correspondence are included herein.

My belief is that Borne is foot-dragging and will continue to delay removal of their material until forced to do so. On February 15, 1980, Borne Chemical filed a voluntary petition for reorganization under Chapter 11 of the U.S. Bankruptcy Code (see attached excerpt.) This may limit our options regarding Borne's monetary liability for clean-up. The case dates back to September, 1978. The material has not been fully identified analytically, but we do know that the materials are of a flammable/hazardous nature (consult attached results.) Although storage is apparently secure at this time, this material is a problem for everyone and may go the way of Duane Marine and Chemical Control if not dealt with in a timely manner.

Before the situation deteriorates further, I urge the B.H.W. to act in a firm, positive manner. My recommendations follow.

P. 156

K. Gashlin



ecology and environment, inc.

300 McGAW DRIVE, RARITAN CENTER, 2ND FLOOR, EDISON, NEW JERSEY 08817, TEL. 201-225-9659

International Specialists in the Environmental Sciences

January 7, 1981

Fred N. Rubel
Chief, ER & HMI Branch
U.S. EPA
Edison, NJ 08817

Subject: Inspection of Borne Chemical Co., Elizabeth, New Jersey

Dear Fred:

This is to inform you of a possible uncontrolled hazardous storage situation at the above facility.

During the SPCC inspection that we conducted for Coles Phinizy, Borne Management began explaining that 9 of their 23 tanks in the tank farm contained unknown amounts of chemical waste which they contend was placed there by Coastal Services, Inc. while that company was leasing space at Borne. In addition, we noted that there were several pools of waste laying on the ground in the "diked" area. Borne stated that this was dumped there by Coastal.

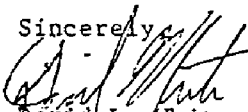
There are also approximately 1,000-2,000 55-gallon drums containing waste located on the property and in some of the buildings. Many of these are leaking.

Borne claims that neither the drums nor the waste in the tanks are of their doing and claim they are trying, through legal channels, to force the responsible companies to move them.

An IR analysis characterization of the tanks' contents was done by Borne (see copy attached). It's a possibility that these tanks may contain dangerous wastes but, obviously, this analysis cannot really say.

In light of the fact that the chemical control site is only about a 1/2 mile down the road, it might be a good idea to have this place checked out thoroughly by Rick Spear's group to avoid a possible recurrence.

Sincerely,



David L. White

p. 157

MEMONEW JERSEY STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION

TO TO FILE

FROM NORMAN DAVIS, JR., HSMS IV, BUREAU OF PLANNING AND ASSESSMENT DATE _____

SUBJECT BORNE CHEMICAL COMPANY, WINDSHIELD RECON.

On Tuesday June 23rd, Chris Holstrom and I went to examine the Borne Chemical Site NJD002167237 in Elizabeth, New Jersey. It appears that the entire Borne Site is in a significant state of decay. From previous information available the structures have not significantly changed, or been modified.

TANK FARM AREA

On the perimeter of the tank farm area is over grown with vegetation. The 23 storage tanks are visibly corroded on at least $\frac{1}{2}$ of their surface area. Throughout the diked area of the farm there are areas of standing water present. This same area is littered with debris such as old pallets, cans, etc. Several drums were also present towards the Arthur Kill, one drum was crushed.

BLENDING & ADMINISTRATIVE AREA

Most all of the administrative buildings, including the laboratory have an abandoned look to them. The grass areas are completely overgrown with vegetation. There appeared to be some business going on since the main gate was open and there were several cars, (3) inside the fenced area. From the road it was difficult to see inside the buildings because of shadows, however there were what appeared to be drums present in a shed like attachment to the main manufacturing building. The general ground in and around the blending areas was somewhat devoid of vegetation when compared to other area perhaps indicating soil contamination.

This facility has the overall look of an area that will only get worse as there appears to be no maintenance plans by the current owners.

MEMONEW JERSEY STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION

TO TO FILE

FROM NORMAN DAVIS, JR, HSMS IV, BUREAU OF PLANNING AND ASSESSMENT
DATE _____

SUBJECT BORNE CHEMICAL COMPANY , SITE MANAGER INTERVIEW, FRANK GROMAND, NJDEP

Borne Chemical Company site is currently in an inactive status as the company is bankrupt. The last major environmental activity occurred on the site during 1986 when some sampling was performed. The current caretaker of the site is a Mr. Edward Cincotta of E.B. Dande Co. Inc. Mr. Cincotta is the former general manager of Borne Chemical who was in charge of the Elizabeth facility.

Mr. Gromand last opportunity to visit the site was approximately one year ago, his recollections of the site are the following:

1. The tanks farm storage tanks still contain the residual bottoms.
2. Some of the tanks still have quantities of oil present in them (in some cases several inches).
3. Large quantities of unknown oils and greases have been spilled throughout the facility grounds and buildings.
4. There are considerable quantities of old drums, cans and bottles stored in the blending and storage buildings. The majority of this material is of unknown origin, but it all generally seems to be associated with hydrocarbon oil blending uses.
5. His major concern is the poor state of the buildings, the large amount of flammable material and the potential for fire. These buildings are located nearby directly under interstate I78 Goethals bridge.
6. The security of the area though fenced, has been breeched in several points along the waterway, and access to the site buildings can be gained due to decay of the doors.

The Office of Regulatory Services has issued a case directive to remove all hazardous materials from tanks, remove all chemical drums, bottles and cans from buildings. The directive also calls for improved site security to the fence and building accesses.

p.159

Attachment J

7/7/87

Norm Davis
- as you requested
JRR

Let's protect our earth



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF REGULATORY SERVICES
CN 402
TRENTON, N.J. 08625
609 - 292 - 2906

GERARD BURKE
DIRECTOR

SUSAN SAVOCA
ASSISTANT DIRECTOR
GEORGE F. SCHLOSSER
ASSISTANT DIRECTOR

July 7, 1987

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

See Attached Service List

Subject: Borne Chemical Company
Elizabeth, New Jersey
Directive dated July 7, 1987

Dear Sirs:

Enclosed for service upon you please find a Directive with respect to the Borne Chemical Company site. This Directive is self-explanatory.

If you have any questions, please contact me at (609) 984-7610, or Karer Locha, Esq., at (609) 292-2906.

Very truly yours,

John R. Renella, Esq.

Is
Enclosure

c: Gerard Burke, Director, ORS
George Schlosser, Assistant Director, ORS
Karl Delaney, Chief, BCM
Frank Groman, BCM
Karen Locha, ORS
Kenneth W. Elwell, DAG

p.160

New Jersey is an Equal Opportunity Employer

Attachment K

SERVICE LIST

Leon Margolis, Vice President
A. Margolis & Sons Corp.
1504 Atlantic Avenue
Brooklyn, New York 11216

Office of the President
AT & T - Bell Laboratories
600 Mountain Road
Murray Hill, New Jersey 07974

Mr. William A. Dolan
Baron Chemicals, Inc.
666 Boesal Avenue
Manville, New Jersey 08835

Office of the President
Basic Incorporated
845 Hanna Building
Cleveland, Ohio 44115

Office of the President
BP North America Trading, Inc.
620 Fifth Avenue
New York, New York 10020

Office of the President
Buckeye Pipe Line Company
P.O. Box 368
Emmaus, Pennsylvania 18049

Mr. Marvin Mahan
Chemsol, Inc.
P.O. Box 190
1703 East 2nd Street
Scotch Plains, New Jersey 07076

Office of the President
Chesebrough-Pond's, Inc.
33 Benedict Place
P.O. Box 6000
Greenwich, Connecticut 06836

Office of the President
Coastal Oil Company
Gateway I - Suite 300
Newark, New Jersey 07102

Office of the President
Combustion Engineering, Inc.
P.O. Box 828
Valley Forge, Pennsylvania 19482

Mr. Edward R. Hess
Edward R. Hess Company
374 Uniondale Avenue
P.O. Box 222
Uniondale, New York 11533

Office of the President
Elf Marine (London) Int'l. Service
30/33 Minorities
London EC3N 1DX
England

Office of the President
Exxon Corporation
P.O. Box 2169
Houston, Texas 77001

Office of the President
Food Haulers, Inc.
600 York Street
Elizabeth, New Jersey 07207

Office of the President
Getty Oil Company
3810 Wilshire
Los Angeles, California 90010

Sotiri B. Zanoloulo, President
Keyline Research & Development
8 Station Square
Rutherford, New Jersey 07070

Mr. Hans H. Schafft
Lehan Sales Company
P.O. Box 266
Scottsville, Virginia 24590

Peter Nerger, President
Marisol, Inc.
P.O. Box 144
Bloomfield, New Jersey 07003

Office of the President
Peabody Clean Industry Inc. of
Massachusetts
4 Landmark Square
P.O. Box 10063
Stamford, Connecticut 06904

Donald J. St. John, Esq.
Vice President, General Counsel
and Secretary
Peabody International Corporation
4 Landmark Square
P.O. Box 10063
Stamford, Connecticut 06904

Office of the President
Phelps Dodge Copper Products Company
P.O. Box 648
Elizabeth, New Jersey 07207

Office of the President
Public Service Electric & Gas Company
80 Park Plaza, T10C
Newark, New Jersey 07101

Alvin A. Birne, President
Swan Michigan Oil Company
180 West 5th Street
Bayonne, New Jersey 07002

Office of the President
Texaco Inc.
P.O. Box 52332
Houston, Texas 77052

Office of the President
The Ocean Oil Company Limited
St. Clare House
30/33 Minories
London EC3N 1DX
England

Office of the President
The Rolfite Company
300 Broad Street
Stamford, Connecticut 06901

Office of the President
United States Oil Corporation
11 Broadway
New York, New York 10004

A. Margolis & Sons Corp.
c/o Bernard Margolis
242 Park Place
Irvington, New Jersey 07052

BP North America Trading, Inc.
c/o Corporation Trust Company
28 West State Street
Trenton, New Jersey 08608

Buckeye Pipe Line Company
c/o Corporation Trust Company
28 West State Street
Trenton, New Jersey 08608

Chesebrough-Pond's, Inc.
c/o Prentice-Hall Corp. System
150 West State Street
Trenton, New Jersey 08608

Combustion Engineering, Inc.
c/o Corporation Trust Company
28 West State Street
Trenton, New Jersey 08608

Exxon Corporation
c/o Edwin K. Large, Jr.
117 Main Street
Flemington, New Jersey 08822

Food Haulers, Inc.
c/o Jerome D. Yaguda
600 York Street
Elizabeth, New Jersey 07207

Getty Oil Company
c/o Prentice-Hall Corp. System
One Exchange Place
First Jersey National Bank
Jersey City, New Jersey 07303

Keyline Research & Development
c/o Speiller & Kris
19 Rector Street
New York, New York 10006

Marisol, Inc.
c/o Richard A. Levao
Shanley & Fisher
131 Madison Avenue
CN-1979
Morristown, New Jersey 07960

Office of the President
Wakefern Food Corporation
600 York Street
Elizabeth, New Jersey 07207

Peabody Clean Industry, Inc. of
Massachusetts
c/o Prentice Hall Corp.
150 West State Street
Trenton, New Jersey 08608

Peabody International Corporation
c/o Prentice Hall Corp.
150 West State Street
Trenton, New Jersey 08608

Public Service Electric and Gas Co.
c/o Robert S. Smith
80 Park Plaza
Newark, New Jersey 07102

Swan Michigan Oil Company
c/o Alvin A. Birne
43 Berkley Drive
Tenafly, New Jersey 07670

Texaco Inc.
c/o Prentice Hall Corp. System
150 West State Street
Trenton, New Jersey 08608

The Rolfite Company
c/o Corporation Trust Company
28 West State Street
Trenton, New Jersey 08608

United States Oil Corporation
c/o William M. Wrocklage
1 Valley Street
Hawthorne, New Jersey 07506

Wakefern Food Corporation
Jerome D. Yaguda
600 York Street
Elizabeth, New Jersey 07207



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF HAZARDOUS WASTE MANAGEMENT

John J. Trela, Ph.D., Acting Director
401 East State St.
CN 028
Trenton, N.J. 08625
609 - 633 - 1408

IN THE MATTER OF BORNE CHEMICAL COMPANY

-AND-

- A. MARGOLIS & SONS CORP.;
 - AT&T - BELL LABORATORIES;
 - BARON CHEMICALS, INC.;
 - BASIC INCORPORATED;
 - BP NORTH AMERICA TRADING, INC.;
 - BUCKEYE PIPE LINE COMPANY;
 - CHEMSOL, INC.;
 - CHESEBROUGH - POND'S INC.;
 - COASTAL OIL COMPANY;
 - COMBUSTION ENGINEERING, INC.;
 - EDWARD R. HESS COMPANY;
 - ELF MARINE (LONDON) INTERNATIONAL SERVICE;
 - EXXON CORPORATION;
 - FOOD HAULERS, INC.;
 - GETTY OIL COMPANY;
 - KEYLINE RESEARCH & DEVELOPMENT;
 - LEHAN SALES COMPANY;
 - MARISOL, INC.;
 - PEABODY CLEAN INDUSTRY, INC. OF MASSACHUSETTS;
 - PEABODY INTERNATIONAL CORPORATION;
 - PHELPS DODGE COPPER PRODUCTS COMPANY;
 - PUBLIC SERVICE ELECTRIC AND GAS COMPANY;
 - SWAN MICHIGAN OIL COMPANY;
 - TEXACO INC.;
 - THE OCEAN OIL COMPANY LIMITED;
 - THE ROLFITE COMPANY;
 - UNITED STATES OIL CORPORATION; and
 - WAKEFERN FOOD CORPORATION,
- Respondents

DIRECTIVE

This DIRECTIVE is issued to the above-captioned Respondents pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (the "Department") by N.J.S.A. 13:1D-1 et seq. and the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq. (the "Act"), and duly delegated to the Assistant Director for Enforcement of the Division of Hazardous Waste Management pursuant to N.J.S.A. 13:1B-4. This DIRECTIVE is issued in order to notify the above-captioned Respondents that the Department, pursuant to the provisions of the Act, has determined it is necessary to remove or arrange for the removal of certain hazardous

substances, and in order to notify such Respondents that the Department believes them to be responsible for such removal.

FINDINGS

A. The Site

1. Borne Chemical Company (formerly Borne, Scrymser Corporation) (collectively "Borne") is located at 600-616 and 632-650 South Front Street, Elizabeth, Union County, New Jersey, Block 4, Lots 1468 and 1469, on the Tax Map of the City of Elizabeth (the "Borne site" or the "site"). The site, which consists of approximately 6.2 acres, plus an easement, is bounded on the west by South Front Street, on the east by the Arthur Kill, and on the north and south by other commercial/industrial facilities.

B. Respondents

2. A. Margolis & Sons Corp. ("Margolis") of Brooklyn, New York, is a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
3. AT&T - Bell Laboratories ("AT&T") of Basking Ridge, New Jersey, is a corporation which utilizes and generates chemical-based products and wastes, including hazardous substances.
4. Baron Chemicals, Inc. ("Baron") of Manville, New Jersey, was a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
5. Basic Incorporated ("Basic") of Cleveland, Ohio, is a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
6. BP North America Trading, Inc. ("BENAT") of New York, New York, is a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances. In addition, BENAT is the parent corporation of Coastal Oil Company.
7. Buckeye Pipe Line Company ("Buckeye") of Emmaus, Pennsylvania, is a company involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
8. Chemsol, Inc. ("Chemsol") of Scotch Plains, New Jersey, was a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
9. Chesebrough - Pond's Inc. ("Chesebrough-Pond's") of Greenwich, Connecticut, is a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.

10. Coastal Oil Company ("Coastal Oil") of Newark, New Jersey, is a company involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
11. Combustion Engineering, Inc. ("Combustion Engineering") of Valley Forge, Pennsylvania, is the parent corporation of Basic.
12. Edward R. Hess Company ("Hess") of Uniondale, New York, is a company involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
13. Elf Marine (London) International Service ("Elf Marine") of London, England, is a company involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
14. Exxon Corporation ("Exxon") of Linden, New Jersey, is a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
15. Food Haulers, Inc. ("Food Haulers") of Elizabeth, New Jersey, is a corporation which utilizes and generates chemical-based products and wastes, including hazardous substances.
16. Getty Oil Company ("Getty") of Los Angeles, California, is a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
17. Keyline Research & Development ("Keyline") of Rutherford, New Jersey, was a company involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
18. Lehan Sales Company ("Lehan") of Scottsville, Virginia, is a company involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
19. Marisol, Inc. ("Marisol") of Bloomfield, New Jersey, is a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
20. Peabody Clean Industry, Inc. of Massachusetts ("Peabody") of Stamford, Connecticut, is a corporation involved in the treatment, storage and disposal of chemical-based products and wastes, including hazardous substances.
21. Peabody International Corporation ("Peabody International") of Stamford, Connecticut, is the parent corporation of Peabody.
22. Phelps Dodge Copper Products Company ("Phelps Dodge") of Elizabeth, New Jersey, is a corporation which utilizes and generates chemical-based products and wastes, including hazardous substances.

23. Public Service Electric and Gas Company ("PSE&G") of Newark, New Jersey, is a corporation which utilizes and generates chemical-based products and wastes, including hazardous substances.
24. Swan Michigan Oil Company ("Swan Michigan") of Bayonne, New Jersey, is a company involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
25. Texaco Inc. ("Texaco") of Houston, Texas, is a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
26. The Ocean Oil Company Limited ("Ocean") of London, England, is the parent company of Elf Marine.
27. The Rolfite Company ("Rolfite") of Stamford, Connecticut, is a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
28. United States Oil Corporation ("U.S. Oil") of New York, New York, is a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
29. Wakefern Food Corporation ("Wakefern") of Elizabeth, New Jersey, is a corporation which utilizes and generates chemical-based products and wastes, including hazardous substances.

C. Site History

30. From 1917 until 1984, Borne (which was known as Borne, Scrymser Corporation until approximately 1966) conducted operations involving the blending and mixing of various petroleum hydrocarbons and additives into lubricants, the mixing of tanning and dye products, and the packaging and shipping of these and other chemical-based products and wastes, including hazardous substances. Borne also conducted operations involving the warehousing and storage of various chemical-based products and wastes, including hazardous substances.
31. Borne maintained various facilities and equipment for conducting the operations referred to in Paragraph 30, including: two manufacturing buildings containing blending and mixing equipment and various storage tanks; a drum filling and storage building; a bulkhead for the unloading and loading of ships; a railroad siding for the unloading and loading of railroad cars; and large, elevated tanks used in conjunction with the mixing operations and for storage (the "elevated tanks" or the "tank farm").
32. On February 15, 1980, Borne filed a voluntary petition for bankruptcy (Chapter 11) in the United States Bankruptcy Court for the District of New Jersey, Case No. 80-00495. On October 10, 1986, the Court entered an Order authorizing the Trustee to abandon the site.
33. During a portion of the above-referenced period of time, Peabody (previously known as Coastal Services, Inc.) conducted operations at

the site involving the transportation, treatment, storage and disposal of chemical-based products and wastes, including hazardous substances.

34. During a portion of the above-referenced period of time, Margolis utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.
35. During a portion of the above-referenced period of time, AT&T hired Peabody to transport and dispose of wastes, including hazardous substances, from its facility in Murray Hill, New Jersey, which wastes were disposed of at the site.
36. During a portion of the above-referenced period of time, Baron utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.
37. During a portion of the above-referenced period of time, Basic utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.
38. During a portion of the above-referenced period of time, BPNAT utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.
39. During a portion of the above-referenced period of time, Buckeye hired Peabody to transport and dispose of wastes, including hazardous substances, from its facility in Linden, New Jersey, which wastes were disposed of at the site.
40. During a portion of the above-referenced period of time, Chemsol utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.
41. During a portion of the above-referenced period of time, Chesebrough-Pond's utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.
42. During a portion of the above-referenced period of time, Coastal Oil utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.
43. During a portion of the above-referenced period of time, Hess utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.

44. During a portion of the above-referenced period of time, Elf Marine utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.
45. During a portion of the above-referenced period of time, Exxon utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.
46. During a portion of the above-referenced period of time, Food Haulers utilized the services and facilities of Borne for the storage and distribution of its chemical-based materials, including hazardous substances.
47. During a portion of the above-referenced period of time, Getty utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.
48. During a portion of the above-referenced period of time, Keyline utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.
49. During a portion of the above-referenced period of time, Lehan utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and waste, including hazardous substances.
50. During a portion of the above-referenced period of time, Marisol utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.
51. During a portion of the above-referenced period of time, Phelps Dodge hired Peabody to transport and dispose of wastes, including hazardous substances, from its facility in Elizabeth, New Jersey, which wastes were disposed of at the site.
52. During a portion of the above-referenced period of time, PSE&G hired Peabody to transport and dispose of wastes, including hazardous substances, from its facility in Jersey City, New Jersey, which wastes were disposed of at the site.
53. During a portion of the above-referenced period of time, Swan Michigan utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.
54. During a portion of the above-referenced period of time, Texaco utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.

55. During a portion of the above-referenced period of time, Rolfite utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.
56. During a portion of the above-referenced period of time, U.S. Oil utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.
57. During a portion of the above-referenced period of time, Wakefern utilized the services and facilities of Borne for the storage and distribution of its chemical-based materials, including hazardous substances.

D. Site Contamination

58. Analyses of surface soil samples obtained from several locations at the site reveal that various hazardous substances have been discharged onto the lands and into the surface water at the site. These analyses reveal the presence in the soil of, among others, the following hazardous substances: petroleum hydrocarbons in amounts up to 312,000 parts per million ("ppm"); total volatile organics (including benzene, ethylbenzene, toluene, and 1,2-trans-dichloroethylene) in amounts up to 1237 ppm; total base/neutral compounds (including benzo(a)anthracene, benzo(a)pyrene, bis (2-ethylhexyl) phthalate, flouranthene, and phenanthrene) in amounts up to 10,443 ppm; chromium in amounts up to 340 ppm; lead in amounts up to 470 ppm; and zinc in amounts up to 1030 ppm.
59. Analyses of liquid and sludge samples taken from the elevated tanks and from storage vessels in the manufacturing and drum filling buildings reveal the presence of large volumes of hazardous substances at the site. These hazardous substances include, among others, petroleum hydrocarbons contaminated with: polychlorinated biphenyls in amounts up to 200 ppm; chromium in amounts up to 59 ppm; lead in amounts up to 81 ppm; nickel in amounts up to 72 ppm; and zinc in amounts up to 40,500 ppm.
60. In addition to the above contamination, inspection of the site by representatives of the Department has revealed the presence of numerous drums of unknown materials at the site. Analyses of samples taken from such drums reveal the presence of hazardous substances, including volatile organic substances in amounts totalling up to 1910 ppm.

E. Storage and Site Security

61. The hazardous substances contained in the elevated tanks, storage tanks and vessels, drums, and all other containers at the site, are not satisfactorily stored or contained and are or may be discharging onto the lands and into the ground and surface waters at the site.
62. The Borne site is inadequately secured against unauthorized entry by members of the public. The site, which is in close proximity to a

residential area, has the potential for unauthorized access from all sides, including the Arthur Kill and South Front Street.

63. As long as the site remains inadequately secured, the potential exists for members of the public to come into direct contact with the various hazardous substances referenced above.
64. Because of the volume and nature of the hazardous substances at the site, the inadequate and unsatisfactory storage of such hazardous substances, and the potential for unauthorized access by members of the public, there exists the potential for fire and/or explosion to occur, and the potential for imminent and severe damage to the public health and safety and the environment.

F. Interim Remedial Measure

65. Based upon all the above, the Department has determined that in order to prevent unauthorized access to the site and to protect the public health and safety and the environment, it is necessary to remove from the site, and dispose of properly, all hazardous substances at the site, and to take necessary and appropriate measures to prevent unauthorized access to the site.

G. Liability

66. The hazardous substances referred to above have been, and continue to be, discharged onto the lands and into the surface waters of the State, or such hazardous substances are not satisfactorily stored or contained and if discharged would create a substantial risk of imminent damage to the public health and safety or imminent and severe damage to the environment, in violation of Section 4 of the Act, N.J.S.A. 58:10-23.11c.
67. The Department believes that Margolis, AT&T, Baron, Basic, BPNAT, Buckeye, Chemsol, Chesebrough-Pond's, Coastal Oil, Combustion Engineering, Hess, Elf Marine, Exxon, Food Haulers, Getty, Keyline, Lehan, Marisol, Peabody, Peabody International, Phelps Dodge, PSE&G, Swan Michigan, Texaco, Ocean, Rolfite, U.S. Oil, and Wakefern (hereinafter "Respondents") are responsible for the discharge, and the potential discharge, of hazardous substances at the Borne site.
68. Pursuant to N.J.S.A. 58:10-23.11g(c), the Respondents are strictly liable, jointly and severally, without regard to fault, for all costs of the cleanup and removal of the hazardous substances discharged, or stored, at and from the Borne site.
69. Pursuant to N.J.S.A. 58:10-23.11f, whenever any hazardous substance is or may be discharged, the Department may, in its discretion, act to remove or arrange for the removal of such discharge or may direct the discharger to remove, or arrange for the removal of, such discharge.

DIRECTIVE

NOW, THEREFORE, RESPONDENTS ARE HEREBY DIRECTED TO:

70. Within thirty (30) calendar days after receipt of this DIRECTIVE, provide adequate security against the unauthorized entry to the site by members of the public, provide adequate protection against the risk of fire and/or explosion at the site, and eliminate the risk of imminent damage to the public health and safety or imminent and severe damage to the environment, by:
- a. Securing the site.

Site security is to be implemented and maintained, at a minimum, by:
 - 1. The repair, replacement or addition, as required, of fencing and gates around the site perimeter and tank farm; the posting of the perimeter of the site and tank farm with "Warning: No Trespassing" signs, and the locking of all gates and entrances to prevent unauthorized access to the site;
 - 2. Securing and/or sealing all accessible building openings and windows; locking, sealing, and/or otherwise securing, as appropriate, all building doors, gates or entrances to prevent unauthorized access to the buildings or structures; and
 - 3. Providing adequate fire and explosion protection.
 - b. Removing and properly disposing of the hazardous substances contained in all elevated tanks, storage vessels, drums or other containers at the site. The removal action must include, but not be limited to, the analysis, classification and proper disposal of the contents of all above ground and below ground piping; indoor and outdoor tanks, impoundments, barrels, drums, pails, bottles and other containers; the analysis, classification and proper disposal of debris, contaminated containers and all other potentially hazardous materials on the site.

NOTICE

If Respondents fail to perform the actions set forth in Paragraph 70, above, within thirty (30) days after receipt of this DIRECTIVE, the Department will perform the work using public funds. In order to ensure that the Respondents will perform the work in a proper and timely manner, the Respondents' commitment to perform the work must be memorialized in an Administrative Consent Order acceptable to the Department, with adequate financial assurances and stipulated penalties, within the thirty (30) day time period. If the Respondents are unwilling to execute such an Administrative Consent Order within the thirty (30) day time period, the Department will have no choice but to conclude that the Respondents are unwilling

to perform the work in a proper and timely manner, and the Department will proceed with the work using public funds. In addition, should Respondents fail to agree to perform the actions set forth above, the Department will commence suit against the Respondents seeking damages and reimbursement for all costs incurred. Specifically, failure to comply with this DIRECTIVE will increase Respondents' liability to the Department to an amount equal to three (3) times the cost of the work, and will cause a lien to be placed upon all of the Respondents' real and personal property, pursuant to Section 7 of the Act, N.J.S.A. 58:10-23.11f.

The Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., provides that its remedies are in addition to any other remedies allowed by law. Therefore, Respondents should be aware that the discharges referenced in this DIRECTIVE may also constitute violations of the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and that Respondents may therefore be subject to the penalties prescribed for violations of the Water Pollution Control Act.

RESERVATION OF RIGHTS

The Department reserves the right to direct Respondents to take, or arrange for the taking of, any and all additional remedial actions should the Department determine that such actions are necessary to protect public health and safety or the environment.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Date: 7/7/87

By: Ronald T. Corcory
Ronald T. Corcory
Assistant Director for
Enforcement
Division of Hazardous Waste
Management

CERTIFICATE OF SERVICE

This is to certify that on the 7th day of July, 1987, I served a true copy of the foregoing Directive entitled "In the Matter of Borne Chemical Company and A. Margolis & Sons Corp., et al." upon each of the persons listed on the attached Service List by certified mail, return receipt requested.

Rebecca J. Pae
Rebecca Pae

p. 174

1

K

REFERENCE NO. 9

| SUPERFUND TECHNICAL ASSESSMENT AND RESPONSE TEAM | | PROJECT NOTES |
|--|--|-------------------|
| TO: | Borne Chemical file | DATE:
02/27/97 |
| FROM: | K. Campbell (Kc) | |
| SUBJECT: | Spill/Violation History | |
| REFERENCE | The following presents a summary of known spill and violation events that have occurred on site: | |
| Violations - | April 21, 1980 - NJDEP Notice of Prosecution (NOP) to Borne Chemical for violation of Rules of Solid Waste Administration (Attachment A). | |
| | April 21, 1980 - NJDEP Notice of Prosecution (NOP) to Peabody Coastal Services for violation of Rules of Solid Waste Administration (Attachment B). | |
| | October 27, 1980 - NJDEP Field Record of Violation to Rolfite Corp. for the abandonment of drummed materials on site (Attachment C). | |
| | February 24, 1981 - EPA Notice of Violation (NOV) to Borne Chemical for deficiencies in Spill Prevention Control and Countermeasure Plan (SPCC) (Attachment D). | |
| | October 3, 1981 - NJDEP Solid Waste Administration Order regarding solid waste disposal on site, referring to Oct. 27, 1980 inspection (Attachment E). | |
| | October 13, 1981 - NJDEP NOP to Rolfite Corp. for violating Rules of the Solid Waste Administration, referring to Oct. 27, 1980 inspection (Attachment F). | |
| | August 1, 1983 - NJDEP Incident Report for Borne Chemical, noting dumping/poor storage (Attachment G). | |
| | August 23, 1983 - NJDEP NOV to Borne Chemical for failure to submit a Generator Annual Report for 1982 (Attachment H). | |
| Spills/Fires/Complaints - | December 8, 1978 - Spill of nitrobenzene by Coastal Env. Services in Tank Farm Area; same document mentions disposal of 80 yd ³ of iron oxide contaminated soils from near "diked storage tank" (Attachment I). | |
| | May 1981 - Fire at Tank 45; no additional information currently available (Attachment J). | |
| | September 2, 1982 - City of Elizabeth Department of Health plea/complaint to expedite cleanup activities at the site (Attachment K). | |



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF ENVIRONMENTAL QUALITY
JOHN FITCH PLAZA, CN027, TRENTON, N.J. 08625
SOLID WASTE ADMINISTRATION

GEORGE J. TYLER
DIRECTOR

NOTICE OF PROSECUTION

(BORNE-SCRYMSER CORP.)
(600-616 AND 632-650,)
(SOUTH FRONT STREET,)
(ELIZABETH, NJ)

Violations Occurred on Premises
Known As:

Borne-Scrymser, 600-616 and 632-650
South Front St., Elizabeth, New
Jersey, County of Union

Dear Sir:

Investigation by this Department on January 28, 1980, disclosed violations of the New Jersey Administrative Code 7:26-1 et seq. The maximum penalty that may be levied for each violation is \$3,000 per day.

Prosecution is being withheld until May 21, 1980 for settlement of a claim for a penalty against you in the amount of \$2,000. Should you desire to settle your claim, payment must be made on or before this date by money order or check drawn to the order of Treasurer, State of New Jersey.

N.J.A.C. 7:26-2.2(b) (\$1,000) The investigation disclosed that Borne-Scrymser Corp. engaged in the disposal of solid waste, specifically chemical waste, on the above mentioned premises without having first obtained an approved registration statement from the Department.

N.J.A.C. 7:26-2.2(c) (\$1,000) The investigation disclosed that Borne-Scrymser Corp. engaged in the disposal of solid waste, specifically chemical waste, on the above mentioned premises without having first submitted an engineering design and obtained approval of same from the Department.

FURTHERMORE, Borne-Scrymser IS HEREBY ORDERED to:

1. Immediately cease all waste storage, processing and disposal activities.

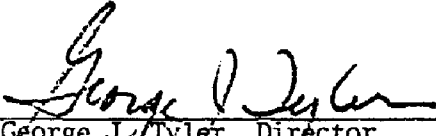
New Jersey Is An Equal Opportunity Employer

Att. A, p. 2

2. Within 14 days of receipt of this Order, submit the following information to the Solid Waste Administration:
 - a. Total number of containers, volumes and contents on-site;
 - b. Identify any materials buried on-site;
 - c. Identify any materials which have leaked or spilled from drums or other containers;
 - d. A schedule to excavate and remove all chemical waste from the site to an authorized special waste facility within 30 days of receipt of this Order; and
3. Within 30 days of receipt of this Order:
 - a. Excavate and remove all chemical waste from the above captioned property to an authorized special waste facility;
 - b. Excavate and remove all chemical materials which have leaked or spilled from containers of materials stored at the above location;
 - c. Repackage any container which fails to hold its contents so as to prevent any spillage.
4. All containers are to be properly labeled and all shipments of chemical waste materials are to be accompanied by the appropriately completed special waste manifest; and
5. All shipments of waste must be hauled by a properly registered collector/hauler.
6. Notify the Solid Waste Administration within 24 hours before any specific time of any shipments.

