

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

October 3, 1969

HUDSON

Corporation Trust Company, Registered Agent
for Otis Elevator Company
15 Exchange Place
Jersey City, New Jersey

Gentlemen:

There is enclosed for service upon you as Registered Agent for Otis Elevator Company an Order, in duplicate, made by this Department pursuant to the provisions of R.S. 58:12-2.

Kindly acknowledge receipt of this Order by affixing your signature and date of acceptance on the back of the original and return it to this Department in the enclosed envelope. The duplicate may be retained by you.

Very truly yours,

Ernest R. Segesser, Chief Engineer
Water Pollution Control Program

6226:CS
Encls.

cc: Air Pollution Control Program
Division of Fish and Game
Division of Water Policy and Supply
Metropolitan State Health District

851170002

TIERRA-B-012813



State of New Jersey

DEPARTMENT OF HEALTH

JOHN FITCH PLAZA, P.O. BOX 1540, TRENTON, N. J. 08625

ORDER

WHEREAS, The State Department of Health of the State of New Jersey has found through investigations made by its representatives that Otis Elevator Company, in the Town of Harrison, County of Hudson and State of New Jersey, is discharging industrial waste and other polluting matter into the Passaic River, being waters of this State, thereby causing or threatening injury to the inhabitants of this State either in their health, comfort or property, in violation of R.S. 58:12-2; and

WHEREAS, The State Department of Health of the State of New Jersey has found through investigations made by its representatives that Otis Elevator Company, in the Town of Harrison, County of Hudson and State of New Jersey, is discharging harmful, deleterious and polluting matter from a sewer or drain into the Passaic River, being waters of this State, without approval of the State Department of Health as required by R.S. 58:12-3; and

WHEREAS, The State Department of Health of the State of New Jersey, in consideration of the aforesaid findings, is of the opinion that in order for the wastewater to be properly, adequately and sufficiently treated and/or otherwise disposed of, wastewater treatment and/or disposal facilities must be provided in a manner approved by the State Department of Health of the State of New Jersey; therefore

NOTICE IS HEREBY GIVEN, by the State Department of Health of the State of New Jersey, pursuant to the applicable provisions of R.S. 58:12-2 to Otis Elevator Company, in the Town of Harrison, County of Hudson, and State of New Jersey, requiring that the company, on or before January 5, 1970, install and provide wastewater treatment and/or disposal facilities in order that the company's wastewaters be properly, adequately, and sufficiently treated and/or otherwise be disposed of in a manner approved by the State Department of Health; and

NOTICE IS FURTHER GIVEN, by the State Department of Health of the State of New Jersey that the company cease and desist discharging its industrial waste or other polluting matter from any sewer or drain into the waters of the Passaic River being waters of this State by January 5, 1970 and thereafter.

STATE DEPARTMENT OF HEALTH OF THE STATE OF NEW JERSEY

Richard J. Sullivan
Richard J. Sullivan, Director
Division of Clean Air and Water

Dated: October 3, 1969

851170003

Service of an Order, of which the within is
is a copy, is herewith admitted this 8 day
of OCTOBER A.D., 1969

OTIS ELEVATOR COMPANY

J. W. Loney

IN THE DIVISION OF
WATER

OCT 10 1969

W.C.

851170004

TIERRA-B-012815

MEMO

NEW JERSEY STATE DEPARTMENT OF HEALTH

TO: Files. *mc*

FROM: Mr. Harding

DATE: January 9, 1970

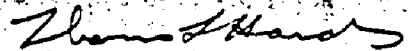
SUBJECT: Administrative Order, Otis Elevator Company, Harrison, N.J.

On December 9, 1969, the writer visited Otis Elevator Company in Harrison, N.J. with regard to compliance of the administrative order issued to the company.

Company officials appear to have found the source of pollutants from the plant into the Passaic River. The pipe in question is an overflow from the sanitary sewer serving the plant property. The pipe runs past a collection basin into which a generator blow down is discharged. The joints on the overflow pipe were broken and a crack existed in the bottom of the collection basin. When a sufficient head of liquid was contained in the basin, the liquid seeped through the crack and infiltrated into the overflow and thence ran into the river.

