

Violation and Elimination - A. E. Staley Mfg. Co.,
320 Schuyler Avenue, Kearny, N.J.
January 24 - March 21, 1974

(J. Colello)

In reviewing applications to the USEPA for discharge permits, it was noted that this company discharged a boiler blowdown into the Third Avenue Kearny Storm Sewer, via a 10-inch line. The Third Avenue Kearny Storm Sewer discharges, in turn, to Frank's Creek, a tributary of the Passaic River.

Inspector Colello was directed to get a sample, which he did on January 24, and analysis of this sample showed it to be polluting.

Inspector Colello informed Mr. P. Labrecque, Maintenance Superintendent, that the discharge was polluting, and the pollution should be halted.

Mr. D. Golante, Manager of Manufacturing, wrote to the PVSC on February 26, 1974, stating that the installation of a blowdown tank to halt this pollution would be completed before March 31, 1974.

Inspector J. Colello reported the work was completed March 21, 1974, with the installation of a 130 gallon blowdown tank and 30 feet of two inch pipe from the tank to the sanitary sewer.

Mr. Golante confirmed this in a letter dated March 27, 1974.

Violation and Elimination - Suffern Plating Corp., 210 Garibaldi
Avenue, Lodi, N. J.
August 13 - September 20, 1974

On August 13, 1974, while working on the Millbank Brook survey, Inspector Perrapato noticed a discharge from a small pipe at the curb of this company. The discharge went into a storm drain, thence to Millbank Brook. Since the plant was apparently closed, the inspector took a sample which was analyzed and found polluting.

The inspector visited the plant the following week and spoke to Mr. H. Landau, President of Suffern. Mr. Landau stated he had no knowledge of the drain, nor source of pollution, (which was intermittent and was dry at the time of visit). Mr. Landau promised to have the drain sealed after rechecking to see that he does not plug up a necessary outlet.

The drain was sealed as of September 20, 1974, after dye testing in the plant did not show an outlet.

File

NEW JERSEY STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION
INSPECTION REPORT

Municipality - Town of Kearny Date Inspected - June 23, 1971
City - Hudson Date Written - June 24, 1971
Plant Name - Staley Chemical Date Typed - June 24, 1971
320 Schuyler Ave.
Kearny, N.J.
Nature - Odor complaint to Senator
Harrison A. Williams, Jr.
from local resident.
By - T. E. Harding

Background

In early February 1971 a complaint was received by this office regarding odors from a sewer in the Town of Kearny. It was stated that the problem originated at Staley Chemical, 320 Schuyler Avenue. A preliminary inspection at that time showed no violation of any state statutes.

On June 1, 1971 the matter was again referred to this office by U.S. Senator Harrison A. Williams, Jr. prompting a reinspection.

Findings

On June 23, 1971 I inspected the operations of Staley Chemical a Division of A.E. Staley Manufacturing Co. in the Town of Kearny. At that time I met with Mr. David Golante, Manufacturing Manager and discussed this problem of odors with him.

It appears that the odor in question is an acrylate odor. Staley Chemical, in their manufacturing process, uses methyl methacrylate and methyl acrylate (monomers) in a polymerization process. The past procedure was to wash out the monomer storage tank and discharge the wash water into the sewer system. This procedure has been halted as a result of the complaints, and this material is now removed from the plant by a contract scavenger. The wash water from the polymerization reactors is washed into the sewer, however this material does not contain any appreciable concentration of the monomer acrylates.

PCC000315

There appears to be several other companies in the area which also use monomer acrylates in their processes. This was shown in early April or May when Staley Chemical was shut down for inventory for 4 days and were not processing anything and a complaint was again registered about odors. This indicates that there may be other companies connected to the sewer in question which are discharging monomer acrylates into the sewer. A thorough investigation of the area would have to be made in order to determine the source of the cause of the odors.

PCC000316

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... and appropriate action be taken to ...
... source.

Respectfully Submitted,

Thomas F. Harding

Thomas F. Harding,
Senior Environmental Engineer

E26/lmk

3, 1971
4, 1971
4, 1971

Return to:

PASSAIC VALLEY SEWERAGE COMMISSIONERS

790 Broad Street

Newark, N. J. 07102

000010

Date: April 14, 1972

Plant Ref. No. I.A.H.O. 907

WASTE EFFLUENT SURVEY

(For Industries Served by the Passaic Valley Sewerage Commissioners)

Plant Name: Staley Chemical, Division of A. E. Staley Manufacturing Co.

