

Central
File

32522

ENFORCEMENT REFERRAL FORM

TO: Appropriate Region Chief
Enforcement Element

FROM: Appropriate Bureau Chief: ^{160 for} Paul C. Kurisko, Chief, BIWM
Element: Water Quality Management

DATE: AUG 20 1986

Priority: (Check one) High X Medium _____ Low _____

Bureau Contact Person: Ken Goldstein Phone No. (609) 292-48

Name of Violator Cosan Chemical

Location Broad St. Carlstadt

Permit No., Type & Effective Date (If appropriate) NJPDES/SIU

NI0032522

Description of violation including date(s), specific statute, regulation and/or permit condition violated. Attach location maps if appropriate.

Cosan is on compliance schedule to construct pretreatment system. They have requested an indefinite extension of time.

Listing of actions taken by the referring Bureau to notify the violator in question in order to correct non-compliance or violation. Attach copies of all relevant telephone sheets and correspondence.

This is the third extension of time requested by Cosan. Original schedule deadline was Sept. 1986. Final Permit schedule was changed to Dec. 1986 at Cosan request. Recently, an accident at the site pushed the final date to March 1987.

The latest request is open-ended.

Cosan is one of the facilities discharging to RERC-JM which is causing BOD violations.

Enforcement action requested ACO with Cosan with stipulated penalties for failure to meet the negotiated deadline.

INDUSTRIAL WASTE MANAGEMENT FACILITY (IWMF) WORKSHEET

1. Name: COSAN CHEMICAL CORPORATION
Mailing Address: P.O. BOX 7 CARLSTADT, NEW JERSEY 07072
Location Address: 400 FOURTEENTH STREET CARLSTADT, N.J. 07072
Facility Contact: STUART B. COOPER
Telephone No.: (201) 460-9300 RCRA ID No.: NJD 064 332 273
Facility NJPDES No.: NJ0032522 Type: X DSW DGW X SIU None
Receiving POTW, if any: J.L.M.G. R-C-ER POTW NJPDES No. NJ0022756

2. Description of Waste Source(s): GENERATED FROM FLOOR WASHINGS AND MANUFACTURING PROCESSES.

3. The Waste Source is:

X Intracompany/Intrastate Intercompany/Intrastate

4. Operational Units comprising the treatment works (describe):

- Unit #1: STORAGE TANK T-2: RECEIVES WASTEWATER FROM MANUFACTURING REACTIONS.
- Unit #2: THREE (3) WASTE CONDITIONING TANKS T-3: REDUCTION OF MERCURY
- Unit #3: PLATE FRAME FILTER PRESS: TO DEWATER ZINC OXIDE FORMED (A UNIT #2) CONTAINING MERCURY
- Unit #4: CARBON ADSORBENT (PROPOSED): TO REMOVE ORGANICS (PETROLEUM HYDROCARBONS, BENZENE, AND TOLUENE)
- Unit #5: 2 HOLDING TANKS T-5: PH ADJUSTMENT OF WASTEWATER TO 8.0
- Unit #6: SUMP: RECEIVES FLOOR WASTEWATER FROM BLDG #2
- Unit #7: CARTRIDGE FILTER: TO REMOVE COARSE SOLIDS.
- Unit #8: STORAGE TANK T-1: TO CONTAIN UNTREATED WASTE FROM UNIT #7
- Unit #9: FILTER PRESS: TO REMOVE FINE PARTICLES FROM WASTEWATER
- Unit #10: SUMP: RECEIVES FLOOR WASTEWATER FROM BLDG #5
- Unit #11: CARTRIDGE FILTER: TO REMOVE COARSE SOLIDS
- Unit #12: FOUR (4) TANKS T-4: TO CONTAIN WASTEWATER BEFORE GOING TO UNIT #2
- Unit #13:

5. Criteria (For each item indicate Yes, No, N/A, etc.):

- a. Is there an influent wastewater? YES
Is it hazardous? YES
If yes, list waste type. DO01, DO02, DO09

- b. Does the treatment works generate (G), store (S), or treat (T) a wastewater treatment sludge or residue? YES
If yes, which units are involved, and what function do they perform? 3(G), 4(PROPOSED)(G)
Is it hazardous? YES
If yes, list waste type(s): DO09

- c. Is the unit a "tank" as per NJAC 7:14A-4.3? YES

6. Conclusions: Is the facility an IWMF? YES

7. Comments: THE FACILITY IS A HAZARDOUS WASTE FACILITY (HWF) BECAUSE IT WILL STORE CONTAINERIZED/DRUMMED HAZARDOUS WASTE FOR PERIODS GREATER THAN NINETY (90) DAYS.
ALL INTEGRAL UNITS OF THE WASTEWATER TREATMENT ARE PART OF THE IWMF.



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF HAZARDOUS WASTE MANAGEMENT

John J. Trela, Ph.D., Acting Director
2 Babcock Place
West Orange, N.J. 07052
201-669-3960

M E M O R A N D U M

TO: File 02-05-06 Date: 2/10/88
JAS Y.Y.
 FROM: Jeffrey Sterling Thru Y. E. Yacoub
 RE: Follow-up inspection at Cosan Chemical Corporation, EPA
 ID # NJD064332273.

On 12/10/87 the subject facility was inspected and they were issued a field NOV for violating some of the N.J. hazardous waste codes. They were given until 1/10/88 to come into compliance.

The subject was re-inspected on 2/5/88 to ascertain whether or not they had achieved compliance. The company did not respond to the NOV on writing up to the time of the re-inspection.

At the site, Mr. Stuart Cooper was the contact. He said that Cosan's failure to respond to the NOV was due to an oversight on their part and was not a deliberate act.

All the violations noted on the NOV that was issued on 12/10/87 were still existing at the time of re-inspection, with the exception of NJAC 7:26-9.4(d)4iii. Specifically, one unlabeled drum was observed leaking in the hazardous waste storage area; one drum was observed to be severely bulging; there was a lack of aisle space in some rows; the labels on many hazardous waste containers were not visible for inspection; the contingency plan had not been updated to show compliance with NJAC 7:26-9.7(e).

The drum storage area was not as crowded as it was during the 12/10/87 inspection. This is because Cosan has since gotten rid of most of their empty drums by sending some to offsite drum reconditioners and/or using some for onsite storage of products.

No hazardous waste shipments have taken place since the inspection on 12/10/87.

File 02-95-06
Cosan Chemical Corporation
Page 2

Mr. Cooper was instructed to come into compliance by 2/11/88 with all the citations in the NOV dated 12/10/87 and which were all (except for 9.4(d)4iii) still outstanding at the time of this re-inspection. He agreed to comply by 2/11/88.

(Mr. Cooper said that the above ground tank by building #2 still contained about 2,000 gallons of dichlorobutene which he is still trying to dispose of).

File 02-05-06
Cosan Chemical Corporation
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RECOMMENDATIONS:

Because of the company's lack of response to the NOV they received on 12/10/87 a strong penalty assessment is recommended.



BERGEN COUNTY UTILITIES AUTHORITY

Box 122, Foot of Mehrhof Road, Little Ferry, New Jersey 07643

VINCENT A. CALDARELLA
Executive Director

THOMAS J. TOSCANO, Chairman
MICHAEL P. RINKO, Vice Chairman
EUGENE J. BROPHY
VERNON R. COX
MARTIN J. HAYES
SHERWIN D. LESTER
FRANK C. LONGO
MICHAEL B. SCADUTO
ROSE TEAGUE

November 14, 1988

Cosan Chemical
400 14th Street
Carlstadt, N.J. 07072

RE: Mercury Discharge

Gentlemen:

The Bergen County Utilities Authority has been mandated through legislation by both the State of New Jersey and the United States Congress to stop the ocean disposal of sludge. Therefore, the Authority must find a land based alternative for sludge disposal.

One of the impediments for finding a land based alternative is the heavy metals content of the sludge.

Prior to the Authority receiving the flow from the Joint Meeting of Carlstadt, East Rutherford and Rutherford, the level of mercury in our sludge averaged 2.8 mg/l. Since the Joint Meeting began discharging, the mercury content has jumped to over 25 mg/l.

Our sampling program indicates that Cosan Chemical has been discharging mercury in levels that average 75 mg/l with some analysis over 200 mg/l.

It is imperative that the discharge of mercury be immediately reduced. Without this reduction, the Authority may not be able to find a land based alternative for its sludge. The importance of this cannot be overemphasized.

After you have a chance to review this, please contact this office and inform us of what action you are prepared to take to reduce the mercury discharge

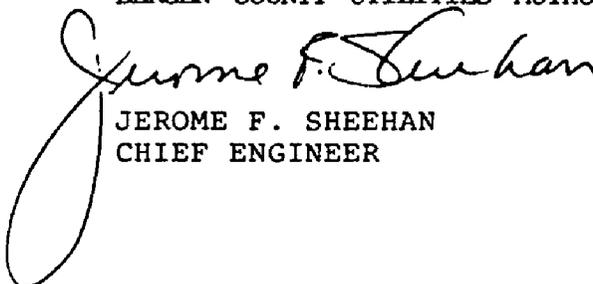
Cosan Chemical
November 14, 1988
Page 2

Again, please understand that this is extremely important, and your utmost efforts are necessary.