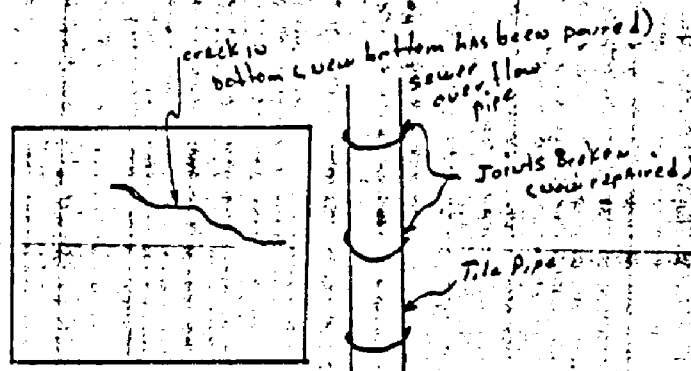
The Company has repaired the joints in the pipe and poured new concrete on the floor in the collection basin. These measures appear to be sufficient to cease the discharge. (See attached diagram)

Respectfully submitted,



Thomas Harding
Chemical Engineer, Trainee

6726:G7



M3872

851170005

TIERRA-B-012816

Files

Mr. Harding

November 24, 1969

Administrative Orders in Harrison, New Jersey

On October 3, 1969 two Administrative Orders were issued to companies in the Town of Harrison pursuant to R.S. 58:12-2 and R.S. 58:12-3 and returnable on January 5, 1970. The following is their status:

1. Otis Elevator Company

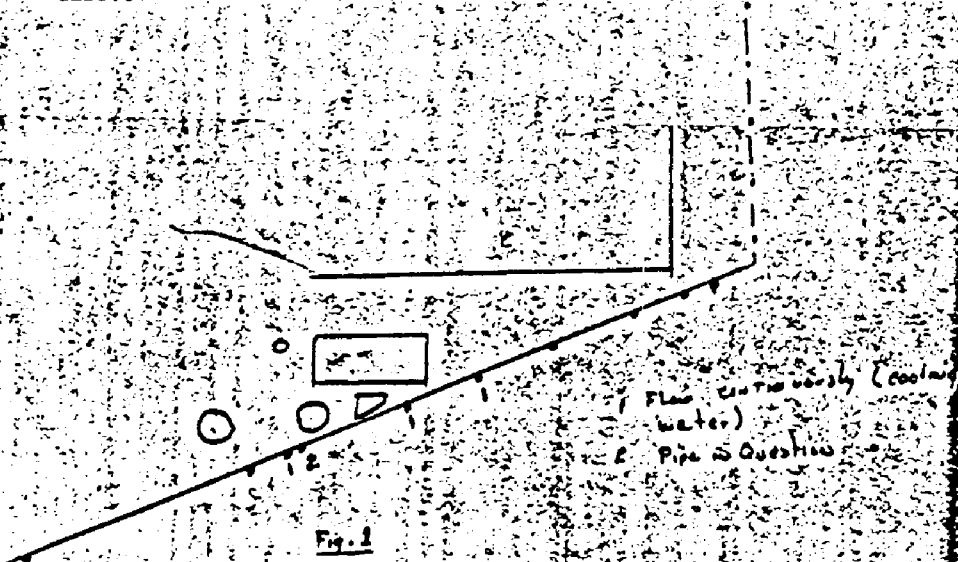
The company has cooling water discharges which are routinely sampled by PVSC. The Order was issued on a fourth pipe. The discharge was expressed as being unknown to company officials. In intensive study found the pipe in question to be an overflow from the sanitary sewer according to company officials. The source of the pollutants is unknown at this time, however, the company will continue its study of the problem. See Figure 1.

2. Public Service Electric & Gas Company

Separating lagoons have been removed according to company officials. The major source of pollutants remains to be the large storm sewer pipe attaining at the south end of the company property. Company officials have not been able to explain the cause of this discharge.