Address: 100 Third Avenue, Kearny, New Jersey Zip: 07032

Person and Title to whom any further inquiries should be directed: D. Golante

Manager of Manufacturing

Phone No.: 997-1500

Number of Employees: 72

Number of Working Days Per Week: 5-7

Number of Shifts Per Day: 1, 2 and 3 (differs with department)

Area of Property: 5 1/2 Acres, or Sq. Ft.

Type of Industry and 4 digit U. S. Standard Industrial Classification No.: 2821

Chemical

Finished Product(s): Organic Polymers, Rubber Based Adhesives, Leather Finishes

Average Production: 350,000 Gallons/Month

Rubber, Solvents (MEK, Acetone, Toluene, etc.)

Raw Materials Used: Monomer (Styrene, Various Acrylates)

Butadiene Latex, Pigments

Brief Description of Operations:

Monomers are polymerized into polymers whose emulsions are used by a wide range of other manufacturers as ingredients of other products such as waxes, polishes, paints and coatings. Rubber is compounded, milled and dissolved in solvents to form adhesives. Pigments are dispersed in latices to form products used in finishing leather.

PCC000318

TIERRA-B-011345

Water received in Gallons (Note: multiply cu. ft. x 7.48)

Purchased water in 1971 from: Town of Kearny
1st Quarter 3,710,000 gallons
2nd Quarter 3,950,000 gallons
3rd Quarter 3,785,000 gallons
4th Quarter 1,130,000 gallons
Total Purchased 1971: 12,575,000 gallons

Well Water 500,000 gallons estimate
1st Quarter 500,000 gallons estimate
2nd Quarter 500,000 gallons estimate
3rd Quarter 500,000 gallons estimate
4th Quarter 500,000 gallons estimate
Total well water received in 1971: 2,000,000 gallons estimate

River Water -0-
1st Quarter -0-
2nd Quarter -0-
3rd Quarter -0-
4th Quarter -0-
Total river water taken in in 1971: -0-

TOTAL OF ALL WATER RECEIVED IN 1971: 14,575,000 gallons

Water Use in 1971:

Water to Product (include evaporated and lost water) 3,000,000 gallons
Water to Sanitary Sewer: 500,000 gallons
Water to Storm Sewer, River or Ditch: 11,075,000 gallons
TOTAL WATER USE IN 1971: 14,575,000 gallons

Name of River, Stream, or Tributary, and location of storm sewer or ditch outlet to river, stream, or tributary: Storm Sewer on Third Avenue into Frank Creek

PCC000319

TIERRA-B-011346

✓

**ANSWER THE FOLLOWING QUESTIONS ONLY IF THE
PLANT WASTE INCLUDES WASTE ATTRIBUTABLE TO INDUSTRIAL OPERATIONS**

(Note: Analyses should be based on a 24-hour composite sample)

Characteristics of Plant Waste discharged to sanitary or combined sewer, after treatment if any. Indicate units of measure where applicable (e.g. Mg/l).

- a) pH: 7.52 b) Turbidity: 4400 JTU
- c) Temperature: 65° F. d) Radioactive? Yes No X
- e) Solids Concentration:
- 1) Total Solids 4670 ppm Volatile 4200 ppm Mineral 470 ppm
- 2) Suspended Solids 1780 ppm Volatile 1598 ppm Mineral 182 ppm
- f) Oil and Grease Concentration:
- 1) Floatable Oils None
- 2) Emulsified Oils 18 ppm
- g) Chlorides 66.5 ppm
- h) Chemical Oxygen Demand (C.O.D.): 11400
- i) 5-day Bio-chemical Oxygen Demand (B.O.D.): 25
- j) Total organic carbon (T.O.C.): 3150 ppm
- k) Metallic Ions—Name and concentration (Important—list each metal in waste, e.g., chromium hex. and triv. Antimony, Lead, Mercury, Copper, Vanadium, Nickel; give concentration and total daily discharge of each metal.)

SEE ATTACHED LIST "A"

- l) Toxic Material—Name and concentration e.g., cyanide salts, etc.):
- m) Solvents—Name and concentration: ABSENT
- n) Resins—Name and concentration (Lacquers, Varnishes, Synthetics): ABSENT
- o) Date and time span of sample 3/16/1972 24 hr.

Explain hours, method of discharge of waste to Sanitary Sewer and peak rate of flow, e.g., (continuing for 8 hours per day, 5 days per week at 100 gal./day rate) (batch twice a day for 20 minutes at 100 gal./min.) (Continuous 24 hours steady or with peaks at 2 P.M., peak rate 3 M.G.D.) etc.