If you have any questions or require any assistance, please do not hesitate to contact us.

Very truly yours,

BERGEN COUNTY UTILITIES AUTHORITY



JEROME F. SHEEHAN
CHIEF ENGINEER

JFS/ssj

cc: Vincent A. Caldarella
Steve Mizerek
Phil Bober
Demetrakis, Sinisi & Carmel - Kevin Conti

3. We have verbally discussed the number and location of some of the proposed wells with the previous case Manager subsequent to the last meeting.

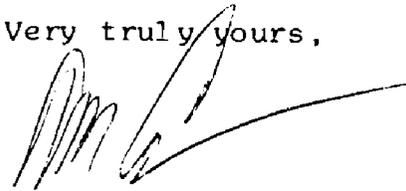
Before doing additional drilling, we believe it prudent to obtain the resampling results. We do agree that some of the proposed wells will be needed. However, some of them appear to be "chasing the plume" within our property limits.

In addition, it is our intention to remove underground tanks. Since this will also involve monitoring, we intend to incorporate everything into one plan. Oresky and Associates, our newly hired consultant, is presently obtaining samples of the empty tank internal residue for verification of what appears to be fuel oil. They are also preparing the UST sampling plan and obtaining prices to do the job. The single plan will allow us to perform the removal without being "at risk".

Unfortunately, all of this work requires time. Since all Cosan regulatory work comes across my desk and I am currently involved in a federal EPA project with a statutory deadline next week and my comments on the RCRA Part B Draft Permit are also due next week, I am requesting additional time to submit the Revised Sampling Plan.

It is our intention to work with the Department in this matter. Consequently, if you have any questions, please contact us.

Very truly yours,



Stuart B. Cooper
Manager of Regulatory Affairs

SBC/cmm

cc: Albert Eilender
John Lynch
Joseph Pecorino
John Valvanis

Certified, Return Receipt #P-068-761-535

Let's protect our earth



SEP 1989

State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER RESOURCES
METRO BUREAU OF REGIONAL ENFORCEMENT

2 BABCOCK PLACE
WEST ORANGE, NEW JERSEY 07052

Jorge H. Berkowitz, Ph.D.
Acting Director

DIRK C. HOFMAN, P.E.
DEPUTY DIRECTOR

August 30, 1989

Mr. Stuart B. Cooper
Manager of Regulator Affairs
Cosan Chemical Corporation
400 Fourteenth Street
P.O. Box 7
Carlstadt, NJ 07072

Re: Compliance Evaluation Inspection
Cosan Chemical Corporation
NJPDES No. NJ 0032522
Carlstadt/Bergen County

Dear Mr. Cooper:

A Compliance Evaluation Inspection of your facility was conducted by a representative of this Division on June 15, 1989. A copy of the completed inspection report form is enclosed for your information.

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

- 1) A review of Discharge Monitoring Reports (DMRs) has revealed that Cosan Chemical Corporation ("Cosan") has exceeded the effluent limitation for Temperature during the period July 1, 1988 - September 30, 1988 at DSN 001 and DSN 002.
- 2) A review of DMRs has revealed that Cosan has exceeded the effluent limitations for pH, Petroleum Hydrocarbons, Benzene, Toluene at DSN 003 and DSN 004 for the periods reviewed. (See report for details.)
- 3) Cosan has failed to apply for permit renewal 180 days prior to expiration as required by Part I 2A. of NJPDES Permit No. NJ 0032522. The existing permit expired February 14, 1989.

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TIERRA-B-009535

4) Cosan has failed to meet the proposed draft modification's Compliance Schedule date of May 31, 1988 for the attainment of a fully operative and on line treatment works, as set forth in the draft modification of Permit No. NJ 0032522 issued March 18, 1988.

The deficiencies noted above are significant violations of the terms and conditions of your NJPDES permit and/or the Water Pollution Control Act Regulations (N.J.A.C. 7:14A-1 et seq.). You are therefore DIRECTED to institute corrective measures. A written report concerning specific details of remedial measures to be instituted, as well as an implementation timetable, must be submitted to this Department and USEPA, Permits Administration Branch within thirty (30) calendar days of the date of this correspondence.

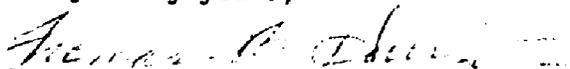
In response to your June 19, 1989 correspondence to Kevin Marlowe your interpretation is not correct that the written notification contained within progress reports constitutes an acceptable request for an modification of Cosan's NJPDES Permit Compliance Schedule. Furthermore, the lack of response to your progress report notifications should not have been construed as the Department's acceptance of a schedule extension. The lack of Department response is due to Cosan's failure to use the proper format and procedures required to obtain a formal permit Compliance Schedule modification. Changes to final permit schedules can only be enacted through administrative consent agreements reached with this office or a formal permit modification following public notice and finalization. None of these formal proceedings were followed by Cosan for the latest extensions in the construction schedule referred to in your letter.

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

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

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

Very truly yours,



Thomas B. Harrington
Supervisor, Surface
Water Unit
Metro Bureau of
Regional Enforcement

c: Chief, Permits Administration Branch, USEPA
Mr. Patrick Durack, USEPA
Mr. Albert Greco, H.O.
Bergen County Department of Health Services

Enclosure



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



DISCHARGE SURVEILLANCE REPORT

PERMIT # NJ0032522 NO. OF DISCHARGES ^{001, 002} 003, 004, 005 CLASS MIN/IND/SIL
 DISCHARGER COSAN Chemical Corporation
 OWNER COSAN Chemical Corporation
 MUNICIPALITY CARLSTADT COUNTY BERGEN WATERSHED CODE _____
 LOCATION 400 FOURTEENTH STREET
 RECEIVING WATERS 001 and 002 BERRY'S CREEK 003, 004 BERGEN County Utilities Authority STREAM CLASS FW-2-NT
 LICENSED OPERATOR & PLANT CLASS STUART B. COOPER N-3
 TRAINEE/ASSISTANT _____ OTHER INFO. (201) 460-9300

DEFICIENCIES OR COMMENTS _____

OVERALL RATING Acceptable Conditionally Acceptable Unacceptable

EVALUATOR KEVIN MARLOWE TITLE ENVIRONMENTAL SPECIALIST
 INFORMATION FURNISHED BY (Name) MR. JOHN N. VALKANIS; MR. STUART COOPER
 (Title) VICE PRESIDENT, MANUFACTURING; MANAGER OF REGULATORY AFFAIRS (Organization) COSAN CHEMICAL CORPORATION

DATE OF INSPECTION JUNE 15, 1989



INDUSTRIAL TREATMENT PROCESS EVALUATION

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

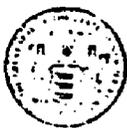
	RATING	COMMENTS
GENERAL	DISCHARGE # 001,002	—
	WASTEWATER SOURCE(S)	—
	CONTINUITY OF OPERATION	—
	BYPASSES/OVERFLOWS	NA
	S.P.C.C. PLAN	—
	ALARM SYSTEMS	NA
	ALTERNATE POWER SUPPLY	NA
TREATMENT PROCESSES	NONE	
SLUDGE HANDLING	Mechanical Comminutors Pass Take	EPA ID # NJ1006433273
	DISPOSAL SITE	—
		The facility is in the process of obtaining A PART B RCRA PERMIT. NO WASTE HAS LEFT THE SITE DURING 1983.
INFORMATION	FLOW METER & RECORDER	S
	RECORDS	S
	SAMPLING PROCEDURES	—
	ANALYSES PERFORMED BY	S
OTHER	Manufactures Pesticides and Herbicides All types for Paints and Coating	
	FINAL EFFLUENT APPEARANCE	S
	REC. WATERS APPEARANCE	NI