Failure to comply with all of the requirements of this Notice of Prosecution and/or failure to make timely payment of penalties identified above will precipitate immediate referral of this matter to the Office of the Attorney General to seek maximum penalties allowed by law.

April 21, 1980
DATE


George J. Tyler, Director
Division of Environmental Quality

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION II
26 Federal Plaza
New York, New York 10278

----- -x
In the Matter of :
 :
Borne Chemical Company, Inc. :
Elizabeth, New Jersey : NOTICE OF VIOLATION
 :
Violation of the Oil Pollution :
Prevention Regulations promulgated : EPA Docket No. OH-II-81-1
pursuant to section 311(j)(1)(C) :
of the Clean Water Act, 33 U.S.C. :
§1321(j)(1)(C)(1978) :
----- -x

NOTICE OF VIOLATION

THIS IS TO NOTIFY YOU that the United States Environmental Protection Agency (EPA) has reason to believe that Borne Chemical Company (Respondent), with offices located at 632 Front Street, Elizabeth, New Jersey, 07207, has violated the Oil Pollution Prevention Regulations, 40 C.F.R. Part 112 (1979). These regulations were promulgated pursuant to section 311(j)(1)(C) of the Clean Water Act, 33 U.S.C. §1321(j)(1)(C)(1978). EPA has reason to believe that Respondent has violated 40 C.F.R. Part 112 (1979) by committing the following violation or violations at its facilities located at the above address:

1. failing to prepare and maintain at its above-specified facilities a Spill Prevention Control and Countermeasure (SPCC) Plan as required by 40 C.F.R. §112.3 (1979).
2. failing to have the SPCC Plan for its above-specified facilities certified by a Registered Professional Engineer (P.E.) as required by 40 C.F.R. §112.3 (1979).
3. failing to fully implement at its above-specified facilities an SPCC Plan as required by 40 C.F.R. §112.3 (1979).
4. failing to maintain a complete copy of the SPCC Plan at its above-specified facilities as required by 40 C.F.R. §112.3 (1979).

5. failing to submit information to the EPA, as required by 40 C.F.R. §112.4 (1979), after a spill at its above-specified facilities.
6. failing to amend the SPCC Plan for its above-specified facilities, as required by 40 C.F.R. §112.4 (1979), after a spill.
7. failing to implement an amendment to the SPCC Plan for its above-specified facilities, as required by 40 C.F.R. §112.4 (1979), after a spill.
8. failing to amend the SPCC Plan for its above-specified facilities, as required by 40 C.F.R. §112.5 (1979), after a change in facility design, construction, operation, or maintenance.
9. failing to implement amendments to the SPCC Plan for its above-specified facilities, as required by 40 C.F.R. §112.5 (1979) after a change in facility design, construction, operation, or maintenance.
10. failing to review the SPCC Plan for its above-specified facilities every three years, as required by 40 C.F.R. §112.5 (1979).
11. failing to amend the SPCC Plan for its above-specified facilities after a three-year review, as required by 40 C.F.R. §112.5 (1979).
12. failing to have an amendment to the SPCC Plan for its above-specified facilities certified by a Professional Engineer, as required by 40 C.F.R. §112.5 (1979).

CIVIL PENALTY

Section 311(j)(2) of the Clean Water Act, 33 U.S.C. §1321(j)(2)(1978), and 40 C.F.R. §112.6 (1979) provide that violation of 40 C.F.R. Part 112 (1979) gives rise to liability for a civil penalty.

WHEREFORE, on the basis of the facts presently before the EPA, a civil penalty is hereby proposed to be assessed against Respondent in the amount of \$50,000 (FIFTY THOUSAND DOLLARS).

NOTICE OF OPPORTUNITY FOR A HEARING

Within 30 (THIRTY) days of receipt of this Notice of Violation, Respondent may, pursuant to 40 C.F.R. §114.5 (1979), request a hearing by submitting a written request, signed by a duly authorized officer, director, agent, or attorney, to the Regional Administrator, United States Environmental Protection Agency, Region II, 26 Federal Plaza, New York, N.Y. 10278. The request for a

hearing shall state the name and address of the person requesting the hearing, enclose a copy of this Notice of Violation, and state with particularity the issues to be raised at the hearing. If the request complies with the requirements of 40 C.F.R. §114.5 (1979), a hearing will be scheduled at the earliest possible date at a time and location set by EPA after consulting with Respondent. The hearing will be conducted in accordance with 40 C.F.R. §114.9 (1979). Respondent may be represented by counsel at the hearing.

Within 30 (THIRTY) days after the conclusion of the hearing, the Presiding Officer shall issue findings, including the amount of the civil penalty assessed, where appropriate. A copy of the Presiding Officer's decision shall be sent to Respondent. The decision of the Presiding Officer shall become the final decision of EPA unless Respondent appeals the decision to the Administrator within 15 (FIFTEEN) days from receipt of such decision. Any appeal must follow the format set forth in 40 C.F.R. §114.11(b)(1979). In rendering a decision, the Administrator may adopt, modify, or set aside the decision of the Presiding Officer. If no appeal is made, the decision of the Presiding Officer constitutes the Final Order. If an appeal is made, the decision of the Administrator constitutes the Final Order.

If the Final Order includes a civil penalty, such penalty shall be payable within 30 (THIRTY) days of receipt of the Final Order. The penalty shall be paid by check payable to the order of the United States Coast Guard, and shall be mailed to the Director, Enforcement Division, United States Environmental Protection Agency, Region II, 26 Federal Plaza, New York, N.Y. 10278.

MITIGATION OF CIVIL PENALTY

Prior to requesting a hearing, Respondent may, within 30 (THIRTY) days of receipt of this Notice, submit to EPA written explanations, information, or other materials in answer to the charges made, in mitigation of the penalty proposed, or bearing on its efforts to achieve compliance after notification of the violation. If the information submitted includes actions to be taken in the future, Respondent shall submit a written statement, signed by a duly authorized officer, director, agent, or attorney, committing itself to take such measures in as short a time as possible. Such a commitment shall include a proposed schedule of compliance including a statement of the commitment of the necessary resources. Any written explanations, information, or other materials submitted shall be sent to the Director, Enforcement Division, United States Environmental Protection Agency, Region II, 26 Federal Plaza, New York, N.Y. 10278. The amount of the proposed penalty will be reconsidered on the basis of any information received, and a revised proposed civil penalty for violation of the Oil Pollution Prevention Regulations may be issued if it is determined that a penalty in a different amount is appropriate. If it is determined that the originally proposed penalty should not be changed, Respondent will be so informed.

SETTLEMENT CONFERENCE

At any time prior to a hearing, or if no hearing is requested, within 30 (THIRTY) days after receipt of this Notice, Respondent may confer with EPA concerning either the violation noticed herein or the amount of penalty proposed. Should any such conference result in an agreement, that agreement shall be issued as a written Order on Consent by the Regional Administrator, Region II, EPA, and such document shall be referred to as a Settlement Agreement. The issuance of such a Settlement Agreement shall constitute a waiver of Respondent's right to contest through further administrative proceedings any matter stipulated in the Agreement.

SPCC PUBLIC FILE

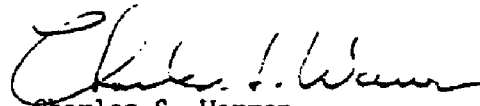
EPA Region II maintains a public spill prevention file at its offices located at 26 Federal Plaza, New York, N.Y. 10278, in Room 432. This file contains hearing decisions rendered by EPA, both regionally and on appeal to the Administrator, as well as current spill prevention regulations and pertinent memoranda issued from time to time by EPA Headquarters, Washington, D.C. To request access to this file, contact Dr. Richard A. Baker, Chief, Permits Administration Branch, Management Division, at the above address or by telephone at (212) 264-9881.

FURTHER INFORMATION

If you wish to discuss this Notice or if you have any questions concerning this Notice, contact Coles H. Phinzy, Jr., Esq., Attorney, Water Enforcement Branch, EPA Region II, 26 Federal Plaza, New York, N.Y. 10278, telephone number (212) 264-9896/9836.

The failure of the Respondent to respond to this Notice of Violation as prescribed above or to request a hearing will result in a district court action by the United States to collect the full amount of the penalty proposed for this violation. Your commitment to correct deficiencies and to comply with 40 C.F.R. Parts 110 to 114 (1979) is to your advantage.

Signed this ^{24th} day of
February, 1981


 Charles S. Warren
 Regional Administrator
 United States Environmental
 Protection Agency
 Region II

A.H.D., p. 4

HCCSIS

Jack P.



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF ENVIRONMENTAL QUALITY
JOHN FITCH PLAZA, CN027, TRENTON, N.J. 08625
SOLID WASTE ADMINISTRATION

ORDER

TO: Borne Chemical Company,
Incorporated
Augustine J. Corona, R.A.
632 S. Front Street
Elizabeth, New Jersey

Re: N.J.A.C. 7:26-1.1 et seq.
Order Dated:
Violation Occurred at
Premises Known As:

600-632 South Front Street
Account # 4-1468-9
Elizabeth City
Union County, NJ

The State Department of Environmental Protection has determined by investigation(s), inspection(s), or observation(s), made on October 27, 1980 pursuant to the provisions of the New Jersey Solid Waste Management Act (NJSA 13:1E-1 et seq.) that on October 27, 1981 you did violate Title 7, Chapter 26, Subchapter 2, Section 2(b) and 2(c).

N.J.A.C. 7:26-2.2(b)

The investigation(s), inspection(s), or observation(s) disclosed that you engaged in the disposal of solid waste on the above mentioned premises without first having obtained an approved registration statement from the Department.

N.J.A.C. 7:26-2.2(c)

The investigation(s), inspection(s), or observation(s) disclosed that you engaged in the disposal of solid waste on the above mentioned premises without first having submitted an Engineering Design and obtained Departmental approval of said design from the Department.

In addition, please be advised that the Solid Waste Administration cannot consider for review an application for Registration unless the proposed site is included in the applicable district Solid Waste Management Plan.

New Jersey Is An Equal Opportunity Employer

Att. E, p.1

Ref. 9

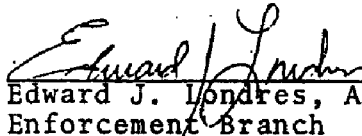
Violations of this nature are to be corrected immediately.

1. Within 30 days of receipt of this Notice:
 - a. Excavate and remove all chemical waste from the above captioned property to an authorized special waste facility;
 - b. Excavate and remove all chemical materials which have leaked or spilled from containers of materials stored at the above location;
 - c. Repackage any container which fails to hold its contents so as to prevent any spillage.
2. All containers are to be properly labeled and all shipments of chemical waste materials are to be accompanied by the appropriately completed special waste manifest; and
3. All shipments of waste materials must be hauled by a properly registered collector/hauler.
4. Notify the Solid Waste Administration within 24 hours before any specific time of any shipments.

The maximum penalty that may be levied for each violation is \$25,000 per day and injunctive relief.

If you are aggrieved by this Order, you may upon written application make within 15 days of the date of this Order be entitled to a hearing before this Department.

Dated: October 3, 1981


Edward J. Londres, Assistant Director
Enforcement Branch

CERTIFIED MAIL



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF ENVIRONMENTAL QUALITY
JOHN FITCH PLAZA, CN227, TRENTON, N.J. 08625

SOLID WASTE ADMINISTRATION

NOTICE OF PROSECUTION

TO: Rolfite Company
Corp. Trust Co. - R.A.
28 West State Street
Trenton, NJ 08608

Re: N.J.A.C. 7:26-1.1 et seq.
Order Dated:
Violation Occurred at
Premises Known As:

and

Rolfite Company
A.J. Alexandre, President
300 Broad Street
Stanford, Connecticut 06901

600-632 South Front St.
Account # 4-1468 & 9
Elizabeth City
Union County, NJ

The State Department of Environmental Protection has determined by investigation(s), inspection(s), or observation(s), made pursuant to the provisions of the New Jersey Solid Waste Management Act (NJSA 13:1E-1 et seq.) that on October 27, 1980 you did violate Title 7, Chapter 26, Subchapter 2, Section 2(b) & 2(c).

N.J.A.C. 7:26-2.2(b)

The investigation(s), inspection(s), or observation(s) disclosed that you engaged in the disposal of solid waste on the above mentioned premises without first having obtained an approved registration statement from the Department.

N.J.A.C. 7:26-2.2(c)

The investigation(s), inspection(s), or observation(s) disclosed that you engaged in the disposal of solid waste on the above mentioned premises without first having submitted an Engineering Design and obtained Departmental approval of said design from the Department.

Att. F, p. 1

REL 9

New Jersey Is An Equal Opportunity Employer

IN ADDITION, please be advised that the Solid Waste Administration cannot consider for review an application for registration unless the proposed site is included in the applicable district solid waste management plan.

NOW, THEREFORE, YOU ARE HEREBY ORDERED, to cease violation of said Subchapter(s) on premises owned, leased, operated or maintained by you immediately.

FURTHERMORE, YOU ARE HEREBY ORDERED TO:

Within 14 days of receipt of this Notice, submit the following information to the Solid Waste Administration:

- a. Total number of containers, volumes and contents on-site;
- b. Identify any other chemical materials on-site;
- c. Identify any materials which have leaked or spilled from drums or other containers;
- d. Schedule to excavate and remove all chemical waste from the site to an authorized special waste facility within 30 days of receipt of this Notice.

Within 30 days of receipt of this Notice:

- a. Excavate and remove all chemical waste from the above captioned property to an authorized special waste facility;
- b. Excavate and remove all chemical materials which have leaked or spilled from containers of materials stored at the above location;
- c. Repackage any container which fails to hold its contents so as to prevent any spillage.

All containers are to be properly labeled and all shipments of chemical waste materials are to be accompanied by the appropriately completed special waste manifest; and

All shipments of waste materials must be hauled by a properly registered collector/hauler.

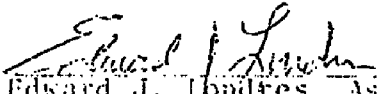
Notify the Solid Waste Administration within 24 hours before any specific time of any shipments.

The maximum penalty that may be levied for each violation is \$25,000 per day and injunctive relief.

A. J. Alexandre
Notice of Prosecution
Page 3

Prosecution is being withheld until November 13, 1981 to allow for settlement of a claim for a penalty against you in the amount of \$20,000. Should you desire to settle your claim, payment must be made on or before this date by money order or check drawn to the order of the New Jersey State Department of Environmental Protection. In the event payment is not made within the time specified, this case will be referred to the Office of the Attorney General for prosecution.

Dated: October 13, 1981


Edward J. Londres, Assistant Director
Enforcement Branch

CERTIFIED MAIL

Form VSC-005
6/82

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT

INCIDENT REPORT

20-04-07

| | | | | | |
|-----------------------------|------------------|-----------------|--------------------------|---------------|--------------------------|
| D.W.M. ASSIGNED CASE NUMBER | 813-011-011-4122 | HOT LINE | <input type="checkbox"/> | INDEXED | <input type="checkbox"/> |
| DATE | 12-01-83 | TIME (Military) | 1300 | D.W.M. ID NO. | 2116 |

INCIDENT REPORTED BY:

| | |
|-------------|----------------|
| NAME | PHONE |
| AFFILIATION | CODE |
| STREET | |
| CITY | STATE ZIP CODE |

INCIDENT LOCATION:

| | |
|--------|-----------------------|
| NAME | PHONE |
| STREET | UTM VERT UTM HORIZ |
| CITY | COUNTY STATE ZIP CODE |

SOURCE OF SPILLED AND/OR DISCHARGED SUBSTANCE: Confirmed Alleged More Than 1 Source

| | |
|--------------|-----------------------|
| COMPANY NAME | PHONE |
| CONTACT | TITLE |
| STREET | DEP COMPANY NO. |
| CITY | COUNTY STATE ZIP CODE |

SUSPECTED SPILLED AND/OR DISCHARGED SUBSTANCE: Confirmed Alleged More Than 2 Substances

| | | | |
|-------------------|-------|-------|---------------|
| 1. AMOUNT SPILLED | UNITS | A/P/E | SUBSTANCE NO. |
| 2. AMOUNT SPILLED | UNITS | A/P/E | SUBSTANCE NO. |

| | | | | |
|------------------|-----------------|---------------------|--------------------------------|--------------------|
| DATE OF INCIDENT | TIME (Military) | TEMP. | WEATHER | WIND (Dir. & Vel.) |
| SPILL ORIGIN | CAUSE | WATER BODY AFFECTED | ASSOCIATED FIRE AND/OR HAZARDS | CODE |

INCIDENT REFERRED TO:

| | |
|---------|-------------|
| AGENCY | PHONE |
| CONTACT | AGENCY CODE |

| | |
|-----------------------------|-------------|
| PRIMARY D.W.M. INVESTIGATOR | ADJUDICATOR |
| NO FURTHER ACTION | DATE |

COMMENTS:

A.H. G, p.1



20-04-07

C

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT
120 Rt. 156, Yardville, N.J. 08620

JACK STANTON
DIRECTOR

LINO F. PEREIRA
DEPUTY DIRECTOR

NOTICE OF VIOLATION

Borne Chemical Company
632 S. Front Street
Elizabeth, New Jersey 07207

Re: Failure to Submit Generator Annual Report
Generator EPA ID No.: NJD0021678237

Dear Sir:

Pursuant to the provisions of the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., the Department of Environmental Protection has determined by examination of our files that you violated N.J.A.C. 7:26-7.4(g)1 in that you failed to submit to the Department by March 1, 1983, a report of generator activities for calendar year 1982. This section requires that the report shall be on forms approved by the Department and must include the following information:

- i. generator's EPA identification number; and
- ii. designated facility's EPA identification number; and
- iii. hauler's EPA identification number; and
- iv. designated facility name and address; and
- v. waste identification, describing the total annual amount of each waste shipped to the facility identified in subparagraph 7.4(g)1ii above; and
- vi. description of waste; and
- vii. DOT hazard class; and
- viii. EPA hazardous waste number; and

New Jersey Is An Equal Opportunity Employer

Ref. 9

Att. #, p. 1

TIERRA-B-011873

ix. amount of waste; and

x. unit of measure


NOW, THEREFORE, YOU ARE HEREBY NOTIFIED that your facility shall submit the required generator annual report documents for calendar year 1982, as provided with this notice, within thirty (30) days of receipt of this Notice to: Bureau of Compliance and Enforcement, 120 Route 156 Yardville, New Jersey 08620.

BE ON NOTICE that the Solid Waste Management Act provides for penalties of up to \$25,000 per day for violation of the Department's hazardous waste management regulations. Your failure to correct the above violation may result in a penalty action by this Department up to the maximum allowed pursuant to law.

If you have any questions regarding this Notice and the required report, please call the Bureau of Hazardous Waste Classification and Manifest at (609) 292-8341 or write to the Bureau of Hazardous Waste Classification and Manifest, 32 East Hanover Street, Trenton, New Jersey 08620.

DATE:

AUG 23 1983


David J. Shotwell, Chief
Bureau of Compliance and
Enforcement

Inc

HAZARDOUS WASTE FACILITY
INSPECTION FORM

2 - 10

Facility Name: Coastal Services Inc. ID# Date: 12/8/78 Time: 10:15
Street: Lot & Block:
Town: Elizabeth Phone:
County: Person Contacted:
Inspector: M. Kramer/G. Smajda Position:

Weather Conditions: Clear

Wind Dir./SP: NE 2 mph Temp: 35°

Inspection Observations:

Odors: On Site Moderate Off Site none

Leaks, Spills: Yes X No

Source: Could not be determined; possibly from holding tanks.

Overall Housekeeping:

Poor. Currently in process of cleaning up the site.

Security Measures:

Chain link fence

Safety Features:

Comments:

Coastal Services, not registered as a special waste facility, is currently in the process of shutting down operations on their Elizabeth site. Several activities in conjunction with the clean up operation are being performed.

The major problems encountered during the cleaning up operation are finding a buyer and/or disposing between 60-65,000 gallons of nitrobenzene currently being held in one of their storage tanks.

Also there exists on the tank farm which is used by Coastal Services and the Borne Oil Co. a substantial amount of spilled, or leaking oil covering approximately 5 acres with a maximum depth of 4 inches. The spilled oil surrounds the tanks. A presence of nitrobenzene identified by its light brown-yellow color was also noted around the tank it was being stored in.

The tank farm is diked, however, there is no impermeable liner underneath it. Debris lies scattered throughout the farm.

Other activities include the disposal of a reddish soil around a diked storage tank. The soil appears to be contaminated with fe oxide.

Coastal Services has received a letter of permission to dispose of 80 yards of this soil at a N.J. landfill. The letter was hand delivered by G. Smajda during the inspection. Additional soil still needs to be disposed of, and more permission will be asked.

Rd. 9

Att. I, p. 1

SINCE 1874

BORNE CHEMICAL COMPANY, INC.

Elizabeth, N. J. 07207
201-391-1717 N.Y. 516-798-9979
TELEX - 136189

MAY 29, 1981

MR. JOHN H. SHUTTLETON
387 PASSAIC AVE.
FAIRFIELD, N.J. 07006

DEAR MR. SHUTTLETON,

RE: TANK 45 FIRE DAMAGE

I AM ENCLOSED OUR PROOF OF LOSS CLAIM FORM ON THE ABOVE
FIRE.

VERY TRULY YOURS,



HERBERT BRUNWASSER
VICE PRESIDENT, FINANCE

HB/BHB

ENC.

CC: PAUL DE FILIPPO, ESQ.



PETROCHEMICALS • LUBRICATING OILS • GREASES • TEXTILE OILS • TEXTILE TINTS • LEATHER COMPOUNDS • OIL ADDITIVES

A.H.J., p. 1



4 copies

CITY OF ELIZABETH, NEW JERSEY
DEPARTMENT OF HEALTH, WELFARE AND HOUSING

RECEIVED
SEP -7 1982
CITY CLERK

JOHN N. SULLIVAN
DIRECTOR

September 2, 1982

THOMAS G. DUNN
CITY CLERK

The Honorable Members of City Council
City Hall
Elizabeth, N.J.

RE: BORNE CHEMICAL CORP.
632 S. Front Street

Gentlemen:

On April 30, 1982 I sent you an advisory memorandum on the status of conditions at Borne Chemical Corporation.

On April 20, 1982 Fire Director Sullivan advised your Honorable Body that the contents of the tank farm at Borne would be removed beginning April 27, 1982.

During this interim there was a slow removal progress occurring... originally anticipated to be six weeks...now some eighteen weeks later...on August 20th my department was advised by the State Department of Environmental Protection that the removal operation has been suspended indefinitely because of prohibitive costs.

This same D.E.P. official indicated that negotiations are in progress with the removal firm to find an approved, local disposal site.

It is my understanding that these tanks contained dangerous PCB's, a known carcinogen, but that blending would occur during the removal process to lower the concentrations to EPA's approved levels for transport.

I know of no local facility that can handle PCB's laced waste oil.

Here is another case wherein D.E.P. has the jurisdiction to act, but local officials are left with the problem.

....CONTINUED

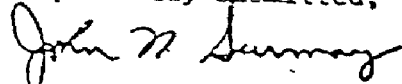
Att. K, p. 1

Ref. 9

Honorable Members of City Council
September 2, 1982
Page....(Cont'd)

I repeat my plea of April 30th for City Council to adopt a Resolution indicating the City's displeasure at the interminable delay since mid-1979 when the first spill occurred at Borne Chemical in having these hazards removed out of our City...and to urge DEP Commissioner Hughey and Governor Kean to move forthwith in having these conditions corrected.

Respectfully submitted,



John N. Surmay, Director
HEALTH, WELFARE & HOUSING

NS:in

C: Mayor Thomas G. Dunn
John F. Papetti, Sr. Business Administrator
Joseph Brennan, Police Director
Joseph Sullivan, Fire Director
Kenneth J. Sandor, Health Officer

AH. K, p-2

Rcl.9

REFERENCE NO. 10

02-96-03-0020

| SUPERFUND TECHNICAL ASSESSMENT AND RESPONSE TEAM | | PROJECT NOTES |
|--|--|---------------|
| TO:
Borne Chemical file | DATE:
02/27/97 | (Page 1) |
| FROM:
K. Campbell (KC) | | |
| SUBJECT:
Site Actions/Litigation | | |
| REFERENCE | Litigation involving the Borne Chemical (Borne) site is currently ongoing. Due to the complexity and duration of the site-related litigation, a brief summary of pertinent legal matters is provided below: | |
| | <ul style="list-style-type: none"> ▪ From 1973 to July 1979, The Rolfite Company (Rolfite) contracted Borne to blend raw materials into a finished product and ship this product to Rolfite's customers. On August 21, 1979, Borne filed an action against Rolfite (et al.) regarding the conspiring to misappropriate trade secrets allegedly belonging to Borne. Rolfite proceeded to counterclaim, seeking the return of raw materials allegedly wrongfully retained by Borne. In October 1979, Rolfite filed a motion seeking a Writ of Replevin with respect to these materials. Borne contested until Rolfite agreed to pay for past material storage. A Consent Order was entered by the Superior Court of New Jersey on December 26, 1979 allowing Rolfite to remove materials. | |
| | <p>Over the next few months, the two parties had further disagreements regarding the removal of materials. A second NJ Superior Court Order was entered on May 9, 1980. Rolfite allegedly completed their removal of materials on May 24, 1980; Borne believes that Rolfite selectively removed materials and left product on site. Borne motioned to have this material removed via "mandatory injunction." As the circumstances did not meet the criteria for a mandatory injunction, the Court denied the motion (Attachment A).</p> | |
| | <ul style="list-style-type: none"> ▪ Borne also entered into litigation regarding issues relating to its bankruptcy (Feb. 15, 1980) and subsequent wishes to sell its Elizabeth property. The Court determined that Bankruptcy laws did not supersede ECRA laws and therefore, the property sale was subject to ECRA (Attachments B, C). (The potential buyers of two of the three parcels would have had to incur the associated cleanup costs. The transactions never were completed.) | |
| | <ul style="list-style-type: none"> ▪ In December 1983, Borne and Rolfite agreed upon a settlement regarding the remaining Rolfite materials on site (Attachments D, E). On January 6, 1984, Borne and Rolfite entered into the associated Stipulation and Consent Order of Settlement (Ref. No. 8, pp. 30-33 of this report). | |

Ref. 10

| SUPERFUND TECHNICAL ASSESSMENT AND RESPONSE TEAM | | PROJECT NOTES |
|--|----------|---------------|
| TO: | DATE: | |
| Borne Chemical file | 02/27/97 | (Page 2) |
| FROM: | | |
| K. Campbell (KC) | | |
| SUBJECT: | | |
| Site Actions/Litigation | | |
| REFERENCE | | |
| <ul style="list-style-type: none"> Borne had also applied for a preliminary mandatory injunction against Coastal Services, Inc. (date unknown) | | |
| (Ref. No. 8, pp. 97-114 of this report). | | |
| <ul style="list-style-type: none"> From the 1980's to the present, the NJDEP has been heavily involved with the Borne case. State actions include, but are not limited to: | | |
| July 7, 1987 - Directive to Borne, et al.: secure site, remove/dispose of hazardous substances; | | |
| October 5, 1987 - Administrative Consent Order (ACO): agreement to establish security; | | |
| October 6, 1987 - Supplemental Directive: site security, remove/dispose of haz. substances; | | |
| March 29, 1989 - Second Supplemental Directive: site security, removal/disposal; | | |
| July 24, 1989 - ACO II: site security, removal/disposal of haz. substances (Ref. No. 3). | | |
| A Third Supplemental Directive and Revised Supplemental Directive were also issued by the NJDEP. | | |
| On October 25, 1995, Borne (et al.) signed an NJDEP Memorandum of Agreement (MOA) to conduct remedial investigation activities at the site (Attachment F). On October 31, 1996, the NJDEP notified Borne (et al.) that the requirements of the removal activities set forth in the ACO II were met (Attachment G). | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

PUBLICATION WITHOUT THE APPROVAL OF THE COMMITTEE ON OPINIONS
SUPERIOR COURT OF NEW JERSEY

EDWARD W. McGRATH
JUDGE

COURT HOUSE
ELIZABETH, NEW JERSEY
07207

December 17, 1980

Donald H. Steckroth, Esq.
c/o Crummy, Del Deo, Dolan & Purcell, Esqs.
Gateway #1
Newark, New Jersey 07102

LETTER OPINION

James Pitney, Esq.
c/o Pitney, Hardin & Kipp, Esqs.
163 Madison Avenue
Morristown, New Jersey 07960

Re: Borne Chemical Company Inc., et al -v-
The Rolfite Company, et al - Docket #C-5071-79

Gentlemen:

This matter is currently before this Court upon plaintiffs' motion for an Order compelling defendant The Rolfite Company (herein "Rolfite") to remove its goods and materials from the premises of plaintiff Borne Chemical Company (herein "Borne"). The resolution of this matter was held in abeyance pending anticipated testimony of an official of the New Jersey Department of Environmental Protection (herein "E.P.A.") as to alleged hazardous condition created by the extended storage of the subject goods and materials. It is now apparent, however, that the E.P.A. is not interested in appearing in this matter, therefore decision is being rendered at this time solely upon the papers and oral arguments previously submitted to the Court concerning this matter.

The facts relevant to the resolution of this matter are as follows: Borne was a contract manufacturer for Rolfite from sometime in 1973 until July 1979. Rolfite would ship raw materials to Borne's plant in Elizabeth, N.J., where they were manufactured by Borne into finished products and shipped to Rolfite's customers.

In July 1979, the relationship between Borne and Rolfite was terminated by Borne and thereafter on August 21, 1979, Borne filed the present action averring that Rolfite and others had conspired to misappropriate trade secrets allegedly belonging to Borne. Rolfite counterclaimed seeking, among other things, the return of certain raw materials which were allegedly being wrongfully detained by Borne.

Att. A, p. 1

Ref. 16

December 17, 1980
Letter Opinion

In October 1979, Rolfite filed a motion seeking, among other things, the issuance of a Writ of Habeas Corpus with respect to the raw materials being detained by Borne. That motion was contested by Borne until Rolfite agreed to pay \$7,971.56 to Borne for storage, tank rentals, blending and drum charges and, additionally, agreed to post a bond or cash in double the amount of \$945.45 representing the monthly charge for September 1979 for Borne's storage of Rolfite's materials. Borne then removed opposition to the motion and a Consent Order dated December 26, 1979 was entered by this Court allowing Rolfite to remove its materials from Borne's premises.

Subsequent negotiations between the parties resulted in a schedule for removal of the raw materials from Borne's premises. Following removal of a number of truckloads of the raw materials, Rolfite ceased making arrangements to complete the process for a period of about a month and a half. When Rolfite attempted to resume removal following the lapse of time, Borne objected stating that additional money for storage of the raw materials must be paid before Rolfite would be allowed to complete the job.

As a result of a motion brought by Rolfite a further Order of this Court was entered on May 9, 1980 compelling Borne to comply with the aforementioned Order dated December 26, 1979 and again allowing Rolfite to remove its raw materials from Borne's premises. This Order set up a schedule for removal and denied Borne's request for additional storage and leasing charges stating that these claims were to await the outcome of the trial of this matter.

Rolfite subsequently removed more materials from Borne's premises, allegedly completing the process on May 24, 1980. Borne claims, however, that Rolfite only "selectively" removed its products leaving behind numerous tanks of hazardous chemicals, which cannot be disposed of easily. Borne asserts that it should not be made to pay for the safe removal of these materials and cleaning of Borne's storage tanks as Borne is presently involved in Chapter XI reorganization proceedings pursuant to Federal Bankruptcy laws. Borne seeks by this motion to compel Rolfite to remove these materials from its premises, including the cleaning of the chemical residue from Borne's storage tanks, which now hold these materials.

Rolfite, on the other hand, asserts by affidavit of Lise-Lotte E. Sandson, Manager of Materials for Rolfite, dated September 10, 1980 that the majority of these materials Borne identifies as Rolfite products are not in fact the property of Rolfite. Additionally by this affidavit, Rolfite denies responsibility for disposal of Rolfite products returned to Borne by Rolfite's customers asserting that the reason for the returns is that Borne had improperly manufactured the products. Rolfite further asserts in this affidavit that Borne

A.H.A., p. 2

December 17, 1980
Letter Opinion

improperly stored certain Rolfite products rendering them useless. Finally, Rolfite contends that it had paid a monthly fee to Borne for waste disposal and that under its contract arrangements with Borne, Rolfite never had responsibility for cleaning of the storage tanks.

Although not labeled as such, what plaintiffs ask essentially by this motion is a mandatory injunction compelling Rolfite to remove certain goods and materials from Borne's premises, therefore the established law as to injunctions must be considered at this point.