Batch four times a day for 5 minutes at 4 gal/min. between 7:00 a. m.
and 3:30 p. m.

PCC000320

TIERRA-B-011347

Characteristics of Plant Discharge to Storm Sewer, River, or Ditch, after treatment if any. Indicate units of measure where applicable (e.g., Mg/l).

a) pH: 7.65 b) Turbidity: Clear
c) Temperature: 65° F. d) Radioactive? Yes No X

e) Solids Concentration:

1) Total Solids 84 ppm Volatile 48 ppm Mineral 36 ppm
2) Suspended Solids 0 Volatile Mineral

f) Oil and Grease Concentration:

1) Floatable Oils < 0.1 ppm
2) Emulsified Oils - 0 -

g) Chlorides 12 ppm

h) Chemical Oxygen Demand (C.O.D.): 100

i) 5-day Bio-chemical Oxygen Demand (B.O.D.): 10

j) Total Organic Carbon (T.O.C.): 15 ppm

k) Metallic Ions—Name and concentration (Important—list each metal in waste, e.g., chromium hex. and triv. Antimony, Lead, Mercury, Copper, Vanadium, Nickel; give concentration and total daily discharge of each metal.):

SEE ATTACHED LIST "B"

l) Toxic Material—Name and concentration (e.g., cyanide salts, etc.): ABSENT

m) Solvents—Name and concentration: ABSENT

n) Resins—Name and concentration (Lacquers, Varnishes, Synthetics): ABSENT

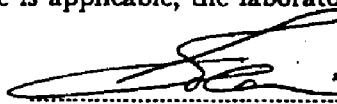
o) Date and time span of sample: 6/28/1971 (24 hrs.)

Do you pretreat any waste before discharge? YES

If so, describe process and disposal of residue removed:

Settling pits and screens remove any polymer or latex skins

Certification of Laboratory doing sampling and making analyses shall be given. Procedures shall be those shown in the 13th edition of Standard Methods for the Examination of Water and Wastewater, where applicable. If no procedure is applicable, the laboratory is to describe method and procedure used in analyses.

 , Mgr. of Manufacturing

Signature and title of person preparing report
D. Golante, Mgr. of Manufacturing

PCC000321

TIERRA-B-011348

LIST "A"

<u>Metallic Ions</u>	<u>PPM</u>	<u># PER DAY</u>
Sodium, Iron	47-470	0.0065-0.065
Titanium	4.7-47	0.00065-0.0065
Lead	32	0.0044
Aluminum, Silicon, Boron, Zinc	0.47-4.7	0.000065-0.00065
Chromium	2.3	0.00032
Phosphorus, Copper, Tin, Calcium	0.047-0.47	0.0000065-0.000065
Manganese, Magnesium	0.0047-0.047	0.00000065-0.0000065
Silver, Nickel	0.00047-0.0047	0.000000065-0.00000065

LIST "B"

<u>Metallic Ions</u>	<u>PPM</u>	<u># PER DAY</u>
Cadmium	3.0	0.0006
Chromium	30.0	0.006
Copper	100.0	0.021
Iron	380	0.079
Lead	10	0.002
Magnesium	4.0	0.83
Manganese	1200	0.25
Mercury	0.8	0.0002
Nickel	260	0.054
Titanium	40	0.008
Zinc	30.0	0.006

Return to:
PASSAIC VALLEY SEWERAGE COMMISSIONERS
600 Wilson Avenue
Newark, N. J. 07105
(201) 344-1800

Date: March 13, 1975

Plant Ref. No.

WASTE EFFLUENT SURVEY

(For Industries Served by the Passaic Valley Sewerage Commissioners)

Plant Name: Staley Chemical, Division of A.E. Staley Manufacturing Co.

Address: 100 Third Avenue, Kearny, N. Jersey Zip 07032

Person and Title to whom any further inquiries should be directed: E. D. Colante
Manager of Manufacturing

Phone No.: 997-1500

Number of Employees: 77

Number of Working Days Per Week: 5-7

Number of Shifts Per Day: 1, 2 and 3 (differs with department)

Area of Property: 5 1/2 Acres, or _____ Sq. Ft.

Type of Industry and 4 digit U. S. Standard Industrial Classification No.: 2821
Chemical

Finished Product(s): Organic Polymers, Rubber Based Adhesives, Leather Finishes

Average Production: 350, 000 Gallons/Month

Raw Materials Used: Rubber, Solvents (MEK, Acetone, Toluene, etc.)
Monomer (Styrene, various Acrylates)
Butadiene Latex, Pigments

Brief Description of Operations:

Monomers are polymerized into polymers whose emulsions are used by a wide range of other manufacturers as ingredients of other products such as waxes, polishes, paints and coatings. Rubber is compounded, milled and dissolved in solvents to form adhesives. Pigments are dispersed in latices to form products used in finishing leather.

