

The Stanley Works

New Britain, Connecticut

Remedial Action Report for the Stanley Tools Facility Newark, New Jersey

ENSR Consulting and Engineering

July 1995

Document Number 6303-056-60R

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Analytical Results of Soil Sampling Conducted at MW01, MW03, MW05, MW07, MW08, MW10, MW11

ENVIRON SAMPLE ID	447A-MW01-01	447A-MW01-02	447A-MW01-03	447A-MW01-04
MATRIX	SOIL	SOIL	SOIL	SOIL
COLLECTION METHOD	HSAB	HSAB	HSAB	HSAB
DEPTH (feet)	0.0-1.0	5.5-7.0	10.0-11.0	5.5-7.0
COLLECTION DATE	10/19/86	10/19/86	10/19/86	10/19/86
COMMENTS				
Priority Pollutant Metals				
Antimony	ND	ND	ND	ND
Arsenic	34.50	27.90	10.20	37.70
Beryllium	1.41	ND	ND	ND
Cadmium	5.28	5.19	4.52	5.61
Chromium	31.70	21.20	20.70	19.60
Copper	121.00	17.70	12.90	20.90
Lead	369.00	25.60	6.53	25.09
Mercury	0.30	ND	ND	0.11
Nickel	28.20	14.10	12.30	12.80
Selenium	ND	ND	ND	ND
Silver	ND	ND	ND	ND
Thallium	ND	ND	ND	ND
Zinc	972.00	121.00	60.20	117.00
Petroleum Hydrocarbons				
	77.50	ND	ND	
PCBs				
Aroclor 1254	ND	ND	ND	ND
Aroclor 1260	ND	ND	ND	ND
Pesticides				
4,4'-DDE	0.03-J	ND	ND	ND
4,4'-DDT	0.09	ND	ND	ND
A-BHC	ND	ND	ND	ND
Aldrin	ND	ND	ND	ND
B-BHC	ND	ND	ND	ND
D-BHC	ND	ND	ND	ND

TABLE 45
Summary of Ground Water Results From Monitoring Wells and Production Well Samples

ENVIRON SAMPLE ID	MW07	4471-MW07-GW01	4471-MW07-GW01	4471-MW07-GW02	MW08	4471-MW08-GW01
MATRIX	WATER	WATER	WATER	WATER	WATER	WATER
COLLECTION METHOD	BAIL	BAIL	BAIL	BAIL	BAIL	BAIL
DEPTH (feet)	NA	NA	NA	NA	NA	NA
COLLECTION DATE	11/4/86	12/18/91	12/18/91	01/21/92	11/3/86	12/16/91
COMMENTS						
Cyanide	ND				ND	
PCBs	ND				ND	
Phenols	ND				ND	
Total Dissolved Solids(ppm)			330.00	400.00		630.00
Pesticides						
4,4 -DDT	ND				1.40	
A-BHC	0.07-J				ND	
B-BHC	ND				0.40-J	
G-BHC	ND				ND	
Aldrin	ND				ND	
Heptachlor	ND				ND	
Carcinogenic PAHs						
Chrysene		2.00-J	ND	ND	ND	ND
Basic Neutral Compounds						
1,2-Dichlorobenzene	ND	ND	ND	ND	ND	ND
1,3-Dichlorobenzene	ND	ND	ND	ND	ND	ND
1,4-Dichlorobenzene	ND	ND	ND	ND	ND	ND
2-Nitrophenol	ND				ND	1.54-BMDL
Acenaphthalene		ND			ND	
Acenaphthene	ND		ND	ND	ND	ND
Acenaphthylene	ND	ND	ND	ND	ND	ND
Anthracene	ND	1.90-J	ND	ND	ND	ND



Consulting • Engineering • Remediation

281 Centennial Avenue
Piscataway, NJ 08854

(908) 457-0500
FAX (908) 457-0550

April 29, 1996

Mr. Joseph Ludovico
New Jersey Department of Environmental Protection
Division of Responsible Party Site Remediation
401 East State Street
Trenton, New Jersey 08625-0028

Re: The Stanley Works ISRA Remediation
140 Chapel Street, Newark, New Jersey
ISRA Case No. 85178

Dear Mr. Ludovico:

On behalf of the Stanley Works (Stanley), ENSR Consulting and Engineering (ENSR) is pleased to submit the following documentation in support of establishment of Classification Exception Areas (CEAs) for the Stanley Tools site. This document has been prepared in response to NJDEP's letter to Stanley dated January 31, 1995, and in accordance with N.J.A.C. 7:9-6.6 and NJDEP's guidance document entitled "Final Guidance on Designation of Classification Exception Areas" (Guidance Document)¹.

1.0 INTRODUCTION

The objective of the activities discussed below was to evaluate the areal extent of the groundwater contamination over time in the area of the Stanley Tools site, by conducting groundwater flow and contaminant transport modeling. The model-predicted contaminant plumes can be used by NJDEP to establish Classification Exception Areas (CEAs), according to N.J.A.C. 7:9-6.6 and the NJDEP's Guidance Document. Data obtained from the groundwater flow and contaminant transport modeling was used to supply NJDEP with information requested in their January 31, 1995 letter. Specifically, the requested information includes:

1. The proposed CEA boundaries including a scaled map depicting the extent of the contaminant plume in the affected aquifer unit(s) including lot and blocks.
2. A description of the contaminants in the proposed CEA.

¹ Gimelio, R., 1995. Memorandum Regarding Classification Exception Areas (Final Guidance) from Rick Gimelio, Assistant Commissioner of NJDEP to Staff. April 17, 1995.