An injunction is an extraordinary remedy to be granted in the Court's discretion. Tidaback v Ruda, 138 N.J. Eq. 59 (Ch) aff'd 138 N.J. Eq. 479 (E & A 1946); Suenram v Society of the Valley Hosp., 155 N.J. Super 593 (Law Div. 1977). There are, however, certain elements which must be present in order for a Court to grant a preliminary injunction. These are: (1) the need to prevent irreparable harm; (2) the movant's rights are clear as a matter of law; and (3) the essential facts are undisputed. Citizens Coach Co. v Camden Horse R. Co. 29 N.J. Eq. 299 (E & A 1878).

Here, none of the above stated elements are present. This Court has already decided in its Order dated May 9, 1980 that any costs incurred by Borne as a result of Rolfite's refusal to remove its goods and materials from Borne's premises may be recovered by Borne upon the presentation of proper proofs at time of trial (assuming, of course that plaintiffs amend their complaint accordingly). The first necessary element, therefore, - the need to prevent irreparable harm - is not present, since plaintiffs alleged damages are monetarily compensable.

Borne's argument to the effect that it should not be made to pay for the removal of Rolfite's chemicals from its premises and cleaning of its tanks due to the fact that Borne is involved in Chapter XI proceedings is not a sufficient reason to grant this mandatory injunction. It is true that a mandatory preliminary injunction will issue when the balance of relative inconvenience favors the movant. Moss Industries v Irving Metals Co., 140 N.J. Eq. 484 (Ch 1947). However, it is equally true that such an injunction will issue only when the basic right of the party requiring relief is very clear. Id. Here, Borne's right to relief in this situation is not clear as a matter of law as there are several serious factual disputes between the parties which require submission of appropriate proofs at trial. Thus, the second necessary element - that the movant's rights be clear as a matter of law - is not present.

Finally, it is the law that where the movant's contentions are denied under oath, the movant is not entitled to a preliminary injunction. Lance Industries, Inc., v Eastern Specialties Co., 107 N.J. Super 296 (Ch Div. 1969). Rolfite has effectively contested the factual

Borne vs Rolfite
Docket #C-5071-79
Page #4-

December 17, 1980
Letter Opinion

allegations underlying Borne's right to relief in this situation by the aforementioned September 10, 1980 affidavit of Lise-Lotte E. Knudsen, Manager of Materials for Rolfite. Therefore, the third element necessary for the granting of a preliminary injunction - that the essential facts are undisputed - is not present.

This Court, therefore, must deny plaintiffs' motion to compel Rolfite to remove the subject goods and materials from the premises of Borne, without prejudice to Borne to amend its complaint to include a claim for damages related to this situation. The proper resolution of this issue must await the presentation of appropriate proofs at trial.

Please submit an Order accordingly within ten (10) days.

Yours very truly,

Edward W. McGrath, J.S.C.

KMcG/jE

Att. A, p. 4

Ref. 10

CRUMMY, DEL DEO, DOLAN & PURCELL
A Professional Corporation
Gateway I
Newark, New Jersey 07102
201-622-2235
Co-Counsel to Debtor-in-Possession

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In the Matter of : (Hon. D. Joseph DeVito)
BORNE CHEMICAL COMPANY, INC., : Chapter 11
a corporation of the State : No. 80-00495
of New Jersey, :
Debtor-in-Possession : APPLICATION TO APPROVE TWO (2)
AGREEMENTS FOR SALE OF REAL ESTATE
AND OTHER ASSETS
-----X

TO THE HONORABLE D. JOSEPH DE VITO, BANKRUPTCY JUDGE

The Application of the Debtor-in-Possession, Borne Chemical Company Inc. ("Borne"), by its attorneys, Crummy, Del Deo, Dolan & Purcell, respectfully represents:

1. The Debtor filed its Chapter 11 Petition herein on February 15, 1980.
2. Thereafter, Borne operated its business until September, 1983, when most of its operations were discontinued.
3. As a result of said discontinuance of operations, Borne no longer requires the assets which are the subject matter of this Application.
4. Borne is the owner of certain real property in Elizabeth, New Jersey, consisting of three (3) separate parcels:

Att. B.p.1

Ref.10

A. The first parcel is approximately 4.9 acres and has located thereon several improvements which make-up the operating plant of Borne and its machinery and equipment ("Parcel A").

B. The second parcel is approximately 1-1/2 acres and contains several tanks and has been referred to as the "Tank Farm" ("Parcel B").

C. Separating Parcels A and B is a third parcel of approximately two (2) acres which is leased by Borne from the Chessie System Railroads ("Parcel C"). This Parcel is not being sold hereunder.

5. Borne has received two separate offers, one from Bruncor Corporation ("Bruncor") and one from Valley Forge Engineering, Inc. ("Valley Forge").

6. Bruncor includes two principals, Herbert Brunnwasser and A. J. Corona, who are former officers and employees of Borne.

7. Valley Forge has had prior contacts with Borne, which included proposals for the removal of certain materials from the Tank Farm, with the approval of the Department of Environmental Protection ("DEP") of the State of New Jersey.

8. Agreement - Borne and Bruncor.

A. Bruncor will purchase from Borne real estate (Parcel A), all machinery and equipment located thereon, all remaining raw material and inventory, and certain intangible assets as described for the sum of \$425,000.00.

B. Bruncor will purchase said assets, subject to all Environmental matters, as defined therein, will assume Borne's cleanup responsibilities, as to Parcel A to the DEP and the Environmental

Protection Agency of the United States of America ("EPA") and will indemnify Borne from any loss, damage or claims related thereto.

C. The Agreement is conditioned upon a closing of the sale of Parcel B ("Tank Farm") taking place prior to a closing under this Agreement.

D. The closing of this Agreement shall be not later than December 22, 1983.

E. A copy of the Agreement is annexed hereto and Exhibit "A".

9. Agreement - Borne and Valley Forge.

A. Valley Forge will purchase from Borne the real estate ("Parcel B") and all improvements, equipment, storage tanks, and accessories located thereon for the sum of \$100.00.

B. Valley Forge will purchase said assets, subject to all Environmental Matters as described therein, will assume Borne's cleanup responsibilities as to Parcel B, to the DEP and to the EPA and will indemnify Borne from any loss, damage or claims related thereto.

C. The closing of this Agreement shall take place not later than December 22, 1983.

D. A copy of the Agreement is annexed hereto as Exhibit "B".

10. After the closings of the foregoing Agreements, all of the tangible assets of Borne will have been liquidated and Borne will have remaining certain intangible assets which remain to be liquidated.

11. The sale of all assets hereunder are being made free and clear of liens and encumbrances, with any such lien or encumbrance to attach to the proceeds of sale. The following institutions may have

filed liens and encumbrances of record:

- A. Lincoln First Commercial Corp. ("Lincoln First").
- B. National State Bank, Elizabeth, New Jersey ("NSB").

12. The Environmental Matters and the Cleanup Matters with the DEP and the EPA are included as Exhibits to both the Bruncor Agreement and the Valley Forge Agreement.

13. The proceeds from the sale of said assets to Bruncor and Valley Forge shall be free and clear of any and all claims of the DEP and the EPA.

14. The net proceeds to be received by Borne will be distributed pursuant to the further Order of this Court shortly after the closings referred to take place. The Court has pending before it Applications for payment by administration claimants for goods and services provided to the Debtor-in-Possession during the Chapter 11, by professionals for interim fees and allowances, and by Lincoln First for a turnover of cash collateral.

15. Lincoln First has obtained an Order to Show Cause from this Court dated November 4, 1983, which seeks, among other things, an Order directing the sale of the assets referred to herein.


16. Your Applicants requests that the Court hold a hearing pursuant to the Bankruptcy Code, to shorten the notice requirements, to inquire into the sufficiency of the offers made pursuant to the Agreements, to inquire whether there are any higher or better offers, and to approve the annexed Agreements, or to approve any higher or better offer made at that hearing.

Att. B, p. 4

WHEREFORE, your Applicant prays for the issuance of the annexed Order to Show Cause and for the entry of an appropriate Order or Orders on the return date hereof.

CRUMMY, DEL DEO, DOLAN & PURCELL
Attorneys for Debtor-in-Possession

By:

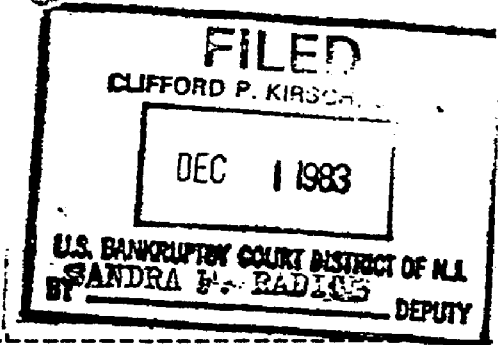

Frank J. Vecchione

Ref. 10

Att. B, p. 3

- 5 -

CRUMMY, DEL DEO, DOLAN & PURCELL
A Professional Corporation
Gateway I
Newark, New Jersey 07102
201-622-2235
Co-Counsel to Debtor-in-Possession



UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In the Matter of : (Hon. D. Joseph DeVito)
BORNE CHEMICAL COMPANY, INC., : Chapter 11
a corporation of the State : No. 80-00495
of New Jersey, :
Debtor-in-Possession. : ORDER TO SHOW CAUSE TO APPROVE TWO
: (2) AGREEMENTS FOR SALE OF REAL
: ESTATE AND OTHER ASSETS

-----x

This matter having been opened to the Court, by Crummy, Del Deo, Dolan & Purcell, counsel to Debtor-in-Possession herein, ("Borne") and the Court having read the annexed Application seeking the approval of two (2) separate and related Agreements, providing for Bruncor Corporation ("Bruncor") to purchase from Borne certain real estate ("Parcel A"), and other assets and providing for Valley Forge Engineering, Inc. ("Valley Forge") to purchase from Borne certain real estate ("Parcel B") and other assets, all free and clear of all liens, with liens to attach to the proceeds of sale, and to be paid pursuant to further Orders of this Court, and with the terms and conditions of said offers being specifically set forth in the Application and Exhibit annexed hereto, which shall be on file with this Court for inspection by any interested party, and portions of this matter having been previously introduced to the Court by way of an Order to Show Cause dated November 4, 1983 obtained by

Att. C, p. 1

Lincoln First Commercial Corporation ("Lincoln First") and the Court noting that the relief sought in said Application may be governed by Section 363 and other Sections of the Bankruptcy Code, and for good cause shown, it is on this 27 day of December, 1983

ORDERED, that Lincoln First; National State Bank, Elizabeth, New Jersey; Chessie System Railroads; the Environmental Protection Agency of the United States of America; the Department of Environmental Protection of the State of New Jersey; the Creditors Committee, the United States Trustee; all other parties in interest, and all creditors, show cause before the undersigned Bankruptcy Judge, at Court Room No. 6, Federal Court House & Post Office Building, Newark, New Jersey 07102 on the 12th day of December, 1983 at 9:30 A.M. why an Order or Orders should not be made and entered:

1. To approve the Agreement between Borne and Bruncor to purchase certain real estate ("Parcel A"), machinery, equipment and other assets for the sum of \$425,000.00 and the assumption of all Environmental Matters as described therein.

2. To approve the Agreement between Borne and Valley Forge to purchase certain real estate ("Parcel B"), machinery, storage tanks and other assets for the sum of \$100.00 and the assumption of all Environmental Matters as described therein.

3. To sell the assets under such Agreements free and clear of all liens, with any such liens to attach to the proceeds of sale.

4. Directing that the proceeds from the sale of said assets to Bruncor and Valley Forge shall be free and clear of any and all claims

of the Environmental Protection Agency of the United States of America ("EPA") and the Department of Environmental Protection of the State of New Jersey ("DEP").

5. To distribute the proceeds from said sales pursuant to the further Order of this Court.

6. To accept any higher or better offer which might be made on the return date hereof.

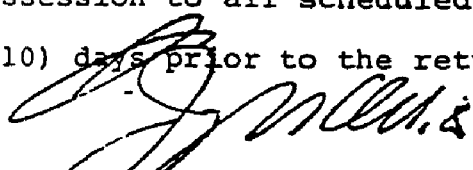
7. To execute and deliver all documents of title, to accept payment therefore and to do all things necessary to consummate said sales in the event that the Court approves the sales, without further notice to creditors or other interested parties.

8. That this Court shall retain jurisdiction over all aspects of said sales and the distribution of said proceeds and as to any dispute which may arise related thereto.

FURTHER ORDERED, that service of this Order to Show Cause and the Application, Agreements and Exhibits upon which it is based, be made upon Hahn & Hessen, Counsel for Lincoln First; McKenzie, Welt, Duane & Lechner counsel for National State Bank, Elizabeth, New Jersey; Chessie System Railroads; the EPA; the DEP; Platzer & Fineberg, counsel for the Creditors Committee and the United States Trustee, all by certified mail, return receipt requested, not less than ten (10) days prior to the return date hereof.

FURTHER ORDERED, that a copy of this Order to Show Cause shall be sent by counsel for the Debtor-in-Possession to all scheduled creditors by regular mail, not less than ten (10) days prior to the return date hereof.

Att. C, p. 7


D. Joseph DeVito, Bankruptcy Judge

Ref. to

CRUMMY, DEL DEO, DOLAN & PURCELL
A Professional Corporation
Gateway I
Newark, New Jersey 07102
201-622-2235
Attorneys for Debtor-in-Possession

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In the Matter of : (Hon. D. Joseph DeVito)
BORNE CHEMICAL COMPANY, INC., a : Chapter II
corporation of the State of : No. 80-00495
New Jersey, :
Debtor-in-Possession. : APPLICATION TO APPROVE SETTLEMENT
OF STATE COURT LITIGATION WITH
THE ROLFITE COMPANY

-----X
TO THE HONORABLE D. JOSEPH DE VITO, BANKRUPTCY JUDGE

The application of the Debtor-in-Possession, Borne Chemical Company, Inc. ("Borne") by its attorneys, Crummy, Del Deo, Dolan & Purcell respectfully represents:

1. The Debtor filed its Chapter 11 Petition herein on February 15, 1980.
2. Prior to that time, and on or about August 21, 1979, Borne commenced an action against the Rolfite Company ("Rolfite") and other defendants in the Superior Court of New Jersey, Chancery Division, Union County, Docket No. C-5071-79 ("State Court Action").
3. After Borne filed its Chapter 11 Petition, an Order was entered in these proceedings authorizing the State Court Action to proceed free of any stays under the Bankruptcy Code.

Att. D, p.1

Ref. 10

4. In its Complaint in the State Court Action, Borne, among other things, claimed that Rolfite and the other defendants conspired wrongfully to deprive Borne of its rights to certain proprietary products. In addition, Borne sought damages of approximately \$80,000.00 for the construction of a magnesium oxide facility built by Borne for the benefit of Rolfite.

5. In its Counterclaim in the State Court Action, Rolfite charged that Borne and its principals tortiously interfered with a merger which was pending between Rolfite and Quaker Chemical Corporation. Rolfite claimed ownership of certain property on the premises of Borne and sought replevin of said property.

6. After the Chapter 11 Petition was filed herein, and prior to September 1, 1980, Rolfite and other parties filed several adversary proceedings and motions with this Court, the gist of which was to have this Court allow its claims which totalled in excess of \$1,500,000.00. Under §502(c) of the Bankruptcy Code, this Court conducted a hearing to estimate said claims and found said claims to be worth "zero" and temporarily disallowed all of said claims. Following the filing of their appeals, both the District Court and the Court of Appeals for the Third Circuit affirmed the Order entered by this Court.

7. The litigation in the State Court Action has been hard-fought and bitterly contested.

8. Prior to a scheduled trial before Honorable Edward W. McGowan in the State Court Action, the parties met to discuss settlement.

9. As a result of said meetings, the parties have agreed upon a settlement of the State Court Action and have entered into a Stipulation and Consent Order to be entered in the State Court Action. A copy of said Stipulation and Consent Order is annexed hereto as an exhibit. Paragraph 7 of said document requires the approval of this Court prior its being entered in the State Court Action.

10. Pursuant to the terms of the settlement:

A. Rolfite shall pay to Borne the sum of \$75,000.00, with \$19,000.00 to be paid upon entry of an Order of this Court approving the settlement, with an additional \$6,000.00 to be paid at the same time for the purchase of approximately 600 drums and the contents thereof, and the balance of \$80,000.00 to be paid under a Promissory Note with interest fourteen (14%) percent payable within six months.

B. Rolfite is to remove the aforesaid 600 drums and contents within ninety (90) days.

C. All claims of the parties in the State Court Action shall be dismissed with prejudice and without costs.

11. It is difficult to remove the drums referred to (all of which are outdoors) if the weather presents freezing conditions. Therefore, it is extremely important that this Court schedule a hearing as quickly as possible so that Rolfite can immediately proceed to remove said drums and contents prior to extremely cold weather.

12. Considering the uncertainty of litigation, the complexity of the litigation involved, the costs of continuing said litigation and the policy of the law to encourage settlements, your applicant believes that

the settlement is in the best interests of this estate and recommends approval by this Court.

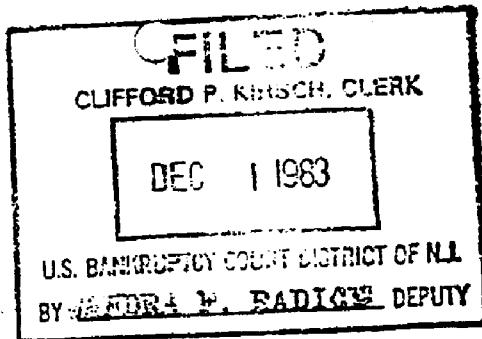
13. Your applicant requests that the Court hold a hearing pursuant to the Bankruptcy Code, to shorten the notice requirements, to inquire into the reasonableness of the settlement, and to enter an Order approving the settlement on the return date hereof.

WHEREFORE, your applicant prays for the issuance of the annexed Order to Show Cause and for the entry of an appropriate Order on the return date hereof.

CRUMMY, DEL DEO, DOLAN & PURCELL
Attorneys for Debtor-in-Possession

By: _____


Frank J. Vecchione



CRUMMY, DEL DEO, DOLAN & PURCELL
A Professional Corporation
Gateway I
Newark, New Jersey 07102
201-622-2235
Attorneys for Debtor-in-Possession

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In the Matter of : (Hon. D. Joseph DeVito)

BORNE CHEMICAL COMPANY, INC., : Chapter 11
a corporation of the State : No. 80-00495
of New Jersey, :

Debtor-in-Possession.

ORDER TO SHOW CAUSE TO APPROVE
SETTLEMENT OF STATE COURT LITIGATION
WITH THE ROLFITE COMPANY

-----*

This matter having been opened to the Court by Crummy, Del Deo, Dolan & Purcell, counsel to the Debtor-in-Possession herein ("Borne") and the Court having read the annexed Application seeking the approval a Stipulation and Consent Order between Borne and The Rolfite Company ("Rolfite") in settlement of litigation pending in the Superior Court of New Jersey, Chancery Division, Union County, Docket No. C-5071-79 ("State Court Action") under the terms of which Rolfite will pay to Borne the sum of \$75,000.00, of which \$25,000.00 will be paid upon approval by the Court and the balance of \$50,000.00 will be payable within six (6) months thereafter, and also providing for Rolfite to purchase and remove from the premises of Borne approximately 600 drums and its contents and thereafter for the State Court Action to be dismissed with prejudice and without costs, and with the terms and conditions of said Stipulation a:

Att. E, p.1

Consent Order being specifically set forth in the Application and Exhibit annexed hereto, which shall be on file with this Court for inspection by any interested parties, and for good cause shown, it is on this 15th day of December, 1983

ORDERED, that Lincoln First Commercial Corp.; the Environmental Protection Agency of the United States of America; the Department of Environmental Protection of the State of New Jersey; the Creditors Committee; the United States Trustee; all other parties in interest; and all creditors, show cause before the undersigned Bankruptcy Judge at Court Room No. 6, Federal Court House & Post Office Building, Newark, New Jersey 07102 on the 12th day of December, 1983 at 9:30 A.M. why an Order should not be made and entered approving the settlement of the State Court Action between Boone and Rolfite as set forth in the Application and the Stipulation and Consent Order annexed hereto and to distribute the proceeds from said settlement pursuant to the further Order of this Court.

FURTHER ORDERED, that service of this Order to Show Cause and the Application and Exhibit upon which it is based, be made upon Hahn & Hess counsel for Lincoln First; the Environmental Protection Agency of the United States of America; the Department of Environmental Protection of the State of New Jersey; Pitney, Hardin, Kipp & Szuch, attorneys for Rolfite; Platzer and Fineberg, counsel for the Creditors Committee and the United States Trustee, all by certified mail, return receipt requested not less than ten days prior to the return date hereof.

FURTHER ORDERED, that a copy of this Order to Show Cause shall be sent by counsel for the Debtor-in-Possession to all scheduled creditors by regular mail not less than ten (10) days prior to the return date hereof.



D. Joseph DeVito, Bankruptcy Judge



State of New Jersey

Christine Todd Whitman
Governor

Department of Environmental Protection

Robert C. Shinn, Jr.
Commissioner

IN THE MATTER OF :
THE BORNE CHEMICAL COMPANY SITE : MEMORANDUM
AND : OF
AGIP USA, INC. : AGREEMENT
AT & T CORPORATION :
BP EXPLORATION & OIL, INC. :
BUCKEYE PIPE LINE CO., L.P. :
CHESEBROUGH-POND'S USA COMPANY :
CHEVRON U.S.A., INC. :
CONSOLIDATED RAIL CORPORATION :
E.I. DU PONT DE NEMOURS AND COMPANY :
ELF LUBRICATION U.K. :
EXXON CHEMICAL AMERICAS :
FMC CORPORATION :
FOUR STAR OIL AND GAS COMPANY :
MANOR HEALTHCARE CORP. :
MARISOL, INC. :
MILLER ENVIRONMENTAL GROUP, INC. :
MOBIL OIL CORPORATION :
NL INDUSTRIES, INC. :
ORANGE & ROCKLAND UTILITIES, INC. :
PEABODY INTERNATIONAL CORPORATION :
PHELPS DODGE COPPER PRODUCTS CO. :
PUBLIC SERVICE ELECTRIC AND GAS CO. :
TEXACO EXPLORING AND MARKETING INC. :
(ENCL) :
THOMAS BETTS CORPORATION :
WAKEFELD FOOD CORPORATION :
WAKEFELD FOOD HAULERS, INC. :
WITCO CORPORATION :

This Memorandum of Agreement is entered into pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (hereinafter "the Department" or "NJDEP") by N.J.S.A. 13:1D-1 et seq. and N.J.S.A. 58:10B et seq. and the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. and the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq. and duly delegated to the Assistant Director, Division of Responsible Party Site Remediation pursuant to N.J.S.A. 13:1B-4.

FINDINGS

1. The Borne Chemical Company Site, which is the subject of this Memorandum of Agreement, is located at 600-616 and 632-650 South Front Street, Elizabeth, Union County, New Jersey and is designated as Block 4, Lots 1468 and 1469 on the tax maps of the City of Elizabeth (hereinafter the "Site"). The Site

Att. F, p.1

Ref. 10

BORNE CHEMICAL COMPANY SITE MOA

encompasses approximately 6.2 acres and is bounded generally by South Front Street on the west, the Arthur Kill on the east and on the north and south by other commercial/industrial facilities.

2. AGIP USA Inc. (hereinafter "Signatory"), incorporated in the State of Delaware, with its principal offices located at 110 East 59th Street, New York, NY 10022, is a party executing this Memorandum of Agreement.

3. AT & T Corporation (hereinafter "Signatory"), incorporated in the State of New York, with its principal offices located at 32 Avenue of the Americas, New York, NY 10013, is a party executing this Memorandum of Agreement.

4. BP Exploration & Oil, Inc. (hereinafter "Signatory"), incorporated in the State of Ohio, with its principal offices located at 200 Public Square, Cleveland, OH 44114, is a party executing this Memorandum of Agreement.

5. Buckeye Pipe Line Co., L.P. (hereinafter "Signatory"), a Delaware Limited Partnership with its principal offices located at 3900 Hamilton Boulevard, Allentown, PA 18103, is a party executing this Memorandum of Agreement.

6. Chesebrough-Pond's USA Company (hereinafter "Signatory"), an unincorporated division of Conoco, Inc., a New York corporation, with its principal offices located at 33 Benedict Place, Greenwich, CT 06830, is a party executing this Memorandum of Agreement.

7. Chevron U.S.A. Inc. (hereinafter "Signatory"), a Pennsylvania corporation with its principal offices located at 575 Market Street, San Francisco, CA 94105, is a party executing this Memorandum of Agreement.

8. Consolidated Rail Corporation (hereinafter "Signatory"), a Pennsylvania corporation with its principal offices located at 2001 Market Street, Philadelphia, PA 19102-1416, is a party executing this Memorandum of Agreement.

9. E.I. du Pont de Nemours and Company (hereinafter "Signatory"), a Delaware corporation with its principal offices located at 1007 Market Street, Wilmington, DE 19898, is a party executing this Memorandum of Agreement.

10. Elf Lub Marine U.K. (hereinafter "Signatory"), a private limited company in the United Kingdom, with its principal offices located at 4th Floor, North Wing (Olympic Office Center), 8 Fulton Road WEMBLEY, MIDDLESEX HA 9 0ND, United Kingdom, is a party executing this Memorandum of Agreement.

11. Exxon Chemical Americas (hereinafter "Signatory"), an unincorporated operating division of Exxon Corporation with its principal offices located at 225 East John W. Carpenter Street, Irving, TX 75062, is a party executing this Memorandum of Agreement.

BORNE CHEMICAL COMPANY SITE MOA

12. FMC Corporation (hereinafter "Signatory"), a Delaware corporation with its principal offices located at 200 E. Randolph Drive, Chicago, IL 60601, is a party executing this Memorandum of Agreement.

13. Four Star Oil and Gas Company (hereinafter "Signatory"), a Delaware corporation with its principal offices located at 10 Universal City Plaza, Universal City, CA 91608-1097, is a subsidiary of Texaco Inc. and is a party executing this Memorandum of Agreement. Four Star Oil and Gas Company was formerly known as Getty Oil Company.

14. Manor Healthcare Corp. (hereinafter "Signatory"), a Delaware corporation with its principal offices located at 10750 Columbia Pike, Silver Spring, MD 20901, is a party executing this Memorandum of Agreement.

15. Marisol, Inc. (hereinafter "Signatory"), a New Jersey corporation with its principal offices located at 125 Factory Lane, Middlesex, NJ 08846, is a party executing this Memorandum of Agreement.

16. Mobil Oil Corporation (hereinafter "Signatory"), a New York corporation with its principal offices located at 3225 Gallows Road, Fairfax, VA 22037, is a party executing this Memorandum of Agreement.

17. NL Industries, Inc. (hereinafter "Signatory"), a New Jersey corporation with its principal offices located at Two Greenspoint Plaza, 16825 North Chase Drive, Suite 1200, Houston, TX 77060-2544, is a party executing this Memorandum of Agreement.

18. Orange & Rockland Utilities, Inc. (hereinafter "Signatory"), a New York corporation with its principal offices located at One Blue Hill Plaza, Pearl River, NY 10965, is a party executing this Memorandum of Agreement.

19. Peabody International Corporation (hereinafter "Signatory"), a Delaware corporation with its principal offices located at 3 Werner Way, Suite 200, Lebanon, NJ 08833, is a party executing this Memorandum of Agreement.

20. Phelps Dodge Copper Products Co. (hereinafter "Signatory"), an operating division of Phelps Dodge Industries Inc., a Delaware corporation, with its principal offices located at 2600 North Central Avenue, Phoenix, AZ 85004, is a party executing this Memorandum of Agreement.

21. Public Service Electric and Gas Company (hereinafter "Signatory"), a New Jersey corporation with its principal offices located at 80 Park Plaza, P.O. Box 570, Newark, NJ 07101, is a party executing this Memorandum of Agreement.

22. Texaco Refining and Marketing Inc. (East) (hereinafter "Signatory"), a Delaware corporation with its principal offices located at 2000 Westchester Avenue, White Plains, NY 10650, is a party executing this Memorandum of Agreement.

BORNE CHEMICAL COMPANY SITE MOA

15a. Miller Environmental Group, Inc., formerly known as Marine Pollution Control, Inc., (hereinafter "Signatory"), a New York corporation with its principal offices located at 533 Edwards Avenue, Calverton, New York 11933, is a party executing this Memorandum of Agreement.

3a

Att. F, p. 4

Ref. 10

BORNE CHEMICAL COMPANY SITE MOA

24. Thomas & Betts Corporation (hereinafter "Signatory"), a New Jersey corporation with its principal offices located at 1555 Lynnfield Road, Memphis, TN 38119, is a party executing this Memorandum of Agreement.

25. Wakefern Food Corporation (hereinafter "Signatory"), a New Jersey corporation with its principal offices located at 600 York Street, P.O. Box 506, Elizabeth, NJ 07207, is a party executing this Memorandum of Agreement.

26. Food Haulers, Inc. (hereinafter "Signatory"), a New Jersey corporation with its principal offices located at 600 York Street, P.O. Box 506, Elizabeth, NJ 07207, is a party executing this Memorandum of Agreement.

27. Witeco Corporation (hereinafter "Signatory"), a Delaware corporation with its principal offices located at One American Lane, Greenwich, CN 06831-2559, is a party executing this Memorandum of Agreement.

27. The intent of this Memorandum of Agreement is to allow the Signatories to conduct the remedial activities outlined herein with oversight from the Department. Signatories have indicated to the Department, that they wish to conduct a remedial investigation at the Site in order to comply with the Revised Third Supplemental Directive and Notice to Insurers issued by the Department on October 18, 1994.

28. By entering into this Memorandum of Agreement, Signatories do not admit to any fact, fault or liability under any statute or regulation for conditions which existed before, during, or after Signatories' execution of this Memorandum of Agreement nor shall it be construed as a waiver of any right or defense Signatories may have with regard to the Site.

AGREEMENT

1. Remediation

29. Signatories agree to submit the following documents and the Department agrees to review and comment on documents submitted.

Remedial Investigation

- i. Workplan
- ii. Report

30. Within thirty (30) calendar days after the Department's receipt of any submission pursuant to this Memorandum of Agreement, the Department will inform Signatories in writing of any administrative deficiencies in the submission, pursuant to N.J.A.C. 7:26E, that will prevent the Department from conducting its review. When the Department determines that the submission is administratively complete, the Department will notify Signatories in writing of the timeframe required for the Department to complete the review. This review will include a determination by the Department whether or not all remedial

BORNE CHEMICAL COMPANY SITE MOA

activities have been carried out consistent with applicable rules, standards, and guidelines.

31. Within seven (7) calendar days after the effective date of this Memorandum of Agreement, Signatories will submit to the Department: a) the name, address and telephone number of the individual who will be the contact for Signatories regarding technical matters concerning this Memorandum of Agreement and b) the name and address of the designated agent for Signatories for the purpose of service for all matters concerning this Memorandum of Agreement if this information is different than what was submitted by Signatories on or about May 24, 1998.

32. Signatories may terminate this Memorandum of Agreement if Signatories determine that it is no longer feasible or desirable to continue with this Memorandum of Agreement, when Signatories:

- a. Submit full payment to the Department for any Department oversight costs the Department incurred pursuant to this Memorandum of Agreement which Signatories have not paid;
- b. Notify the Department in writing of their intentions to terminate this Memorandum of Agreement;
- c. Submit all data generated pursuant to this Memorandum of Agreement; and
- d. Ensure that no environmental hazards exist at the Site as a result of Signatories' actions pursuant to this Memorandum of Agreement.
- e. The Department will cease review of any submittals under this Memorandum of Agreement on the date it receives the notice of intent to terminate described in this paragraph; and no oversight costs will accrue after the Department has determined that the signatory is in full compliance with this paragraph. The Department will then prepare a summary of its costs and provide it to Signatories. The date of termination of this agreement is the date of the Department's receipt of both the full unconditioned payment of all of the Department's oversight costs and all data required by this paragraph.

II. Project Coordination

33. Unless otherwise directed by the Department, Signatories shall submit four (4) copies of all documents required by this Memorandum of Agreement to the person identified below, who shall be the Department's contact for Signatories for all matters concerning this Memorandum of Agreement.

New Jersey Department of Environmental Protection
Division of Responsible Party Site Remediation
Bureau of State Case Management

BORNE CHEMICAL COMPANY SITE MOA

41. Nothing in this Memorandum of Agreement shall be deemed to impose on Signatories any additional liabilities or obligations, other than those specifically stated herein. Nothing shall relieve Signatories from complying with all other applicable laws and regulations.

42. Signatories shall preserve all potential evidentiary documentation found at the Site, which may provide a nexus between the contaminated site and any responsible party or lead to the discovery of other areas of concern including without limitation, documents, labels, drums, bottles, boxes or other containers, and/or other physical materials that could lead to the establishment of the identity of any person which generated, treated, transported, stored or disposed of contaminants at the Site, until written approval is received from the Department to do otherwise.

43. Upon receipt of a written request from the Department, Signatories shall submit to the Department all data and information concerning contamination at the Site, including technical records and contractual documents, and raw sampling and monitoring data, whether or not such data and information was developed pursuant to this Memorandum of Agreement. If Signatories believe any such data or information is protected by a privilege it will retain the data and information and notify the Department of the nature of the document and the privilege claimed. Signatories may request that the Department keep confidential information contained in a submission to the Department pursuant to N.J.A.C. 7:14A-11.