DISCHARGE SURVEILLANCE REPORT



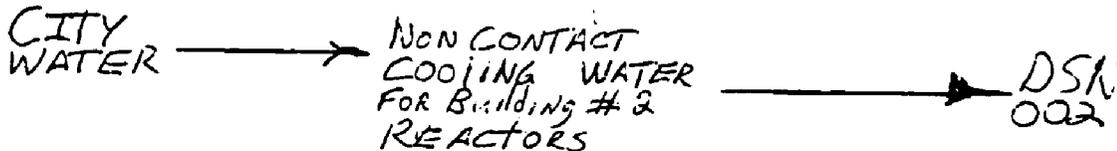
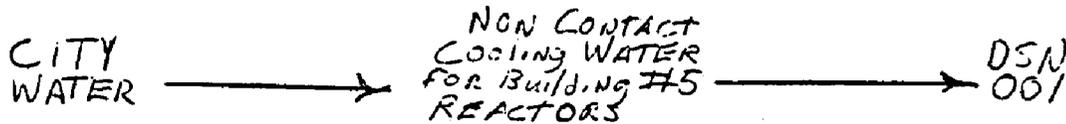
INDUSTRIAL TREATMENT PROCESS EVALUATION		
RATING CODES: S = Satisfactory M = Marginal U = Unsatisfactory NA = Not Applicable		
	RATING	COMMENTS
GENERAL	DISCHARGE # 003 004 200 005	— (003 Has been disconnected)
	WASTEWATER SOURCE(S)	— Floor Washings and Process Water (Waters of Reaction)
	CONTINUITY OF OPERATION	— 24 hrs/day 5 days/week
	BYPASSES/OVERFLOWS	NA
	S.P.C.C. PLAN	— BEING REVISED
	ALARM SYSTEMS	NA
	ALTERNATE POWER SUPPLY	NA
	PERMIT RENEWAL	U The facility's permit expires 3/4/89; RENEWAL NOT SUBMITTED
TREATMENT PROCESSES	PRETREATMENT	—
	STORAGE	S
	SEPARATOR	S
	WASTE CONDITIONING	S Addition of Caustic/Acid as Required
	REACTOR	S
	SILURRY ADDITION	S ZINC-MERCURY forms Amalgam (ZINC ADDITION)
	SILURRY FILTRATION	S
	OTHER FILTRATION(S)	S
	PRIMARY HOLDING	S RECYCLED TO REACTOR AS NEEDED
	SECONDARY HOLDING	S (USED) FOR COOLING PRIOR TO DISCHARGE
MERCURY/SILURRY	S	
SLUDGE HANDLING	MERCURY WASTES	— GEN ID # NJD064332273
	ZINC-MERCURY AMALGAM	— THE FACILITY IS IN THE PROCESS OF OBTAINING A PART B RCRA PERMIT
	DISPOSAL SITE	— NO WASTE SHIPPED DURING DURING 1988.
INFORMATION	FLOW METER & RECORDER RECORDS	S TREATMENT VESSELS VOLUMETRIC MEASUREMENTS PERMIT / DMRS
	SAMPLING PROCEDURES	— COMPANY PERSONNEL
	ANALYSES PERFORMED BY	— TOWNLEY RESEARCH and CONSULTING INC. CERT # 18071
	BGLIA PERMIT #	88-144
OTHER	FINAL EFFLUENT APPEARANCE	NI
	REG. WATERS APPEARANCE	NI BERGEN COUNTY Utilities Authority / TREATMENT PLANT



DISCHARGE SURVEILLANCE REPORT

Permit # N10032522
Date JUNE 15, 1989

PLANT DIAGRAM AND FLOW SEQUENCE: 001, 002



DISCHARGE DATA

SOURCE: DMR EXCURSIONS

PERIOD: July 1, 1989 - September 30, 1988

DIS	PARA	SAMPLE TYPE	PERMIT LIMITS	DATA	DIS	PARA	SAMPLE TYPE	PERMIT LIMITS	DATA
001	TEMP	GRAB	30°C	36°C					
002	TEMP	GRAB	30°C	32°C					

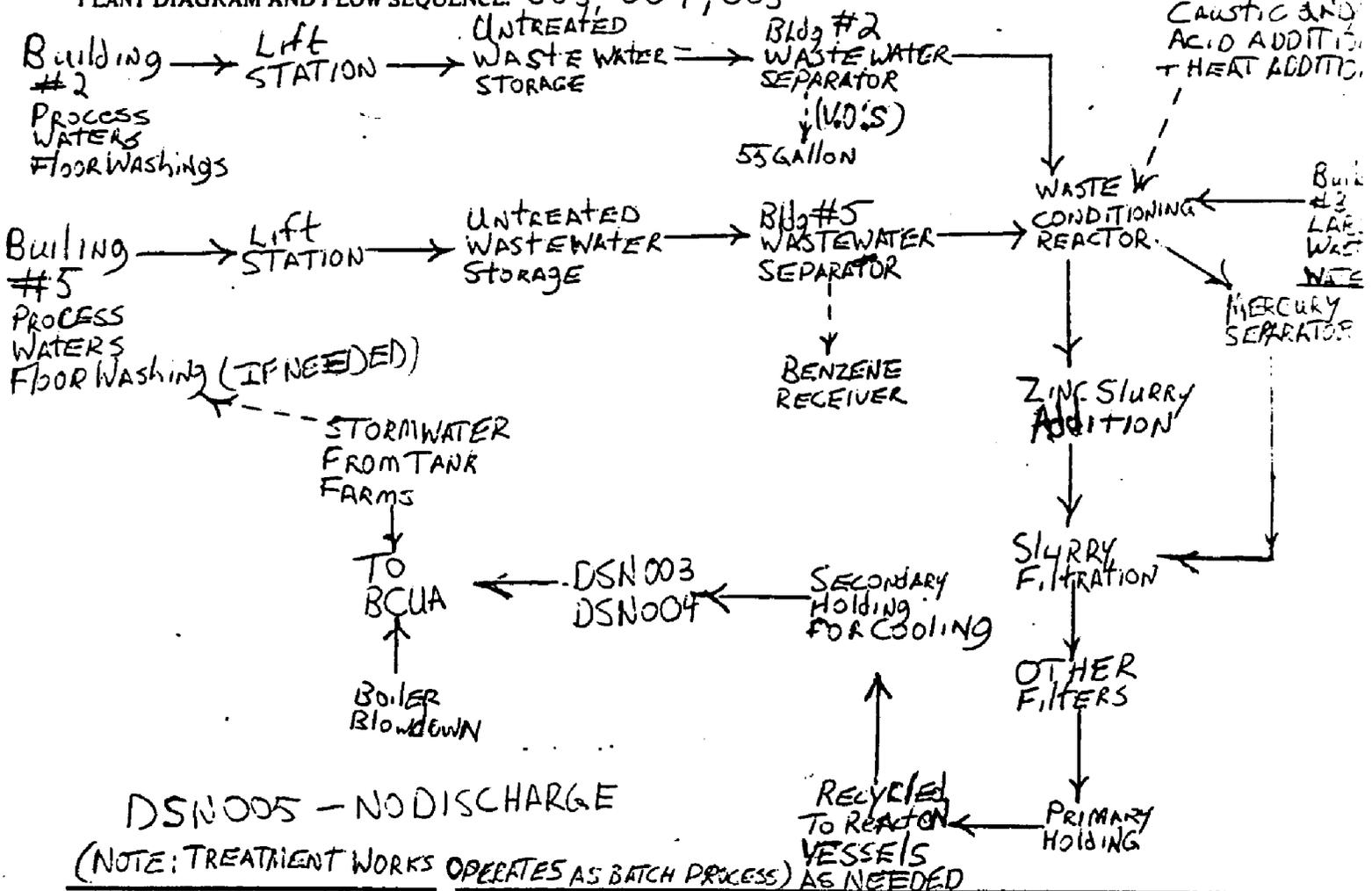
MONITORING DEFICIENCIES: EFFLUENT LIMITATION VIOLATIONS LISTED ABOVE



DISCHARGE SURVEILLANCE REPORT

Permit # W00335
Date JUNE 15, 1983

PLANT DIAGRAM AND FLOW SEQUENCE: 003, 004, 005



DISCHARGE DATA

SOURCE: DNR EXCURSIONS

PERIOD: AS LISTED

DIS	PARA	SAMPLE TYPE	PERMIT LIMITS	DATA	DIS	PARA	SAMPLE TYPE	PERMIT LIMITS	DATA
003	pH	GRAB	MARCH 1 - MAY 31, 1983 5.5 - 9.5 S.U.	4.4 S.U.	003	pH	GRAB	JUNE 1 - AUGUST 31, 1983 5.5 - 9.5 S.U.	4.45.0
003	PETRO HYDRO	GRAB	Avg MAX 100 / 150 mg/L	133 / 210 mg/L	003	PETRO HYDRO	GRAB	Avg MAX 100 / 150 mg/L	182 mg/L
003	TOLUENE	GRAB	Avg MAX 80 mg/L / 440 mg/L	944.1 / 2058 mg/L	003	TOLUENE	GRAB	80 / 440 mg/L	1322 mg/L 3455 mg/L
004	TOLUENE	GRAB	Avg MAX 80 mg/L	92 mg/L	004	TOLUENE	GRAB	80 / 440 mg/L	137 / 525 mg/L
004	pH	GRAB	5.5 - 9.5 S.U.	10.0 S.U.	004	BENZENE	GRAB	6800 / 36500 mg/L	Avg 3180 mg/L MAX 62663 mg/L
					004	PETRO HYDRO	GRAB	100 / 150 mg/L	413 / 1245 mg/L

MONITORING DEFICIENCIES:



DISCHARGE SURVEILLANCE REPORT

Permit # NJ0032522
Date June 15, 1989

DISCHARGE DATA

SOURCE: DMR Excursions

PERIOD: As Listed

DIS	PARA	SAMPLE TYPE	PERMIT LIMITS	DATA	DIS	PARA	SAMPLE TYPE	PERMIT LIMITS	DATA
			SEPTEMBER 1 - NOVEMBER 30, 1988					DECEMBER 1, 1988 - FEBRUARY 28, 1989	
003	PH	GRAB	5.5 - 9.5 S.U.	4.8 - 10.6 S.U.					
003	PETRO HYDRO	GRAB	100/150 mg/l	805/1505 mg/l	003	PETRO HYDRO	GRAB	100/150 mg/l	6021/6294
003	TOLUENE	GRAB	80/440 mg/l	825/2120 mg/l	003	TOLUENE	GRAB	80/440 mg/l	4058/9737
004	PH	GRAB	5.5 - 9.5 S.U.	10.8 S.U.	004	TOLUENE	GRAB	80/440 mg/l	449/1021
					004	PETRO HYDRO	GRAB	100/150 mg/l	102/342 mg
					004	BENZENE	GRAB	6800/36500 mg/l	260478 mg
					004	PH	GRAB	5.5 - 9.5 S.U.	542/612 mg/l
									11.0 S.U.