Thomas P. Harding
Chemical Engineer, Trainee

6E26:06



851170006

TIERRA-B-012817

Form 24
Rev. 6-57

NEW JERSEY STATE DEPARTMENT OF HEALTH

STREAM OR WASTEWATER ANALYSIS

Date Received

PLEASE TYPE OR PRINT
WITH BALLPOINT PEN

FIELD INFORMATION

Date of Collection 7-2-69 1969
 Hour 11:45 A.M. PM
 Sample No. 50-2135
 Composite Period Interval
 Collected by Barry J. H. H. H.
 Residual Chlorine: 0.1
 Immediate 0.1
 Developed 0.1
 Flow Rate 0.1
 Temperature 0.1
 Location 0.1
 Description and Remarks: 0.1

Dilutions Requested
(Bacteriological)

10	1	10 ⁻¹	10 ⁻²	10 ⁻³	10 ⁻⁴	10 ⁻⁵	10 ⁻⁶
----	---	------------------	------------------	------------------	------------------	------------------	------------------

LABORATORY RESULTS
BACTERIOLOGICAL

Coliform MPN/100 ml. 0.1 (Confirmed Test); Fecal Coliform MPN/100 ml. 0.1
 Fecal Streptococci: MPN/100 ml. 0.1 Other 0.1

ANALYSIS COMPLETED

JUL 30 1969

REPORT SUBMITTED

CHEMICAL AND PHYSICAL ANALYSES (mg./liter, unless otherwise noted)

Color (units) <u>Yellow</u>	Nitrite N	Total Solids	Other Determinations
Odor (cold) <u>Ch</u>	Nitrate N	Ash	
Turbidity (units) <u>0.1</u>	Ammonia N	Total Phosphate (PO ₄) /	
pH <u>6.5</u>	Total Nitrogen	Detergents	
Acidity to pH 4	Chloride	Phenols <u>0.1</u>	
Alkalinity to pH 4	Suspended Solids	COD <u>0.1</u>	
	Ash	Ether Soluble <u>0.1</u>	

BIOCHEMICAL OXYGEN DEMAND (mg./liter)

Field D.O.	Chlorine Special						pH Special					
Initial D.O. (Lab.)	Dil. Water D.O.						Seed Corr.					
Sample Conc. %	0.1	0.2	0.5	1.0	2.0	5.0	10	25	50	75	100	
D.O. after incubation												
BOD ₅												

PART 2—STREAM POLLUTION COPY

851170007

January 7, 1970

Otis Elevator Company
1000 First Street
Harrison, New Jersey

Gentlemen:

Re: Water Pollution Abatement Order
dated October 3, 1969

An investigation of the discharge pipes from the Otis Elevator Company property in Harrison, New Jersey was conducted by a representative of this office on December 9, 1969. The pipe in question was not flowing although three other pipes did have flows which were not polluttional in nature on that date.

The work that was done in the scrap metal area appeared to be sufficient to correct the suspected source of polluttional material which was flowing into the Passaic River and upon which the Administrative order was issued.

Very truly yours,

Douglas W. Clark
Supervising Public Health Engineer

6F18:07

851170008

TIERRA-B-012819

ANNUAL REPORT

by

Chief Engineer
S. A. LUBETKIN

to the

**PASSAIC VALLEY
SEWERAGE COMMISSIONERS**

FOR THE YEAR

1972

851170009

TIERRA-B-012820

Violation and Elimination - Northwest Bergen County Sewer Authority continued

Park, Ramsey, Waldwick and Wyckoff. Since the discharge of its effluent (approximately 3 M.G.D.) is into the Ho-Ho-Kus Brook a tributary of Saddle River and thence the Passaic River, it comes under the jurisdiction of the Passaic Valley Sewerage Commissioners. The licensed operator is George Baer.

The PVSC had asked Northwest Bergen County Sewer Authority officials to send their monthly operating report to PVSC but all correspondence from the PVSC had been ignored by Northwest Bergen and no answers had been received to date.