44. The Department will issue a no further action statement when the Department has determined that the signatories have conducted the agreed upon remedial activities pursuant to this Memorandum of Agreement and the remedial activities are in accordance with all Department requirements.

45. This Memorandum of Agreement shall be governed and interpreted under the laws of the State of New Jersey.

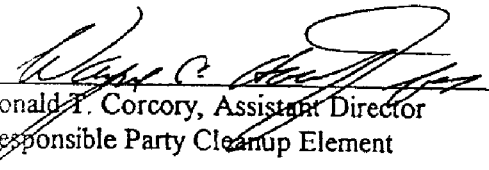
46. This Memorandum of Agreement shall be binding, jointly and severally, on each party, its successors and assignees subject to the right of termination above. No change in the ownership or corporate or business status of any party, or of the facility or Site shall alter any signatories' responsibilities under this Memorandum of Agreement.

BORNE CHEMICAL COMPANY SITE MOA

47. This Memorandum of Agreement shall become effective upon execution hereof by all parties

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Date: 11/22/95

BY: 
Ronald T. Corcory, Assistant Director
Responsible Party Cleanup Element

AGIP USA Inc.

Date: 10-25-1995

BY: 
Signature

GIOVANNI ZINNATO
Print Full Name Signed Above

PRESIDENT & CEO
Title

REFERENCE NO. 11



POTENTIAL HAZARDOUS WASTE SITE
IDENTIFICATION AND PRELIMINARY ASSESSMENT

REGION

SITE NUMBER (to be assigned by HQ)

II

NJ000010150

NOTE: This form is completed for each potential hazardous waste site to help set priorities for site inspection. The information submitted on this form is based on available records and may be updated on subsequent forms as a result of additional inquiries and on-site inspections.

GENERAL INSTRUCTIONS: Complete Sections I and III through X as completely as possible before Section II (Preliminary Assessment). File this form in the Regional Hazardous Waste Log File and submit a copy to: U.S. Environmental Protection Agency; Site Tracking System; Hazardous Waste Enforcement Task Force (EN-335); 401 M St., SW; Washington, DC 20460.

I. SITE IDENTIFICATION

A. SITE NAME

Borne Chemical

B. STREET (or other identifier)

632 South front street

C. CITY

Elizabeth

D. STATE

NJ

E. ZIP CODE

F. COUNTY NAME

UNION

G. OWNER/OPERATOR (if known)

1. NAME

Borne Chemical

2. TELEPHONE NUMBER

H. TYPE OF OWNERSHIP

1. FEDERAL 2. STATE 3. COUNTY 4. MUNICIPAL 5. PRIVATE 6. UNKNOWN

I. SITE DESCRIPTION

Chemical Company

J. HOW IDENTIFIED (i.e., citizen's complaints, OSHA citations, etc.)

CITIZEN complaint

K. DATE IDENTIFIED

(mo., day, & yr.)

6-5-80

L. PRINCIPAL STATE CONTACT

1. NAME

TONY Ferro

2. TELEPHONE NUMBER

(609)-292-1943

II. PRELIMINARY ASSESSMENT (complete this section last)

A. APPARENT SERIOUSNESS OF PROBLEM

1. HIGH 2. MEDIUM 3. LOW 4. NONE 5. UNKNOWN

B. RECOMMENDATION

1. NO ACTION NEEDED (no hazard)
 2. IMMEDIATE SITE INSPECTION NEEDED
 3. SITE INSPECTION NEEDED
 4. SITE INSPECTION NEEDED (low priority)
4. TENTATIVELY SCHEDULED FOR:
10-1-80
- b. WILL BE PERFORMED BY:
NJDEP

C. PREPARER INFORMATION

1. NAME

Richard Ramon

2. TELEPHONE NUMBER

(212)-269-1573

3. DATE (mo., day, & yr.)

10-29-80

III. SITE INFORMATION

A. SITE STATUS

1. ACTIVE (Those industrial or municipal sites which are being used for waste treatment, storage, or disposal on a continuing basis, even if infrequently.)
 2. INACTIVE (Those sites which no longer receive wastes.)
 3. OTHER (specify):
(Those sites that include such incidents like "midnight dumping" where no regular or continuing use of the site for waste disposal has occurred.)

B. IS GENERATOR ON SITE?

1. NO 2. YES (specify generator's four-digit SIC Code):

AREA OF SITE (in acres)

5

D. IF APPARENT SERIOUSNESS OF SITE IS HIGH, SPECIFY COORDINATES

1. LATITUDE (deg.-min.-sec.)

2. LONGITUDE (deg.-min.-sec.)

E. ARE THERE BUILDINGS ON THE SITE?

1. NO 2. YES (specify): Plant Building

Continued From Front

IV. CHARACTERIZATION OF SITE ACTIVITY

Indicate the major site activity(ies) and details relating to each activity by marking 'X' in the appropriate boxes.

| A. TRANSPORTER | | B. STORER | | C. TREATER | | D. DISPOSER | |
|--|--|---|--|--|--|---|--|
| <input checked="" type="checkbox"/> 1. RAIL | | <input type="checkbox"/> 1. PILE | | <input type="checkbox"/> 1. FILTRATION | | <input type="checkbox"/> 1. LANDFILL | |
| <input type="checkbox"/> 2. SHIP | | <input type="checkbox"/> 2. SURFACE IMPOUNDMENT | | <input type="checkbox"/> 2. INCINERATION | | <input type="checkbox"/> 2. LANDFARM | |
| <input type="checkbox"/> 3. BARGE | | <input checked="" type="checkbox"/> 3. DRUMS | | <input type="checkbox"/> 3. VOLUME REDUCTION | | <input type="checkbox"/> 3. OPEN DUMP | |
| <input type="checkbox"/> 4. TRUCK | | <input checked="" type="checkbox"/> 4. TANK, ABOVE GROUND | | <input type="checkbox"/> 4. RECYCLING/RECOVERY | | <input type="checkbox"/> 4. SURFACE IMPOUNDMENT | |
| <input type="checkbox"/> 5. PIPELINE | | <input type="checkbox"/> 5. TANK, BELOW GROUND | | <input type="checkbox"/> 5. CHEM./PHYS. TREATMENT | | <input type="checkbox"/> 5. MIDNIGHT DUMPING | |
| <input type="checkbox"/> 6. OTHER (specify): | | <input type="checkbox"/> 6. OTHER (specify): | | <input type="checkbox"/> 6. BIOLOGICAL TREATMENT | | <input type="checkbox"/> 6. INCINERATION | |
| | | | | <input type="checkbox"/> 7. WASTE OIL REPROCESSING | | <input type="checkbox"/> 7. UNDERGROUND INJECTION | |
| | | | | <input type="checkbox"/> 8. SOLVENT RECOVERY | | <input type="checkbox"/> 8. OTHER (specify): | |
| | | | | <input type="checkbox"/> 9. OTHER (specify): | | | |

E. SPECIFY DETAILS OF SITE ACTIVITIES AS NEEDED

V. WASTE RELATED INFORMATION

A. WASTE TYPE

1. UNKNOWN 2. LIQUID 3. SOLID 4. SLUDGE 5. GAS

B. WASTE CHARACTERISTICS

1. UNKNOWN 2. CORROSIVE 3. IGNITABLE 4. RADIOACTIVE 5. HIGHLY VOLATILE
 6. TOXIC 7. REACTIVE 8. INERT 9. FLAMMABLE

10. OTHER (specify):

C. WASTE CATEGORIES

1. Are records of wastes available? Specify items such as manifests, inventories, etc. below.

2. Estimate the amount (specify unit of measure) of waste by category; mark 'X' to indicate which wastes are present.

| a. SLUDGE | | b. OIL | | c. SOLVENTS | | d. CHEMICALS | | e. SOLIDS | | f. OTHER | |
|---|-----------------|---|-----------------|--|-----------------|--|-----------------|--|-----------------|--|-----------------|
| AMOUNT | UNIT OF MEASURE | AMOUNT | UNIT OF MEASURE | AMOUNT | UNIT OF MEASURE | AMOUNT | UNIT OF MEASURE | AMOUNT | UNIT OF MEASURE | AMOUNT | UNIT OF MEASURE |
| | | 600,000 | Gallons | | | | | | | | |
| <input checked="" type="checkbox"/> (1) PAINT, PIGMENTS | | <input checked="" type="checkbox"/> (1) OILY WASTES | | <input checked="" type="checkbox"/> (1) HALOGENATED SOLVENTS | | <input checked="" type="checkbox"/> (1) ACIDS | | <input checked="" type="checkbox"/> (1) FLYASH | | <input checked="" type="checkbox"/> (1) LABORATORY PHARMACEUT. | |
| <input type="checkbox"/> (2) METALS SLUDGE | | <input type="checkbox"/> (2) OTHER (specify): | | <input type="checkbox"/> (2) NON-HALOGENATED SOLVENTS | | <input type="checkbox"/> (2) PICKLING LIQUORS | | <input type="checkbox"/> (2) ASBESTOS | | <input type="checkbox"/> (2) HOSPITAL | |
| <input type="checkbox"/> (3) POTW | | | | <input type="checkbox"/> (3) OTHER (specify): | | <input type="checkbox"/> (3) CAUSTICS | | <input type="checkbox"/> (3) MILLING/MINE TAILINGS | | <input type="checkbox"/> (3) RADIOACTIVE | |
| <input type="checkbox"/> (4) ALUMINA SLUDGE | | | | | | <input type="checkbox"/> (4) PESTICIDES | | <input type="checkbox"/> (4) FERROUS SMLTG. WASTES | | <input type="checkbox"/> (4) MUNICIPAL | |
| <input type="checkbox"/> (5) OTHER (specify): | | | | | | <input type="checkbox"/> (5) DYES/INKS | | <input type="checkbox"/> (5) NON-FERROUS SMLTG. WASTES | | <input type="checkbox"/> (5) OTHER (specify): | |
| | | | | | | <input type="checkbox"/> (6) CYANIDE | | <input type="checkbox"/> (6) OTHER (specify): | | | |
| | | | | | | <input type="checkbox"/> (7) PHENOLS | | | | | |
| | | | | | | <input type="checkbox"/> (8) HALOGENS | | | | | |
| | | | | | | <input type="checkbox"/> (9) PCB | | | | | |
| | | | | | | <input type="checkbox"/> (10) METALS | | | | | |
| | | | | | | <input type="checkbox"/> (11) OTHER (specify): | | | | | |

V. WASTE RELATED INFORMATION (continued)

3. LIST INSTANCES OF GREATEST CONCERN WHICH MAY BE ON THE SITE (place in descending order of hazard).

600,000 gallons of oily liquid 600 drums
 8 tanks of oily wastes 5,000 ft² of contaminated soil
 1 tank dirty water
 (Some PCB's found 413 PPB) ← WATER samples OIL samples → 48 ppm

4. ADDITIONAL COMMENTS OR NARRATIVE DESCRIPTION OF SITUATION KNOWN OR REPORTED TO EXIST AT THE SITE.
 The bulk tanks are weathered but show no signs of leaking. There is a 3 ft. dike around the tanks but it is deteriorating. The drums are rusting with 3 or 4 showing signs of leakage

VI. HAZARD DESCRIPTION

| A. TYPE OF HAZARD | B. POTENTIAL HAZARD (mark 'X') | C. ALLEGED INCIDENT (mark 'X') | D. DATE OF INCIDENT (mo., day, yr.) | E. REMARKS |
|--|--------------------------------|--------------------------------|-------------------------------------|------------|
| 1. NO HAZARD | | | | |
| 2. HUMAN HEALTH | | | | |
| 3. NON-FATAL INJURY OR EXPOSURE | X | | | |
| 4. WORKER INJURY | X | | | |
| 5. CONTAMINATION OF WATER SUPPLY | | | | |
| 6. CONTAMINATION OF FRESH WATER | | | | |
| 7. CONTAMINATION OF GROUND WATER | X | | | |
| 8. CONTAMINATION OF SURFACE WATER | | | | |
| 9. DAMAGE TO FLORETTINA | | | | |
| 10. FISH KILL | | | | |
| 11. CONTAMINATION OF AIR | | | | |
| 12. NOTICE TO THE PUBLIC | | | | |
| 13. CONTAMINATION OF SOIL | X | | | |
| 14. PROPERTY DAMAGE | X | | | |
| 15. FIRE OR EXPLOSION | | | | |
| 16. SPILL OR RUNOFF FROM STAKING CONTAINERS/STANDING LIQUIDS | | | | |
| 17. SEWER OR DRAINAGE PROBLEMS | | | | |
| 18. EROSION OR GULLIONS | | | | |
| 19. INADEQUATE SECURITY | X | | | |
| 20. INCOMPLETELY CLOSED WASTES | | | | |
| 21. MIDLANDS DUMPS | | | | |
| 22. OTHER | | | | |

VII. PERMIT INFORMATION

A. INDICATE

ALL APPLICABLE PERMITS HELD BY THE SITE.

- 1. NPDES PERMIT
- 2. SPCC PLAN
- 3. STATE PERMIT (specify): _____
- 4. AIR PERMITS
- 5. LOCAL PERMIT
- 6. RCRA TRANSPORTER
- 7. RCRA GENERATOR
- 8. RCRA TREATER
- 9. RCRA DISPOSER

10. (specify): _____
 (specify): _____

B. IN COMPLIANCE

- 1. YES
- 2. NO
- 3. UNKNOWN

4. SPECIFY TO WHAT REGULATION NAME & NUMBER: _____

VIII. PAST REGULATORY ACTIONS

- A. NO
- B. YES (summarize below)

IX. INSPECTION ACTIVITY (past or on-going)

- A. NO
- B. YES (complete Items 1, 2, 3, & 4 below)

| 1. TYPE OF ACTIVITY | 2. DATE OF PAST ACTION (month, day, & year) | 3. PERFORMED BY: (EPA/State) | 4. DESCRIPTION |
|---------------------|---|------------------------------|----------------|
| Site | 10- - 80 | STATE | |
| | | | |
| | | | |

X. REMEDIAL ACTIVITY (past or on-going)

- A. NO
- B. YES (complete Items 1, 2, 3, & 4 below)

| 1. TYPE OF ACTIVITY | 2. DATE OF PAST ACTION (month, day, & year) | 3. PERFORMED BY: (EPA/State) | 4. DESCRIPTION |
|---------------------|---|------------------------------|----------------|
| | | | |
| | | | |
| | | | |

NOTE: Use the information in Sections III through X, fill out the Preliminary Assessment (Section II) on the first page of this form.

REFERENCE NO. 12



**POTENTIAL HAZARDOUS WASTE SITE
IDENTIFICATION AND PRELIMINARY ASSESSMENT**

REGION 2 SITE NUMBER (to be assigned by HQ) N/000010187

NOTE: This form is submitted and on-site information is completed for each potential hazardous waste site to help set priorities for site inspection. The information on this form is based on available records and may be updated on subsequent forms as a result of additional inquiries and actions.

GENERAL INSTRUCTIONS: Complete Sections I and III through X as completely as possible before Section II (Preliminary Assessment). File this form in the Regional Hazardous Waste Log File and submit a copy to: U.S. Environmental Protection Agency; Hazardous Waste Enforcement Task Force (EN-335); 401 M St., SW; Washington, DC 20460.

I. SITE IDENTIFICATION

A. SITE NAME Chemical Co. B. STREET (or other identifier) 632 N. Front St.
 C. CITY Elm D. STATE NV E. ZIP CODE 07207 F. COUNTY NAME UNION

G. OWNER (If known) 1. NAME Chemical Co. 2. TELEPHONE NUMBER (201) 257-1717
 H. TYPE OF OWNERSHIP
 1. FEDERAL 2. STATE 3. COUNTY 4. MUNICIPAL 5. PRIVATE 6. UNKNOWN

I. SITE DESCRIPTION chemical blending facility w/ tank farm & drums

J. HOW IDENTIFIED citizen's complaint / OSHA citations, etc. K. DATE IDENTIFIED (mo., day, & yr.)

L. PRINCIPAL PERSON CONTACT
 1. NAME _____ 2. TELEPHONE NUMBER _____

II. PRELIMINARY ASSESSMENT (complete this section last)

A. APPARENT SEVERITY OF PROBLEM
 1. HIGH 2. MEDIUM 3. LOW 4. NONE 5. UNKNOWN

B. RECOMMENDATION
 1. NO SITE INSPECTION NEEDED (no hazard) 2. IMMEDIATE SITE INSPECTION NEEDED
 3. SITE INSPECTION NEEDED (tentatively scheduled for: _____)
 4. SITE INSPECTION NEEDED (low priority)
 5. TENTATIVELY SCHEDULED FOR: _____
 6. WILL BE PERFORMED BY: _____

C. PREPARATION
 1. NAME Topman 2. TELEPHONE NUMBER 264-1575 3. DATE (mo., day, & yr.) 5/17/81

III. SITE INFORMATION

A. SITE STATUS
 1. ACTIVE (Industrial or municipal use, storage, or disposal, even if infrequent)
 2. INACTIVE (Those sites which no longer receive wastes)
 3. OTHER (specify): Facility active - tank farm inactive
 (Those sites that include such incidents like "midnight dumping" where no regular or continuing use of the site for waste disposal has occurred.)

B. IS GENERAL INFORMATION AVAILABLE?
 1. NO 2. YES (specify generator's four-digit SIC Code): _____

C. AREA OF SITE (square feet)
 D. IF APPARENT SERIOUSNESS OF SITE IS HIGH, SPECIFY COORDINATES
 1. LATITUDE (deg.-min.-sec.) _____ 2. LONGITUDE (deg.-min.-sec.) _____

E. ARE THERE BUILDINGS ON THE SITE?
 1. YES (specify): 5 or 6 small buildings

IV. CHARACTERIZATION OF SITE ACTIVITY

For site activity(ies) and details relating to each activity by marking 'X' in the appropriate boxes.

| Ind. No. | X | A. TRANSPORTER | X | B. STORER | X | C. TREATER | X | D. DISPOSER | | | | | | | | | | | | | | |
|----------|---|----------------|---|-----------|---|------------|---|-------------|---------|------------------------|----------------------|---------------------------------|-----------------------|---------------------|---------------|-----------------|---------------------|-----------------------|--------------------------|-------------------------|---------------------------|---------------------|
| | | | | | | | | | 1. PILE | 2. SURFACE IMPOUNDMENT | 3. DRUMS <i>1000</i> | 4. TANK, ABOVE GROUND <i>23</i> | 5. TANK, BELOW GROUND | 6. OTHER (specify): | 1. FILTRATION | 2. INCINERATION | 3. VOLUME REDUCTION | 4. RECYCLING/RECOVERY | 5. CHEM./PHYS. TREATMENT | 6. BIOLOGICAL TREATMENT | 7. WASTE OIL REPROCESSING | 8. SOLVENT RECOVERY |
| 1. | | | | | | | | | | | | | | | | | | | | | | |
| 2. | | | | | | | | | | | | | | | | | | | | | | |
| 3. | | | | | | | | | | | | | | | | | | | | | | |
| 4. | | | | | | | | | | | | | | | | | | | | | | |
| 5. | | | | | | | | | | | | | | | | | | | | | | |
| 6. | | | | | | | | | | | | | | | | | | | | | | |

E. SP. DETAILS OF SITE ACTIVITIES AS NEEDED

V. WASTE RELATED INFORMATION

1. LIQUID 2. SOLID 3. SLUDGE 4. GAS
 CHARACTERISTICS
 1. CORROSIVE 2. IGNITABLE 3. RADIOACTIVE 4. HIGHLY VOLATILE
 5. REACTIVE 6. INERT 7. FLAMMABLE

Specify:
 C. COPIES of wastes available? Specify items such as manifests, inventories, etc. below.

Amount (specify unit of measure) of waste by category; mark 'X' to indicate which wastes are present.

| Amount | Unit | a. OIL | b. SOLVENTS | c. CHEMICALS | d. SOLIDS | e. OTHER |
|--------|------|----------------------|------------------------------|-----------------------|-------------------------------|------------------------------|
| | | | | | | |
| UNIT | UNIT | UNIT OF MEASURE | UNIT OF MEASURE | UNIT OF MEASURE | UNIT OF MEASURE | UNIT OF MEASURE |
| X | | (1) OILY WASTES | X (1) HALOGENATED SOLVENTS | X (1) ACIDS | X (1) FLYASH | X (1) LABORATORY PHARMACEUT. |
| | | (2) OTHER (specify): | (2) NON-HALOGENATED SOLVENTS | (2) PICKLING LIQUORS | (2) ASBESTOS | (2) HOSPITAL |
| | | | (3) OTHER (specify): | (3) CAUSTICS | (3) MILLING/MINE TAILINGS | (3) RADIOACTIVE |
| | | | | (4) PESTICIDES | (4) FERROUS SMLTG. WASTES | (4) MUNICIPAL |
| | | | | (5) DYES/INKS | (5) NON-FERROUS SMLTG. WASTES | (5) OTHER (specify): |
| | | | | (6) CYANIDE | (6) OTHER (specify): | |
| | | | | (7) PHENOLS | | |
| | | | | (8) HALOGENS | | |
| | | | | (9) PCB | | |
| | | | | (10) METALS | | |
| | | | | (11) OTHER (specify): | | |

V. WASTE RELATED INFORMATION (continued)

3. PLACES OF GREATEST CONCERN WHICH MAY BE ON THE SITE (place in descending order of hazard).

4. COMMENTS OR NARRATIVE DESCRIPTION OF SITUATION KNOWN OR REPORTED TO EXIST AT THE SITE.

VI. HAZARD DESCRIPTION

| | A. TYPE OF HAZARD | B. POTENTIAL HAZARD (circle 'X') | C. ALLEGED INCIDENT (circle 'X') | D. DATE OF INCIDENT (mo., day, yr.) | E. REMARKS |
|-------|-------------------------------------|----------------------------------|----------------------------------|-------------------------------------|-------------|
| 1. N | | | | | |
| 2. H | HEALTH | | | | |
| 3. P | PROPERTY | | | | |
| 4. W | WATER | X | | | |
| 5. C | CONTAMINATION | | | | |
| 6. C | CONTAMINATION | | | | |
| 7. C | CONTAMINATION | | | | |
| 8. C | CONTAMINATION | X | | | Arthur Kill |
| 9. D | DISASTE | | | | |
| 10. F | FLAMMABLE | X | | | |
| 11. | FLAMMABLE | X | | | |
| 12. O | ODORS | | | | |
| 13. | ODORS | X | | | |
| 14. | DAMAGE | | | | |
| 15. | EROSION | X | | | Maybe |
| 16. C | CRACKING CONTAINERS/LEAKING LIQUIDS | X | | | |
| 17. | CRACKING | | | | |
| 18. | CRACKING | | | | |
| 19. | CRACKING | | | | |
| 20. | CRACKING | | | | |
| 21. | CRACKING | | | | |
| 22. | CRACKING | | | | |

Cont

Front

VII. PERMIT INFORMATION

A. IN APPLICABLE PERMITS HELD BY THE SITE.

1. FEDERAL PERMIT 2. SPCC PLAN 3. STATE PERMIT (specify): _____

4. NPDES 5. LOCAL PERMIT 6. RCRA TRANSPORTER _____

7. OTHER 8. RCRA TREATER 9. RCRA DISPOSER _____

Specify: _____

B. IN COMPLIANCE WITH RCRA SECTION 3005(b)(1) AND (2).

2. NO 3. UNKNOWN

ACT TO (list regulation name & number): _____

VIII. PAST REGULATORY ACTIONS

A. YES (specify below) _____

B. YES (summarize below)

IX. INSPECTION ACTIVITY (past or on-going)

B. YES (complete items 1, 2, 3, & 4 below)

| 1. ACTIVITY | 2. DATE OF PAST ACTION (mo., day, & yr.) | 3. PERFORMED BY: (EPA/State) | 4. DESCRIPTION |
|-------------|--|------------------------------|----------------|
| Inspection | 6/3/80 | State | |
| | | | |
| | | | |

X. REMEDIAL ACTIVITY (past or on-going)

B. YES (complete items 1, 2, 3, & 4 below)

| 1. ACTIVITY | 2. DATE OF PAST ACTION (mo., day, & yr.) | 3. PERFORMED BY: (EPA/State) | 4. DESCRIPTION |
|-------------|--|------------------------------|----------------|
| | | | |
| | | | |
| | | | |

NOTE: Use the information in Sections III through X, fill out the Preliminary Assessment (Section II) on the first page of this form.

REFERENCE NO. 13



Preliminary Assessment

Borne Chemical Company
AKA Coastal Environmental Services
632 South Front Street
Elizabeth, NJ

EPA # NJD002167237

BORNE CHEMICAL COMPANY
AKA COASTAL ENVIRONMENTAL SERVICES
ELIZABETH, N.J.
EPA# NJD002167237

Borne Chemical Company is located at 632 South Front Street, Elizabeth, Union County, New Jersey on a five acre tract of land adjacent to the Arthur Kill Waterway. Borne Chemical has been an operating facility at this site since 1959. The primary business conducted on this site was speciality chemical manufacturing. This facility was used for the blending and formulation of oil products. Other activities that occurred at this site were the manufacture of leather tanning substances, textile tints and oil additives.

The Borne Chemical facility is split into two separate areas, the oil blending area containing some drum storage and the tank farm. The area of environmental concern is the Borne Chemical tank farm. Borne's environmental problems began during the period of 1959 through 1979 when they leased space in their tank farm to several companies for storage. These companies stored a variety of petroleum products including waste materials. One of the major companies using this facility was Coastal Environmental Services of Linden, New Jersey, a company who dealt in the disposal of other peoples waste. It was during this period of time that a combination of poor record keeping, lax security and inadequate environmental concern that allowed improper substances to be stored and subsequently spilled.

The environmental contamination exists in two major areas. The storage tank area and the ground throughout the entire site. The storage tanks contain a significant amount of oily waste (estimated to be some 486,000 gallons) of which most is of unknown composition. Selected laboratory analysis of samples from these tanks have been found to contain PCB's. The concentrations of PCB's range between 10 and 48 ppm. Some of the tanks have also been found to have low flash points under 100°F. There have also been unknown quantities of potentially hazardous material spilled onto the grounds. This is evidenced by somewhat oily soils in and around the tank farm and manufacturing area. The laboratory reports indicate extensive soil contamination, primarily of volatile organics, base neutral compounds and heavy metals. The petroleum hydrocarbon contamination ranges from 62,000 to 312,000 ppm. (mg/kg). These soil samples were taken at several areas including the tank farm, loading area and drum storage area.

The Borne facility is located along a fairly industrial area along the Arthur Kill Waterway. The closest high density population center being the city of Elizabeth approximately 1/2 mile away. There is no threat to the areas drinking water supplies as there are no producing wells. Most water for this area is supplied by a municipal system. The well water of this area of Elizabeth is hard, as is true of most well water north of the Rahway River, along the bank of the Arthur Kill. However, there is potential contamination of this ground water due to the high water table in the area and the absence of any geological barriers to prevent hazardous substance migration. The immediate water concern lies in the standing surface water and the water run off from Borne which is likely to end up in the Arthur Kill. The soil in the area of the Borne is part of the Brunswick formation. This formation is made up of soft reddish brown shale that contains sandstone interbedded in it. The site soil is extremely contaminated and does not have much till associated with it.

At the time of this assessment this facility is no longer operating and the Chemical Company is bankrupt. The overall site is in a very distressed condition. The tank farm has areas of standing surface water contamination about it. The facility is littered with the occasional drum, some being rusted and general industrial debris. The site access is prevented by a chain link fence, however this fence can easily be breached in several areas. Primary site security is provided by dogs which are maintained by Mr. [redacted] [redacted]. Access can be obtained to the site buildings through broken windows and doors.

On 7 July 1987 the Office of Regulatory Services has issued a directive for the Borne Chemical Site covering immediate corrective measures. These measures are aimed around improving site security and the removal of all stored hazardous materials from the storage tanks and site buildings.

The actual degree of environmental contamination is extensive at Borne, further investigation is recommended especially in the soil spill areas and storage tank areas. Since PCB's were found to be present in the storage tanks and the soil in proximity to these tanks should also be examined. The extent of soil contamination should also be determined as to plume depth and migrating direction if any to better assess the potential adverse health impacts of the

| EPA | | POTENTIAL HAZARDOUS WASTE SITE
PRELIMINARY ASSESSMENT
PART I - SITE INFORMATION AND ASSESSMENT | | | I. IDENTIFICATION | |
|---|--|---|-----------------|------------------------------|---------------------|----------------|
| | | 01 STATE | | 02 SITE NUMBER | | |
| | | NJ | | D002167237 | | |
| II. SITE NAME AND LOCATION | | | | | | |
| 01 SITE NAME (Name, Department, or other address number or code) | | 02 STREET, ROUTE NO., OR SPECIFIC LOCATION IDENTIFIER | | | | |
| Bohemian Chemical Company | | 632 South Front | | | | |
| 03 CITY | | 04 STATE | 05 ZIP CODE | 06 COUNTY | | 07 COUNTY CODE |
| Elizabeth | | NJ | 07207 | Union | | 08 CONG DIST |
| 09 COORDINATE LATITUDE | | LONGITUDE | | 10 OTHER LOCATION IDENTIFIER | | |
| 33° 30' N | | 74° 12' 00' W | | Block 4 Lot 1469 | | |
| 11 DIRECTIONAL INSTRUCTIONS (Starting from road to public road) | | | | | | |
| Go south to Bayway Circle, 2nd right at Viaduct St. Elizabeth Ave. right turn until Front St. Turn right, cross one lane bridge. Site is on the right elevated RR tracks to Staten Island. | | | | | | |
| III. RESPONSIBLE PARTIES | | | | | | |
| 01 NAME | | 02 STREET (Business, Home, Residential) | | | | |
| Bohemian Chemical Corp. | | 632 South Front | | | | |
| 03 CITY | | 04 STATE | 05 ZIP CODE | 06 TELEPHONE NUMBER | | |
| Elizabeth | | NJ | 07207 | (201) 351-1717 | | |
| 07 OTHER ADDRESS (Home or other) | | 08 STREET (Business, Home, Residential) | | | | |
| Same as above | | | | | | |
| 09 CITY | | 10 STATE | 11 ZIP CODE | 12 TELEPHONE NUMBER | | |
| | | | | () | | |
| 13 TYPE OF SITE (Check one) | | | | | | |
| <input type="checkbox"/> A. PRIVATE <input type="checkbox"/> B. FEDERAL <input type="checkbox"/> C. STATE <input type="checkbox"/> D. COUNTY <input type="checkbox"/> E. MUNICIPAL
<input type="checkbox"/> F. OTHER <input type="checkbox"/> G. UNKNOWN | | | | | | |
| 14 DATE RECEIVED (Month Day Year) <input type="checkbox"/> B. UNCONTROLLED WASTE SITE (CERCLA 103 (c)) DATE RECEIVED (Month Day Year) <input checked="" type="checkbox"/> C. NONE | | | | | | |
| IV. IDENTIFICATION OF POTENTIAL HAZARD | | | | | | |
| 01 DATE | | BY (Check all that apply) | | | | |
| 8-3-81 | | <input checked="" type="checkbox"/> A. EPA <input type="checkbox"/> B. EPA CONTRACTOR <input checked="" type="checkbox"/> C. STATE <input type="checkbox"/> D. OTHER CONTRACTOR
<input type="checkbox"/> E. SOCIAL HEALTH OFFICIAL <input type="checkbox"/> F. OTHER | | | | |
| MONTH DAY YEAR | | CONTRACTOR NAME(S) | | | | |
| 02 YEARS OF OPERATION | | 03 YEARS OF OPERATION | | | | |
| 18 INACTIVE <input type="checkbox"/> C. UNKNOWN | | 1916 | | UNKNOW | | |
| 04 BEGINNING YEAR | | ENDING YEAR | | | | |
| 05 SUBSTANCES POSSIBLY PRESENT, KNOWN, OR ALLEGED | | | | | | |
| Metals, products, PCB, Aromatic Hydrocarbons. | | | | | | |
| 06 POTENTIAL HAZARD TO ENVIRONMENT AND/OR POPULATION | | | | | | |
| Assessment to be significant soil contamination in and around the tank farm. The tank farm is very deteriorated which could threaten the Arthur Kill. | | | | | | |
| V. ASSESSMENT | | | | | | |
| 01 INSPECTION (Check one) High or medium checked. (See Section 2.1) - more information on Part 2 - Description of Pathways, Contaminants and Endpoints) | | | | | | |
| <input checked="" type="checkbox"/> B. MEDIUM <input type="checkbox"/> C. LOW <input type="checkbox"/> D. NONE
<small>(No further action needed. Consider future monitoring only)</small> | | | | | | |
| 02 INFORMATION AVAILABLE FROM | | | | | | |
| 03 AGENCY | | 04 ORGANIZATION | | | 05 TELEPHONE NUMBER | |
| Case Management | | NJDEP | | | () | |
| 06 NAME FOR ASSESSMENT | | 07 AGENCY | 08 ORGANIZATION | 09 TELEPHONE NUMBER | 10 DATE | |
| Via, Jr. | | NJDEP | BPA | (609) 984-3224 | 6-30-87 | |
| | | | | MONTH DAY YEAR | | |



