

Let's protect our earth



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

AUG 21 1987

Dear Sirs:

Enclosed please find copies of enforcement actions taken by this Department against companies or individuals for violations of the Solid Waste Management Act that have occurred in your area.

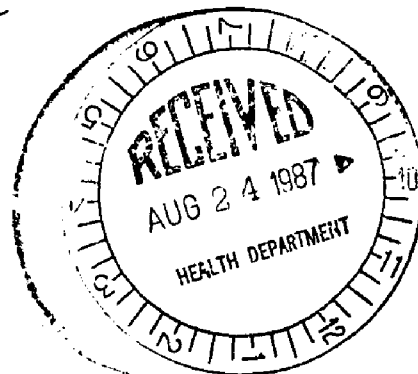
These are sent to keep you current on the Department's activities. If you have any questions I can be reached at (609) 633-0700.

Sincerely,

*Joan McMahon*  
Joan McMahon

jmc

Enclosure



New Jersey Is An Equal Opportunity Employer

TIERRA-B-012787



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF HAZARDOUS WASTE MANAGEMENT

John J. Trela, Ph.D., Acting Director

1259 Route 46

Parsippany, N.J. 07054

201 - 299 - 7570

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

AUG 12 1987

John A. Johnson  
Division Manager  
National Standard Company  
Athenia Steel Division  
714-716 Clifton Avenue  
Clifton, New Jersey 07015

Re: Administrative Order/ Notice of Civil Administrative Penalty  
Assessment Against National Standard Company / Athenia Steel  
Division

Dear Mr Johnson:

There is enclosed for service upon you, an Administrative Order/ Notice  
of Civil Administrative Penalty Assessment issued by the New Jersey  
Department of Environmental Protection pursuant to the provisions of the  
Solid Waste Management Act.

If you have any questions concerning this Administrative Order/Notice of  
Civil Administrative Penalty Assessment, please contact Mr. Anthony J.  
Adamo at (201) 299-7570.

Very truly yours,

Ronald T. Corcory  
Assistant Director for Enforcement  
Division of Hazardous Waste Management

Enc

cc: Health Department  
County Solid Waste Coordinator  
Mayors Office  
Division of Water Resources Enforcement  
Bureau of Hazardous Waste Engineering  
Bureau of Manifest and Information Systems  
Central File  
Bureau of Compliance and Technical Services  
Regional Field Office - Northern



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF HAZARDOUS WASTE MANAGEMENT

John J. Trela, Ph.D., Acting Director

1259 Route 46

Parsippany, N.J. 07054

201 - 299 - 7570

IN THE MATTER OF:

ADMINISTRATIVE ORDER  
AND NOTICE OF CIVIL  
ADMINISTRATIVE PENALTY  
ASSESSMENT

National Standard Company  
Athenia Steel Division  
714-716 Clifton Avenue  
Clifton, New Jersey 07015

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 the "Department") by N.J.S.A. 13:1D-1 et seq. and the Solid Waste Management Act, N.J.S.A. 13:1E-1, et seq., and duly delegated to the Assistant Director for Enforcement of the Division of Waste Management pursuant to N.J.S.A. 13:1B4.

FINDINGS

1. **National Standard Company** is a generator of hazardous waste, with an EPA ID.No.002159754 as defined in 7:26-1.4 located at Block 29-2, Lot 1,10&20; in the City of Clifton, County of Passaic, State of New Jersey.
2. During an inspection on July 1, 1986, **National Standard Company** was observed to be accumulating hazardous waste in containers on site in excess of ninety (90) days. Pursuant to N.J.A.C. 7:26-9.3(a)3, a generator may accumulate hazardous waste on site without a permit for ninety (90) days or less provided that the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container. A generator who accumulates hazardous waste in excess of ninety (90) days is an operator of a hazardous waste storage facility and must comply with N.J.A.C. 7:26-9.1 et seq. and with the permit requirements of N.J.A.C. 7:26-12.1 et seq.