The PVSC personnel routinely monitor the effluent from this plant. Of 46 samples taken by PVSC during the year 1972 three were unsatisfactory as follows:

May 23: C.O.D. = 129 mg/l, B.O.D. = 43 mg/l

June 7: High Coliform

June 13: Very high coliform count

Violation and Elimination - Town of Nutley
June 8-9, 1972 (D. Miele, Jr.)

A blockage in the Hancock Avenue sanitary sewer caused sewage to overflow and enter the Belleville-Nutley storm ditch thence to the Passaic River. Mr. Miele notified the Town of Nutley on Thursday, June 8 at 3:30 P.M. Mr. Miele again called the town and spoke to Mr. Duva of the Department of Public Works at 9:20 A.M. on June 9 and was informed that a crew was on the way. The blockage was cleared 10:50 A.M. on Friday, June 9, 1972, eliminating the violation.

Violation and Elimination - Otis Elevator Company,
1000 First Street, Harrison, New Jersey
December 14, 1971 - March 3, 1972 (J. Colello)

This pollution was reported by Mr. T. Cassera and Mr. A. Retano, students at Newark College of Engineering.

Samples were taken December 14 by Mr. J. Colello and Mr. L. Cuccinello from the five outlets that were flowing (outlets #7, 8, 10, 15, and 16 on the Commissioners' outlet charts). The discharge from outlet #7 was polluting, having a pH of 11.3, a turbidity of 420, and a C.O.D. of 125 mg/l.

851170010

Violation and Elimination - Otis Elevator Company continued

On December 20, Mr. Lubetkin wrote to this company, directing them to halt this pollution at once and requesting that they inform the Commissioners what they will do to halt the pollution. On January 6, Mr. P. Petruzzellis, Maintenance Engineer, wrote to the Commissioners, stating that steps have been taken to reroute the boiler blowdown discharge to the sanitary sewer. Completion date depended on the delivery date of the blowdown tank, which had been ordered from Ryerson Steel Company.

Work on the pipe line was completed as of February 3, and the tank arrived on February 23, and was installed as of March 3, 1972. Inspector J. Colello checked work on March 6, 1972 and confirmed that all work was completed and the 6" pipe to the river had been sealed off, thus eliminating the pollution.

Violation and Elimination - Pantasote Co., 126 Jefferson St., Passaic, N.J.
September 6, 1972

(R. Kordja)

At about 6:30 A.M. on September 6, 1972, a 2,000 gallon resin tank located in Plant #2 started to leak. The resin flowed along the floor and emitted a vapor which triggered the sprinkler system which, in turn, flooded the building and washed the white resin into the yard catch basin and thence to Weasel Brook.

Approximately 500 pounds of resin mixed with the water, was going into the brook and was visible for about 1/4 mile of Weasel Brook to its mouth at the Passaic River. The white substance was also visible along the Passaic River to the Gregory Avenue Bridge.

Clean up of the factory was completed by 12 noon of the same day. The streams and banks had purged themselves by the following day.

Violation and Elimination - City of Passaic, - Dawson Avenue Sewer

January 31, to February 4, 1972 (L. Cuccinello, R. Kordja)

Mr. Abe Van Brook Hoven of Clifton, N.J., noticed sanitary waste coming into Hughes Lake on Monday, January 31, 1972, and reported it to the Council of the City of Passaic on Thursday, February 3. Mr. A. Galik, City Manager called Mr. Lubetkin on the morning of February 4 and Mr. Lubetkin then contacted Mr. L. Cuccinello. Mr. Cuccinello went to Hughes Lake and together with Inspectors Wendt, Kordja and Ass't. Chief Fleming surveyed the area.

851170011

JUL - 1 1997

GENERAL NOTICE LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Jean-Pierre van Rooy, President
Otis Elevator Company
North American Operations
10 Farm Springs Road
Farmington, Connecticut 06032

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

Dear Mr. van Rooy:

The United States Environmental Protection Agency ("EPA") is charged with responding to the release and/or threatened release of hazardous substances, pollutants, and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), as amended, 42 U.S.C. §9601 et seq.