POTENTIAL HAZARDOUS WASTE SITE
PRELIMINARY ASSESSMENT
PART 2 - WASTE INFORMATION

IDENTIFICATION
01 STATE 02 SITE NUMBER
NJ | D002167237

II. WASTE QUANTITIES, AND CHARACTERISTICS

01 PHYSICAL STATE (Check all that apply):
 A SOLID
 B POWDER
 C SLUDGE
 D OTHER

02 WASTE QUANTITY AT SITE (Check all that apply):
 E SLURRY
 F LIQUID
 G GAS
 TONS _____
 CUBIC YARDS _____
 NO OF DRUMS 8,600-10,600

03 WASTE CHARACTERISTICS (Check all that apply):
 A TOXIC
 B CORROSIVE
 C RADIOACTIVE
 D PERSISTENT
 E SOLUBLE
 F INFECTIOUS
 G FLAMMABLE
 H IRRITABLE
 I HIGHLY VOLATILE
 J EXPLOSIVE
 K REACTIVE
 L INCOMPATIBLE
 M NOT APPLICABLE

III. WASTE CATEGORIES

| CATEGORY | SUBSTANCE NAME | 01 GROSS AMOUNT | 02 UNIT OF MEASURE | 03 COMMENTS |
|----------|---------------------|-----------------|--------------------|--------------------------|
| SLU | SLUDGE | | | |
| OLW | LIQUID WASTE | 468,000 | Gallons | Present in storage tanks |
| SOI | SOLVENTS | | | |
| PSC | PESTICIDES | | | |
| OCOC | ORGANIC CHEMICALS | | | |
| IOCC | INORGANIC CHEMICALS | | | |
| ACD | ACIDS | | | |
| BAS | BASES | | | |
| MEE | HEAVY METALS | | | |

IV. HAZARDOUS SUBSTANCES (See Appendix for Hazardous Substance List CAS Numbers)

| 01 CATEGORY | 02 SUBSTANCE NAME | 03 CAS NUMBER | 04 STORAGE/ DISPOSAL METHOD | 05 CONCENTRATION | 06 MEASURE OF CONCENTRATION |
|-------------|------------------------|---------------|-----------------------------|------------------|-----------------------------|
| OLW | | 1336-36-3 | | 10-48 | ppm |
| OLW | Aromatic Hydrocarbons | 999 | | 1-28,000 | ppm |
| OLW | Aliphatic Hydrocarbons | 999 | | 1-3000 | ppm |
| OLW | | 999 | | 1-82 | percent |
| OCOC | chloroethylene | 127-18-4 | | 570 | ppm |
| OCOC | Benzene | 100-41-4 | | 200 | ppm |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

V. FEEDSTOCK

| CATEGORY | 01 FEEDSTOCK NAME | 02 CAS NUMBER | CATEGORY | 01 FEEDSTOCK NAME | 02 CAS NUMBER |
|----------|-------------------|---------------|----------|-------------------|---------------|
| FDS | | | FDS | | |
| FDS | | | FDS | | |
| FDS | | | FDS | | |
| FDS | | | FDS | | |

VI. SOURCE INFORMATION (See Appendix for Source Information List CAS Numbers)

Stable Site Report February 10, 1982
 Site Investigation R. Gashlin May 27, 1983

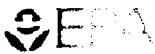


POTENTIAL HAZARDOUS WASTE SITE
PRELIMINARY ASSESSMENT

PART 3 - DESCRIPTION OF HAZARDOUS CONDITIONS AND INCIDENTS

IDENTIFICATION
01 STATE | 02 SITE NUMBER
NJ | D002167237

| II. HAZARDOUS CONDITIONS AND INCIDENTS | | 03 <input type="checkbox"/> POTENTIAL | 04 <input type="checkbox"/> ALLEGED |
|--|--|---------------------------------------|-------------------------------------|
| 01 <input type="checkbox"/> GROUNDWATER CONTAMINATION
02 POPULATION POTENTIALLY AFFECTED: _____ | 03 <input type="checkbox"/> OBSERVED (DATE _____)
04 NARRATIVE DESCRIPTION | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Groundwater contamination is likely due to hazardous material spills and the high groundwater table in the proximity of the Arthur Kill. | | Attachment H | |
| 01 <input type="checkbox"/> SURFACE WATER CONTAMINATION
02 POPULATION POTENTIALLY AFFECTED: _____ | 03 <input type="checkbox"/> OBSERVED (DATE _____)
04 NARRATIVE DESCRIPTION | <input type="checkbox"/> | <input type="checkbox"/> |
| Surface water contamination is possible due to contaminated soil run-off and discharge pipes that are directed towards the Arthur Kill. | | Attachment H | |
| 01 <input type="checkbox"/> CONTAMINATION OF AIR
02 POPULATION POTENTIALLY AFFECTED: _____ | 03 <input type="checkbox"/> OBSERVED (DATE _____)
04 NARRATIVE DESCRIPTION | <input type="checkbox"/> | <input type="checkbox"/> |
| It is likely, due to the high molecular weights and resultant vapor pressures of waste, and blending oils stored at site. | | | |
| 01 <input checked="" type="checkbox"/> FIRE/EXPLOSIVE CONDITIONS
02 POPULATION POTENTIALLY AFFECTED: _____ | 03 <input type="checkbox"/> OBSERVED (DATE _____)
04 NARRATIVE DESCRIPTION | <input type="checkbox"/> | <input type="checkbox"/> |
| Explosive conditions do exist at some tanks due to a low flash point 100°C. There are also fire hazards at storage buildings due to oily materials and overall layout of the building. | | Attachment C | |
| 01 <input checked="" type="checkbox"/> FENCED SITE
02 POPULATION POTENTIALLY AFFECTED: _____ | 03 <input checked="" type="checkbox"/> OBSERVED (DATE _____)
04 NARRATIVE DESCRIPTION | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| This site is fenced in, however there is a potential for direct contact as the fence can be breached and there is no security guards with the exception of dogs. | | | |
| 01 <input type="checkbox"/> CONTAMINATION OF SOIL
02 AREA POTENTIALLY AFFECTED: _____ | 03 <input checked="" type="checkbox"/> OBSERVED (DATE 1/11/95)
04 NARRATIVE DESCRIPTION | <input type="checkbox"/> | <input type="checkbox"/> |
| Large areas of the site appear to have significant amounts of soil contamination. The tank farm has standing liquid pools present. | | Attachment D | |
| 01 <input type="checkbox"/> DRINKING WATER CONTAMINATION
02 POPULATION POTENTIALLY AFFECTED: _____ | 03 <input type="checkbox"/> OBSERVED (DATE _____)
04 NARRATIVE DESCRIPTION | <input type="checkbox"/> | <input type="checkbox"/> |
| There are no wells in the area of Borne Chemical site, all water is piped in from the beach. | | | |
| 01 <input type="checkbox"/> WORKER EXPOSURE/INJURY
02 WORKERS POTENTIALLY AFFECTED: _____ | 03 <input type="checkbox"/> OBSERVED (DATE _____)
04 NARRATIVE DESCRIPTION | <input type="checkbox"/> | <input type="checkbox"/> |
| Site is no longer operating, worker exposure is minimal. | | | |
| 01 <input type="checkbox"/> POPULATION EXPOSURE/INJURY
02 POPULATION POTENTIALLY AFFECTED: _____ | 03 <input type="checkbox"/> OBSERVED (DATE _____)
04 NARRATIVE DESCRIPTION | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| There is a possibility of population exposure if the tanks and/or storage buildings were to catch fire and/or explode. | | | |



POTENTIAL HAZARDOUS WASTE SITE
PRELIMINARY ASSESSMENT
PART 3 - DESCRIPTION OF HAZARDOUS CONDITIONS AND INCIDENTS

L IDENTIFICATION
01 STATE 02 SITE NUMBER
NJ D002167237

II. HAZARDOUS CONDITIONS AND INCIDENTS

01 J DAMAGE TO FLORA 02 OBSERVED (DATE _____) POTENTIAL ALLEGED
04 NARRATIVE DESCRIPTION

There is very little noticeable damage to the area flora, as there is very little flora remaining.

01 K DAMAGE TO FAUNA 02 OBSERVED (DATE _____) POTENTIAL ALLEGED
04 NARRATIVE DESCRIPTION (Include number of species if applicable)

Discharges from the site could impact the aquatic fauna.

01 L CONTAMINATION OF FOOD CHAIN 02 OBSERVED (DATE _____) POTENTIAL ALLEGED
04 NARRATIVE DESCRIPTION

There is the possibility of discharges to the Arthur Kill which may effect the food chain.

01 M CONTAINMENT OF WASTES 02 OBSERVED (DATE _____) POTENTIAL ALLEGED
03 POPULATION POTENTIALLY AFFECTED _____ 04 NARRATIVE DESCRIPTION

There were some 600 drums stacked on the property, however they have been removed. Some drums contain unknown waste along with the storage and manufacturing area.
Attachment B

01 N DAMAGE TO OFFSITE PROPERTY 02 OBSERVED (DATE _____) POTENTIAL ALLEGED
04 NARRATIVE DESCRIPTION

There is apparent damage to offsite property as a result of the Borne Chemical release.

01 O CONTAMINATION OF SEWERS, STORM DRAINS, WWTPs 02 OBSERVED (DATE _____) POTENTIAL ALLEGED
04 NARRATIVE DESCRIPTION

There is apparent sewer storm drain contamination potential.

01 P ILLEGAL AUTHORIZED DUMPING 02 OBSERVED (DATE _____) POTENTIAL ALLEGED
04 NARRATIVE DESCRIPTION

Site has a history of illegal waste storage, and the degree of ground contamination does appear extensive.
Attachment F

03 DESCRIPTION OF OTHER KNOWN, POTENTIAL, OR ALLEGED HAZARDS

There are indications that the manufacturing and storage buildings may be fire hazards.

III. TOTAL POPULATION POTENTIALLY AFFECTED: _____

IV. COMMENTS

V. SOURCES OF INFORMATION (See Appendix A for details)

IRWIN I. KIMMELMAN
Attorney General of New Jersey
Attorney for State of New Jersey,
Department of Environmental
Protection
Richard J. Hughes Justice Complex
CN 112
Trenton, New Jersey 08625

By: REBECCA FIELDS
Deputy Attorney General
(609) 292-1559

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

In the Matter of) (Hon. D. Joseph DeVito)
BORNE CHEMICAL COMPANY, INC.,)
a corporation of the State of) Chapter 11
New Jersey,) Case No. 80-00495
Debtor-in-Possession)

STATE OF NEW JERSEY)
) SS. AFFIDAVIT OF CHRISTINE ALTOMARI
COUNTY OF MERCER)

CHRISTINE ALTOMARI, of full age, being duly sworn accord-
ing to law, upon my oath do hereby depose and say that:

1. I am Site Manager in the office of Hazardous Site
Mitigation Administration ("HSMA"), Division of Waste Management,
New Jersey Department of Environmental Protection ("NJDEP"). In
this capacity I am responsible to oversee and manage remedial
measures undertaken at hazardous waste sites. Remedial measures

BAA000007

TIERRA-B-011927

are deemed necessary when hazardous materials are or have been released to the environment and pose a potential impact to public health or the environment. Remedial measures or funding for remedial measure may be provided by federal, state or private sources.

2. I have been employed in my current position since June 27, 1983. From January 1981 to June 1983 I was employed in a similar capacity with the United States Environmental Protection Agency ("USEPA"). From April 1980 until January 1981 I was employed as an Environmental Scientist with Satterthwaite Associates, Inc., an environmental consulting firm.

3. I hold a Bachelor of Science Degree (1980) in Environmental Resource Management from the Pennsylvania State University.

4. I was assigned to the Borne Chemical facility ("Borne") in July 1983. I have personally inspected the site and have reviewed the Department files available to the Hazardous Site Mitigation Administration. I am familiar with the manufacturing activities at Borne, the previous sampling and analytical data, the environmental problems, the status of the NJDEP's previous enforcement actions, and the current application by Borne before the federal Bankruptcy Court.

5. The records on file with the Hazardous Site Mitigation Administration dating back to September 1978, document the storage and release of hazardous materials at the Borne site, as more fully explained below.

6. A memo dated December 8, 1978 from NJDEP field inspectors Kramer and Smajda states that 60-65,000 gallons of nitrobenzene was in a storage tank on the site and the soils around this storage tank were noticeably stained with spillage of this hazardous material.

7. Results of chemical analysis dated May 18, 1979 performed by Caleb Brett Laboratories for the Clean Venture Company, a lessee of a portion of the tank farm, indicate the presence of chemical solvents being stored in tanks in the tank farm with flashpoints of 78°F, 98°F and up to 200°F. This information indicate the presence of a fire/explosion potential from these materials, and it also demonstrates that these are hazardous materials, since anything below 140°F is considered hazardous, based on ignitability.

8. Between 1980 and 1982, chemical analyses were also performed to determine the concentration of polychlorinated biphenyls (PCB's), a potential carcinogen, in the waste oils stored in the Borne tank farm. These were done by various laboratories on behalf of Borne and NJDEP.

9. The USEPA regulates the storage, transportation and disposal of waste oil with PCB concentrations greater than 50 parts per million (ppm). Analyses performed by Case laboratories for Borne on October 1, 1980 indicate the presence of PCB's in the oils stored in the Borne tanks ranged from

12-54 ppm. Subsequent sampling has been performed on these oils, some of which indicate PCB levels less than 30 ppm; however, these results are inconclusive since the sampling procedures and analyses have been inconsistent and the data has been conflicting. Furthermore, the sludges at the bottom of these tanks have never been analyzed and PCB's tend to accumulate in the bottom sludges. USEPA regulations state that if the sludges have a concentration greater than 50 ppm, all of the oil in the tank must also be considered PCB contaminated and handled appropriately. Therefore, the NJDEP cannot allow the removal of the tank material until the sludge has first been analyzed for PCB content.

10. A Site Inspection Report filed with NJDEP by the USEPA Field Investigative Team on August 3, 1981 estimated that approximately 468,000 gals of liquids remain in ten tanks in the tank farm. The report also stated that the tanks may not be secure.

11. On December 12, 1983 I accompanied Fred Sickles and Kevin Gashlin, from NJDEP's Division of Waste Management, NJDEP on an inspection of the Borne facility. I noted that several of the tanks in the tank farm were severely rusted, and I observed at least two tanks were leaking, which indicates that their foundations are of questionable integrity.

12. Approximately 600 drums containing chemicals are presently stored by Borne on property owned by the Chessie System Railroad, but leased to and occupied by Borne. The presence of these materials in part resulted

in the issuance of an Administrative Order to Borne Chemical Company in October 1981. Borne has represented to NJDEP that these drums were the responsibility of the Rolfite Company and that Borne was seeking their removal in litigation with Rolfite. In settlement of its litigation with Borne over ownership of these drums, which the Bankruptcy Court approved, Rolfite agreed to remove its drums. When this settlement was presented to the Bankruptcy Court, it was represented that it would encompass "approximately 600 drums." At that time, the State NJDEP appeared and asked that the materials be identified and removed in an appropriate fashion, in compliance with NJDEP regulations. Counsel for Rolfite, Mr. Robert Hockfield, represented to the Bankruptcy Court Rolfite's agreement to meet applicable requirements. However, NJDEP was subsequently advised by a Borne representative that, with Borne's approval, Rolfite Company would assume responsibility for the removal of only 90% of these drums, those which contain workable product and NJDEP should look to Borne for removal of the waste materials. NJDEP and Rolfite are presently negotiating the manner in which Rolfite's drums shall be bulked, sampled and transported to the Rolfite facility in Stamford, Connecticut.

13. From inventories performed in November 1981 and January 1984, the Rolfite Company has identified approximately 60 drums that they have advised NJDEP will not remove by agreement with Borne. These drums are described by Rolfite as containing hazardous materials comprised of solvents, hydrocarbons, aliphatic and aromatic hydrocarbons and organics.

14. On my inspection on December 12, 1983 I noticed stained soils in this drum storage area, indicating that materials have been released from drums to the environment.

15. An oval unlined surface impoundment (lagoon) approximately 12 feet across is also situated near the drum storage area. Borne has advised NJDEP that this device was used to separate oil and water from materials stored in the tank farm.

16. On December 12, 1983 I observed that oily liquids filled the lagoon to the top of the berms surrounding the lagoon. Stained soils were noticeable all around the lagoon.

17. Chemical spillage and soil contamination has also been observed and documented in several reports including the December 8, 1978 report from NJDEP inspectors Kramer and Smajda; November 2, 1980 report from NJDEP inspector Gashlin; August 3, 1981 report by USEPA Field Investigation Team, as well as my inspection of December 12, 1983. The soils particularly in the areas of the tank farm, drum storage area, the lagoon, and within and around the processing buildings appear saturated with oil, and are stained with other potentially hazardous materials. Sampling and analytical work is necessary to determine the full extent and depth of this contamination.

18. The August 3, 1981 USEPA inspection report states that oil was present around two surface water drainage pipes leaving the Borne site, and an oil sheen was observed

on the Arthur Kill. Contamination of the groundwater beneath the Borne site is unconfirmed but likely, since the water table is very shallow.

19. The floors, walls, equipment, etc. within the process buildings are also saturated with oils and are stained with unknown materials. Several processing tanks and storage tanks within the buildings contain oily liquids that may or may not be product material.

20. On April 21, 1980 NJDEP issued a Notice of Prosecution ("NOP") to the Borne-Scrymser Corporation and Peabody Coastal Services Inc. The NOP stated that chemical waste had been disposed on the Borne site contrary to NJDEP regulations, without an approved registration, engineering design, and Department approval. The companies were ordered to inventory the waste material and remove it from the site. These companies were involved in litigation which, among other issues, involved the determination of relative responsibility for these wastes. The companies reached a resolution of their dispute by which Borne assumed the responsibility to remove these waste materials, although this has never been completed.

21. On October 3, 1981 NJDEP issued an Administrative Order to Borne directing them to identify all inventory wastes on the site and to properly remove and dispose of them.

22. Subsequently on April 22 and April 23, 1982, Borne contracted with Valley Forge Engineering to remove the

waste materials from the tanks in the tank farm and in the processing buildings. After two tank loads were shipped from the site, this action was terminated. These actions appear to have been terminated for several reasons, including conflicting analyses of PCB concentrations in the oil, inadequate identification of the wastes on the manifest forms, and the discovery that the disposal facility, Hazleton Oil Salvage, located in Pennsylvania, was not authorized to accept shipments of hazardous waste. This material has not yet been removed from the site, although I have been advised that Borne is presently negotiating for its sale to Valley Forge Engineering.

23. In an attempt to resolve the environmental problems at the facility, various representatives from NJDEP met on February 15, 1984 with representatives of Borne and several potential buyers of the site on February 15, 1984.

24. NJDEP representatives explained that the Environmental Cleanup Responsibility Act ("ECRA") was in effect as of December 31, 1983 and was promulgated to ensure the cleanup of hazardous materials prior to the closure, sale or transfer of property such as the Borne site.

25. Since February 15, 1984 neither Borne nor any of the potential buyers have come forward to NJDEP with any offer which will comply with ECRA.

26. Based on the conditions which I observed on December 12, 1983, the following conditions at the Borne site remain unaddressed:

a) Hazardous materials are currently stored on the Borne site on lands owned and occupied by Borne in the the processing buildings and surrounding areas, in the tank farm, and in the area between the tank farm and processing area where the surface impoundment is located and drums are stored. All of this storage is taking place at a facility without an approved registration, engineering design, or NJDEP permits.

b) There exist pooled oily liquids on the ground and there are soils saturated with oil in the vicinity of the tank farm, lagoon, drum storage area, and within and around the process buildings which indicate a release to the environment of these potentially hazardous materials.

c) The dikes surrounding the tank farm and the surface impoundment lagoon are providing inadequate containment. I observed stains surrounding the diked areas; moreover, the impervious quality of the soils used to construct the dikes is unknown but questionable, due to the presence of areas of collapse and holes through the dikes.

d) In April 1983, the NJDEP approved the amended DPCC/DCR plan submitted by Borne. To date Borne is not in compliance with the requirements and time schedules specified in the DPCC/DCR plan.

e) As provided by ECRA, if Borne is intending to sell, transfer, or close the Borne Chemical facility, Borne must provide NJDEP with the proper notifications. To date

Borne has not submitted the required ECRA notice, nor any of the required ECRA remedial plans.

Christine Altomari
Christine Altomari

Sworn and subscribed to
before me this 1st day
of April, 1984.

Patrice Fulk
An Attorney at Law of
New Jersey



State of New Jersey

Christine Todd Whitman
Governor

Department of Environmental Protection

Robert C. Shinn, Jr.
Commissioner

OCT 18 1994

Dear Respondents: [SEE ATTACHED SERVICE LIST]

Re: Borne Chemical Company Site Directive and Notice to Insurers

Enclosed for service upon you is a Directive and Notice to Insurers for all Respondents on the attached service list to arrange for a remedial investigation of the Borne Chemical Company Site. The Department issues this Directive and Notice to Insurers pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq.

Respondents shall communicate their responses to the Department in writing pursuant to N.J.A.C. 7:26C-2.5(g) within the timeframe set forth in this Directive.

If Respondents choose to enter into an oversight document pursuant to N.J.A.C. 7:26C, please contact the Department within five (5) business days after receipt of this Directive. If Respondents do not wish to enter into an oversight document, Respondents may nonetheless participate in the remediation pursuant to N.J.A.C. 7:26C-5.5(d) by paying all or part of the cost of remediation. Any partial payment by Respondents will mitigate, but not satisfy, Respondents' liability for the Department's cleanup and removal costs, statutory penalties or treble damages.

If Respondents wish to review the Department's files on this matter, they should submit their request in writing to:

Shanley & Fisher
131 Madison Avenue
Morristown, New Jersey 07962
Attn: Richard A. Levao, Esq.

If you have any questions, please do not hesitate to contact Colleen Kokas of my staff at (609) 633-0719.

Sincerely,

Ronald T. Corcory, Assistant Director
Responsible Party Cleanup Element

Enclosure(s)

c: Leslie Sklar, DAG (w/enclosure)
Colleen Kokas, BAC (w/enclosure)
Jerri Weigand, BAC (w/enclosure)
Frank Grossan, BSCM (w/enclosure)

REVISED SERVICE LIST - October 17, 1994

P 839 137 223

Aetna Insurance Company
151 Farmington Avenue
Hartford, CT 06156

P839 137 224

AGIP USA, Inc.
110 East 59th Street
New York, NY 10022-1306

P839 137 225

Leon Margolis, Vice President
A. Margolis & Sons Corp.
1504 Atlantic Ave.
Brooklyn, NY 11216

P839 137 226

American Centennial Insurance Company
1415 Foulk Road
Suite 100
Foulkstone, DE 19803

P839 137 227

AT&T
c/o Prentice-Hall Corp. System
830 Bear Tavern Road
W. Trenton, NJ 08628

P839 137 228

Office of the President
AT&T
131 Morristown Road
Basking Ridge, NJ 07920-1650

P839 137 229

Baron Chemicals, Inc.
c/o Mr. William A. Dolan
666 Boesal Ave.
Manville, NJ 08835

P839 137 230

Preston E. Insley, President
Basic Incorporated
901 E. Eighth Ave.
King of Prussia, PA 19406

P839 137 231

Basic Incorporated
c/o Martin H. Lewis
Arter & Hadden
One Columbus, 10 W. Broad Street
Suite 2100
Columbus, OH 43215-3422

Z749 643 821

Office of the President
Baychem Corporation
169 West 52nd Street
Bayonne, NJ 07002

P839 137 232

BP North America Petroleum Inc.
200 Public Square
Cleveland, OH 44114

P839 137 233

BP North America Petroleum Inc.
c/o CT Corporation System
820 Bear Tavern Road
West Trenton, NJ 08628

P839 137 234

Buckeye Pipe Line Company
c/o Corporation Trust Company
28 W. State St.
Trenton, NJ 08608

P839 137 235

Office of the President
Buckeye Pipe Line Company
P.O. Box 368 - 5002 Buckeye Road
Emmanus, PA 18049

P839 137 236

Mr. Marvin Mahan
Chemsol, Inc.
1703 E. 2nd St.
P. O. Box 190
Scotch Plains, NJ 07076

P839 137 237

Chesebrough-Pond's Inc.
c/o The Corporation Trust Co.
820 Bear Tavern Road
W. Trenton, NJ 08628

P839 137 238

Chesebrough-Pond's Inc.
33 Benedict Place
P.O. Box 6000
Greenwich, CT 06836

P839 137 239

K.L. Frank, Superfund Specialist
Chevron Research and Technology Co.
1003 West Cutting Boulevard
Richmond, CA 94804-0054

P839 137 240

Chevron USA, Inc.
c/o Francis X. Journick, Esq. (K.L. Frank requested copy be sent here)
Wilentz, Goldman & Spitzer
90 Woodbridge Center Drive
P.O. Box 10
Woodbridge, NJ 07095

Z749 643 763

Continental Casualty (CNA)
CNA Plaza
Chicago, IL 60685

Z749 643 764

Office of the President
Coastal Oil Company
Gateway Suite 300
Newark, NJ 07102

Z749 643 765

Combustion Engineering Inc.
c/o The Corporation Trust Co.
820 Bear Tavern Road
W. Trenton, NJ 08628

Z749 643 766

Office of President
Consolidated Rail Corp.
2001 Market St.
Philadelphia, PA 19101

Z749 643 767

Consolidated Rail Corporation
c/o The Corporation Trust Co.
820 Bear Tavern Road
W. Trenton, NJ 08628

2749 643 768

Mr. Edward R. Hess
Edward R. Hess Company
374 Uniondale Ave.
P.O. Box 222
Uniondale, NY 11533

2749 643 769

Elf Marine Int'l Service
c/o Richard R. Ricci, Esq.
Lowenstein, Sandler, Kohl, Fisher & Boylan
65 Livingston Avenue
Roseland, NJ 07068-1791

2749 643 770

Office of the President
E.I. DuPont de Nemours & Co., Inc.
1007 Market St.
Wilmington, DE 19898

2749 643 771

E.I. DuPont de Nemours & Co., Inc.
c/o The Corporation Trust Co.
820 Bear Tavern Road
W. Trenton, NJ 08628

2749 643 772

Employer's Insurance of Wausau
2000 Westwood Drive
Wausau, WI 54401

2749 643 773

Office of the President
Exxon Corporation
225 E. John W. Carpenter St.
Irving, TX 75062

2749 643 774

Federal Insurance Company (Chubb)
15 Mountainview Road
Warren, NJ 07061-1615

2749 643 775

Fireman's Fund
777 San Marin Drive
Novato, CA 94998

2749 643 776

First State Insurance Company
(ITT Hartford)
150 Federal Street
Boston, MA 02110-1753

Z 749 643 777

John F. Stillmun, Esq.
FMC Corporation
1735 Market Street
Philadelphia, PA 19103

Z749 643 778

Food Haulers, Inc.
c/o Jerome D. Yaguda
600 York Street
Elizabeth, NJ 07207

Z749 643 779

Office of the President
Getty Oil Co.
1111 Bagby Rd.
Houston, TX 77002

Z749 643 780

Getty Oil Company
c/o Prentice-Hall Corp. System
830 Bear Tavern Road
W. Trenton, NJ 08628

Z749 643 781

Indemnity Company of North America (CIGNA)
Two Liberty Place
1601 Chestnut St.
Philadelphia, PA 19192

Z749 643 782

Keyline Research & Development
c/o Speiller & Kris
19 Rector Street
New York, NY 10006

Z749 643 783

Mr. Hans H. Schafft
Lehan Sales Co.
P.O. Box 266
Scottsville, VA 24590

Z749 643 784

Office of the President
Manor Healthcare Corporation
10750 Columbia Pike
Silver Springs, MD 20901

Z749 643 785

Manor Healthcare Corporation
c/o Prentice-Hall Corp. System
830 Bear Tavern Road
W. Trenton, NJ 08628

2749 643 786

Office of the President
Marisol Inc.
125 Factory Lane
Middlesex, NJ 08846

2749 643 787

Marisol, Inc.
c/o Richard A. Levao
Shanley & Fisher
131 Madison Ave.
Morristown, NJ 07960

2749 643 788

Metropolitan Petroleum Petrochemicals Co., Inc.
c/o James C. Foster
36 Peat Street
Harrington Park, NJ 07640

2749 643 789

Miller Environmental (formerly Marine Pollution Control, Inc.)
P.O. Box 610
Calverton, NY 11933

2749 643 790

Office of the President
Mobil Oil Corporation
3225 Gallows Rd.
Fairfax, VA 22037

2749 643 791

Mobil Oil Corporation
c/o Prentice-Hall Corp. System
830 Bear Tavern Road
W. Trenton, NJ 08628

2749 643 792

National Lead Company
c/o Prentice-Hall Corp. System
830 Bear Tavern Road
W. Trenton, NJ 08628

2749 643 793

Office of the President
National Lead Company
3000 N. Sam Houston Parkway
Houston, TX 77032

2749 643 794

Northbrook Excess and Surplus (Allstate)
Allstate Commercial Plaza
South Barrington, IL 60010



State of New Jersey

Christine Todd Whitman
Governor

Department of Environmental Protection

Robert C. Shinn, Jr.
Commissioner

IN THE MATTER OF :

THE BORNE CHEMICAL COMPANY SITE :
ELIZABETH, NEW JERSEY :

-AND-

REVISED
THIRD
SUPPLEMENTAL
DIRECTIVE

- AGIP USA, INC. :
A.MARGOLIS & SONS, CORP. :
AMERICAN TELEPHONE & TELEGRAPH :
BARON CHEMICALS, INC. :
BASIC INCORPORATED :
BAYCHEM CORPORATION :
BP NORTH AMERICA PETROLEUM INC. :
BUCKEYE PIPELINE COMPANY :
CHESEBROUGH-POND'S INC. :
CHEVRON USA, INC :
COASTAL OIL COMPANY :
COMBUSTION ENGINEERING INC. :
CONSOLIDATED RAIL CORPORATION :
EDWARD R. HESS COMPANY :
E. I. DuPONT deNEMOURS&COMPANY, INC. :
ELF MARINE INTERNATIONAL SERVICE :
ENJAY CHEMICAL CORPORATION :
EXXON CORPORATION :
FMC CORPORATION :
FOOD HAULERS, INC. :
GETTY OIL COMPANY :
KEYLINE RESEARCH & DEVELOPMENT :
LEHAN SALES COMPANY :
MANOR HEALTHCARE CORPORATION :
MARISOL, INC. :
METROPOLITAN PETROLEUM :
PETROCHEMICALS COMPANY, INC. :
MILLER ENVIRONMENTAL :
MOBIL OIL CORPORATION :
NATIONAL LEAD COMPANY :
OCEAN OIL COMPANY LIMITED :
ORANGE AND ROCKLAND UTILITIES :
PEABODY CLEAN INDUSTRY, INC. :
OF MASSACHUSETTS :
PEABODY INTERNATIONAL CORPORATION :
PENNSYLVANIA PETROLEUM PRODUCTS :
COMPANY :
PHELPS DODGE COPPER PRODUCTS :

COMPANY :
 PUBLIC SERVICE ELECTRIC AND GAS :
 COMPANY :
 THE ROLFITE COMPANY :
 SANTA FE BRAUN, INC. :
 SHANNON OIL & CHEMICALS :
 SCIENTIFIC CHEMICAL TREATMENT :
 CO., INC., CHEMSOL CHEMICAL :
 MARKETING DIVISION :
 SWAN MICHIGAN OIL COMPANY :
 TEXACO REFINING & MARKETING, INC. :
 THOMAS & BETTS COMPANY :
 UNITED STATES OIL CORPORATION :
 WAKEFERN FOOD CORPORATION AND :
 WITCO CHEMICAL COMPANY :
 :
 RESPONDENTS :

AND

AETNA INSURANCE COMPANY :
 AMERICAN CENTENNIAL INSURANCE CO. :
 CONTINENTAL CASUALTY (CNA) :
 EMPLOYER'S INSURANCE OF WAUSAU :
 FEDERAL INSURANCE COMPANY :
 FIREMAN'S FUND :
 FIRST STATE INSURANCE COMPANY :
 (ITT HARTFORD) :
 INDEMNITY COMPANY OF NORTH AMERICA :
 (CIGNA) :
 NEW JERSEY PROPERTY LIABILITY :
 GUARANTEE ASSOCIATION :
 NORTHBROOK EXCESS AND SURPLUS :
 (ALLSTATE) :
 NORTH RIVER INSURANCE COMPANY :
 PEERLESS INSURANCE COMPANY :
 SIGNET STAR REINS. COMPANY :
 (FORMER NORTHSTAR REINSUR. CO.) :
 UNION INDEMNITY INSURANCE COMPANY :
 ZURICH GENERAL ACCIDENT AND :
 LIABILITY INSURANCE COMPANY :

INSURERS.

This revised Third Supplemental Directive is issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (hereinafter "the Department" or "NJDEP") by N.J.S.A. 13:1D-1 et seq. and the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., and duly delegated to the Assistant Director of the Responsible Party Cleanup Element within the Division of Responsible Party Site Remediation pursuant to N.J.S.A. 13:1B-4. This revised Third Supplemental Directive is

issued in order to notify the above-captioned Respondents that the Department, pursuant to the Spill Compensation and Control Act, has determined that it is necessary to cleanup and remove discharges, and in order to notify the Respondents that the Department believes them to be responsible for the discharges.