3. Based on the facts cited in paragraph 2 the Department has determined that **National Standard Company** is operating a hazardous waste facility as defined in N.J.A.C. 7:26-1.4. Consequently, National Standard is in violation of N.J.A.C. 7:26-12.1(a) et seq. by failing to submit a Part A and Part B hazardous waste permit application and without having received a final and effective period prior to operating a hazardous waste facility.

4. Other violations observed during the inspection are as follows:

a. Failed to provide proper monitoring procedures for their existing underground hazardous waste storage tanks, in violation of N.J.A.C. 7:26-9.2(b)3i.

b. Failed to develop a written waste analysis plan which describes the procedures for an owner or operator to handle their waste, in violation of N.J.A.C. 7:26-9.4(b)2.

c. Failed to arrange containerized hazardous waste so that all identification labels are visible, in violation of N.J.A.C. 7:26-9.4(d)4v.

d. Failed to provide inspection of areas where containers are stored at least daily, looking for leaks and deterioration caused by corrosion or other factors, in violation of N.J.A.C. 7:26-9.4(d)5.

e. Failed to provide a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices, and operating structural equipment that are utilized for the prevention, detection or response to environmental or human health, in violation of N.J.A.C. 7:26-9.4(f)3.

f. Failed to provide an inspection log at their facility. These records must be kept at least three years from the date of inspection. The records must include the date and time of inspection, the name of the inspector, a notation of the observation made and the date and nature of any repairs or other remedial actions, in violation of N.J.A.C. 7:26-9.4(f)6.

g. Failed to provide instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed, in violation of N.J.A.C. 7:26-9.4(g)2.

h. Failed to provide an annual review of the initial training required in paragraphs 9.4(g) 1-3, in violation of N.J.A.C. 7:26-9.4(g)5.

i. Failed to provide job titles for each position at the facility related to hazardous waste management and the name of the employee filling each job, in violations of N.J.A.C. 7:26-9.4(g)6i.

- j. Failed to provide written job description for each position related to hazardous waste management including the requisite skill, education or other qualifications and duties of employees assigned to each on, in violation of N.J.A.C. 7:26-9.4(g)6ii.
- k. Failed to provide written description of the type and amount of both introductory and continuing training that will be given to each person filling a position at the facility related to hazardous waste management, in violation of N.J.A.C. 7:26-9.4(g)6iii.
- l. Failed to document the training or job experience required under N.J.A.C. 7:26-9.4(g) et seq., in violation of N.J.A.C. 7:26-9.4(g)6iv.
- m. Failed to conduct semiannual drills involving all employees and appropriate local authorities in order to test emergency response capabilities at the facility in accordance with its contingency plan and emergency procedures, in violation of N.J.A.C. 7:26-9.4(g)8.
- n. Failed to maintain aisle space to allow unobstructed movement of personnel fire department equipment, spill control equipment and decontamination equipment to any area of facility operation in an emergency, in violation of N.J.A.C. 7:26-9.6(e).
- o. Failed to make arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions or discharges at the facility, in violation of N.J.A.C. 7:26-9.6(f)4.
- p. Failed to provide arrangements with the local fire department to inspect the facility on a regular bases with at least two inspections annually in violation of N.J.A.C. 7:26-9.6(f)5.
- q. Failed to provide a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems(internal and external), and decontamination equipment), where this equipment is required. The list shall be kept up-to-date, including location and physical description of each item on the list and a brief outline of its capabilities in violation of N.J.A.C. 7:26-9.7(g).
- r. Failed to provide evacuation procedures for facility personnel. This plan shall describe signals to be used to begin evacuation, evacuation routes and alternative evacuation routes in violation of N.J.A.C. 7:26-9.7(h).
- s. Failed to provide a written closure plan which the owner or operator shall keep a copy and all revisions to the plan at the facility until closure is completed in accordance with subsection 9.8(1) in violation of N.J.A.C. 7:26-9.8(c).

t. Failed to inspect discharge control equipment, data gathered from monitoring equipment to ensure the tanks are operating according to design, the levels in each tank, the structures surrounding the tanks, and the construction materials of the tanks at least once each operating day in violation of N.J.A.C. 7:26-11.2(c).