EPA has documented the release or threatened release of hazardous substances, pollutants and contaminants into the Passaic River Study Area which is part of the Diamond Alkali Superfund Site ("Site") located in Newark, New Jersey. By this letter, EPA is notifying Otis Elevator Company ("Otis") of its potential liability relating to the Site pursuant to Section 107 of CERCLA.

Sediment in the Passaic River contain numerous hazardous substances, pollutants and contaminants. Investigations undertaken by EPA indicated that hazardous materials were being released from the former Otis facility located at 1000 First Street in Harrison, New Jersey, into the Passaic River Study Area. Hazardous substances, pollutants and contaminants released from the facility into the Passaic River Study Area present a risk to the environment and the humans who may ingest contaminated fish and shellfish. Therefore, Otis may be potentially liable for all response costs which the government may incur relating to the Passaic River Study Area.

ORG
HICK/WAGNER
2/24/97 2/23/97

ORG
KARLEN
2/28

ERRD
EVANGELISTA
6/27/97

ERRD
HAUPTMAN

6/27/97

ERRD
MCCABE
6/27

ERRD
CASPE
7/1

851080001

Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. §9606(a) and §9607(a) and other laws, potentially responsible parties ("PRPs") may be obligated to implement response actions deemed necessary by EPA to protect public health, welfare or the environment, and may be liable for all costs incurred by the government in responding to any release or threatened release at the Site. If response actions are performed by EPA rather than by the PRPs, those PRPs may be subject to legal action pursuant to Section 107(a) of CERCLA, 42 U.S.C. §9607(a), to recover public funds expended by EPA in response to the release and threatened release of hazardous materials at the Site. Such actions and costs may include, but need not be limited to, expenditures for conducting a Remedial Investigation/Feasibility Study ("RI/FS"), a Remedial Design/Remedial Action, and other investigation, planning, response, oversight, and enforcement activities. In addition, responsible parties may be required to pay damages for injury to, destruction of, or loss of natural resources, including the cost of assessing such damages.

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

By this letter, EPA encourages you, as a PRP, to voluntarily participate in the EPA-approved activities underway at the Passaic River Study Area in conjunction with other PRPs. At the present time, an RI/FS is being performed at the Study Area under an Administrative Consent Order with the Occidental Chemical Corporation ("OCC"). The actual work is being performed by Chemical Land Holdings, Inc. ("CLH"), pursuant to certain contractual arrangements with OCC, and should be contacted for information pertaining to the work being done. CLH can be contacted at the addresses listed in the Attachment to this letter. Other PRPs who have received Notice letters are also listed in the Attachment. Be advised that notice of your potential liability at the Site is being forwarded to OCC by EPA.

EPA requests your cooperation in this matter. If you are interested in participating in the ongoing response action you should notify EPA of your intentions to join with OCC.

851080002

Notification should be in writing and should be delivered to EPA no later than fourteen (14) days after the date that you receive this letter. Your letter should be sent to:

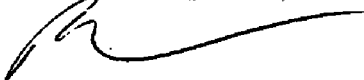
Mr. Pasquale Evangelista
Remedial Project Manager
U.S. Environmental Protection Agency
Emergency and Remedial Response Division
290 Broadway, Floor 19
New York, NY 10007-1866

with a copy to Ms. Amelia Wagner, Esq., of the Office of Regional Counsel, Floor 17 at the same street address.

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

If you wish to discuss this matter further, please contact Mr. Evangelista of my staff at (212) 637-4403 or Ms. Wagner at (212) 637-3141. Please note that all communications from attorneys should be directed to Ms. Wagner.

Sincerely yours,



Richard Caspe, Director
Emergency and Remedial Response Division

Attachment

cc: Joseph A. Santos, Esq.
Assistant Counsel, Otis Elevator Company

John Dugdale, Esq.
Andrews & Kurth, L.L.P.