MONITORING DEFICIENCIES: _____

DISCHARGE DATA

SOURCE: _____

PERIOD: _____

DIS	PARA	SAMPLE TYPE	PERMIT LIMITS	DATA	DIS	PARA	SAMPLE TYPE	PERMIT LIMITS	DATA

MONITORING DEFICIENCIES: _____



State of New Jersey
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 DIVISION OF WATER RESOURCES
 CN 029
 Trenton, N.J. 08625-0029

Eric J. Evenson
 Acting Director

(609) 292-1637
 Fax # (609) 984-7938

IN THE MATTER OF : ADMINISTRATIVE ORDER AND
 COSAN CHEMICAL : NOTICE OF CIVIL ADMINISTRATIVE
 CORPORATION : PENALTY ASSESSMENT
 CARLSTADT/BERGEN COUNTY :

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

FINDINGS

1. The Cosan Chemical Corporation (hereinafter "Cosan") operates a facility located at 400 Fourteenth Street, Carlstadt, Bergen County, New Jersey (Block 97, Lots 1, 2 and, 3 and Block 98, Lot 1).
2. NJDEP issued a New Jersey Pollutant Discharge Elimination System ("NJPDES") Significant Indirect User Permit No. NJ0032522 (hereinafter "the SIU Permit") to Cosan on October 16, 1984. The effective date of the Permit was December 1, 1984 and the expiration date is November 30, 1989.
3. Pursuant to the SIU Permit, Cosan discharges pollutants, as defined by N.J.A.C. 7:14A-1.9, from Discharges No. 003U and 004U for subsequent treatment at the Bergen County Utilities Authority.
4. NJDEP issued a NJPDES Discharge to Surface Water Permit No. NJ0032522 (hereinafter "the DSW Permit") to Cosan on February 10, 1986. The effective date of the Permit was April 1, 1986 and the expiration date is November 30, 1989.
5. Pursuant to the DSW Permit, Cosan discharges pollutants, as defined by

N.J.A.C. 7:14A-1.9, from Discharges No. 001A and 002A into Berry's Creek, a surface water of the State.

6. No person shall discharge any pollutant except in conformity with a valid NJPDES Permit issued pursuant to the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.

7. Cosan's SIU and DSW Permits expired on November 30, 1989. Pursuant to the "Administrative Procedures Act" N.J.S.A. 52:14B-11, the conditions of the expired permit are continued in force until the effective date of a new permit since Cosan has submitted Permit renewal applications.

8. Part III-B/C-1 of the DSW Permit and Part II Page 14 of the SIU Permit set forth specific parameters to be reported on Discharge Monitoring Report Forms (hereinafter "DMRs") and identify discharge limitations for each parameter for each permitted outfall.

9. Cosan has submitted DMRs to NJDEP as required by Part II-B/C of the DSW Permit and Part I Page 6 of 7 of the SIU Permit for the period of January 1, 1987 through December 31, 1989. The DMRs demonstrate that Cosan has violated the discharge limits of the Permit. Listed below are the dates and parameters which were violated.

Monitoring Period	Outfall #	Discharge Parameter	Permit Limits	Reported Results
1/1/87-3/31/87	001A	Hg	0.05 mg/l max.	0.094 mg/l
1/1/87-3/31/87	001A	COD	50 mg/l max.	98 mg/l
10/1/87-12/31/87	001A	COD	50 mg/l max.	92 mg/l
4/1/87-6/30/87	001A	Temperature	30 deg C	32 deg C
7/1/87-9/30/87	001A	Temperature	30 deg C	32 deg C
10/1/87-12/31/87	001A	Temperature	30 deg C	32 deg C
7/1/88-9/30/88	001A	Temperature	30 deg C	36 deg C
10/1/88-12/31/88	001A	Temperature	30 deg C	33 deg C
4/1/89-6/30/89	001A	Temperature	30 deg C	38 deg C
10/1/89-12/31/89	001A	Temperature	30 deg C	32 deg C
7/1/88-9/30/88	002A	Temperature	30 deg C	32 deg C
4/1/89-6/30/89	002A	Temperature	30 deg C	33 deg C
2/15/87-5/14/87	003U	PHC	100 mg/l avg.	967 mg/l
2/15/87-5/14/87	003U	PHC	150 mg/l max.	2,000 mg/l
5/15/87-8/14/87	003U	PHC	100 mg/l avg.	9,844.67 mg/l
5/15/87-8/14/87	003U	PHC	150 mg/l max.	17,500 mg/l
8/15/87-11/14/87	003U	PHC	100 mg/l avg.	316 mg/l
8/15/87-11/14/87	003U	PHC	150 mg/l max.	546 mg/l
11/15/87-2/14/88	003U	PHC	100 mg/l avg.	210 mg/l
11/15/87-2/14/88	003U	PHC	150 mg/l max.	580 mg/l
3/1/88-5/31/88	003U	PHC	100 mg/l avg.	133 mg/l
3/1/88-5/31/88	003U	PHC	150 mg/l max.	210 mg/l
6/1/88-8/31/88	003U	PHC	150 mg/l max.	182 mg/l
9/1/88-11/31/88	003U	PHC	100 mg/l avg.	805 mg/l

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9/1/88-11/31/88	003U	PHC	150 mg/l	max.	1505 mg/l
12/1/88-2/28/89	003U	PHC	100 mg/l	avg.	6,021 mg/l
12/1/88-2/28/89	003U	PHC	150 mg/l	max.	8,894 mg/l
3/1/89-5/31/89	003U	PHC	100 mg/l	avg.	161 mg/l
3/1/89-5/31/89	003U	PHC	150 mg/l	max.	281 mg/l
5/15/87-8/14/87	003U	Benzene	6.8 mg/l	avg.	10.461 mg/l
2/15/87-5/14/87	003U	Toluene	80 ug/l	avg.	8,550 ug/l
2/15/87-5/14/87	003U	Toluene	440 ug/l	max.	19,500 ug/l
11/15/87-2/14/88	003U	Toluene	80 ug/l	avg.	7,900 ug/l
11/15/87-2/14/88	003U	Toluene	440 ug/l	max.	10,100 ug/l
3/1/88-5/31/88	003U	Toluene	80 ug/l	avg.	9,441 ug/l
3/1/88-5/31/88	003U	Toluene	440 ug/l	max.	20,580 ug/l
6/1/88-8/31/88	003U	Toluene	80 ug/l	avg.	1,812 ug/l
6/1/88-8/31/88	003U	Toluene	440 ug/l	max.	3,455 ug/l
9/1/88-11/31/88	003U	Toluene	80 ug/l	avg.	8,255 ug/l
9/1/88-11/31/88	003U	Toluene	440 ug/l	max.	21,200 ug/l
12/1/88-2/28/89	003U	Toluene	80 ug/l	avg.	40,590 ug/l
12/1/88-2/28/89	003U	Toluene	440 ug/l	max.	97,379 ug/l
3/1/89-5/31/89	003U	Toluene	80 ug/l	avg.	6,962 ug/l
3/1/89-5/31/89	003U	Toluene	440 ug/l	max.	7,600 ug/l
2/15/87-5/14/87	003U	pH	5.5-9.5	S.U.	4.4 S.U.
2/15/87-5/14/87	003U	pH	5.5-9.5	S.U.	12.0 S.U.
5/15/87-8/14/87	003U	pH	5.5-9.5	S.U.	5.0 S.U.
8/15/87-11/14/87	003U	pH	5.5-9.5	S.U.	4.3 S.U.
11/15/87-2/14/88	003U	pH	5.5-9.5	S.U.	4.9 S.U.
3/1/88-5/31/88	003U	pH	5.5-9.5	S.U.	4.4 S.U.
6/1/88-8/31/88	003U	pH	5.5-9.5	S.U.	4.4 S.U.
9/1/88-11/31/88	003U	pH	5.5-9.5	S.U.	4.8 S.U.
9/1/88-11/31/88	003U	pH	5.5-9.5	S.U.	10.6 S.U.
2/15/87-5/14/87	004U	PHC	150 mg/l	max.	220 mg/l
5/15/87-8/14/87	004U	PHC	100 mg/l	avg.	440 mg/l
5/15/87-8/14/87	004U	PHC	150 mg/l	max.	999 mg/l
8/15/87-11/14/87	004U	PHC	100 mg/l	avg.	65,821 mg/l
8/15/87-11/14/87	004U	PHC	150 mg/l	max.	100000 mg/l
6/1/88-8/31/88	004U	PHC	100 mg/l	avg.	418 mg/l
6/1/88-8/31/88	004U	PHC	150 mg/l	max.	1,245 mg/l
12/1/88-2/28/89	004U	PHC	100 mg/l	avg.	122 mg/l
12/1/88-2/28/89	004U	PHC	150 mg/l	max.	342 mg/l
6/1/89-8/31/89	004U	PHC	150 mg/l	max.	190 mg/l
2/15/87-5/14/87	004U	Benzene	6.8 mg/l	avg.	19.1 mg/l
5/15/87-8/14/87	004U	Benzene	6.8 mg/l	avg.	12.331 mg/l
8/15/87-11/14/87	004U	Benzene	6.8 mg/l	avg.	76.884 mg/l
8/15/87-11/14/87	004U	Benzene	36.5 mg/l	max.	152.2 mg/l
11/15/87-2/14/88	004U	Benzene	6.8 mg/l	avg.	22.141 mg/l
6/1/88-8/31/88	004U	Benzene	6.8 mg/l	avg.	31.805 mg/l
6/1/88-8/31/88	004U	Benzene	36.5 mg/l	max.	62.663 mg/l
12/1/88-2/28/89	004U	Benzene	6.8 mg/l	avg.	260.478 mg/l
12/1/88-2/28/89	004U	Benzene	36.5 mg/l	max.	540.64 mg/l
3/1/89-5/31/89	004U	Benzene	6.8 mg/l	avg.	36.869 mg/l