5. A reinspection of the facility was conducted on August 08, 1986, by the Department finding National Standard Company in compliance with the July 01, 1986 NOV except for the following violations:

a. Failed to provide facility personnel with an annual review of their initial training, in violation of N.J.A.C. 7:26-9.4(g)5.

b. Failed to provide arrangements with the local fire department to inspect the facility on a regular basis with at least two inspections annually, in violation of N.J.A.C. 7:26-9.6(f)5.

6. Based on the facts set forth in these FINDINGS, the Department has determined that **National Standard Company** has violated the Solid Waste Management Act, N.J.S.A.13:1E-1 et seq. and the regulations promulgated pursuant thereto, N.J.A.C.7:26-1 et seq, specifically N.J.A.C. 7:26-9.2(b)3i, 7:26-9.4(b)2, 7:26-9.4(d)4v, 7:26-9.4(d)5, 7:26-9.4(f)3, 7:26-9.4(f)6, 7:26-9.4(g)2, 7:26-9.4(g)5, 7:26-9.4(g)6i-iv, 7:26-9.4(g)8, 7:26-9.6(e), 7:26-9.6(f)4, 7:26-9.6(f)5, 7:26-9.7(g), 7:26-9.7(h), 7:26-9.8(c), 7:26-11.2(c) and 7:26-12.1(a).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED THAT **NATIONAL STANDARD COMPANY:**

7. Shall provide an inspection log at their facility. These records must be kept at least three years from the date of inspection. The records must include the date and time of inspection, the name of the inspector, a notation of the observation made and the date and nature of any repairs or other remedial actions in compliance with N.J.A.C. 7:26-9.4(f)6.

8. Shall provide an annual review of the initial training required in paragraphs 9.4(G) 1-3 in compliance with N.J.A.C. 7:26-9.4(g)5.

9. Within fifteen (15) calendar days upon receipt of this Order, submit the enclosed VERIFICATION OF COMPLIANCE by certified mail, return receipt requested, or by hand delivery to:

New Jersey Department of Environmental Protection  
Division of Hazardous Waste Management  
Bureau of Compliance and Technical Services  
CN 407  
Trenton, NJ 08625  
ATTENTION: Anthony J. Adamo

#### NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT

10. Pursuant to N.J.S.A. 13:1E-9e and based upon the above FINDINGS, the Department has determined that a civil administrative penalty should be assessed against **National Standard Company** in the amount of **\$2250.00**.

11. Payment of the penalty is due when a final order is issued by the Commissioner subsequent to a hearing, if any, or when this Administrative Order and Notice of Civil Administrative Penalty Assessment becomes a final order (see following paragraph). Payment shall be made by certified check payable to "Treasurer, State of New Jersey," and shall be submitted to: Ronald T. Corcory

Assistant Director for Enforcement  
Division of Hazardous Waste Management  
CN 407  
Trenton, NJ 08625

12. 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 and the penalty shall be due and payable.

#### NOTICE OF RIGHT TO A HEARING

13. **National Standard Company** is entitled to an administrative hearing. Any hearing request shall be delivered to the address referenced in paragraph 11 within twenty (20) calendar days from receipt of this Administrative Order and Notice of Civil Administrative Penalty Assessment.

14. **National Standard Company** shall, in its request for a hearing, furnish NJDEP with the following:

- a. A statement of the legal authority and jurisdiction under which the hearing or action to be taken is to be held;
- b. A reference to the particular sections of the statutes and rules involved;
- c. A short and plain statement of the matters of fact and law asserted; and
- d. The provisions of this Administrative Order and Notice of Civil Administrative Penalty Assessment to which **National Standard Company** objects, the reasons for such objections, and any alternative provisions

proposed.