FINDINGS

A. The Site

1. The Borne Chemical Company Site is located at 600-616 and 632-650 South Front Street, Elizabeth, Union County, New Jersey, Block 4, Lots 1468 and 1469, on the Tax Map of the City of Elizabeth (hereinafter, the "Borne Site" or the "Site"). The Site, which consists of approximately 6.2 acres, plus an easement, is bounded on the west by South Front Street, on the east by the Arthur Kill, and on the north and south by other commercial/industrial facilities.

B. Respondents

2. AGIP USA, Inc. (hereinafter "AGIP") of New York, New York, is a Delaware corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances as defined by the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., and the regulations promulgated pursuant thereto, N.J.A.C. 7:1E-1 et seq.

3. A. Margolis & Sons Corp. (hereinafter "Margolis") of Brooklyn, New York, is a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.

4. American Telephone & Telegraph (hereinafter "AT&T") of Basking Ridge, New Jersey, is a corporation which utilizes and generates chemical-based products and wastes, including hazardous substances.

5. Baron Chemicals, Inc. (hereinafter "Baron") of Manville, New Jersey, was a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.

6. Basic Incorporated (hereinafter "Basic") of King of Prussia, Pennsylvania is a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.

7. Baychem Corporation, Verona Division (hereinafter "Baychem") of Bayonne, New Jersey, was a New Jersey Corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.

8. BP North America Petroleum, Inc. (hereinafter "BP NAP") of New York, New York, is a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances. In addition, Coastal Oil Company was formerly a division of BP NAP.

9. Buckeye Pipe Line Company (hereinafter "Buckeye") of Emmaus, Pennsylvania, is a company involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
10. Chesebrough-Pond's Inc. (hereinafter "Chesebrough") of Greenwich, Connecticut, is a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
11. Chevron USA, Inc. (hereinafter "Chevron") of Perth Amboy, New Jersey, is a Delaware corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
12. Coastal Oil Company (hereinafter "Coastal Oil") of Newark, New Jersey, is a company involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
13. Combustion Engineering, Inc. (hereinafter "Combustion Engineering") of Valley Forge, Pennsylvania, is the parent company of Basic.
14. Consolidated Rail Corporation (hereinafter "Conrail") of Philadelphia, Pennsylvania, is a Pennsylvania corporation which utilizes and generates chemical-based products and wastes, including hazardous substances.
15. Edward R. Hess Company (hereinafter "Hess") of Uniondale, New York, is a company involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
16. E.I. DuPont DeNemours and Company, Inc. (hereinafter "duPont") of Wilmington, Delaware, is a Delaware corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
17. Elf Marine International Service (hereinafter "Elf Marine") of London, England, is a company involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances. Elf Marine was formerly known as Antar-Marine (London) International Service.
18. Enjay Chemical Company (hereinafter "Enjay") of Linden, New Jersey, was a corporation involved in the manufacture and distribution of various chemical based products and wastes, including hazardous substances. In January, 1973 Enjay merged into its parent company, Exxon Corporation.
19. Exxon Corporation (hereinafter "Exxon") of Flemington, New Jersey, is a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
20. FMC Corporation (hereinafter "FMC") of Chicago, Illinois, is a Delaware corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.

21. Food Haulers, Inc. (hereinafter "Food Haulers") of Elizabeth, New Jersey, is a corporation which utilizes and generates chemical-based products and wastes, including hazardous substances.
22. Getty Oil Company (hereinafter "Getty") of Los Angeles, California, is a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
23. Keyline Research & Development (hereinafter "Keyline") of Rutherford, New Jersey, was a company involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous waste.
24. Lehan Sales Company (hereinafter "Lehan") of Scottsville, Virginia, is a company involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
25. Manor Healthcare Corporation (hereinafter "Manor") of Silver Springs, Maryland, is a corporation which utilizes and generates various chemical-based products and wastes, including hazardous substances. Chemsol, Inc. (hereinafter "Chemsol") was merged into Cenco Instruments Corporation and thereafter Cenco Instruments was merged into Manor.
26. Marisol, Inc. (hereinafter "Marisol") of Bloomfield, New Jersey, is a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
27. Metropolitan Petroleum Petrochemicals Company, Inc. (hereinafter "Metropolitan") of Queens, New York, is a company involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
28. Miller Environmental (hereinafter "Miller Environmental") of Calverton, New York, is a corporation involved in the transport and disposal of various chemical-based products and wastes, including hazardous substances.
29. Mobil Oil Corporation (hereinafter "Mobil") of Fairfax Virginia, is a Virginia corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
30. National Lead Industries (hereinafter "N.L Industries") of Houston Texas, is an Ohio corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
31. Orange and Rockland Utilities (hereinafter "Orange and Rockland") of Pearl River, New York, is a New York corporation which utilizes and generates various chemical-based products and wastes, including hazardous substances.
32. Peabody Clean Industry, Inc. of Massachusetts, of Stamford, Connecticut, formerly known as "Coastal Services" (hereinafter "Peabody" or "Coastal Services"), is a corporation involved in the treatment, storage and disposal of chemical-based products and wastes, including hazardous substances.

33. Peabody International Corporation (hereinafter "Peabody International") of Stamford, Connecticut, is the parent corporation of Peabody.

34. Pennsylvania Petroleum Products Company (hereinafter "Pennsylvania Petroleum") of Philadelphia, Pennsylvania, is a company involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.

35. Phelps Dodge Copper Products Company (hereinafter "Phelps Dodge") of Elizabeth, New Jersey, is a corporation which utilizes and generates chemical-based products and wastes, including hazardous substances.

36. Public Service Electric and Gas Company (hereinafter "PSE&G") of Newark, New Jersey, is a corporation which utilizes and generates chemical-based products and wastes, including hazardous substances.

37. Santa Fe Braun, Inc. (hereinafter "Santa Fe"), formerly know as the C.F. Braun Company of Short Hills, New Jersey, is a company involved in construction contracting and engineering, and which utilizes and generates chemical-based products and wastes, including hazardous substances.

38. Scientific Chemical Treatment Company, Inc., Chemsol Chemical Marketing Division (hereinafter "Scientific" or "Chemsol") of Elizabeth, New Jersey, was

a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.

39. Shannon Oil and Chemicals (hereinafter "Shannon") of Secaucus, New Jersey, is a company which transports and disposes of chemical-based products and wastes, including hazardous substances.

40. Swan Michigan Oil Company (hereinafter "Swan") of Bayonne, New Jersey, is a company involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.

41. Texaco Refining and Marketing, Inc. (East) (hereinafter "Texaco") of White Plains, New York is a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances. Additionally, Texaco is the parent corporation of Getty Oil Company.

42. The Ocean Oil Company Limited (hereinafter "Ocean") of London, England, is the parent company of Elf Marine.

43. The Rolfite Company (hereinafter "Rolfite") of Miami, Florida is a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.

44. Thomas & Betts Company (hereinafter "Thomas & Betts") of Somerville, New Jersey, is a New Jersey corporation which utilizes chemical-based products and wastes, including hazardous substances.

45. United States Oil Corporation (hereinafter "U.S.Oil") of New York, New York, is a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.

46. Wakefern Food Corporation (hereinafter "Wakefern") of Elizabeth, New Jersey, is a corporation which utilizes and generates chemical-based products and wastes, including hazardous substances.

47. Witco Chemical Corporation (hereinafter "Witco") (formerly Witco Chemical Company) of Greenwich, Connecticut is a Delaware corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.

C. Site History

48. From 1917 until 1984, the Borne Chemical Company (hereinafter "Borne"), which was known as Borne, Scrymser Corporation until approximately 1966, conducted operations at the Site involving the blending and mixing of various petroleum hydrocarbons and additives into lubricants, the mixing of tanning and dye products, and the packaging and shipping of these and other chemical-based products and wastes, including hazardous substances. Borne also conducted operations at the Site involving the warehousing and storage of various chemical-based products and wastes, including hazardous substances. All of these operations were conducted by Borne both for itself and for others.

49. Borne maintained various facilities and equipment for conducting the operations referred to in paragraph 48, including: two manufacturing buildings containing blending and mixing equipment and various storage tanks; a drum filling and storage building; a bulkhead for the unloading and loading of ships; a railroad siding for the unloading and loading of railroad cars; and large, elevated tanks used in conjunction with the mixing operations and for storage (hereinafter, the "elevated tanks" or the "tank farm").

50. During a portion of the period of time between 1917 until 1984, Peabody operated as a contractor for oil spill clean-ups and a hauler of hazardous wastes, with operations located at the Borne Site between 1971 and 1979. Additionally, various companies hired Peabody to transport and dispose of hazardous substances at the Borne Site during a portion of time between 1971 and 1979, as set forth in paragraphs 54, 58, 59, 62, 64, 66-68, 72, 74-77, 79-81, 86 and 89.

51. As set forth in paragraphs 64, 66, 68, 76, & 89 below, during a portion of the period of time between 1917 until 1984, Shannon was hired by Peabody to transport wastes, including hazardous substances from various locations, which were disposed of at the Borne Site.

52. During the period from 1970 through 1972, AGIP utilized the services and facilities of Borne for the blending, storage and distribution of its petroleum hydrocarbons, a hazardous substance, as evidenced by documents, including but not limited to, a July 1, 1970, contract between Borne and AGIP for blending services, a March 23, 1971 amendment to that contract, and various bills and invoices for blending performed for AGIP by Borne at the Borne Site.

53. During the period of 1973 through 1979, Margolis utilized the services and facilities of Borne for the storage and distribution of its petroleum hydrocarbons, a hazardous substance, as evidenced by documents, including but not limited to, a November 20, 1973 contract between Borne and Margolis providing for the storage of 100,000 gallons of petroleum oil as well as Borne Invoice Nos. 3998-3999 for filling, receipt and reshipping of lubricating oil.

54. In December 1978, AT&T utilized Peabody to dispose of hazardous substances at the Site including, but not limited to, oil and oil sludges, as evidenced by Special Waste Manifest Forms, Nos. 81104, 81111, 81135-81137; and Purchase Order Nos. 139235, 146455 and 164021 for Coastal Services to clean up and dispose of oil & debris at AT&T's Murray Hill Site.

55. During the period from 1965 through 1969, Baron utilized the services and facilities of Borne for storage and laboratory testing of its chemical-based products and wastes, including hazardous substances as evidenced by documents, including but not limited to, a June 2, 1965 agreement whereby Baron leased a 100,000 gallon storage tank at the Site; Baron's letter, dated January 30, 1966, referencing payment for storage charges of Invoices Nos. 12345 & 12406; and Baron's letter, dated January 30, 1969, acknowledging acceptance of verbal agreement for storage & laboratory services at the Borne Site.

56. During the period from June 1977 through February 1979, Basic utilized the services and facilities of Borne for the storage and distribution of its hazardous substances, including magnesite and fuel oil, as evidenced by documents, including but not limited to, Invoice Nos. 742, 1142, and 1246 for the rental of tank #40, and receipt by Borne of over 50,000 gallons of oil. Shipping Order Nos. 97286 and 97384 indicate the delivery of approximately 5700 gallons of magnesite and fuel oil from Basic's facility in Maple Grove, Ohio to the Borne Site.

57. In 1973, Baychem utilized the services and facilities of Borne for the storage of its chemical based products and wastes, including hazardous substances as evidenced by a lease agreement dated October 29, 1973 between Borne and Baychem for Baychem's use of a 100,000 gallon tank to store fuel oil at the Borne Site.

58. During a portion of the time between 1917 until 1984, BPNAP utilized the services and facilities of Borne for the blending, storage and distribution of its chemical-based products and wastes, including hazardous substances as evidenced by documents, including but not limited to, a March 1, 1982, agreement whereby marine lubricants were to be blended and sold by Borne to BPNAP, and numerous BPNAP purchase orders for Borne's blending of thousands of gallons of marine lubricants. Additionally, in May 1975, BPNAP hired Peabody to transport and dispose of material containing petroleum hydrocarbons, a hazardous substance, from its facility in Linwood, New Jersey, which were disposed of at the Borne Site, as evidenced by two contracts (dated May 5, 1975, and May 30, 1975) between BP Oil Inc. and Coastal Services, and by Coastal Service's Invoice No. 4513, dated May 30, 1975, Job. No. N-7227-5-75.

59. In November 1978, Buckeye hired Peabody to transport 1500 gallons of gasoline from Buckeye's facility in Linden, New Jersey to the Site, as evidenced by Special Waste Manifest No. 81186. A September 16, 1985 letter from Buckeye to the Department indicates that Peabody transported four (4) shipments totalling 11,500 gallons from Buckeye's facility in Linden, N.J. to the Site in September 1977. Job reports and Invoice Nos. 9127 and 9079 indicate that Tank Nos. 149, 150, 152, & 153, shipped to the Site in September 1977, contained the bottom sediments & water generated in a turbine fuel tank cleaning operation.

60. During a portion of the time between 1964 and 1966, Chemsol utilized the services and facilities of Borne for the storage, processing and disposal of its chemical-based products and wastes, including hazardous substances as evidenced by an April 6, 1964 letter from Borne confirming Chemsol's rental of 6-100,000 gallon tanks for storage of fuel oil; Borne's inventory statements dated October 31, 1963 and October 31, 1964; a March 21, 1966, memo from Borne indicating Chemsol was renting tank # 43; a March 29, 1966, letter from Borne authorizing the dumping of 28,000 gallons of a glycol-water mixture stored by Chemsol at the Site; an August 22, 1966 letter from Chemsol authorizing disposal of the contents of tank #41; and purchase orders for Borne's processing services, recovery services and filtration services from April 16, 1964 through February 4, 1966, (see, for example, purchase order #305 for processing of approximately 5000 gallons of jet lube oil).

61. In 1974, Chesebrough utilized the services and facilities of Borne for the manufacture, storage, and distribution of its chemical-based products and wastes, including hazardous substances. From March through December 1974, Chesebrough hired Matlack, Inc. and Refiners Transport and Terminal Corporation to transport approximately 1.5 million pounds of petroleum jelly from Witco in Petrolia, Pennsylvania to the Borne Site (see Chesebrough's March 15, 1974 export purchase order No. A-4167). Numerous Borne invoices dated July 1974 through October 1974, indicate that large amounts of petroleum jelly were shipped to Borne for filtering, drumming, stenciling and storage, (see, for example, Invoice No. A-1289, dated July 7, 1974, for filtering, drumming, stenciling & storage of 40,960 lbs of petroleum jelly). Drums of petroleum jelly were removed from Borne and transported to Perth Amboy by T. Achenberg Transportation Company, as evidenced by numerous Borne shipping receipts dated between April and December 1974.

62. In March and May, 1975, Chevron hired Peabody to transport and dispose of material containing petroleum hydrocarbons, a hazardous substance, which was disposed of at the Borne Site, as evidenced by Coastal Service's Invoice No. 4232, Job No. N7157-3-75, dated March 24, 1975, and by Coastal Service's Invoice No. 4520, Job. No. 7219-8-75, dated May 30, 1975.

63. During the period from 1982 through 1983, Coastal Oil utilized the services and facilities of Borne for the storage and packaging of its kerosene, a hazardous substance, as evidenced by Borne receiving form No. 8131, dated November 9, 1982, and a bill of lading, dated November 9, 1982, for one (1) tank wagon of kerosene from Coastal Oil, transported by Zila Trucking to the Borne Site; Borne Invoice Nos. C-3369, C-3477, C-3549, C-3682, C-3701 to Coastal Oil March through July 1983 storage charges; and Borne Invoice No. C-2856, dated November 17, 1982, to Coastal Oil for packaging 22,578 gallons of kerosene.

64. In July 1977, Conrail hired Peabody to transport and dispose of several thousand gallons of methyl methacrylate, a hazardous substance, from its facility in Wellsboro, Pennsylvania, which was disposed of at the Borne Site, as evidenced by bills from Shannon to Coastal Services dated July 18, 1977 and July 30, 1977, and by Coastal Service's Invoice No. 8420, Job No. N-6005- 7-77, dated July 26, 1977. In December 1978, Conrail hired Peabody to transport and dispose of oil and oil sludge, hazardous substances, as evidenced by Special Waste Manifest No. 81148, dated December 15, 1978; Special Waste Manifest Supplement No. 1 to Special Waste Manifest No. 81148, dated December 18, 1978; and Special Waste Manifest Supplement No. 1 to Special Waste Manifest No. 8115, dated December 18, 1978.

65. During a portion of the time between 1964 and 1975, Hess utilized the services and facilities of Borne for the drumming, storage, and distribution of its petroleum hydrocarbons, a hazardous substance, as evidenced by Borne invoices, dated October 1969 through January 1975, for drumming Hess' petroleum; numerous letters from Hess, dated June 1964 through February 1973, confirming delivery of Hess petroleum to Borne or requesting release of drums to haulers; bills of lading for Hess petroleum transported by Matlack, Inc. to Borne; shipping orders dated August 1977 through July 1983 Hess Petroleum transported by Tueffel Brothers, Inc. to Borne, (see, for example, invoice # 4854 indicating delivery of 6000 gallons of oil to the Site) and Borne shipping receipts indicating that drums of Hess petroleum or refined wax were transported by Clark

Brothers Trucking to Hess from the Borne Site between October 1964 and February 1975.

66. In March 1978, duPont hired Peabody to transport and dispose of several thousand gallons of Anilene N-Benzene, a hazardous substance, from its facility in Gibbstown, New Jersey, which was disposed of at the Borne Site, as evidenced by Coastal Service's Purchase Order No. 4387, dated March 17, 1978, and by a March 13, 1978 invoice from Shannon to Coastal Services, Job No. P9172-3-78.

67. During a portion of the time between 1917 until 1984, Exxon utilized the services and facilities of Borne for the manufacture, drumming, blending, storage and distribution of its chemical-based products and wastes, including hazardous substances, as evidenced by documents, including but not limited to, numerous Borne Invoices to Exxon dated September 1976 through August 1982; and purchase orders from Enjay, a predecessor of Exxon, dated September 1970 through August 1972, for Borne's blending, filtering, storing and drumming of various oils for Enjay. Additionally, in November and December 1976, Exxon hired Peabody to transport and dispose of material containing petroleum hydrocarbons, a hazardous substance, from its facility in Bloomfield, New Jersey, which were disposed of at the Borne Site, as evidenced by Coastal Service's Invoice No. 7015, Job No. N- 7692-11-76, dated January 4, 1977, and bills from Metropolitan to Coastal Services dated December 16, 1976, and January 11, 1977, Job No. 70920.

68. In July 1977, FMC hired Peabody to transport and dispose of hazardous substances from its facility in Carteret, New Jersey, which was disposed of at the Site, as evidenced by an August 1, 1977, bill from Shannon to Coastal Services.

69. During a portion of the time between September 1969 and August 1979, Getty utilized the services and facilities of Borne for the blending, packaging, storage and distribution of its chemical-based products and wastes, including hazardous substances, as evidenced by documents, including but not limited to a September 26, 1969, agreement, a January 4, 1971 agreement and a March 1, 1971 supplemental agreement between Getty and Borne for services to be provided by Borne including blending, filling and shipping of various lubricant oils; letters dated August 3, 1971, January 4, 1971, and December 15, 1970 from Getty to Borne providing Borne with revised blending reports; an August 21, 1970 confirmation letter from Getty to Borne confirming blending and storage of 40,000 gallons of sulfurized sperm oil and 40,000 gallons of pale oil; an August 7, 1970 letter from Getty to Borne indicating shipment of one tank wagon of turbine oil via Kribery Transportation Company for use in motor oil blends; an October 22, 1970 letter from Getty to Borne establishing procedures pertaining to handling of various documents relative to Borne's blending, filling and shipping services; and numerous Borne reports on oils blended for Getty between May 1970 through November 1971.

70. From March 1977 through December 1978, Keyline utilized the services and facilities of Borne for the blending and storage of its motor oil, a hazardous substance, as evidenced by confirmation letters, dated March 4, 1977, March 31, 1978, and June 16, 1978, from Keyline for blending services; a shipping order, dated June 15, 1978, from the Lubrizol Corporation for 23 drums of lubrizol

delivered to Keyline at the Site; and a Borne Inventory List, dated October 3, 1978, of Keyline products at the Site.

71. During a portion of the time between 1976 and 1981, Lehan utilized the services and facilities of Borne for the blending, storage and distribution of its chemical-based products and wastes, including hazardous substances, as evidenced by numerous Borne Invoices, dated April 1976 through March 1981, for storage, shipping, repacking, dumping, blending, and/or reconditioning of drums; and Borne Receiving Forms, dated July 1979 through February 1981, for drums containing hazardous substances, including lube oil, lubricants, and paint and varnish solvents from Lehan.

72. In August 1976, Miller Environmental hired Peabody to transport and dispose of waste oil, a hazardous substance, from its facility in Port Jefferson, New York, which were disposed of at the Borne Site, as evidenced by Coastal Service's Invoice No. 6404, Job No. N7579-8-76, dated August 27, 1976.

73. In November 1962 and January 1965, Marisol utilized the services and facilities of Borne for the filtering and storage of its chemical-based products and wastes, including hazardous substances, as evidenced by documents, including but not limited to, a letter from Borne to Marisol, dated February 2, 1970, indicating an overdue balance; an agreement between Borne and Marisol, dated January 13, 1965, for filtering services performed by Borne; and a letter from Marisol to Borne dated February 8, 1963, stating that on November 30, 1962, Marisol purchased the contents of Borne tank # 502 from Chemex, Inc. and concurrently sold this material to Havex Corporation of Newark, New Jersey.

74. In December 1986, as set forth in paragraph 67, above, Metropolitan was hired by Peabody to transport and dispose of waste, including petroleum hydrocarbons, a hazardous substance, from an Exxon facility in Bloomfield, New Jersey, which were disposed of at the Borne Site.

75. In May 1975, Mobil hired Peabody to transport and dispose of wastes, including leaded gasoline, a hazardous substance, from its facility in Union, New Jersey, which were disposed of at the Borne Site, as evidenced by documents, including but not limited to, Coastal Service's Invoice No. 4214, Job No. N7145-2-75, dated May 30, 1975.

76. In February 1977 N.L. Industries hired Peabody to transport and dispose of wastes, including petroleum hydrocarbons, a hazardous substance, from its facility in Perth Amboy, New Jersey, which were disposed of at the Borne Site, as evidenced by documents, including but not limited to, a bill from Shannon to Coastal Services dated February 24, 1977, Job Nos. 7781, N7797, N7800.

77. In May 1975 and November 1976, Orange and Rockland hired Peabody to transport and dispose of waste oil, a hazardous substance, from its facility in Haverstraw, New York, which were disposed of at the Borne Site, as evidenced by documents including but not limited to Coastal Service's Invoice No. 4440, Job No. N-7210-5-75, dated May 15, 1975, and Invoice No. 6835, Job No. N-7681- 11-76, dated November 30, 1976.

78. In 1979, Pennsylvania Petroleum utilized the services and facilities of Borne for the blending, storage and distribution of its chemical-based products and wastes, including hazardous substances, as evidenced by letters of confirmation dated January 22, 1979 and January 24, 1979, and by a letter, dated October 8, 1987, from Herbert L. Steinberg of Pennsylvania Petroleum to the Department.

79. In July, August and October 1978, Phelps Dodge hired Peabody to transport and dispose of oil and oil sludges, hazardous substances, at the Borne Site, as evidenced by documents, including but not limited to, Special Waste Manifest Nos. 78641-78646, 47814-47817. In June 1981, Phelps Dodge hired Peabody to transport and dispose of polychlorinated substances at the Site, as evidenced by Hazardous Waste Manifest No. 21894. In August 1975, Phelps Dodge hired Coastal Services to clean up an oil spill, as evidenced by Job No. N-7306-8-75.

80. In December 1978, PSE&G hired Peabody to transport and dispose of oil and oil sludges, hazardous substances, at the Site, as evidenced by Special Waste Manifest Nos. 81165 and 81134.

81. In March and May 1975, Sante Fe hired Peabody to transport and dispose of material containing lead, a hazardous substance, from its facility in Woodbridge, New Jersey, which was disposed of at the Borne Site, as evidenced by Coastal Service's Invoice No. 4207, Job No. N7158-3-75.

82. During a portion of the time between September 1976 and February 1979, Swan utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances, as evidenced by documents, including but not limited to, Borne Invoices and Receiving Forms, dated September 1976 through February 1979, for drums of cutting oil to be filtered and dried; a June 6, 1980 letter from Borne to Swan setting forth Swan's inventory at the Site; and Borne Purchase Invoice Nos. 4623 and 4348 for 2 tank wagons of oil. Additionally, in March, June and December 1979, Swan arranged for the transportation of over 18,000 gallons of mineral oil, a hazardous substance, from Exxon in Bayonne, New Jersey, to the Borne Site, as evidenced by Purchase Order Nos. 4623, 5446 and 7384 set forth in a letter, dated August 26, 1975, from Swan to the Department.

83. During a portion of the time between 1972 and 1982, Texaco utilized the services and facilities of Borne for the storage, repackaging and drumming of its petroleum hydrocarbons, a hazardous substance, as evidenced by Miscellaneous Bid and Contract No. 12504, dated September 18, 1980, and No. 51173, dated June 2, 1980, between Borne and Texaco for Borne to remove, clean and/or repackage damaged drums containing grease; Borne Invoice No. C-899, dated December 26, 1980, for work performed under Contract No. 12504, along with a receipt indicating delivery to Texaco; a letter from Borne to Texaco, dated July 2, 1981, containing a proposal for Borne to repackage containers of grease for Texaco; and a letter from Borne to Texaco, dated February 6, 1981, containing a proposal for Borne to store and drum "TC510-A" for Texaco.

84. During a portion of the time between 1977 and 1984, Ocean utilized the services and facilities of Borne for the storage, blending and distribution of its lubricating oil, a hazardous substance, as evidenced by a March 1, 1978,

agreement between Ocean, trading under the registered name of Antar-Marine, and Borne, whereby Borne agreed to provide storage tanks for Ocean's products and Ocean agreed to supply Borne with concentrates which Borne, in turn, would blend with Exxon base oils to produce lubricating oils; Borne Invoices to Antar-Marine, dated 1978 through 1983, for the storage, blending, filling, reconditioning and/or drumming of various lubricating oils; Bills of Lading from Antar-Marine, dated December 1977 through December 1979, for petroleum lubricating oil delivered to the Site; numerous Shipping Orders and Borne receiving forms, dated 1979 through 1980, for drums of lube oil additives shipped by LEP Transport to the Site; and numerous Antar-Marine manifests, dated 1978 through 1979, for petroleum lubricating oils to be shipped from the Site to various companies.

85. During the period from 1973 through 1979, Rolfite utilized the services and facilities of Borne for the manufacturing and distribution of its petroleum hydrocarbons, a hazardous substance. Between 1973 and 1979, Borne was a contract manufacturer for Rolfite, whereby Rolfite shipped raw materials to Borne and Borne converted the raw materials into finished products. The petroleum products were subsequently shipped to Rolfite's customers as evidenced by documents, including but not limited to, Borne Invoices, dated December 1976, and March 1977, for the production, drumming, and shipping of Rolfite "808" "505", and "NMA-3"; Rolfite "rework batch sheets" to produce its petroleum product; numerous Rolfite Invoices to various corporations for delivery of Rolfite petroleum in 1977 and 1979; Rolfite production schedules dated June 1978 and January 1979; Borne Inventory Lists, dated April 1979, May 1980, and June 1980, of Rolfite property at the Site; Rolfite Inventory Reports, dated between 1976, and 1979, of materials stored at the Site; numerous Rolfite Shipping Orders and Bills of Lading, dated between January 1977 and July 1979 for drums and tank wagons of petroleum transported to various companies from the Borne Site via Langer, Dorns & Pare Motor; and Rolfite Purchase Orders, dated August 1978 through April 1979, for a variety of products used in the manufacture of petroleum delivered to the Site.

86. In 1978, Thomas & Betts hired Peabody to transport and dispose of oil and oil sludges, hazardous substances, from its facility in Elizabeth, New Jersey, which were disposed of at the Borne Site, as evidenced by Special Waste Manifest Nos. 59908, 59909, 59910, 59912, 59913 and 59914.

87. Between 1978, and 1980, U.S. Oil utilized the services and facilities of Borne for the blending, storage and distribution of its petroleum hydrocarbons, a hazardous substance, as evidenced by documents, including but not limited to, Borne Chemical Receiving Forms and delivery receipts for large quantities of motor oil delivered to U.S. Oil at the Site between 1979 and 1980; numerous U.S. Oil Purchase Orders for large quantities of motor oil; Borne Invoice Nos. A-4590, A-4595 and A-4692 for blending, filling, drumming and/or loading services performed by Borne in October and November 1979; a February 20, 1980, letter from Borne to U.S. Oil stating that Borne provides U.S. Oil with blending and storage facilities; Borne Blending Worksheets, dated January and February 1980; Borne Invoice No. C-686, dated October 31, 1980, for storage facilities; and a June 3, 1980, letter from Borne to U.S. Oil requesting payment of overdue invoices and setting forth U.S. Oil's remaining inventory at the Site.

88. During a portion of the period of time between 1973 until 1981, Wakefern and Food Haulers utilized the services and facilities of Borne for the storage of their petroleum products, a hazardous substance, as evidenced by documents, including but not limited to, a letter dated October 1, 1985, from Anthony J. Napodono, counsel for Food Haulers, to the Department, stating that between March and May, 1979, a total of 376,958 gallons of fuel oil were delivered to the Site via Associated Oil Co., that the oil was stored in tanks no. 35,36,43 & 46, and that from January 16 through February 26, 1980, Associated Oil Co. removed the fuel oil from the Site; an October 1, 1985, letter from Anthony J. Napodono, counsel for Wakefern, indicating delivery of 103,431 gallons of fuel oil to the Site in November 1973, via United Oil Co.; delivery receipts for tanks of diesel fuel delivered in 1980 to Wakefern and Food Haulers at the Borne Site via Makar Truck; numerous Borne Invoices to Food Haulers and Wakefern for rental of Tank Nos. 23, 34-36, 40, 43-44 & 46 from 1977 through 1981; Purchase Order No. H-635-9 for rental by Wakefern of 4-100,000 gallon tanks between April 1, 1979 and March 31, 1980; and Food Haulers Purchase Order No. H03160 for Borne to provide storage facilities for 283,500 gallons of diesel fuel beginning June 20, 1973.

89. In February 1973 and May 1977, Witco hired Peabody to transport and dispose of waste oil, a hazardous substance, which was disposed of at the Borne Site, as evidenced by a bill from Shannon to Coastal Services dated May 2, 1977, and by Coastal Service's Invoice No. 1586, Job. No. N-6433- 2-72, dated February 13, 1973.

90. On February 15, 1980, Borne filed a voluntary petition for bankruptcy (Chapter 11) in the United States Bankruptcy Court for the District of New Jersey, Case No. 80-00495. On October 10, 1986, the Court entered an Order authorizing the Trustee to abandon the Site.

D. Site Contamination

91. Analyses of surface soil samples obtained from several locations at the Site reveal that various hazardous substances have been discharged onto the lands and into the surface water at the Site. These analyses reveal the presence in the soil of, among others, the following hazardous substances: petroleum hydrocarbons in amounts up to 312,000 parts per million ("ppm"); total volatile organics (including benzene, ethylbenzene, toluene, and 1,2-trans-dichloroethylene) in amounts up to 1237 ppm; total base/neutral compounds (including benzo(a)anthracene, benzo(a)pyrene, bis (2-ethylhexyl) phthalate, fluoranthene, and phenanthrene) in amounts up to 10,443 ppm; chromium in amounts up to 340 ppm; lead in amounts up to 470 ppm; and zinc in amounts up to 1030 ppm.

92. Analyses of liquid and sludge samples taken from the elevated tanks and from storage vessels in the manufacturing and drum filling buildings revealed the presence of large volumes of hazardous substances at the Site. These hazardous substances included, among others, petroleum hydrocarbons contaminated with: polychlorinated biphenyls in amounts up to 200 ppm; chromium in amounts up to 59 ppm; lead in amounts up to 81 ppm; nickel in amounts up to 72 ppm; and zinc in amounts up to 40,500 ppm.

93. In addition to the above contamination, inspection of the Site by representatives of the Department revealed the presence of numerous drums of unknown materials at the Site. Analyses of samples taken from such drums revealed the presence of hazardous substances, including volatile organic substances in amounts totalling up to 1910 ppm.

E. Initial Directives

94. On July 7, 1987, the Department issued a Directive to A. Margolis & Sons, AT&T, Baron, Basic, BPNAP, Buckeye, Chemsol, Chesebrough, Coastal Oil, Combustion Engineering, Hess, Elf Marine, Exxon, Food Haulers, Getty, Keyline, Lehan, Marisol, Peabody, Peabody International, Phelps Dodge, PSE&G, Swan, Texaco, Ocean, Rolfite, U.S. Oil, and Wakefern all of whom the Department had determined to be persons responsible for the discharge or potential discharge of hazardous substances at the Borne Site. This Directive instructed such persons to "provide adequate security against the unauthorized entry to the Site by members of the public, provide adequate protection against the risk of fire and/or explosion at the Site, and eliminate the risk of imminent damage to the public health and safety or imminent and severe damage to the environment by: (a) Securing the Site . . . and (b) Removing and properly disposing of the hazardous substances contained in all elevated tanks, storage vessels, drums or other containers at the Site . . ."