Mr. Richard P. McNutt
Chemical Land Holdings, Inc.

851080003

ATTACHMENT

Contact for Chemical Land Holdings, Inc.:

Mr. Richard P. McNutt
Chemical Land Holdings, Inc.
1015 Belleville Turnpike
Kearny, New Jersey 07032

Counsel: John Dugdale, Esq.
Andrews & Kurth, L.L.P.
1601 Elm Street, Suite 4400
Dallas, Texas 75201

PRPs in receipt of Notice Letters:

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

Brian C. Kelly, Esq.
Chris-Craft Industries, Inc.
767 Fifth Avenue, 46th Floor
New York, New York 10153

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

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

Counsel: Jacqueline A. Simmons, Esq.
Reilly Industries, Inc.

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

Counsel: Donald J. McConnell, Esq., Environmental Counsel
The Sherwin-Williams Company

851080004

Mr. Robert L. Ball, President
Alcan Aluminum Corporation
100 Erieview Plaza, 29th Floor
Cleveland, OH 44114

Counsel: Lawrence A. Salibra II, Esq., Senior Counsel
Alcan Aluminum Corporation
6060 Parkland Blvd.
Mayfield Hts., Ohio 44124

Mr. David J. D'Antoni, President
Ashland Chemical Company
P.O. Box 2219
Columbus, OH 43216

Counsel: Stephen W. Leermakers, Esq., Senior Litigation Counsel
Ashland Chemical Company
5200 Blazer Parkway
Dublin, Ohio 43017

Mr. Richard J. Mahoney, Chief Executive
Monsanto Company
800 N. Lindbergh Blvd.
St. Louis, MO 63167

Counsel: Peter H. Smith, Esq., Assistant Environmental Counsel
Monsanto Company

Mr. Maurice C. Workman, President
Benjamin Moore & Co.
51 Chestnut Ridge Road
Montvale, New Jersey 07645

Counsel: John T. Rafferty, Esq., General Counsel
Benjamin Moore & Co.

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

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

851080005

Mr. Joseph G. Gabriel
Vice President of Operations
360 North Pastoria Environmental Corporation
1100 Ridgeway Avenue
Rochester, New York 14652-6280

Mr. George M. Fisher, President
Eastman Kodak Company
343 State Street
Rochester, New York 14650

Counsel: Elliott Stern, Esq., Counsel
Eastman Kodak Company

President
Bayer Corporation
100 Bayer Road
Pittsburgh, Pennsylvania 15205-9741

Counsel: Gerard F. Hickel, Esq., Counsel
Bayer Corporation

Mr. Jean-Pierre van Rooy, President
Otis Elevator Company
North American Operations
10 Farm Springs Road
Farmington, Connecticut 06032

Counsel: Joseph A. Santos, Assistant Counsel
Otis Elevator Company

Mr. Lawrence R. Codey, President
Public Service Electric & Gas Company
P.O. Box 570
Newark, New Jersey 07101-0570

Counsel: Hugh J. Mahoney, Esq., General Environmental Counsel
Public Service Electric & Gas Company

851080006

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

U.S. Environmental Protection Agency
Region II
Office of Regional Counsel
New Jersey Superfund Branch
290 Broadway, 17th Floor
New York, New York 10007-1866
Attn: Amelia Wagner

14



SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, 4a, and 4b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered.		<u>A. W.</u> I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: Mr. Jean-Pierre van Rooy Otis Elevator Co. North American Operations 10 Farm Springs Road Farmington, CT 06032		4a. Article Number <u>2 136 606 047</u>	
5. Received By: (Print Name) <u>J. Young</u>		4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
6. Signature: (Addressee or Agent) <u>X</u> <u>J. Young</u>		7. Date of Delivery <u>DEC 17 1994</u>	
PS Form 3811, December 1994		8. Addressee's Address (Only if requested and fee is paid) <u>U.S. Environmental Protection Agency</u> <u>Region II</u> <u>Office of Regional Counsel</u> <u>New Jersey Superfund Branch</u> <u>290 Broadway, 17th Floor</u> <u>New York, New York 10007-1866</u> <u>Attn: Amelia Wagner</u>	

Thank you for using Return Receipt Service.