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3/1/89-5/31/89	004U	Benzene	36.5 mg/l	max.	61.844 mg/l
6/1/89-8/31/89	004U	Benzene	6.8 mg/l	avg.	9.022 mg/l
2/15/87-5/14/87	004U	Toluene	80 ug/l	avg.	965 ug/l
2/15/87-5/14/87	004U	Toluene	440 ug/l	max.	2,700 ug/l
5/15/87-8/14/87	004U	Toluene	80 ug/l	avg.	875 ug/l
5/15/87-8/14/87	004U	Toluene	440 ug/l	max.	2,600 ug/l
8/15/87-11/14/87	004U	Toluene	80 ug/l	avg.	98,000 ug/l
8/15/87-11/14/87	004U	Toluene	440 ug/l	max.	195,700 ug/l
3/1/88-5/31/88	004U	Toluene	80 ug/l	avg.	92 ug/l
6/1/88-8/31/88	004U	Toluene	80 ug/l	avg.	184 ug/l
6/1/88-8/31/88	004U	Toluene	440 ug/l	max.	525 ug/l
12/1/88-2/28/89	004U	Toluene	80 ug/l	avg.	499 ug/l
12/1/88-2/28/89	004U	Toluene	440 ug/l	max.	1,021 ug/l
6/1/89-8/31/89	004U	Toluene	80 ug/l	avg.	818 ug/l
6/1/88-8/31/88	004U	Toluene	440 ug/l	max.	2252 ug/l
2/15/87-5/14/87	004U	pH	5.5-9.5 S.U.		4.7 S.U.
2/15/87-5/14/87	004U	pH	5.5-9.5 S.U.		12.0 S.U.
5/15/87-8/14/87	003U	pH	5.5-9.5 S.U.		5.0 S.U.
11/15/87-2/14/88	003U	pH	5.5-9.5 S.U.		10.6 S.U.
3/1/88-5/31/88	003U	pH	5.5-9.5 S.U.		10.0 S.U.
9/1/88-11/31/88	003U	pH	5.5-9.5 S.U.		10.8 S.U.
12/1/88-2/28/89	003U	pH	5.5-9.5 S.U.		11.0 S.U.

The following abbreviations were used in the table above: COD for Chemical Oxygen Demand; Hg for Mercury; PHC for Petroleum Hydrocarbons; Deg C for degrees Celsius; ug/l for micrograms per liter; mg/l for milligrams per liter; and S.U. for standard units.

10. Based on an investigation, the Department has determined that Cosan failed to sample, analyze, and report flow for Discharge Serial Numbers (DSN) 003U and 004U for the following quarterly monitoring periods: 5/15/87-8/14/87; 8/15/87-11/14/87; 11/15/87-2/14/88; 3/1/88-5/31/88.

11. Based on an investigation, the Department has determined that Cosan failed to sample, analyze, and report Oil and Grease for DSNs 001A and 002A for the following quarterly monitoring periods: 1/1/87-3/31/87; 7/1/87-9/30/87.

12. Based on the facts set forth in these FINDINGS, the Department has determined that Cosan has violated the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., specifically N.J.S.A. 58:10A-6, and the regulations promulgated pursuant thereto, N.J.A.C. 7:14A-1 et seq., specifically N.J.A.C. 7:14A-1.2.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

13. Cosan shall discharge pollutants only in conformity with the conditions NJPDES Permit No. NJ0032522, the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and the regulations promulgated pursuant thereto, N.J.A.C. 7:14A-1.1 et seq.

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

15. This Administrative Order shall be effective upon receipt.

NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT

16. Pursuant to N.J.S.A. 58:10A-10d and N.J.A.C. 7:14-8.1 et seq., and based upon the above FINDINGS, NJDEP has determined that a civil administrative penalty should be assessed against Cosan in the amount of \$2,308,000.00. NJDEP's rationale for this Civil Administrative Penalty is set forth in Appendix A which is attached hereto and incorporated herein.

17. Payment of the penalty is due when a final order is issued by the Commissioner subsequent to a hearing if any, or when this Notice of Civil Administrative Penalty Assessment becomes a final order (see following paragraph). Payment shall be made by certified or cashier's check payable to "Treasurer, State of New Jersey" and shall be submitted with the white copy of Form DEP - 062A to:

Bureau of Revenue
New Jersey Department of Environmental Protection
CN 402
Trenton, New Jersey 08625-0402

18. If no request for a hearing is received within twenty (20) calendar days from receipt of this Notice of Civil Administrative Penalty Assessment, it shall become a final order upon the twenty-first calendar day following its receipt by Cosan, and the penalty shall be due and payable.

19. Notice is given that pursuant to N.J.S.A. 58:10A-10d and N.J.A.C. 7:14-8.12, the Department may, in addition to any civil administrative penalty assessed, amend such penalty assessment to include a civil administrative penalty for the economic benefit (in dollars) which the violator has realized as a result of not complying, or by delaying compliance, with this Act.

NOTICE OF RIGHT TO A HEARING

20. Cosan is entitled to an administrative hearing. Any hearing request shall be delivered within twenty (20) calendar days after receipt by Cosan of this Administrative Order and Notice of Civil Administrative Penalty Assessment to:

Mr. Peter T. Lynch, P.E., Chief
New Jersey Department of Environmental Protection
Division of Water Resources
Metro Bureau of Regional Enforcement
2 Babcock Place
West Orange, New Jersey 07052

21. Cosan shall, pursuant to N.J.A.C. 7:14-8.4(a) in its request for a hearing furnish NJDEP with the following:

- a. The name, address and telephone number of Cosan and its authorized representative;
- b. Cosan's defenses to each of the findings of fact stated in short and plain terms;
- c. an admission or denial of each of the findings of fact. If Cosan is without knowledge or information sufficient to form a belief as to the truth of a finding, Cosan shall so state and this shall have the effect of a denial. A denial shall fairly meet the substance of the findings denied. When Cosan intends in good faith to deny only a part or a qualification of a finding, Cosan shall specify so much of it as is true and material and deny only the remainder. Cosan may not generally deny all of the findings but shall make all denials as specific denials of designated findings. For each finding Cosan denies, Cosan shall allege the fact or facts as Cosan believes it or them to be;
- d. information supporting the request and specific reference to/or copies of other written documents relied upon to support the request;
- e. an estimate of the time required for the hearing (in days and/or hours); and,
- f. a request, if necessary, for a barrier-free hearing location for physically disabled persons;

GENERAL PROVISIONS

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

23. Cosan shall submit all documents required by this Administrative Order and Notice of Civil Administrative Penalty Assessment by certified mail, return receipt requested or by hand delivery to the address in Paragraph 20 above. Penalty payments shall be made in the same manner to the address in Paragraph 17 above.