95. On October 5, 1987, the Department issued a Supplemental Directive to Borne, whom the Department had determined to be a person responsible for the discharge or potential discharge of hazardous substances at the Borne Site. This Supplemental Directive instructed Borne to undertake the interim remedial measures set forth in paragraph 94, above.

96. On March 29, 1989, the Department issued a Second Supplemental Directive to AGIP, BPNAP, C.F. Braun, Chevron, Conrail, duPont, Exxon, Miller Environmental, Metropolitan, Mobil, N.L. Industries, Orange and Rockland, Peabody, Peabody International, Pennsylvania Petroleum, Shannon, Thomas and Betts, and Witco, all of whom the Department had determined to be responsible for the discharge or potential discharge of hazardous substances at the Borne Site. This Directive instructed such persons to undertake the interim remedial measures set forth in paragraph 94, above.

F. Remedial Activities

97. By Administrative Consent Order dated October 5, 1987, AT&T, Basic, BPNAP, Buckeye, Chesebrough, Coastal Oil, Elf-Marine, Exxon, Food Haulers, Getty, Marisol, Peabody International, Phelps Dodge, PSE&G, Texaco, Ocean Oil, and Wakefern agreed to provide security against the unauthorized entry to the Site.

98. By Administrative Consent Order dated September 28, 1989, AGIP, AT&T, Buckeye, Chesebrough, Conrail, duPont, Exxon, Getty, Marisol, Mobil, N.L. Industries, Orange and Rockland, Phelps, PSE&G, Santa Fe, Texaco, Ocean Oil, Thomas & Betts, and Wakefern agreed to provide adequate security against the unauthorized entry to the Site, and to remove and properly dispose of the hazardous substances stored at the Borne Site. On June 12, 1992, the above named

respondents completed the remedial activities required by the September 28, 1989, Administrative Consent Order.

99. To cleanup and remove the discharges, the Department has determined that it is necessary to conduct a Departmentally approved remedial investigation at the Site in order to fully determine the nature and extent of the problem presented by the discharges. Upon completion of the remedial investigation, it will be necessary to implement a remedial action to address the discharges at the Site.

100. The substances referenced in the paragraph(s) above are hazardous substances pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11bk.

101. Respondents are responsible for the hazardous substances at the Site which were discharged to the lands and waters of the State.

102. Pursuant to N.J.S.A. 58:10-23.11g(c), AGIP, Margolis, AT&T, Baron, Basic, BPNAP, Buckeye, Chesebrough, Chevron, Coastal Oil, Combustion Engineering, Conrail, Hess, duPont, Elf Marine, Exxon, FMC, Food Haulers, Getty, Keyline, Lehan, Manor, Miller Environmental, Marisol, Metropolitan, Mobil, N.L. Industries, Orange and Rockland, Peabody, Peabody International, Pennsylvania Petroleum, Phelps Dodge, PSE&G, Sante Fe, Scientific, Shannon, Swan, Texaco, Ocean, Rolfite, Thomas & Betts, U.S. Oil, Wakefern and Witco (hereinafter "Respondents") are strictly liable, jointly and severally, without regard to fault, for all cleanup and removal costs.

103. Pursuant to N.J.S.A. 58:10-23.11f, whenever any hazardous substance is discharged, the Department may, in its discretion, act to clean up and remove or arrange for the cleanup and removal of such discharge, or may direct any person in any way responsible for hazardous substances to clean up and remove, or arrange for the cleanup and removal of the discharges.

DIRECTIVE

104. The Department hereby directs Respondents to conduct a remedial investigation at the Site in order to protect human health and the environment and to reimburse the Department for its oversight of these activities. Respondents must reply to the Department pursuant to N.J.A.C. 7:26C-2.5(g), regarding its decision to comply with this Directive and Notice to Insurers, within twenty one (21) calendar days after Respondents' receipt of this Directive and Notice to Insurers.

NOTICE

105. The Department has determined, pursuant to N.J.A.C. 7:26C-2.5(c), that in order to ensure that Respondents perform the remediation required by this Directive in a timely fashion and pursuant to the Technical Requirements for Site Remediation N.J.A.C. 7:26E, Respondents must memorialize their commitment to perform the remediation in an Administrative Consent Order pursuant to N.J.A.C. 7:26C.

106. If Respondents fail to enter into an appropriate oversight document in accordance with N.J.A.C. 7:26C within one hundred fifty (150) calendar days after Respondents' receipt of this Directive and Notice to Insurers, the Department may, at its discretion, conduct the remediation using public funds.

107. Failure to comply with this Directive and Notice to Insurers will increase Respondents' potential liability to the Department in an amount equal to three (3) times the cost of arranging for the cleanup and removal of the discharge and may cause a lien to be placed on Respondents' real and personal property pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11f, including a first priority lien on the property subject to the discharge.

108. Further, failure to comply with this Directive may result in the Department delegating its treble damage authority to any party willing to conduct the activities referenced in this Directive.

109. Pursuant to N.J.S.A. 58:10-23.11u the Department may issue an order to require compliance with the Spill Compensation and Control Act. Failure by Respondents to comply with this Directive may result in the issuance of an order by the Department, which will subject each Respondent to penalties of up to \$50,000 per day and each day of violation constitutes an additional, separate and distinct violation of the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq.

RESERVATION OF RIGHTS

110. The Department reserves the right to direct Respondents to take or arrange for the taking of any and all additional remediation which the Department determines to be necessary to protect the public health and safety or the environment and to seek full reimbursement and treble damages for all costs incurred in taking such additional remediation.

111. Respondents are advised that the discharges referenced in this Directive and Notice to Insurers may also constitute violations of the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., and that Respondents may, therefore, be subject to the penalties prescribed for violations of these Acts. The Department reserves all rights and remedies under those Acts as well as any other rights and remedies under any applicable law.

NOTICE TO INSURERS

112. BE ON NOTICE THAT, pursuant to N.J.S.A. 58:10-23.11s, any claims for costs of cleanup or civil penalties by the State and any claim for damages by any injured person, may be brought directly against the bond, insurer or any other person providing evidence of financial responsibility. Respondents are therefore urged to contact such insurers and notify them of the issuance of this Directive and Notice to Insurers.

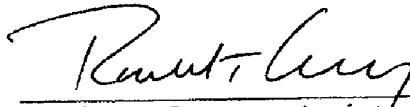
113. The Department believes that the insurers listed below have provided liability coverage to one or more of the Respondents listed in this Directive.

In order to assist the insurers, to the extent that it has the information, the Department has listed the names of the insured as well as policy numbers and periods of coverage. All insurers should, however, conduct a search of their own records to correctly ascertain which Respondents they may owe a duty to defend or indemnify, as the information set forth below is known to be incomplete.

114. The insurers and/or their agents indicated below ARE THEREBY PUT ON NOTICE that claims for the costs and/or damages as set forth herein or flowing from the facts set forth in this Directive may be directly asserted against the applicable insurers should they fail to indemnify their insured Respondents and should the Respondents fail to fully satisfy this Directive.

115. Set forth below is a list of insurers, insured, dates and policies, based on information known to the Department. The following list is provided for informational purposes only and each insurer/broker listed is instructed to check its own records to determine whether or not it provided any applicable insurance coverage, including loading/unloading coverage for the vehicles in which the hazardous substances were transported, to any of the Respondents in addition to that set forth herein.

Date: 10/18/94



Ronald T. Corcory, Assistant Director
Responsible Party Cleanup Element

Borne Chemical Company Insurers

| <u>Insurer</u> | <u>Policy No.</u> | <u>Policy Type</u> | <u>Policy Period</u> |
|--|-------------------|-------------------------|----------------------|
| Aetna Insurance Company | F142569 | Commercial Blanket Bond | 8/10/76-? |
| American Centennial Insurance | XC00756 | Umbrella | 7/2/81-7/2/82 |
| Continental Casualty (CNA) | CCP9023626 | Comp. Gen. Liability | 6/22/73-6/22/74 |
| Continental Casualty (CNA) | CCP2468002 | Comp. Gen. Liability | 6/22/75-3/23/76 |
| Employer's Insurance of Wausau | 052000073489 | Combination Casualty | 6/13/69-7/1/70 |
| Employer's Insurance of Wausau | 052100073489 | Combination Casualty | 7/1/70-7/1/71 |
| Employer's Insurance of Wausau | 052102073489 | Combination Casualty | 7/1/70-7/1/71 |
| Employer's Insurance of Wausau | 052202073489 | Combination Casualty | 7/1/71-7/1/72 |
| Federal Insurance Company (Chubb) | FXL7758-44-06 | Umbrella | 6/22/73-? |
| Federal Insurance Company (Chubb) | --- | --- | 9/24/79-9/24/80 |
| Federal Insurance Company (Chubb) | MP6909557 | Package | 9/30/79-9/30/80 |
| Fireman's Fund | XLB1287750 | Umbrella | 3/28/49-9/24/79 |
| Fireman's Fund | XLB1333789 | Umbrella | 3/28/79-9/30/79 |
| First State Insurance Company (ITT Hartford) | 944809 | Umbrella | 9/30/79-9/30/80 |
| First State Insurance Company (ITT Hartford) | 80091506 | Umbrella | 9/30/80-9/30/81 |
| First State Insurance Company (ITT Hartford) | 946719 | Umbrella | 9/30/80-9/30/81 |
| Indemnity Company of North America (CIGNA) | 9CGL60530 | Comp. Gen. Liability | 3/21/55-3/21/56 |
| Northbrook Excess and Surplus (Allstate) | 22-6879 | Comp. Gen. Liability | 11/17/80-11/17/81 |
| North River Insurance Co. | GLA304037 | Comp. Gen. Liability | 5/28/73-? |

| | | | |
|---|------------|---|-----------------|
| Peerless Insurance Company | F135046 | Commercial Blanket Bond, Comprehensive 3-D Coverage | 9/24/79-9/22/82 |
| Signet Star Reins Co. | NSX15596-A | Excess Buffer | 9/24/78-9/30/80 |
| Union Indemnity Insurance Company
(In Liquidation: New Jersey Property Liability Guarantee Assoc.) | UGL04489 | Comp. Gen. Liability | 3/23/81-3/23/82 |
| Zurich General Accident and Liability Insurance Company | 6361154 | --- | --- |

Amely *collected* *K. Engel*
L. Corbary
O. Dille

LOWENSTEIN, SANDLER, KOHL, FISHER & BOYLAN

A PROFESSIONAL CORPORATION

COUNSELLORS AT LAW

65 LIVINGSTON AVENUE
ROSELAND, NEW JERSEY

07068-1791

TELEPHONE (201) 992-8700

FACSIMILE (201) 992-5620

SOMERVILLE OFFICE

TELEPHONE (908) 526-3300

FACSIMILE (908) 526-9173

November 10, 1994

ALAN V. LOWENSTEIN
RICHARD M. SANDLER
BENEDICT M. KOHL
ARNOLD FISHER
JOSEPH LEVOW STEINBERG
MATTHEW P. BOYLAN
BRUCE D. SHOULSON
JOHN R. MACKAY ENG
MARTIN R. GOODMAN
JOHN D. SCHUPPER
STEPHEN M. DERMER
MICHAEL L. RODBURG
ALLEN B. LEVITHAN
R. BARRY STIGER
GREGORY B. REILLY
PETER H. EHRENBERG
STEVEN B. FUERST
THEODORE V. WELLS, JR.
WILLIAM S. KATCHEN
MICHAEL DORE
JOHN L. KRAFT
ASHLEY STEINHART
DOUGLAS S. EAKLEY

GERALD KROVATIN
RICHARD D. WILKINSON
ALAN WOVSANIKER
KENNETH J. SLUTSKY
DAVID L. HARRIS
ZULIMA V. FARRER
WILLIAM P. MUNDAY
DANIEL J. BARKIN
GEORGE J. MAZIN
JAMES STEWART
LAURA R. KUNTZ
ROBERT D. CHESLER
RICHARD F. RICCI
KEVIN KOVACS
JOHN L. BERGER
DAVID W. FIELD
MARTHA L. LESTER
LINDA PICKERING
JOHN D. HOGOBOOM
TERRY E. THORNTON
ROBERT G. MINION
JEFFREY J. WILD

ROBERT L. KRAKOWER
NORMAN W. SPINDEL
STUART S. YUSEM
SONNIE K. LEVITT
JEFFREY M. DAVIS
HARVEY SMITH
DIANE K. WEEKS
RICHARD P. BOEHMER
OF COUNSEL

PHYLLIS F. PASTERNAK
MARC B. KRAMER
JOHN M. NOLAN
GARY M. WINGENS
EILEEN M. CLARK
ALLEN P. LANGJAHR
JOHN B. MCCUSKER
PAUL F. KOCH II
BRUCE S. ROSEN
DARRYL EVERETT GUGIG
SAMUEL B. SANTO, JR.
JONATHAN T. K. COHEN
SUSAN YOUNDOVIN LEONARD
PAUL F. CARVELLI
GARY F. EISENBERG
ROSEMARY E. RAMSAY
VINCENT P. BROWNE
JEFFREY B. GRACER
LAWRENCE M. ROLNICK
NEALE R. BEDROCK
KARIM G. KASPAR
ROBERT M. LAPINSKY
HENRY M. PRICE
DAVID A. THOMAS
ANDREW E. ANSELMI
MICHAEL N. GOOEN
PETER E. NANNIAS
JERI L. ABRAMS
RICHARD C. SZUCH
THOMAS M. FITZGIBBON
STEPHEN R. BUCKINGHAM
STEPHANIE WILSON
VIRGINIA A. LAZALA
MICHAEL J. McDONALD
GEOFFREY A. PRICE
PETER L. SKOLNIK

NESLIHAN S. MONTAG
NANCY LAKE MARTIN
ALEX MOREAU
WILLIAM J. VONDERHEIDE
EDWARD T. ARNOLD
THOMAS E. MESEVAGE
JOYCE A. DAVIS
MICHAEL DAVID LICHTENSTEIN
HOWARD A. MATALON
BRIAN WEEKS
VERONICA SMITH LEWIS
EDWARD N. ZIMMERMAN
AMY C. GROSSMAN
RICHARD A. LEVITAN
HAUREEN E. MONTAGUE
GAVIN J. ROONEY
JEREMY I. SILBERMAN
CHRISTOPHER L. WEISS
CHARISSE A. CARNEY
NELSON D. JOHNSON
ABBY J. AGES
KEVIN G. CORLISS
TINA MARIE NIENHOLD
SHERYL A. BERNSTEIN
DAVID J. BIANCHI
LAUREN M. HOLLENDER
MYLA KAPLAN
ELENA FRANCESCA RAND
PATRICK J. WHALEN
SARAH B. LEVINSON*
COURTNEY A. SCHAEEL
DONALD G. HARRINGTON
MAUREEN A. RUANE
ELLIOT N. TURRINI

*FL BAR ONLY

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. Richard Gimello,
Assistant Commissioner
Department of Environmental Protection
CN 028
Trenton, NJ 08625

**Re: Borne Chemical Company Site, City of Elizabeth,
Union County, New Jersey (B4660-2)**

Dear Mr. Gimello:

This office serves as Liaison Counsel to the Borne Chemical Company Site Participating Group (the "Group") which currently consists of those companies identified on Exhibit A. As you know, the Group has expended significant sums arranging security and conducting a removal action at the Borne Site, in cooperation with the New Jersey Department of Environmental Protection ("DEP").

We write to request authorization to collect treble damages from the responsible parties who have either not participated or participated inadequately in the work performed and to be performed by the Group. This authorization should encompass both the costs that the Group has incurred in complying with past directives and the costs it will incur in complying with the most recent directive. Authorization from the DEP to collect treble damages from non-participating responsible parties will advance the goals set forth by the legislature in the Spill

Compensation and Control Act, N.J.S.A. 58:10-23.11, et seq. (the "Spill Act"), since the authorization will be in the public interest and will expedite this cleanup. The relationships and activities set forth herein are derived from DEP directives issued in this matter. Nothing herein is or shall be deemed an admission of any issue of fact or law by any member of the Group.

I. Background of the Borne Site

a. Site Contamination

From 1917 until 1984, the Borne Chemical Company (hereinafter "Borne"), which was known as Borne, Scrymser Corporation until approximately 1966, conducted operations at the Borne Site involving the blending and mixing of lubricating, tanning and dye products, and the packaging and shipping of these and other chemical products and wastes, including hazardous substances. Borne also conducted operations at the Borne Site involving the warehousing and storage of various chemical products and wastes, including hazardous substances. All of these operations were conducted by Borne both for itself and for others. Analyses of surface soil samples obtained from several locations at the Borne Site reveal that various hazardous substances have been discharged onto the lands and into the groundwater at the Borne Site. Initial inspections of the Borne Site revealed the presence of numerous tanks and drums of unknown materials.

b. Initial, First Supplemental and Second Supplemental Directives

On July 7, 1987, the DEP issued a Directive (the "Initial Directive") to A. Margolis & Sons Corp.; American Telephone & Telegraph - Bell Laboratories (now part of AT&T Corp.) ("AT&T"); Baron Chemicals, Inc. ("Baron"); Basic, Inc.; BP North America Trading, Inc. ("BP"); Buckeye Pipe Line Co. ("Buckeye"); Chemsol Chemical Marketing Division ("Chemsol"); Chesebrough-Pond's, Inc. ("Chesebrough"); Coastal Oil Co.; Combustion Engineering, Inc.; Edward R. Hess Co. ("Hess"); Elf Marine (London) International Service ("Elf Marine"); Exxon Corp. ("Exxon"); Food Haulers, Inc.; Getty Oil Co. ("Getty"); Keyline Research & Development ("Keyline"); Lehan Sales Co. ("Lehan"); Marisol Inc.; Ocean Oil Co., Ltd. ("Ocean"); Peabody Clean Industry, Inc. ("Peabody"); Peabody International Corp.; Phelps Dodge Copper Products Co. ("Phelps Dodge"); Public Service Electric and Gas Co. ("PSE&G"); Rolfite Co.; Swan Michigan Oil Co. ("Swan"); Texaco Refining and Marketing, Inc. (East) ("Texaco"); United States Oil Corp. ("U.S. Oil"); and Wakefern Food Corp. ("Wakefern"), all of which the DEP had determined to be persons responsible for the discharge or potential discharge of hazardous substances at the Borne Site. The Initial Directive instructed such persons to "provide adequate security against the unauthorized entry to the Site by members of the public, provide adequate protection against the risk of fire and/or explosion at the Site, and eliminate the risk of imminent damage to the public health and safety or imminent and severe damage to the environment by: (a)

Securing the Site . . . and (b) Removing and properly disposing of the hazardous substances contained in all elevated tanks, storage vessels, drums or other containers at the Site."

On October 5, 1987, the DEP issued a First Supplemental Directive to Borne, whom the DEP had determined to be a person responsible for the discharge or potential discharge of hazardous substances at the Borne Site. This First Supplemental Directive instructed Borne to undertake the interim remedial measures set forth in the Initial Directive.

On March 29, 1989, the DEP issued a Second Supplemental Directive to AGIP, USA, Inc. ("AGIP"); BP; C.F. Braun; Chevron USA, Inc. ("Chevron"); Consolidated Rail Corp. ("Conrail"); E.I. duPont DeNemours and Co., Inc. ("duPont"); Exxon Corp.; Marine Pollution Control, Inc.; Metropolitan Petroleum Petrochemicals, Inc. ("Metropolitan"); Mobil Oil Corp. ("Mobil"); National Lead Industries ("NL"); Orange and Rockland Utilities ("Orange and Rockland"); Peabody; Peabody International Corp.; Pennsylvania Petroleum Products Co. ("Pennsylvania Petroleum"); Shannon Oil and Chemicals ("Shannon"); Thomas & Betts Corp. ("Thomas & Betts"); and Witco Chemical Corp. ("Witco"), all of which the DEP had determined to be responsible for the discharge or potential discharge of hazardous substances at the Borne Site. This Second Supplemental Directive instructed these persons to undertake the interim remedial measures specified in the Initial Directive.

c. Remedial Activities

By Administrative Consent Order dated October 5, 1987 ("ACO I"), AT&T, Basic, BP, Buckeye, Chesebrough, Coastal Oil, Elf Marine, Exxon, Food Haulers, Getty, Marisol, Peabody International, Phelps Dodge, PSE&G, Texaco, Ocean, and Wakefern agreed to provide security against unauthorized entry to the Borne Site.

By Administrative Consent Order dated September 28, 1989 ("ACO II"), AGIP, AT&T, Buckeye, Chesebrough, Conrail, duPont, Exxon, Getty, Marisol, Mobil, N.L. Industries, Orange and Rockland, Phelps Dodge, PSE&G, Santa Fe, Texaco, Ocean, Thomas and Betts, and Wakefern agreed to provide adequate security against unauthorized entry to the Borne Site, and to remove and properly dispose of the hazardous substances stored at the Borne Site. In the process of negotiating ACO II, which was executed prior to the enactment of the Spill Act amendments authorizing the assignment of treble damages, the DEP agreed to assist the signatory parties in their pursuit of non-settlers. See letter attached as Exhibit B. On June 12, 1992, the above named respondents completed the remedial activities required by ACO II at a cost in excess of seven million dollars. While cleanup activities pursuant to ACO II were still underway, the DEP inquired as to whether the signatory parties might be willing to perform a Remedial Investigation/Feasibility ("RI/FS") study for the Borne Site. As a result of these inquiries, on March 3, 1993, a number of the signatory parties expressed their willingness to enter into immediate negotiations to perform an RI/FS for the Borne Site, provided that the DEP made an

assignment of treble damages pursuant to N.J.S.A. 58:10-23.11f(a)(3). See letter attached as Exhibit C.

d. Revised Third Supplemental Directive

On July 12, 1994, the DEP issued a Third Supplemental Directive to AGIP; A. Margolis & Sons Corp.; AT&T; Baron; Basic; BP; Buckeye; Chemsol; Chesebrough; Chevron; Coastal Oil; Combustion Engineering; Conrail; duPont; Elf Marine; Exxon Corp.; F.M.C. Corp.; Food Haulers, Inc.; Getty; Hess; Keyline; Lehan; Manor Healthcare Corp.; Marine Pollution Control, Inc.; Marisol, Inc.; Metropolitan; Mobil; NL Industries; Ocean Oil; Orange and Rockland; Peabody; Peabody International Corp.; Pennsylvania Petroleum; Phelps Dodge; PSE&G; Rolfite Co.; Santa Fe Braun, Inc.; Scientific Chemical Treatment Co., Inc.; Shannon; Swan; Texaco; Thomas & Betts; U.S. Oil; Wakefern; and Witco (the "Respondents").

Under the Third Supplemental Directive, the DEP directed the Respondents to clean up and remove the discharges at the Borne Site by conducting a remedial investigation and implementing the appropriate remedial actions, and to reimburse the DEP for its oversight of these activities. The Third Supplemental Directive further acknowledged that failure to comply with the Third Supplemental Directive could result in the DEP delegating its treble damage authority to any party willing to conduct the activities referenced in the Third Supplemental Directive.

On October 18, 1994, the DEP superceded the Third Supplemental Directive by issuing a Revised Third Supplemental Directive to the parties named on the Third Supplemental Directive and to various Borne insurance carriers. The Revised Third Supplemental Directive directed the Respondents only to conduct a remedial investigation at the Site.

II. Request for Treble Damages

This request is organized in accordance with the seven factors to be addressed in requesting an assignment of treble damages, as set forth by the DEP in the April 1993 issue of its Site Remediation News ("April 1993 guidance").

1. Name and Address of Each Proposed Contribution Defendant

The first requirement identified in the April 1993 guidance is the identification of all contribution defendants. The list below is based on information contained in DEP's Third Supplemental Directive and the Group's own investigation.

A. Margolis & Sons Corp. ("Margolis") of Brooklyn, New York.
Leon Margolis, Vice President

November 10, 1994

A. Margolis & Son
1504 Atlantic Avenue
Brooklyn, New York 11216\

Baron Chemicals, Inc. ("Baron") of Manville, New Jersey.
Baron Chemicals
c/o Mr. William A. Dolan
666 Boesal Avenue
Manville, New Jersey 08835

Basic Incorporated ("Basic") of Cleveland, Ohio. Combustion Engineering is the parent company of Basic.

John P. Brett, Esq.
Basic, Inc.
525 Brook Street
P.O. Box 15
Rocky Hill, CT 06067

BP North American Trading, Inc. ("BP") of New York, New York. Coastal Oil Company was formerly a division of BP.

Cheryl Foerstner, Esq.
BP America, Inc.
200 Public Square, 39-E
Cleveland, Ohio 44114-2375

Chemsol: See Manor Healthcare Corporation.

Chevron, USA, Inc. ("Chevron") of Perth Amboy, New Jersey, a Delaware corporation:

c/o Francis X. Journick, Jr., Esq.
Wilentz Goldman & Spitzer
90 Woodbridge Center Drive
Suite 900 Box 10
Woodbridge, New Jersey 07095-0958

Coastal Oil Company ("Coastal Oil") of Newark, New Jersey. (See BP North America Trading Inc.)

Combustion Engineering, Inc. ("Combustion Engineering") of Valley Forge, Pennsylvania. Combustion Engineering is the parent company of Basic.

Edward R. Hess Company ("Hess") of Uniondale, New York.

November 10, 1994

Mr. Edward R. Hess
374 Uniondale Avenue
P.O. Box 222
Uniondale, New York 11533

F.M.C. Corporation ("FMC") of Chicago, Illinois, is a Delaware corporation.
John Stillmun, Esq.
FMC Corp.
2000 Market St.
Philadelphia, PA 19103

Keyline Research & Development ("Keyline") of Rutherford, New Jersey.
c/o Speiller & Kriss
19 Rector Street
New York, New York 10006

Lehan Sales Company ("Lehan") of Scottsville, Virginia.
c/o Scott D. Goetsch, P.C.
Semmes, Bowen & Semmes
250 West Pratt St.
Baltimore, MD 21201

Manor Healthcare Corporation ("Manor") of Silver Springs, Maryland: Chemsol
Chemical Marketing Division of Scientific Chemical Treatment Company, Inc. ("Chemsol") of
Elizabeth, New Jersey was merged into Cenco Instruments Corporation and thereafter Cenco
Instruments was merged into Manor.

Manor Healthcare Corp.
Office of the President
10750 Columbia Pike
Silver Springs, MD 20901

Marine Pollution Control, Inc. ("Marine Pollution Control") of Patchogue, New
York.

Metropolitan Petroleum Petrochemicals Company, Inc. ("Metropolitan") of Queens,
New York.

Metropolitan Petroleum Chemicals Co. Inc.
c/o James Foster
36 Peat Street
Harrington Park, New Jersey 07640

November 10, 1994

Peabody Clean Industry, Inc. of Massachusetts, of Stamford, Connecticut, formerly known as "Coastal Services" ("Peabody" or "Coastal Services"). Peabody International Corporation of Stamford, Connecticut ("Peabody International") is the parent corporation of Peabody:

c/o Jane Wasman, Esq.
Fried, Frank, Harris, Shriver & Jacobson
One New York Plaza
New York, New York 10004

Pennsylvania Petroleum Products Company ("Pennsylvania Petroleum") of Philadelphia, Pennsylvania:

c/o Epstein, Shapiro & Epstein
15th Floor
1515 Market Street
Philadelphia, Pennsylvania 19102-1979

Rolfite Company ("Rolfite") of Stamford, Connecticut.

Rolfite Company
1221 Brickell Avenue
Miami, Florida 33131

Sante Fe Braum Company (formerly known as C.F. Braum Company):

Mr. Robert S. Preece
Santa Fe International Corp.
2 Lincoln Centre
5420 LBJ Freeway, Suite 1100
Dallas, Texas 75240

Shannon Oil and Chemicals ("Shannon") of Secaucus, New Jersey.

Swan Michigan Oil Company ("Swan") of Bayonne, New Jersey.

Alvin A. Borne
Swan Michigan Oil Co.
180 W. 5th street
Bayonne, New Jersey 07002

United States Oil Corporation ("U.S. Oil") of New York, New York.

United States Oil Company
200 W. 54th Street
New York, New York 10019-5517

November 10, 1994

Witco Chemical Corporation ("Witco") (formerly Witco Chemical Company) of Woodcliff Lake, New Jersey, is a Delaware corporation.
c/o Fredi L. Pearlmutter, Esq.
Kerby, Rose & English
480 Morris Avenue
Summit, NJ 07901

**2. Name and Address of Each Contribution
Plaintiff**

The second requirement of the April 1993 guidance is to identify all contribution plaintiffs. The following list of companies does so.

AGIP, USA, Inc. ("AGIP") of New York, New York, is a Delaware corporation.
c/o Sandor C. Schweiger, Esq.
Mandlebaum, Schweiger & Connor
516 Fifth Avenue
New York, NY 10036

American Telephone & Telegraph Corp. ("AT&T"):
AT&T
131 Morristown Road
Room B 2016
Basking Ridge, New Jersey 07920

Buckeye Pipe Line Company ("Buckeye") of Emmaus, Pennsylvania:
Jan F. Horwath
Buckeye Pipe Line Co., L.P.
P.O. Box 368
100 Buckeye Road
Emmaus, PA 18049

Chesebrough-Pond's Inc. ("Chesebrough") of Greenwich, Connecticut:
Chesebrough-Pond's, Inc.
c/o Shanley & Fisher, P.C.
131 Madison Avenue
Morristown, New Jersey 07962-1979
Attn: Joan E. Pearson, Esq.

Consolidated Rail Corporation ("Conrail") is a Pennsylvania corporation:
Conrail

November 10, 1994

Law Department 16-A
Two Commerce Square
2001 Market Street
Post Office Box 41416
Philadelphia, Pennsylvania 19101-1416

E.I. duPont deNemours and Company, Inc. ("duPont") is a Delaware corporation:
DuPont Company - Legal Dept.
Barbara Gravely
1007 Market Street-D8068-2
Wilmington, DE 19898

Elf Marine (London) International Services ("Elf Marine") of London, England:
Edward Zalaznick, Esq.
Societe Nationale Elf Aquitaine
Tour Elf, Codex 45
92078 Paris, France

Exxon Corporation ("Exxon") of Linden, New Jersey:
Exxon Chemical Company
c/o Alan Bogard
Post Office Box 23
Bayway Chemical Plant
Linden, New Jersey 07036

Food Haulers, Inc. ("Food Haulers") of Elizabeth, New Jersey:
c/o Anthony J. Napodano, Esq.
Napodano & Raffo, P.C.
3840 Park Ave.
Edison, NJ 08820

Getty Oil Company, the name of which has been changed to Four Star Oil and Gas Company ("Getty") of Los Angeles, California. Texaco Inc. is its parent corporation.

Getty Oil Company
c/o Texaco Inc.
Stephen H. Bard, Esq.
2000 Westchester Avenue
White Plains, New York 10650

Marisol, Inc. ("Marisol")
Marisol, Inc.
125 Factory Lane

November 10, 1994

Middlesex, New Jersey 08846

Mobil Oil Corporation ("Mobil") of Fairfax, Virginia, is a New York corporation:
Mobil Oil Corporation
John H. Burger
Superfund Response Group
Post Office Box 1039
Princeton, New Jersey 08543-1039

National Lead Industries ("NL Industries) of Houston, Texas is a New Jersey corporation:

NL Industries, Inc.
Marcus Martin, Esq.
Bartlit, Beck, Herman, Palenchar & Scott
The Ketteridge Building - Suite 700
511 Sixteenth Street
Denver, Colorado 80202

Orange and Rockland Utilities, Inc. ("Orange and Rockland") is a New York corporation:

Orange and Rockland Utilities, Inc.
John L. Carley, Esq.
One Blue Hill Plaza
Pearl River, New York 10965

Phelps Dodge Copper Products Company ("Phelps Dodge") of Newark, New Jersey:

Phelps Dodge Corp.
Jerry D. Worsham, III
2600 North Central Avenue
Phoenix, Arizona 85004-3014

Public Service Electric and Gas Company ("PSE&G"):
PSE&G-Law Department
Christine T. Meely, Esq.
80 Park Plaza, T5E
Post Office Box 570
Newark, New Jersey 07101

Texaco Refining and Marketing Inc. (East) ("Texaco") of White Plains, New York is another subsidiary of Texaco Inc.:

Texaco Inc.
Stephen H. Bard, Esq.
2000 Westchester Avenue
White Plains, New York 10650

Thomas & Betts Corporation ("Thomas & Betts") of Memphis, TN, is a New Jersey corporation.