Domestic Return Receipt

851080007



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

SEP 15 2003

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

Jean-Pierre van Rooy, President
Otis Elevator Company
North American Operations
10 Farm Springs Road
Farmington, Connecticut 06032

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

Dear Mr. van Rooy:

The United States Environmental Protection Agency ("EPA") is charged with responding to the release and/or threatened release of hazardous substances, pollutants, and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §9601 et seq.

You received a letter from EPA, dated July 7, 1997, notifying Otis Elevator Company ("Otis") of its potential liability relating to the Passaic River Study Area, which is part of the Diamond Alkali Superfund Site ("Site") located in Newark, New Jersey, pursuant to Section 107(a) of CERCLA, 42 U.S.C. §9607(a). Under CERCLA, potentially responsible parties ("PRPs") include current and past owners of a facility, as well as persons who arranged for the disposal or treatment of hazardous substances at the Site, or the transport of hazardous substances to the Site. Accordingly, EPA is seeking your cooperation in an innovative approach to environmental remediation and restoration activities for the Lower Passaic River.

EPA has documented the release or threatened release of hazardous substances, pollutants and contaminants into the six-mile stretch of the river, known as the Passaic River Study Area, which is part of the Site located in Newark, New Jersey. Based on the results of previous CERCLA remedial investigation activities and other environmental studies, including a reconnaissance study of the Passaic River conducted by the United States Army Corps of Engineers ("USACE"), EPA has further determined that contaminated sediments and other potential sources of hazardous substances exist along the entire 17-mile tidal reach of the Lower Passaic River. Thus, EPA has decided to expand the Study to include the areal extent of contamination to which hazardous substances from the six-mile stretch were transported; and those sources from which hazardous substances outside the six-mile stretch have come to be located within the expanded

851840001

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

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 50% Postconsumer content)

TIERRA-B-012830

Study Area.

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

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

Based on information that EPA evaluated during the course of its investigation of the Site, EPA believes that hazardous substances were being released from the Otis facility located at 1000 First Street in Harrison, New Jersey, into the Lower Passaic River. Hazardous substances, pollutants and contaminants released from the facility into the river present a risk to the environment and the humans who may ingest contaminated fish and shellfish. Therefore, Otis may be potentially liable for response costs which the government may incur relating to the study of the Lower Passaic River. In addition, responsible parties may be required to pay damages for injury to, destruction of, or loss of natural resources, including the cost of assessing such damages.

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

851840002

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

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

EPA will be holding a meeting with all PRPs on October 29, 2003 at 10:00 AM in Conference Room 27A at the Region 2 office. At that meeting, EPA will provide information about the actions taken to date in the Lower Passaic River, as well as plans for future activities. After the presentation, PRPs will be given the opportunity to caucus, and EPA will return to answer any questions that might be generated during the private session. Please be advised that due to increased security measures, all visitors need to be registered with the security desk in the lobby in order to gain entry to the office. In order to ensure a smooth arrival, you will need to provide EPA with a list of attendees no later than October 15, 2003.

EPA recommends that the cooperating parties select a steering committee to represent the group's interest as soon as possible, since EPA expects a funding commitment for the financing of the CERCLA share of the \$20 million study by mid-November 2003. If you wish to discuss this further, please contact Ms. Alice Yeh, Remedial Project Manager, at (212) 637-4427 or Ms. Kedari Reddy, Assistant Regional Counsel, at (212) 637-3106. Please note that all communications from attorneys should be directed to Ms. Reddy.

Sincerely yours,



George Pavlou, Director
Emergency and Remedial Response Division

Enclosure

cc: Sarah Hurley, Esq.
Robinson & Cole LLP

851840003

PRPs in Receipt of Notice Letters:

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

851840004

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

851840005

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

851840006

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

851840007

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

851840008