#### GENERAL PROVISIONS

15. In the event that future investigations by the Department reveals that **National Standard Company** has stored hazardous waste in excess of 90 days or has failed to mark storage containers with the date of initial accumulation, the Department will disqualify your operation as exempt and require cessation of waste storage under the Department's hazardous waste rule, NJAC 7:26-7 through 12. Further, hazardous waste storage which fails to meet the requirements of NJAC 7:26-9.3 may also result in the loss of your exemption.

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

17. Notice is given that violations of any statutes, rules or permits other than those herein cited may be cause for additional enforcement actions, either administrative or judicial. By issuing this Administrative Order and Notice of Civil Administrative Penalty Assessment the Department does not waive its rights to initiate additional enforcement actions.

18. No obligations imposed by this Administrative Order and Notice of Civil Administrative Penalty Assessment (with the exception of paragraph 10 above) are intended to constitute a debt, damage claim, penalty or other civil action which should be limited or discharged in a bankruptcy proceeding. All obligations are imposed pursuant to the police powers of the State of New Jersey, intended to protect the public health, safety, welfare and environment.

19. Notice is given that pursuant to N.J.S.A. 13:1e-9e, the Department is authorized to assess a civil administrative penalty of not more than \$25,000.00 for each violation and additional penalties of not more than \$2,500.00 for each day during which the violations continues after receipt of an administrative order from the Department.

20. Notice is further given that pursuant to N.J.S.A.13:1E-9f, any person who violate N.J.S.A. 13:1E-1 et seq, or any code, rule or regulation promulgated thereunder shall be liable to a penalty of not more than \$25,000.00 per day of such violation, and each day's continuance of the violation shall constitute a separate violation.

21. Notice is further given that pursuant to N.J.S.A.13:1E-9f, any person who violates an administrative order issued pursuant to N.J.S.A. 13:1E-9d, or a court order issued pursuant to N.J.S.A. 13:1E-9d, or who fails to pay a civil administrative penalty in full after it is due shall be subject upon order of a court to a civil penalty not to exceed




\$50,000.00 per day of such violation and each day's continuance of the violation shall constitute a separate violation.

22. Except as provided above in the Notice of a Right to a Hearing Section, this Administrative Order and Notice of Civil Administrative Penalty Assessment shall be effective upon receipt.

Date:

8/12/87

  
Ronald T. Corcory  
Assistant Director  
Division of Hazardous Waste  
Management - Enforcement



## National-Standard

### Athenia Steel Division

July 8, 1988

City of Clifton  
Dept. of Health  
900 Clifton Avenue  
Clifton, NJ 07011


Att: John Burtyk

Gentlemen:

Enclosed is a copy of letter sent to NJDEP regarding the acid spill that took place at the Athenia Steel Plant of National-Standard Company on May 25, 1988. Seven drums of waste lime used to neutralize the acid was disposed of as a Hazardous Waste Manifest No. PAB4463664, to Waste Conversion, Inc. Hatfield, PA.

Yours truly,

ATHENIA STEEL DIVISION

  
J. D. Hemsteger  
Engineering Manager

JDH/dk



## National-Standard

### Athenia Steel Division

June 1, 1988

N.J. DEP  
Div. of Hazardous Waste Management  
1259 Route 46  
Parsippany, NJ 07054

Att: Mr. Joe Mirabella, Spill Supervisor

Ref: Case No. 8805251306

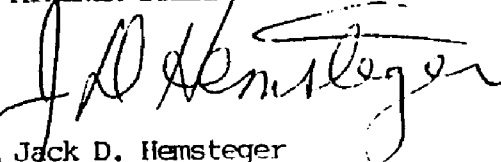
On May 25, 1988, a hydrochloric acid spill of about 2 gallons spilled onto the black top parking area adjacent to building #41. The spill came from the inside of the building when a PVC line was broken accidentally while disconnecting equipment close by. This occurred at approximately 12:45 p.m. The spill was contained, neutralized and cleaned up by plant personnel.