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

25. Notice is given that this Administrative Order and Notice of Civil Administrative Penalty Assessment is issued only for the violations identified

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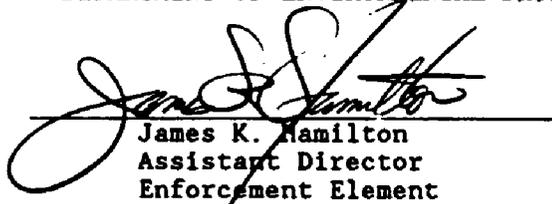
in the Findings hereinabove and that violations of any statutes, rules or permits other than those herein cited may be cause for additional enforcement actions, either administrative or judicial, being instituted without further notice. By issuing this Administrative Order and Notice of Civil Administrative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

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

27. Notice is further given that pursuant to N.J.S.A. 58:10A-10f, any person who willfully or negligently violates this act shall, upon conviction, be guilty of a crime of the fourth degree and shall be punished by fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than one year or by both. Punishment for a second offense under this subsection shall be a fine of not less than \$10,000 nor more than \$100,000 per day of violation, or by imprisonment for not more than two years, or both. Any person who knowingly makes a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under this act or who falsifies, tampers with or knowingly renders inaccurate, any monitoring device or method required to be maintained pursuant to this action shall, upon conviction, be subject to a fine of not more than \$20,000.00 or by imprisonment for not more than six months, or by both.

BY THE AUTHORITY OF
ERIC J. EVENSON
ACTING DIRECTOR
DIVISION OF WATER RESOURCES
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DATE: May 9, 1990


James K. Hamilton
Assistant Director
Enforcement Element

A P P E N D I X A

P E N A L T Y R A T I O N A L E

Cosan Chemical Corporation
Carlstadt, New Jersey

PART A

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

SERIOUSNESS: Pursuant to N.J.A.C. 7:14-8.5(e)1.ii (1) the seriousness factor is considered to be major when a discharge violation has exceeded the effluent limitation set forth in the Permit by more than 50 percent for a hazardous pollutant. Since Petroleum Hydrocarbons (PHC), Toluene (Tol), and Benzene (Ben) are considered hazardous pollutants and the Permit effluent limitations have been exceeded by more than 50 percent, the seriousness factor is considered to be major.

CONDUCT: Pursuant to N.J.A.C. 7:14-8.5(f)2, the conduct is considered to be moderate when actions taken by the violator are considered unintentional but foreseeable. Since Cosan Chemical Corporation consistently violated the effluent limitations set forth in its Permit, the conduct is moderate.

Pursuant to N.J.A.C. 7:14-8.5(d), the civil administrative penalty assessed for each violation is \$35,000.

Discharge 003U

Twelve (12) Petroleum Hydrocarbon (PHC) violations from the DMRs for May 15, 1987 to May 31, 1989, twelve (12) Toluene (Tol) violations from the DMRs from November 15, 1987 to May 31, 1989.

Discharge 004U

Seven (7) Petroleum Hydrocarbon (PHC) violations from the DMRs for May 15, 1987 to February 28, 1989, nine (9) Toluene (Tol) violations from the DMRs for May 15, 1987 to August 31, 1989, ten (10) Benzene (Ben) violations from the DMRs for May 15, 1987 to May 31, 1989.

Monitoring Period	Discharge Parameter	Permit Limits	Reported Results
<u>Discharge 003U</u>			
5/15/87-8/14/87	PHC	100 mg/l (avg.)	9,844.67 mg/l
5/15/87-8/14/87	PHC	150 mg/l (max.)	17,500 mg/l
8/15/87-11/14/87	PHC	100 mg/l (avg.)	316 mg/l
8/15/87-11/14/87	PHC	150 mg/l (max.)	546 mg/l

11/15/87-2/14/88	PHC	100 mg/l (avg.)	210 mg/l
11/15/87-2/14/88	PHC	150 mg/l (max.)	580 mg/l
9/1/88-11/30/88	PHC	100 mg/l (avg.)	805 mg/l
9/1/88-11/30/88	PHC	150 mg/l (max.)	1505 mg/l
12/1/88-2/28/89	PHC	100 mg/l (avg.)	6,021 mg/l
12/1/88-2/28/89	PHC	150 mg/l (max.)	8,894 mg/l
3/1/89-5/31/89	PHC	100 mg/l (avg.)	161 mg/l
3/1/89-5/31/89	PHC	150 mg/l (max.)	281 mg/l
11/15/87-2/14/88	Tol	80 ug/l (avg.)	7,900 ug/l
11/15/87-2/14/88	Tol	440 ug/l (max.)	10,100 ug/l
3/1/88-5/31/88	Tol	80 ug/l (avg.)	9,441 ug/l
3/1/88-5/31/88	Tol	440 ug/l (max.)	20,580 ug/l
6/1/88-8/31/88	Tol	80 ug/l (avg.)	1,812 ug/l
6/1/88-8/31/88	Tol	440 ug/l (max.)	3,455 ug/l
9/1/88-11/31/88	Tol	80 ug/l (avg.)	8,255 ug/l
9/1/88-11/31/88	Tol	440 ug/l (max.)	21,200 ug/l
12/1/88-2/28/89	Tol	80 ug/l (avg.)	40,590 ug/l
12/1/88-2/28/89	Tol	440 ug/l (max.)	97,379 ug/l
3/1/89-5/31/89	Tol	80 ug/l (avg.)	6,962 ug/l
3/1/89-5/31/89	Tol	440 ug/l (max.)	7,600 ug/l

Discharge 004U

5/15/87-8/14/87	PHC	100 mg/l (avg.)	440 mg/l
5/15/87-8/14/87	PHC	150 mg/l (max.)	999 mg/l
8/15/87-11/14/87	PHC	100 mg/l (avg.)	65,821 mg/l
8/15/87-11/14/87	PHC	150 mg/l (max.)	100,000 mg/l
6/1/88-8/31/88	PHC	100 mg/l (avg.)	418 mg/l
6/1/88-8/31/88	PHC	150 mg/l (max.)	1,245 mg/l
12/1/88-2/28/89	PHC	150 mg/l (max.)	342 mg/l
5/15/87-8/14/87	Tol	80 ug/l (avg.)	875 ug/l
5/15/87-8/14/87	Tol	440 ug/l (max.)	2,600 ug/l
8/15/87-11/14/87	Tol	80 ug/l (avg.)	98,000 ug/l
8/15/87-11/14/87	Tol	440 ug/l (max.)	195,700 ug/l
6/1/88-8/31/88	Tol	80 ug/l (avg.)	184 ug/l
12/1/88-2/28/89	Tol	80 ug/l (avg.)	499 ug/l
12/1/88-2/28/89	Tol	440 ug/l (max.)	1,021 ug/l
6/1/89-8/31/89	Tol	80 ug/l (avg.)	818 ug/l
6/1/89-8/31/89	Tol	440 ug/l (max.)	2,252 ug/l
5/15/87-8/14/87	Ben	6.8 mg/l (avg.)	12.3313 mg/l
8/15/87-11/14/87	Ben	6.8 mg/l (avg.)	76.884 mg/l
8/15/87-11/14/87	Ben	36.5 mg/l (max.)	152.200 mg/l
11/15/87-2/14/88	Ben	6.8 mg/l (avg.)	22.141 mg/l
6/1/88-8/31/88	Ben	6.8 mg/l (avg.)	31.805 mg/l
6/1/88-8/31/88	Ben	36.5 mg/l (max.)	62.663 mg/l
12/1/88-2/28/89	Ben	6.8 mg/l (avg.)	260.478 mg/l
12/1/88-2/28/89	Ben	36.5 mg/l (max.)	540.640 mg/l
3/1/89-5/31/89	Ben	6.8 mg/l (avg.)	36.869 mg/l
3/1/89-5/31/89	Ben	36.5 mg/l (max.)	61.844 mg/l

PART A FORMULA : \$35,000 x 50 Violations = \$1,750,000

PART B

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

SERIOUSNESS: Pursuant to N.J.A.C. 7:14-8.5(e)1.ii (1) the seriousness factor is considered to be major when a discharge violation has exceeded the effluent limitation set forth in the Permit by more than 50 percent for a hazardous pollutant. Since Mercury (Hg), Petroleum Hydrocarbons (PHC), Toluene (Tol), and Benzene (Ben) are considered hazardous pollutants and the Permit effluent limitations have been exceeded by more than 50 percent, the seriousness factor is considered to be major.

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

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

Discharge 001A

One (1) Mercury (Hg) violation from the DMR for January 1, 1987 to March 31, 1987.

Discharge 003U

Two (2) Petroleum Hydrocarbon (PHC) violations from the DMR for February 15, 1987 to May 14, 1987, two (2) Toluene (Tol) violations from the DMRs for February 15, 1987 to May 14, 1987, one (1) Benzene (Ben) violation from the DMR for May 15, 1987 to August 14, 1987.