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NJDEP Groundwater Quality Standards for Class II-A Groundwater (NJGWQS)². Over the course of groundwater monitoring at the site (November 1986 through May 1995), the following constituents have been detected on one or more occasion at concentrations above the NJGWQS:

Volatile Organics

Benzene	Bromodichloroethane
Bromodichloromethane	Chlorobenzene
Chloroform	Dichloroethene (DCE)
Methylene Chloride	Tetrachloroethene (PCE)
Trichloroethene (TCE)	Vinyl Chloride (VC)

Metals

Antimony	Arsenic
Cadmium	Chromium
Lead	Nickel
Selenium	Zinc

Pesticides

4,4'-DDT	alpha-BHC
beta-BHC	Heptachlor

Base/Neutrals

Bis(2-Chloroethyl) Ether	Bis(2-Ethylhexyl) Phthalate
Hexachloroethane	N-Nitrosodiphenylamine

Total Petroleum Hydrocarbons

As discussed below, only the chlorinated volatile organic compounds (VOCs) and petroleum hydrocarbons have been found to occur in defined plumes. Typical plumes for these compounds are shown on Figures 2 and 3. The other compounds (non-chlorinated VOCs, metals, pesticides, and base/neutrals) either were only detected above the NJGWQS in isolated instances or appear to be limited to localized areas, with no noticeable evidence of

² It should be noted that neither Stanley nor ENSR necessarily agree that these standards form an appropriate basis for the cleanup of groundwater at the site in order to be protective of human health and the environment. In November 1994, Stanley/ENSR completed an Alternate Cleanup Level (ACL) proposal for the Stanley Tools Facility which specifies levels of contaminants which Stanley/ENSR believe are protective of human health. This document was submitted to NJDEP on December 1, 1994, and Stanley is awaiting NJDEP's final response to this submittal.



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permanent but can be considered as indeterminate at this time and may be on the order of 1,000 years. Overall, the site-wide CEA for the remainder of the site, as delineated on Figure 18 and Table 8, includes the following compounds:

Volatile Organics

Benzene	Bromodichloroethane
Bromodichloromethane	Chlorobenzene
Chloroform	Dichloroethene (DCE)
Methylene Chloride	Tetrachloroethene (PCE)
Trichloroethene (TCE)	Vinyl Chloride (VC)

Metals

Antimony	Arsenic
Cadmium	Chromium
Lead	Nickel
Selenium	Zinc

Pesticides

4,4'-DDT	alpha-BHC
beta-BHC	Heptachlor

Base/Neutrals

Bis(2-Chloroethyl) Ether	Bis(2-Ethylhexyl) Phthalate
Hexachloroethane	N-Nitrosodiphenylamine

Total Petroleum Hydrocarbons



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We trust that this analysis meets NJDEP's requirements. If you have any questions or require additional information, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard J. Konkowski'.

Richard J. Konkowski
Principal

Attachments (Original + 1 Copy)

Ref. No. 6303-056(9)/RK-JLCEA.LTR

cc: W. Guerrero/Stanley Works
A. Kolesar, Esq./Thompson, Hine and Flory
W. Duvel
D. Rullman
A. Goeller
M. Garath
K. Sullivan
File: 6303-056-7.3.1

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

Mr. John F. Lundgren, Chief Executive Officer
The Stanley Works
1000 Stanley Drive
New Britain, CT 06053

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

Dear Mr. Lundgren:

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 The Stanley Works ("Stanley Works") of its potential liability relating to the Site pursuant to Section 107(a) of CERCLA, 42 U.S.C. §9607(a). Under CERCLA, potentially responsible parties ("PRPs") include current and past owners of a facility, as well as persons who arranged for the disposal or treatment of hazardous substances at the Site, or the transport of hazardous substances to the Site.

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

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

Based on information that EPA evaluated during the course of its investigation of the Site, EPA believes that hazardous substances were being released from Stanley Works' facility located at 140 Chapel Street in Newark, New Jersey, into the Lower Passaic River Study Area. Hazardous substances, pollutants and contaminants released from the facility into the river present a risk to the environment and the humans who may ingest contaminated fish and shellfish. Therefore, Stanley Works 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.

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

Enclosed is a list of the other PRPs who have received Notice letters. This list represents EPA's findings on the identities of PRPs to date. We are continuing efforts to locate additional PRPs who have released hazardous substances, directly or indirectly, into the Lower Passaic River

Study Area. Exclusion from the list does not constitute a final determination by EPA concerning the liability of any party for the release or threat of release of hazardous substances at the Site. Be advised that notice of your potential liability at the Site may be forwarded to all parties on this list.

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

You may become a cooperating party by participating in the Cooperating Parties Group ("Group") that has already formed to provide EPA's funding for the Lower Passaic River Restoration Project. This cooperative response is embodied in an Administrative Order on Consent ("AOC"), copy enclosed. Notice of the AOC was published in the Federal Register on May 19, 2004 with EPA accepting comments through June 18, 2004. We strongly encourage you to contact the Group to discuss your participation. You may do so by contacting:

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

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

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

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

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

If you wish to discuss this further please contact Ms. Elizabeth Butler, Remedial Project Manager, at (212) 637-4396 or Ms. Kedari Reddy, Assistant Regional Counsel, at (212) 637-3106. Please note that all communications from attorneys should be directed to Ms. Reddy.

Sincerely yours,

George Pavlou, Director
Emergency and Remedial Response Division

Enclosures

cc: Peter Herzberg, Esq.
Pitney Hardin