Michael S. Rettig, Esq.
Thomas & Betts Corp.
1555 Lynnfield Rd.
Memphis, TN 38119

Wakefern Food Corporation ("Wakefern") of Elizabeth, New Jersey:
c/o Anthony J. Napodano, Esq.
Napodano & Raffo, P.C.
3840 Park Avenue
Edison, New Jersey 08820

3. The Relationship to and Involvement of Each Proposed Contribution Defendant to the Site¹

This section satisfies the third requirement of the April 1993 guidance by setting forth the involvement of each proposed contribution defendant with the Site. These relationships are, for the most part, derived from the various directives that the DEP has issued for the Site. By issuing one or more directives to each contribution defendant, the DEP has already determined that each proposed contribution defendant is a responsible party under the Spill Act. The companies listed as contribution defendants are those companies who have not yet committed to participate in the Group's efforts to comply with the Third Supplemental Directive. As indicated in more detail below, many of these companies also declined to participate in ACO I and/or ACO II.

a. During the period 1973 through 1979, Margolis utilized the services and facilities of Borne for the storage and distribution of its petroleum hydrocarbons, a hazardous substance as defined by the Spill Act,² as evidenced by documents, including but not limited to, a November 20, 1973 contract between Borne and Margolis providing for the storage of 100,000 gallons of

¹ Note that ACO I was signed before the Second Supplemental Directive was issued. Thus, those companies that were first identified as responsible parties on the Second Supplemental Directive could not have been expected to sign on to ACO I, as they had not yet been identified as responsible parties.

² Each reference herein to a "hazardous substance" refers to a "hazardous substance" as defined by the Spill Act.

petroleum oil as well as Borne invoice Nos. 3998-3999 for filling, receipt and reshipping of lubricating oil. The DEP named Margolis as a responsible party in the Initial and Third Supplemental Directives. Margolis was not a signatory either to ACO I or ACO II.

b. During the period from 1965 through 1969, Baron utilized the services and facilities of Borne for storage and laboratory testing of its chemical-based products and wastes, including hazardous substances as evidenced by documents, including but not limited to, a June 2, 1965 agreement whereby Baron leased a 100,000 gallon storage tank at the Site; Baron's letter, dated January 30, 1966 referencing payment for storage charges of Invoice Nos. 12345 and 12406, and Baron's letter dated January 30, 1969, acknowledging acceptance of verbal agreement for storage and laboratory services at the Borne Site. The DEP named Baron as a responsible party in the Initial and Third Supplemental Directives. Baron was not a signatory to ACO I and ACO II.

c. During the period from June, 1977 through February, 1979, Basic utilized the services and facilities of Borne for the storage and distribution of its hazardous substances, including magnesite and fuel oil, as evidenced by documents, including but not limited to, Invoice Nos. 742, 1142 and 1246 for the rental of tank #40, and receipt by Borne of over 50,000 gallons of oil. Shipping Order Nos. 97286 and 97384 indicate the delivery of approximately 5700 gallons of magnesite and fuel oil from Basic's facility in Maple Grove, Ohio to the Borne Site. The DEP named Basic as a responsible party in the Initial and Third Supplemental Directives. Basic was not a signatory to ACO II.

d. During a portion of the time between 1917 until 1984, BP utilized the services and facilities of Borne for the blending, storage and distribution of its chemical-based products and wastes, including hazardous substance as evidenced by documents, including but not limited to, a March 1, 1982 agreement whereby marine lubricants were to be blended and sold by Borne to BP, and numerous BP purchase orders for Borne's blending of thousands of gallons of marine lubricants. Additionally, in May, 1975, BP hired Peabody to transport and dispose of materials containing petroleum hydrocarbons, a hazardous substance, from its facility in Linwood, New Jersey, which were disposed of at the Borne Site, as evidenced by two contracts (dated May 5, 1975, and May 30, 1975) between BP Oil Inc. and Coastal Services, and by Coastal Services's Invoice No. 4513, dated May 30, 1975, Job. No. N-7227-5-75. The DEP named BP as a responsible party in the Initial, Second Supplemental and Third Supplemental Directives. BP was not a signatory to ACO II.

e. During a portion of the time between 1964 and 1966, Chemsol utilized the services and facilities of Borne for the storage, processing and disposal of its chemical-based products and wastes, including hazardous substances as evidenced by an April 6, 1964 letter from Borne confirming Chemsol's rental of six 100,000 gallon tanks for storage of fuel oil; Borne's inventory statements dated October 31, 1963 and October 31, 1964; a March 21, 1966 memo from Borne indicating Chemsol was renting tank #43; a March 29, 1966 letter from Borne authorizing

the dumping of 28,000 gallons of a glycol-water mixture stored by Chemsol at the Site; an August 22, 1966 letter from Chemsol authorizing disposal of the contents of tank #41; and purchase orders for Borne's processing services, recovery services and filtration services from April 16, 1964 through February 4, 1966, (see, for example, purchase order #305 for processing of approximately 5000 gallons of jet lube oil). The DEP named Chemsol as a responsible party in the Initial and Third Supplemental Directives. Chemsol was not a signatory to ACO I or ACO II.

f. In March and May, 1975, Chevron hired Peabody to transport and dispose of material containing petroleum hydrocarbons, a hazardous substance, which was disposed of at the Borne Site, as evidenced by Coastal Service's Invoice No. 4232, Job No. N7157-3-75, dated March 24, 1975, and by Coastal Service's Invoice No. 4520, Job No. 7219-5-75, dated May 30, 1975. The DEP named Chevron as a responsible party in the Second Supplemental and Third Supplemental Directives. Chevron was not a signatory to ACO II.

g. During the period from 1982 through 1983, Coastal Oil utilized the services and facilities of Borne for the storage and packaging of its kerosene, a hazardous substance, as evidenced by Borne receiving form No. 8131, dated November 9, 1982, and a bill of lading dated November 9, 1982, for one (1) tank wagon of kerosene from Coastal Oil, transported by Zila Trucking to the Borne Site; Borne Invoice Nos. C-3369, C-3477, C-3549, C-3682, C-3701 to Coastal Oil March through July, 1983 storage charges; and Borne Invoice No. C-2856 dated November 17, 1982 to Coastal Oil for packaging 22,578 gallons of kerosene. The DEP named Coastal Oil as a responsible party in the Initial and Third Supplemental Directives. Coastal Oil was not a signatory to ACO II.

h. In July, 1977, FMC hired Peabody to transport and dispose of hazardous substances from its facility in Carteret, New Jersey, which was disposed of at the Site, as evidenced by an August 1, 1977 bill from Shannon to Coastal Services. The DEP named FMC as a responsible party in the Second Supplemental and Third Supplemental Directive. FMC was not a signatory to ACO II.

i. During a portion of the time between 1964 and 1975, Hess utilized the services and facilities of Borne for the drumming, storage, and distribution of its petroleum hydrocarbons, a hazardous substance, as evidenced by Borne invoices, dated October, 1969 through January, 1975, for drumming Hess' petroleum; numerous letters from Hess, dated June, 1964 through February, 1973, confirming delivery of Hess petroleum to Borne or requesting release of drums to haulers; bills of lading for Hess petroleum transported by Matlack, Inc. to Borne; shipping orders dated August, 1977 through July, 1983; shipping orders dated August, 1977 through July, 1983 regarding Hess petroleum transported by Tueffel Brothers, Inc. to Borne (see, for example, invoice #4854 indicating delivery of 6000 gallons of oil to the Site); and Borne shipping receipts indicating that drums of Hess petroleum or refined wax were transported by Clark Brothers Trucking to Hess from the Borne Site between October, 1964 and February, 1975. The DEP named Hess as a

responsible party in the Initial and Third Supplemental Directives. Hess was not a signatory to ACO I or ACO II.

j. From March, 1977 through December, 1978, Keyline utilized the services and facilities of Borne for the blending and storage of its motor oil, a hazardous substance, as evidenced by confirmation letters, dated March 4, 1977, March 31, 1978 and June 16, 1978, from Keyline for blending services; a shipping order dated June 15, 1978 from the Lubrizol Corporation for 23 drums of lubrizol delivered to Keyline at the Site; and a Borne Inventory List dated October 3, 1978 of Keyline products at the Site. The DEP named Keyline as a responsible party in the Initial and Third Supplemental Directives. Keyline was not a signatory to ACO I or ACO II.

k. During a portion of the time between 1976 and 1981, Lehan utilized the services and facilities of Borne for the blending, storage and distribution of its chemical-based products and wastes, including hazardous substances, as evidenced by numerous Borne Invoices, dated April, 1976 through March, 1981, for storage, shipping, repacking, dumping, blending, and/or reconditioning of drums; and Borne Receiving Forms, dated July, 1979 through February, 1981, for drums containing hazardous substances, including lube oil, lubricants, and paint and varnish solvents from Lehan. The DEP named Lehan as a responsible party in the Initial and Third Supplemental Directives. Lehan was not a signatory to ACO I or ACO II.

l. In August, 1976, Marine Pollution Control hired Peabody to transport and dispose of waste oil, a hazardous substance, from its facility in Port Jefferson, New York, which was disposed of at the Borne Site, as evidenced by Coastal Service's Invoice No. 6404, Job. No. N7579-8-76, dated August 27, 1976. The DEP named Marine Pollution Control as a responsible party in the Second Supplemental and Third Supplemental Directives. Marine Pollution Control was not a signatory to ACO II.

m. In December, 1986, Metropolitan was hired by Peabody to transport and dispose of waste, including petroleum hydrocarbons, a hazardous substance, from an Exxon facility in Bloomfield, New Jersey, which was disposed of at the Borne Site. The DEP named Metropolitan as a responsible party in the Second Supplemental and Third Supplemental Directives. Metropolitan was not a signatory to ACO II.

n. During portions of the period from 1971 through 1984, Peabody operated as a contractor for oil spill cleanup and a hauler of hazardous wastes, with operations located at the Borne Site between 1971 and 1979. Additionally, various companies hired Peabody to transport and dispose of hazardous substances at the Borne Site during portions of the period between 1971 and 1979, including AT&T, BP, Buckeye, Chevron, Conrail, duPont, Exxon, FMC, Marine Pollution Control, Metropolitan, Mobil, NL Industries, Orange and Rockland, Phelps Dodge, PSE&G, Sante Fe, Thomas & Betts and Witco. The DEP named Peabody as a responsible party in the Initial, Second Supplemental and the Third Supplemental Directives.

o. In 1979, Pennsylvania Petroleum utilized the services and facilities of Borne for the blending, storage and distribution of its chemical-based products and wastes, including hazardous substances, as evidenced by letters of confirmation dated January 22, 1979 and January 24, 1979, and by a letter dated October 8, 1987 from Herbert L. Steinberg of Pennsylvania Petroleum to the DEP. The DEP named Pennsylvania Petroleum as a responsible party in the Second Supplemental and Third Supplemental Directives. Pennsylvania Petroleum was not a signatory to ACO II.

p. During the period from 1973 to 1979, Rolfite utilized the services and facilities of Borne for the manufacturing and distribution of its petroleum hydrocarbons, a hazardous substance. Between 1973 and 1979, Borne was a contract manufacturer for Rolfite, whereby Rolfite shipped raw materials to Borne and Borne converted the raw materials into finished products. The petroleum products were subsequently shipped to Rolfite's customers as evidenced by documents, including but not limited to, Borne Invoices, dated December, 1976 and March, 1977 for the production, drumming and shipping of Rolfite "808", "505" and "NMA-3"; Rolfite "rework batch sheets" to produce its petroleum products; numerous Rolfite Invoices to various corporations for delivery of Rolfite petroleum in 1977 and 1979; Rolfite production schedules dated June, 1978 and January, 1979; Borne Inventory Lists, dated April, 1979, May, 1980 and June, 1980 of Rolfite property at the Site; Rolfite Inventory Reports, dated between 1976 and 1979, of materials stored at the Site; numerous Rolfite Shipping Orders and Bills of Lading, dated between January, 1977 and July, 1979 for drums and tank wagons of petroleum transported to various companies from the Borne Site via Langer, Dorns & Pare Motor; and Rolfite Purchase Orders, dated August, 1978 through April, 1979, for a variety of products used in the manufacture of petroleum delivered to the Borne Site. The DEP named Rolfite as a responsible party in the Initial and Third Supplemental Directives. Rolfite was not a signatory to ACO I or ACO II.

q. In March and May 1975, Sante Fe hired Peabody to transport and dispose of material containing lead, a hazardous substance, from its facility in Woodbridge, New Jersey, which was disposed of at the Borne Site, as evidenced by Coastal Service's Invoice No. 4207, Job No. N7158-3-75.

r. During portions of the period of time between 1917 until 1984, Shannon was hired by Peabody to transport wastes, including hazardous substances from various locations, which were disposed of at the Borne Site. The DEP named Shannon as a responsible party in the Second Supplemental and Third Supplemental Directives. Shannon was not a signatory to ACO II.

s. During a portion of the time between September, 1976 and February, 1979, Swan utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances, as evidenced by documents, including but not limited to, Borne invoices and Receiving Forms, dated September, 1976 through February, 1979, for drums of cutting oil to be filtered and dried; a June 6, 1980 letter from Borne

to Swan setting forth Swan's inventory at the Site; and Borne Purchase Invoice Nos. 4623 and 4348 for 2 tank wagons of oil. Additionally, in March, June and December, 1979, Swan arranged for the transportation of over 18,000 gallons of mineral oil, a hazardous substance, from Exxon in Bayonne, New Jersey, to the Borne Site, as evidenced by Purchase Order Nos. 4623, 5446 and 7384 set forth in a letter dated August 26, 1975 from Swan to the DEP. The DEP named Swan as a responsible party in the Initial and Third Supplemental Directives. Swan was not a signatory to ACO I or ACO II.

t. Between 1978 and 1980, U.S. Oil utilized the services and facilities of Borne for the blending, storage and distribution of its petroleum hydrocarbons, a hazardous substance, as evidenced by documents, including but not limited to, Borne Chemical Receiving Forms and delivery receipts for large quantities of motor oil delivered to U.S. Oil at the Site between 1979 and 1980; numerous U.S. Oil Purchase Orders for large quantities of motor oil; Borne Invoice Nos. A-4590, A-4595 and A-4692 for blending, filling, drumming and/or loading services performed by Borne in October and November, 1979; a February 20, 1980 letter from Borne to U.S. Oil stating that Borne provides U.S. Oil with blending and storage facilities; Borne Blending Worksheets, dated January and February, 1980; Borne Invoice No. C-686, dated October 31, 1980, for storage facilities; and a June 3, 1980 letter from Borne to U.S. Oil requesting payment of overdue invoices and setting forth U.S. Oil's remaining inventory at the Site. The DEP named U.S. Oil as a responsible party in the Initial and Third Supplemental Directives. U.S. Oil was not a signatory to ACO I or ACO II.

u. In February, 1973 and May, 1977, Witco hired Peabody to transport and dispose of waste oil, a hazardous substance, which was disposed of at the Borne Site, as evidenced by a bill from Shannon to Coastal Services dated May 2, 1977, and by Coastal Service's Invoice No. 1586, Job. No. N-6433-2-72 dated February 13, 1973. The DEP named Witco as a responsible party in the Second Supplemental and Third Supplemental Directives. Witco was not a signatory to ACO II.

4. The Relationship to and Involvement of Each Proposed Contribution Plaintiff to the Site

In accordance with the fourth requirement of the April 1993 guidance, this section describes the involvement of the contribution plaintiffs with the Site, as delineated in the Directives. The companies identified as proposed contribution plaintiffs have complied with the directives issued to them by signing on to ACO II or to ACO I and ACO II. Moreover, each of the companies identified as a contribution plaintiff has expressed a willingness to participate in a remedial investigation in compliance with the Revised Third Supplemental Directive. The relationships and activities set forth herein are derived from DEP directives issued in this matter. Nothing herein is or shall be deemed an admission of any issue of fact or law by any member of the Group.

a. During the period from 1970 through 1972, AGIP utilized the services and facilities of Borne for the blending, storage and distribution of its petroleum hydrocarbons, a hazardous substances, as evidenced by documents, including but not limited to, a July 1, 1970 contract between Borne and AGIP for blending services, a March 23, 1971 amendment to that contract, and various bills and invoices for blending performed for AGIP by Borne at the Borne Site.

b. In December 1978, AT&T utilized Peabody to dispose of hazardous substances at the Site including, but not limited to, oil and oil sludges, as evidenced by Special Waste Manifest Forms, Nos. 81104, 81111, 81135-81137; and Purchase Order Nos. 139235, 146455 and 164021 for Coastal Services to clean up and dispose of oil and debris at AT&T's Murray Hill Site.

c. In November 1978, Buckeye hired Peabody to transport 1500 gallons of gasoline from Buckeye's facility in Linden, New Jersey to the Site, as evidenced by Special Waste Manifest No. 81186. A September 16, 1985 letter from Buckeye to the DEP indicates that Peabody transported four (4) shipments totaling 11,500 gallons from Buckeye's facility in Linden, N.J. to the Site in September 1977. Job reports and Invoice Nos. 9127 and 9079 indicate that Tank Nos. 149, 150, 152 and 153, shipped to the Site in September 1977, contained the bottom sediments and water generated in a turbine fuel tank cleaning operation.

d. In 1974, Chesebrough utilized the services and facilities of Borne for the manufacture, storage, and distribution of its chemical-based products and wastes, including hazardous substances. From March through December 1974, Chesebrough hired Matlack, Inc. and Refiners Transport and Terminal Corporation to transport approximately 1.5 million pounds of petroleum jelly from Witco in Petrolia, Pennsylvania to the Borne Site (see Chesebrough's March 15, 1974 export purchase order No. A-4167). Numerous Borne invoices dated July 1974 through October 1974, indicate that large amounts of petroleum jelly were shipped to Borne for filtering, drumming, stenciling and storage, (see, for example, Invoice No. A-1289, dated July 7, 1974, for filtering, drumming, stenciling and storage of 40,960 pounds of petroleum jelly). Drums of petroleum jelly were removed from Borne and transported to Perth Amboy by T. Achenberg Transportation Company, as evidenced by numerous Borne shipping receipts dated April and December 1974.

e. In July 1977, Conrail hired Peabody to transport and dispose of several thousand gallons of methyl methacrylate, a hazardous substance, from its facility in Wellsboro, Pennsylvania, which was disposed of at the Borne Site, as evidenced by bills from Shannon to Coastal Services dated July 18, 1977 and July 30, 1977, and by Coastal Services' Invoice No. 8420, Job No. N-6005-7-77, dated July 26, 1977. In December 1978, Conrail hired Peabody to transport and dispose of oil and oil sludge, hazardous substances, as evidenced by Special Waste Manifest No. 81148, dated December 15, 1978; Special Waste Manifest Supplement No. 1 to

Special Waste Manifest No. 81148, dated December 18, 1978; and Special Waste Manifest Supplement No. 1 to Special Waste Manifest No. 8115, dated December 18, 1978.

f. In March 1978, duPont hired Peabody to transport and dispose of several thousand gallons of Aniline N-Benzene, a hazardous substance, from its facility in Gibbstown, New Jersey, which was disposed of at the Borne Site, as evidenced by Coastal Services' Purchase Order No. 4387, dated March 17, 1978, and by a March 13, 1978 invoice from Shannon to Coastal Services, Job No. P9172-3-78.

g. During a portion of the time between 1917 until 1984, Exxon utilized the services and facilities of Borne for the manufacture, drumming, blending, storage and distribution of its chemical-based products and wastes, including hazardous substances, as evidenced by documents, including but not limited to, numerous Borne Invoices to Exxon dated September 1976 through August 1982; and purchase orders from the Bayway Chemical Plant, a predecessor of Exxon, dated September 1970 through August 1972, for Borne's blending and drumming of various oils for the Bayway Plant. Additionally, in November and December 1976, Exxon hired Peabody to transport and dispose of material containing petroleum hydrocarbons, a hazardous substance, from its facility in Bloomfield, New Jersey, which were disposed of at the Borne Site, as evidenced by Coastal Services' Invoice No. 7015, Job No. N-7692-11-76, dated January 4, 1977, and bills from Metropolitan to Coastal Services dated December 16, 1976, and January 11, 1977, Job No. 70920.

h. During a portion of the time between September 1969 and August 1979, Getty utilized the services and facilities of Borne for the blending, packaging, storage and distribution of its chemical-based products and wastes, including hazardous substances, as evidenced by documents, including but not limited to a September 26, 1969 agreement, a January 4, 1971 agreement and a March 1, 1971 supplemental agreement between Getty and Borne for services to be provided by Borne including blending, filling and shipping of various lubricant oils, letters dated August 3, 1971, January 4, 1971, and December 15, 1970 from Getty to Borne providing Borne with revised blending reports; an August 21, 1970 confirmation letter from Getty to Borne confirming blending and storage of 40,000 gallons of sulfurized sperm oil and 40,000 gallons of pale oil; an August 7, 1970 letter from Getty to Borne indicating shipment of one tank wagon of turbine oil via Kribery Transportation Company for use in motor oil blends; an October 22, 1970 letter from Getty to Borne establishing procedures pertaining to handling of various documents relative to Borne's blending, filling and shipping services; and numerous Borne reports on oils blended for Getty from May 1970 through November 1971.

i. In November 1962 and January 1965, Marisol utilized the services and facilities of Borne for the filtering and storage of its chemical-based products and wastes, including hazardous substances, as evidenced by documents, including but not limited to, a letter from Borne to Marisol, dated February 2, 1970, indicating an overdue balance; an agreement between Borne and Marisol, dated January 13, 1965, for filtering services performed by Borne; and a letter

from Marisol to Borne, dated February 8, 1963, stating that on November 30, 1962, Marisol purchased the contents of Borne tank #502 from Chemex, Inc. and concurrently sold this material to Havex Corporation of Newark, New Jersey.

j. In May 1975, Mobil hired Peabody to transport and dispose of wastes, including a leaded gasoline-water mixture, a hazardous substance, from Mobil-branded service station in Union, New Jersey, which were disposed of at the Borne Site, as evidenced by documents, including but not limited to, Coastal Services' Invoice No. 4214, Job No. N7145-2-75, dated May 30, 1975.

k. In February 1977, N.L. Industries hired Peabody to transport and dispose of wastes, including petroleum hydrocarbons, a hazardous substance, from its facility in Perth Amboy, New Jersey, which were disposed of at the Borne Site, as evidenced by documents, including but not limited to, a bill from Shannon to Coastal Services, dated February 24, 1977, Job Nos. 7781, N7797 and N7800.

l. During a portion of the time between 1977 and 1984, Ocean utilized the services and facilities of Borne for the storage, blending and distribution of its lubricating oil, a hazardous substance, as evidenced by a March 1, 1978 agreement between Ocean, trading under the registered name of Antar-Marine, and Borne, whereby Borne agreed to provide storage tanks for Ocean's products and Ocean agreed to supply Borne with concentrates which Borne, in turn, would blend with Exxon base oils to produce lubricating oils; Borne Invoices to Antar-Marine, dated 1978 through 1983, for the storage, blending, filling, reconditioning and/or drumming of various lubricating oils; Bills of Lading from Antar-Marine, dated December 1977 through December 1979, for petroleum lubricating oil delivered to the Borne Site; numerous Shipping Orders and Borne receiving forms, dated 1979 through 1980, for drums of lube oil additives shipped by LEP Transport to the Borne Site; and numerous Antar-Marine manifests, dated 1978 through 1979, for petroleum lubricating oils to be shipped from the Borne Site to various companies.

m. In May 1975 and November 1976, Orange and Rockland hired Peabody to transport and dispose of waste oil, a hazardous substance, from its facility in Haverstraw, New York, which were disposed of at the Borne Site, as evidenced by documents including but not limited to Coastal Services' Invoice No. 4440, Job No. N-7210-5-75, dated May 15, 1975, and Invoice No. 6835, Job No. N-7681-11-76, dated November 30, 1976.

n. In July, August and October 1978, Phelps Dodge hired Peabody to transport and dispose of oil and oil sludges, hazardous substances, at the Borne Site, as evidenced by documents, including but not limited to, Special Waste Manifest Nos. 78641-78646, 47814-47817. In June 1981, Phelps Dodge hired Peabody to transport and dispose of polychlorinated substances at the Site, as evidenced by Hazardous Waste Manifest No. 21894. In August 1975,

Phelps Dodge hired Coastal Services to clean up an oil spill, as evidenced by Job No. N-7306-8-75.

o. In December 1978, PSE&G hired Peabody to transport and dispose of oil and oil sludges, hazardous substances, at the Site, as evidenced by Special Waste Manifest Nos. 81165 and 81134.

p. During a portion of the time between 1972 and 1982, Texaco utilized the services and facilities of Borne for the storage, repackaging and drumming of its petroleum hydrocarbons, a hazardous substance, as evidenced by Miscellaneous Bid and Contract No. 12504, dated September 18, 1980, and No. 51173, dated June 2, 1980, between Borne and Texaco for Borne to remove, clean and/or repackage damaged drums containing grease; Borne Invoice No. C-899, dated December 26, 1980, for work performed under Contract No. 12504, along with a receipt indicating delivery to Texaco; a letter from Borne to Texaco, dated July 2, 1981, containing a proposal for Borne to repackage containers of grease for Texaco; and a letter from Borne to Texaco, dated February 6, 1981, containing a proposal for Borne to store and drum "TC510-A" for Texaco.

q. In 1978, Thomas & Betts hired Peabody to transport and dispose of oil and oil sludges, hazardous substances, from its facility in Elizabeth, New Jersey, which were disposed of at the Borne Site, as evidenced by Special Waste Manifest Nos. 59908, 59909, 59910, 59912, 59913 and 59914.

r. During a portion of the period of time between 1973 until 1981, Wakefern and Food Haulers utilized the services and facilities of Borne for the storage of their petroleum products, a hazardous substance, as evidenced by documents, including but not limited to, a letter dated October 1, 1985, from Anthony J. Napodano, counsel for Food Haulers, to the DEP, stating that between March and May, 1979, a total of 376,958 gallons of fuel oil were delivered to the Borne Site via Associated Oil Co., that the oil was stored in tanks no. 35, 36, 43 and 46, and that from January 16 through February 26, 1980, Associated Oil Co. removed the fuel oil from the Borne Site; an October 1, 1985, letter from Anthony J. Napodano, counsel for Wakefern, indicating delivery of 103,431 gallons of fuel oil to the Borne Site in November 1973, via United Oil Co.; delivery receipts for tanks of diesel fuel delivered in 1980 to Wakefern and Food Haulers at the Borne Site via Makar Truck; numerous Borne Invoices to Food Haulers and Wakefern for rental of Tank Nos. 23, 34-36, 40, 43-44 and 46 from 1977 through 1981; Purchase Order No. H-635-9 for rental by Wakefern of 4-100,000 gallon tanks between April 1, 1979 and March 31, 1980; and Food Haulers Purchase Order No. H03160 for Borne to provide storage facilities for 283,500 gallons of diesel fuel beginning June 20, 1973.

**5. Authorization to Collect Treble Damages is
in the Public Interest**

The fifth requirement of the April 1993 guidance is that the assignment be in the public interest. The Group meets this requirement for a number of reasons. First, authorization to collect treble damages will encourage additional responsible parties to join the Group and demonstrate to the regulated community that cooperation with the DEP in the remediation of hazardous waste sites will be encouraged and recalcitrance in the face of Spill Act liability will not be countenanced.

Second, the Group has already spent approximately \$7.5 million establishing site security and performing a removal action and an additional \$267,000 in administrative costs. The Group's efforts in cooperating with the DEP have allowed the cleanup to proceed without the burdens of litigation on the State. The Group anticipates that it will spend significant additional amounts performing a remedial investigation in accordance with the Revised Third Supplemental Directive. The authorization to collect treble damages will allow the Group to recoup from the proposed contribution defendants treble damages on the monies it has already spent, and thereby provide the Group with additional funding with which to carry on the work at the Site.

Third, at the time the ACO II was signed, all of the contribution defendants had been named on one or more directives but had declined to participate. Because the contribution defendants were virtually certain that the Group would comply with the directives and thereby eliminate the DEP's incentive to seek treble damages, the proposed contribution defendants willingly accepted what they perceived as a small risk of litigating against the Group. The Group has, in fact, complied with the directives and has paid all costs to date, including the share that a fair cost allocation would have placed upon the proposed contribution defendants.

Although the proposed contribution defendants may ultimately be forced to pay their share of cleanup costs pursuant to the Spill Act's contribution provision, N.J.S.A. 58:10-23.11f(a), this will most likely come only after the Group has instituted costly and time-consuming litigation. The litigation costs may be non-recoverable and the most the Group may be able to recover absent the assignment of treble damages is the fair share contribution of the proposed contribution defendants, which is exactly what they should have paid at the time the Group was working to clean up the Site. Moreover, the proposed contribution defendants will have avoided the transaction costs and risks inherent in participating in the remedial process over the long term, while earning interest on the money which they refused to pay and which the Group has expended. In sum, the recalcitrant parties are now in a far better position than those companies that fulfilled their obligations under the directives. The existence of this inequity and the signal that it sends to the regulated community are certainly not in the public interest. Only the assignment of treble damages ensures the correction of this inequity.

Fourth, the proposed contribution defendants have all refused to comply with at least one DEP directive in this case. Had the Group not stepped forward and complied with these directives, the DEP would most assuredly have sought treble damages in its efforts to enforce the directives. It is not in the public interest for the proposed contribution defendants to evade the specter of treble damages merely because others chose to comply.

Finally, inasmuch as the statute authorizing the assignment of treble damages requires that one third of any damages so recovered be turned over to the State, such an assignment will afford the State the best of all worlds. The remedial investigation will be conducted promptly and with private funds, the recalcitrant parties will suffer the pain of treble damages for their non-compliance with the directives as the legislature intended, and the State will share in the treble damage recovery without incurring the trouble and expense of litigation.

For all of these reasons, assignment of the DEP's treble damage claim to the Group is in the public interest.

**6. Authorization to Collect Treble Damages
Will Expedite this Cleanup**

The sixth requirement of the April 1993 guidance is that the assignment expedite the cleanup. The Cooperating Group has already spent approximately \$7.5 million complying with directives at the Borne Site, while the proposed contribution defendants have been named on prior directives, are responsible parties in the DEP's view, and, in almost all cases, have spent virtually nothing. The Group is now faced with yet another opportunity for these recalcitrant responsible parties to sit on the sidelines and watch others carry their load. While the Group is again prepared to take a responsible position in responding to the Revised Third Supplemental Directive, the Group is extremely reluctant to voluntarily comply with that directive if other equally responsible parties are again permitted to escape the risk of treble damages by doing nothing. The assignment of treble damages will expedite the cleanup by serving as an incentive and reward for the Group's compliance with the Revised Third Supplemental Directive.

Indeed, the DEP has already recognized the importance of the financial participation of the recalcitrant parties to expediting the cleanup of the Site. In the course of negotiating ACO II, the Group expressed in the strongest terms its concerns about recalcitrants receiving a windfall if the Group complied with the directive. Because the Spill Act had not yet been amended to provide for a private right of contribution or the assignment of treble damages, the DEP was statutorily constrained in assisting in the pursuit of non-settlers. Nevertheless, by letter dated September 13, 1989 (attached as Exhibit B), the DEP (then DEPE) agreed, in exchange for the Group's entering into the ACO II, to file an amicus brief in support of the Group's contribution claim. This letter serves as evidence of the DEP's willingness, even in the Fall of 1989, to assist the Group in the pursuit of non-settlers. Now that the DEP's arsenal in this regard has been

enhanced by the right to assign treble damages, the DEP should follow through on the intentions expressed in 1989 by making the assignment of treble damages as herein requested.

Moreover, to the extent that authorization to collect treble damages encourages recalcitrants to join the Group and thereby eliminate the risk and expense of treble damage litigation, it will expedite this cleanup by expanding participation in the Group and increasing the resources available to perform the investigation. Similarly, even if the recalcitrants choose not to join the Group, to the extent that the assignment leads to a treble damage recovery, it will expedite the cleanup by providing an additional source of funds with which to finance the cleanup.

For all of these reasons, the assignment will expedite the cleanup of the Borne Site.

**7. Description of the Remediation Work
Performed at this Site**

The seventh requirement of the April 1993 guidance is to describe the remediation work performed to date. The Group has completed a removal action at the Site under the terms of ACO II. The work performed thereunder was completed on June 12, 1992, and is fully documented in the "Revised Final Report on Compliance with Administrative Consent Order II, Borne Chemical Site," dated June 30, 1992, submitted to the DEP by letter dated July 9, 1992.

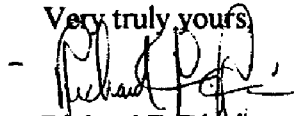
November 10, 1994

III. Conclusion

For all the above reasons, we hereby request prompt authorization for the Group to collect treble damages from the proposed contribution defendants with respect to both its past and future costs. The DEP has issued a Revised Third Supplemental Directive dated October 18, 1994, to the Group and to the proposed contribution defendants. While the Group is inclined to continue its cooperation with the DEP, the authorization to collect treble damages should ensure a decision by the Group to perform the remedial investigation at the Borne Site.

Should you have any questions regarding the above, do not hesitate to contact me at your earliest convenience. We look forward to continued cooperative efforts with the DEP to address this Site, and to a prompt and fair allocation of the costs for this work.

Very truly yours,


Richard F. Ricci

RFR:mab

cc:

Borne Chemical Company
Site Participating Group
Proposed Contribution Defendants (As set forth above) (Cert. Mail/RRR)
Ms. Jerry Weigand
John R. Renella, Esq.
Leslie Sklar, Esq.