Discharge 004U

Two (2) Toluene (Tol) violations from the DMR for February 15, 1987 to May 14, 1987, one (1) Benzene (Ben) violation from the DMR for February 15, 1987 to May 14, 1987.

Monitoring Period	Discharge Parameter	Permit Limits	Reported Results
<u>Discharge 001A</u>			
1/1/87-3/31/87	Hg	0.05 mg/l (max.)	0.094 mg/l
<u>Discharge 003U</u>			
2/15/87-5/14/87	PHC	100 mg/l (avg.)	967 mg/l
2/15/87-5/14/87	PHC	150 mg/l (max.)	2,000 mg/l
2/15/87-5/14/87	Tol	80 ug/l (avg.)	8,550 ug/l
2/15/87-5/14/87	Tol	440 ug/l (max.)	19,500 ug/l
5/15/87-8/14/87	Ben	6.8 mg/l (avg.)	10.4617 mg/l

Discharge 004U

2/15/87-5/14/87	Tol	80 ug/l (avg.)	965 ug/l
2/15/87-5/14/87	Tol	440 ug/l (max.)	2,700 ug/l
2/15/87-5/14/87	Ben	6.8 mg/l (avg.)	19.1 mg/l

PART B FORMULA: \$20,000 x 9 violations = \$180,000

PART C

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

SERIOUSNESS: Pursuant to N.J.A.C. 7:14-8.5(e)2.ii the seriousness factor is considered to be moderate when a discharge violation has exceeded the effluent limitation set forth in the Permit by 51 to 100 percent for a non-hazardous pollutant or by 26 to 50 percent for a hazardous pollutant. Since Chemical Oxygen Demand (COD) is a non-hazardous pollutant and the Permit effluent limitation has been exceeded by 51 to 100 percent and Petroleum Hydrocarbons (PHC) and Benzene (BEN) are considered hazardous pollutants and the Permit effluent limitations have been exceeded by 26 to 50 percent, the seriousness factor is considered to be moderate.

CONDUCT: Pursuant to N.J.A.C. 7:14-8.5(f)2, the conduct is considered to be moderate when actions taken by the violator are considered unintentional but foreseeable. Since Cosan Chemical Corporation consistently violated the effluent limitations set forth in its Permit, the conduct is moderate.

Pursuant to N.J.A.C. 7:14-8.5(d), the civil administrative penalty assessed for each violation is \$15,000.

Discharge 001A

One (1) Chemical Oxygen Demand (COD) violation from the DMR for October 1, 1987 to December 31, 1987.

Discharge 003U

Two (2) Petroleum Hydrocarbon (PHC) violations from the DMR for March 1, 1988 to May 31, 1988.

Discharge 004U

One (1) Petroleum Hydrocarbon (PHC) violation from the DMR for June 1, 1989 to August 31, 1989, one (1) Benzene (Ben) violation from the DMR for June 1, 1989 to August 31, 1989.

Monitoring Period	Discharge Parameter	Permit Limits	Reported Results
<u>Discharge 001A</u> 10/1/87-12/31/87	COD	50 mg/l (max.)	92 mg/l
<u>Discharge 003U</u> 3/1/88-5/31/88	PHC	100 mg/l (max.)	133 mg/l

3/1/88-5/31/88	PHC	150 mg/l (max.)	210 mg/l
<u>Discharge 004U</u>			
6/1/89-8/31/89	PHC	150 mg/l (max.)	190 mg/l
6/1/89-8/31/89	Ben	6.8 mg/l (avg.)	9.022 mg/l

PART C FORMULA: \$15,000 x 5 violations = \$75,000

PART D

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

SERIOUSNESS: Pursuant to N.J.A.C. 7:14-8.5(e)2.ii the seriousness factor is considered to be moderate when a discharge violation has exceeded the effluent limitation set forth in the Permit by 51 to 100 percent for a non-hazardous pollutant or by 26 to 50 percent for a hazardous pollutant. Since Chemical Oxygen Demand (COD) is considered a non-hazardous pollutant and the Permit effluent limitation has been exceeded by 51 to 100 percent and Petroleum Hydrocarbons (PHC) is considered a hazardous pollutant and the Permit effluent limitation has been exceeded by 26 to 50 percent, the seriousness factor is considered to be moderate.

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

Pursuant to N.J.A.C. 7:14-8.5(d), the civil administrative penalty assessed for each violation is \$4,500.

Discharge 001A

One (1) Chemical Oxygen Demand (COD) violation from the DMR for January 1, 1987 to March 31, 1987.

Discharge 004U

One (1) Petroleum Hydrocarbon (PHC) violation from the DMR for February 15, 1987 to May 14, 1987.

Monitoring Period	Discharge Parameter	Permit Limits	Reported Results
<u>Discharge 001A</u>			
1/1/87-3/31/87	COD	50 mg/l (max.)	98 mg/l
<u>Discharge 004U</u>			
2/15/87-5/14/87	PHC	150 mg/l (max.)	220 mg/l

PART D FORMULA : \$4,500 x 2 Violations = \$9,000

PART E

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

SERIOUSNESS: Pursuant to N.J.A.C. 7:14-8.5(e)3.ii(1) the seriousness factor is considered to be minor when a discharge violation has exceeded the effluent limitation set forth in the Permit by up to 25 percent for a hazardous pollutant. Since Petroleum Hydrocarbons (PHC), Toluene (Tol) are considered hazardous pollutants and the Permit effluent limitations have been exceeded by up to 25 percent, the seriousness factor is considered to be minor.

CONDUCT: Pursuant to N.J.A.C. 7:14-8.5(f)2, the conduct is considered to be moderate when actions taken by the violator are considered unintentional but foreseeable. Since Cosan Chemical Corporation consistently violated the effluent limitations set forth in its Permit, the conduct is moderate.

Pursuant to N.J.A.C. 7:14-8.5(d), the civil administrative penalty assessed for each violation is \$4,500.

Discharge 003U

One (1) Petroleum Hydrocarbons (PHC) violation from the DMR for June 1, 1988 to August 31, 1988.

Discharge 004U

Two (2) Toluene (Tol) violations from the DMRs for March 1, 1988 to August 31, 1988, one (1) Petroleum Hydrocarbons (PHC) violation from the DMR for December 1, 1988 to February 28, 1989.

Monitoring Period	Discharge Parameter	Permit Limits	Reported Results
<u>Discharge 003U</u> 6/1/88-8/31/88	PHC	150 mg/l (max.)	182 mg/l
<u>Discharge 004U</u> 3/1/88-5/31/88	Tol.	80 ug/l (avg.)	92 ug/l
6/1/88-8/31/88	Tol.	440 ug/l (max.)	525 ug/l
12/1/88-2/28/89	PHC	100 mg/l (avg.)	122 mg/l

PART E FORMULA: \$4,500 x 4 violations = \$18,000

PART F

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

SERIOUSNESS: Pursuant to N.J.A.C. 7:14-8.5(e)3.i the seriousness factor is considered to be minor when a violation has occurred which is not considered major or moderate, and is

not measured by concentration or mass. Since pH and Temperature are not measured by concentration or mass, the seriousness factor is considered to be minor.

CONDUCT: Pursuant to N.J.A.C. 7:14-8.5(f)2, the conduct is considered to be moderate when actions taken by the violator are considered unintentional but foreseeable. Since Cosan Chemical Corporation consistently violated the effluent limitations set forth in its Permit, the conduct is moderate.

Pursuant to N.J.A.C. 7:14-8.5(d), the civil administrative penalty assessed for each violation is \$4,500.

Discharge 001A

Six (6) Temperature violations from the DMRs for July 1, 1987 to December 31, 1989.

Discharge 002A

One (1) Temperature violations from the DMRs for April 1, 1989 to June 30, 1989.

Discharge 003U

Seven (7) pH violations from the DMRs for May 15, 1987 to November 30, 1988.

Discharge 004U

Five (5) pH violations from the DMRs for May 15, 1987 to February 28, 1989.