The NJDEP was notified by telephone at 1:00 p.m. Case No. #8805251306 was assigned.

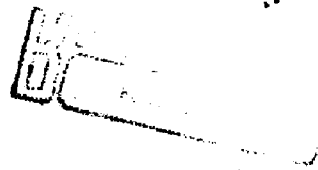
The line was taken out of service.

Yours truly,

ATHENIA STEEL DIVISION

  
Jack D. Hemsteger  
Engineering Manager

cc: E. Kriz - Niles





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

NOV - 9 2005

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

Dan Johnson  
National-Standard Company  
1618 Terminal Road  
Niles, MI 49120

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

Dear Mr. Johnson:

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

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

By this letter, EPA is notifying National-Standard Company of its potential liability relating to the Site pursuant to Section 107(a) of CERCLA, 42 U.S.C. §9607(a). Under CERCLA, potentially responsible parties ("PRPs") include current and past owners and operators of a facility, as well as persons who arranged for the disposal or treatment of hazardous substances at the Site, or the transport of hazardous substances to the Site.

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

For the first phase of the Lower Passaic River Restoration Project, the governmental partners are proceeding with an integrated five- to seven-year study to determine an appropriate remediation and restoration plan for the river. The study will involve investigation of environmental impacts and pollution sources, as well as evaluation of alternative actions, leading to recommendations of environmental remediation and restoration activities. The study is being conducted pursuant to CERCLA and WRDA.

Based on information that EPA evaluated during the course of its investigation of the Site, EPA believes that hazardous substances were released from the former National-Standard Company facility located at 714-716 Clifton Avenue in Clifton, New Jersey, into the Lower Passaic River Study Area. Hazardous substances, pollutants and contaminants released from the facility into the river present a risk to the environment and the humans who may ingest contaminated fish and shellfish. Therefore, National-Standard Company may be potentially liable for response costs which the government may incur relating to the study of the Lower Passaic River. In addition, responsible parties may be required to pay damages for injury to, destruction of, or loss of natural resources, including the cost of assessing such damages.

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

Please note that, because EPA has a potential claim against you, you must include EPA as a creditor if you file for bankruptcy. You are also requested to preserve and retain any documents now in your Company's or its agents' possession or control, that relate in any manner to your facility or the Site or to the liability of any person under CERCLA for response actions or response costs at or in connection with the facility or the Site, regardless of any corporate document retention policy to the contrary.

Enclosed is a list of the other PRPs who have received Notice letters. This list represents EPA's

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

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

You may become a cooperating party by participating in the Cooperating Parties Group ("Group") that has already formed to fund the CERCLA study portion of the Lower Passaic River Restoration Project.

We strongly encourage you to contact the Group to discuss your participation. You may do so by contacting:

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

Written notification should be provided to EPA and Mr. Hyatt documenting your intention to join the Group and settle with EPA no later than 30 calendar days from your receipt of this letter. The result of any agreement between EPA and your Company as part of the Group will need to be memorialized in an Administrative Order on Consent. EPA's written notification should be mailed to:

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

Pursuant to CERCLA Section 113(k), EPA must establish an administrative record that contains documents that form the basis of EPA's decision on the selection of a response action for a site.

The administrative record files along with the Site file are located at EPA's Region 2 office located at 290 Broadway, New York, NY on the 18<sup>th</sup> floor. You may call the Records Center at (212) 637-4308 to make an appointment to view the administrative record and/or the Site file for the Diamond Alkali Site, Passaic River.

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

Inquiries by counsel or inquiries of a legal nature should be directed to Ms. Reddy at (212) 637-3106. Questions of a technical nature should be directed to Elizabeth Butler, Remedial Project Manager, at (212) 637-4396.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Ray Basso", is written above the typed name.

Ray Basso, Strategic Integration Manager  
Emergency and Remedial Response Division

Enclosure