Monitoring Period Ending	Discharge Parameter	Permit Limits	Reported Results
<u>Discharge 001A</u>			
7/1/87-9/30/87	Temperature	30 degC	32 degC
10/1/87- 12/31/87	Temperature	30 degC	32 degC
7/1/88-9/30/88	Temperature	30 degC	36 degC
10/1/88- 12/31/88	Temperature	30 degC	33 degC
4/1/89-6/30/89	Temperature	30 degC	38 degC
10/1/89- 12/31/89	Temperature	30 degC	32 degC
<u>Discharge 002A</u>			
4/1/89-6/30/89	Temperature	30 degC	33 degC
<u>Discharge 003U</u>			
5/15/87-8/14/87	pH	5.5-9.5 SU	5.0 SU
8/15/87-11/14/87	pH	5.5-9.5 SU	4.3 SU
11/15/87-2/14/88	pH	5.5-9.5 SU	4.9 SU
3/1/88-5/31/88	pH	5.5-9.5 SU	4.4 SU
6/1/88-8/31/88	pH	5.5-9.5 SU	4.4 SU
9/1/88-11/30/88	pH	5.5-9.5 SU	4.8 SU
9/1/88-11/30/88	pH	5.5-9.5 SU	10.6 SU
<u>Discharge 004U</u>			
5/15/87-8/14/87	pH	5.5-9.5 SU	5.0 SU

11/15/87-2/14/88	pH	5.5-9.5 SU	10.6 SU
3/1/88-5/31/88	pH	5.5-9.5 SU	10.0 SU
9/1/88-11/30/88	pH	5.5-9.5 SU	10.8 SU
12/1/88-2/28/89	pH	5.5-9.5 SU	11.0 SU

PART F FORMULA: \$4,500 x 19 violations = \$85,500

PART G

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

SERIOUSNESS: Pursuant to N.J.A.C. 7:14-8.5(e)3.i the seriousness factor is considered to be minor when a violation has occurred which is not considered major or moderate, and is not measured by concentration or mass. Since pH and temperature are not measured by concentration or mass, the seriousness factor is considered to be minor.

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

Pursuant to N.J.A.C. 7:14-8.5(d), the civil administrative penalty assessed for each violation is \$1,750.

Discharge 001A

One (1) Temperature violation from the DMR for April 1, 1987 to June 30, 1987.

Discharge 002A

One (1) Temperature violation from the DMR for July 1, 1988 to September 30, 1988.

Discharge 003U

Two (2) pH violations from the DMR for February 15, 1987 to May 14, 1987.

Discharge 004U

Two (2) pH violations from the DMR from February 15, 1987 to May 14, 1987.

Monitoring Period	Discharge Parameter	Permit Limits	Reported Results
<u>Discharge 001A</u> 4/1/87-6/30/87	Temperature	30 deg C	32 deg C
<u>Discharge 002A</u> 7/1/88-9/30/88	Temperature	30 deg C	32 deg C
<u>Discharge 003U</u>			

2/15/87-5/14/87 pH 5.5-9.5 SU 4.4 SU
2/15/87-5/14/87 pH 5.5-9.5 SU 12.0 SU

Discharge 004U

2/15/87-5/14/87 pH 5.5-9.5 SU 4.7 SU
2/15/87-5/14/87 pH 5.5-9.5 SU 12.0 SU

PART G FORMULA: \$1,750 x 6 violations = \$10,500

PART H

Failure to Report Monitoring Data
N.J.A.C. 7:14-8.9

Pursuant to N.J.A.C. 7:14-8.9(c)2 the Department shall assess a civil administrative penalty of \$35,000 for any unintentional but foreseeable act or omission by the violator.

The facility failed to report flow for one or both of its SIU discharges during the following reporting periods:
5/15/87-8/14/87; 8/15/87-11/14/87; 11/15/87-2/14/88; 3/1/88-5/31/88.

PART H FORMULA: \$35,000 x 4 violations = \$140,000

PART I

Failure to Report Monitoring Data
N.J.A.C. 7:14-8.9

Pursuant to N.J.A.C. 7:14-8.9(c)3 the Department shall assess a civil administrative penalty of \$20,000 for violations which are neither intentional nor unintentional but foreseeable.

The facility failed to report Oil and Grease for one or both of its DSW discharges during the following reporting periods:
1/1/87-3/31/87; 7/1/87-9/30/87.

PART I FORMULA: \$20,000 x 2 violations = \$40,000

TOTAL FINE:

\$1,750,000 (Part A)
180,000 (Part B)
75,000 (Part C)
9,000 (Part D)
18,000 (Part E)
85,500 (Part F)
10,500 (Part G)
140,000 (Part H)
+ 40,000 (Part I)

\$2,308,000

RCRA FACILITY ASSESSMENT

FOR RCRA CORRECTIVE ACTION PROGRAM

FACILITY: COSAN CHEMICAL CORP.

ADDRESS: 400 FOURTEENTH STREET

CARLSTADT, NJ 07072

N.J. DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF HAZARDOUS WASTE MANAGEMENT
BUREAU OF PLANNING & ASSESSMENT

PREPARER: FRANK SORCE

DATE: JUNE 29, 1990

GENERAL INFORMATION PAGE



RCRA FACILITY ASSESSMENT
FOR RCRA CORRECTIVE ACTION PROGRAM

I. IDENTIFICATION
01 STATE: NJ | 02 SITE NUMBER: D064332273

II. SITE NAME AND LOCATION

01 SITE NAME COSAN CHEMICAL CORPORATION		02 STREET, ROUTE NO., OR SPECIFIC LOCATION IDENTIFIER 400 FOURTEENTH STREET			
03 CITY CARLSTADT	04 STATE NJ	05 ZIP CODE 07072	06 COUNTY BERGEN	07 COUNTY CODE	08 CONG DIST
09 COORDINATES LATITUDE: 40 50 03. LONGITUDE: 74 05 07.		BLOCK: 97, B1 98, B1 91 LOT: 1,2,3 L1,L5 ACREAGE: 3			

directions to site:
NJ TURNPIKE TO EXIT 16W, ROUTE 3 WEST TO 17 NORTH, RIGHT ON PATERSON PLANK ROAD, LEFT ON 17TH STREET, LEFT ON BROAD STREET, RIGHT ON 13TH. MAIN OFFICE ON RIGHT SIDE OF STREET.

III. RESPONSIBLE PARTIES

01 OWNER (if known) CAMBREX GROUP, INC.		02 STREET (Business, residential, mailing) 40 AVENUE A			
03 CITY BAYONNE	04 STATE NJ	05 ZIP CODE 07002	06 TELEPHONE NUMBER (201) 858-7900		
07 OPERATOR (if known and different than owner) COSAN CHEMICAL CORPORATION		08 STREET (Business, residential, mailing) 400 FOURTEENTH STREET			
09 CITY CARLSTADT	10 STATE NJ	11 ZIP CODE 07072	12 TELEPHONE NUMBER (201) 460-9300		
13 TYPE OF OWNERSHIP (Check all that apply) <input checked="" type="checkbox"/> A. PRIVATE <input type="checkbox"/> B. FEDERAL: _____ (Agency name) <input type="checkbox"/> C. STATE <input type="checkbox"/> D. COUNTY <input type="checkbox"/> E. MUNICIPAL <input type="checkbox"/> F. OTHER: _____ (Specify) <input type="checkbox"/> G. UNKNOWN					

IV. INSPECTION INFORMATION/site characterization

01 DATE OF INSPECTION 5 / 30 / 90 <small>MONTH DAY YEAR</small>	02 SITE STATUS <input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> INACTIVE	03 YEARS OF OPERATION 1973 PRESENT UNKNOWN <small>BEGINNING YEAR ENDING YEAR</small>
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04 TYPE OF SITE (Check all that apply)
 A. STORAGE B. TREATMENT C. DISPOSAL D. UNAUTHORIZED DUMPING E. OTHER _____ (Specify)

05 SUMMARY OF KNOWN PROBLEMS (Provide narrative description)
 COSAN HAS RECEIVED NUMEROUS VIOLATIONS FOR EXCEEDING DISCHARGE LIMITS OF TOLUENE, BENZENE, PH AND PETROLEUM HYDROCARBONS. THE SITE MAINTAINS ONE RCRA REGULATED OUTDOOR DRUM STORAGE PAD WITH NO SECONDARY CONTAINMENT.

 SEVERAL USTs HAVE BEEN REMOVED AND SOME LEAKAGE OF FUEL OIL HAS OCCURRED.

06 SUMMARY OF ALLEGED OR POTENTIAL PROBLEMS (Provide narrative description)

V. INFORMATION AVAILABLE FROM

01 CONTACT JAMES BRIDGEWATER	02 OF (Agency/Organization) NJDEP/DHWM/BHWE	03 TELEPHONE NUMBER (609) 292-9880
04 PREPARED BY FRANK SORCE	05 AGENCY NJDEP	06 ORGANIZATION DHWM/BPA
	07 TELEPHONE NUMBER (609) 633-2215	08 DATE 6 / 29 / 90 <small>MONTH DAY YEAR</small>

BASIC PROCESS/UNIT CHARACTERISTICS

UNIT	NUMBER OF UNITS	AMOUNT/ SIZE	RCRA/ NJPDES STATUS	UNIT EXHIBITING OBSERVED/ SUSPECTED/NO RELEASE
A. LANDFILL	0			
B. SURFACE IMPOUNDMENT	0			
C. WASTE PILE	0			
D. LAND TREATMENT UNIT	0			
E. INJECTION WELL	0			
F. INCINERATOR	0			
G1. ABOVEGROUND TANKS	0			
G2. UNDERGROUND TANKS	1	1-250 gallon	Non-regulated	No release
H1. CONTAINER STORAGE UNIT	1	18,000 gallon	RCRA permitted	Suspected
I1. OTHER				
I2. OTHER				
I3. OTHER				
I4. OTHER				