PCC000126

TIERRA-B-011351

Water received in *Gallons* (Note: multiply cu. ft. x 7.48)

Purchased water in 19 74 from: Town of Kearny

1st Quarter 14,800,000 gallons

2nd Quarter 13,600,000 gallons

3rd Quarter 11,300,000 gallons

4th Quarter 6,600,000 gallons

Total Purchased 1974 : 46,300,000 gallons

Well Water

1st Quarter 500,000 gallons estimate

2nd Quarter 500,000 gallons estimate

3rd Quarter 500,000 gallons estimate

4th Quarter 500,000 gallons estimate

Total well water received in 19 74 : 2,000,000 gallons estimate

River Water

1st Quarter -0-

2nd Quarter -0-

3rd Quarter -0-

4th Quarter -0-

Total river water taken in 19 74 : -0-

TOTAL OF ALL WATER RECEIVED IN 19 74 : 48,300,000

Water Use in 1974 :

Water to Product (include evaporated and lost water) : 3,000,000

Water to Sanitary Sewer: 500,000

Water to Storm Sewer, River or Ditch: 44,800,000

TOTAL WATER USE IN 19 74 : 48,300,000

Name of River, Stream, or Tributary, and location of storm sewer or ditch outlet to river, stream, or tributary: Storm Sewer on Third Ave. into Frank Creek

PCC000127

TIERRA-B-011352

**ANSWER THE FOLLOWING QUESTIONS ONLY IF THE
PLANT WASTE INCLUDES WASTE ATTRIBUTABLE TO INDUSTRIAL OPERATIONS**

(Note: Analyses should be based on a 24-hour composite sample)

Characteristics of Plant Waste discharged to sanitary or combined sewer, after treatment if any. Indicate units of measure where applicable (e.g. Mg/l).

- a) pH: 7.52 b) Turbidity: 4400 JTU
- c) Temperature: 65°F. d) Radioactive? Yes No XX
- e) Solids Concentration:
- | | | |
|-------------------------------------|--------------------------|------------------------|
| 1) Total Solids <u>4670 ppm</u> | Volatile <u>4200 ppm</u> | Mineral <u>470 ppm</u> |
| 2) Suspended Solids <u>1780 ppm</u> | Volatile <u>1598 ppm</u> | Mineral <u>182 ppm</u> |
- f) Oil and Grease Concentration:
- 1) Floatable Oils None
- 2) Emulsified Oils 18 ppm
- g) Chlorides 66.5 ppm
- h) Chemical Oxygen Demand (C.O.D.): 11400
- i) 5-day Bio-chemical Oxygen Demand (B.O.D.): 25
- j) Total organic carbon (T.O.C.): 3150 ppm
- k) Metallic Ions—Name and concentration (Important—list each metal in waste, e.g., chromium hex. and triv. Antimony, Lead, Mercury, Copper, Vanadium, Nickel; give concentration and total daily discharge of each metal.)
- SEE ATTACHED LIST "A"
- l) Toxic Material—Name and concentration e.g., cyanide salts, etc.):
- m) Solvents—Name and concentration: ABSENT
- n) Resins—Name and concentration (Lacquers, Varnishes, Synthetics): ABSENT
- o) Date and time span of sample 3/16/72 24 hr.

Explain hours, method of discharge of waste to Sanitary Sewer and peak rate of flow, e.g., (continuing for 8 hours per day, 5 days per week at 100 gal./day rate) (batch twice a day for 20 minutes at 100 gal./min.) (Continuous 24 hours steady or with peaks at 2 P.M., peak rate 3 M.G.D.) etc.

Batch four times a day for 5 minutes at 4 gal/min. between 7:00 a.m. and 3:30 p.m.

Characteristics of Plant Discharge to Storm Sewer, River, or Ditch, after treatment if any.
Indicate units of measure where applicable (e.g., Mg/l).

- a) pH: 7.65 b) Turbidity: Clear
- c) Temperature: 65° F d) Radioactive? Yes No ☒
- e) Solids Concentration:
- | | | | | | |
|---------------------|--------|----------|--------|---------|--------|
| 1) Total Solids | 84 ppm | Volatile | 48 ppm | Mineral | 36 ppm |
| 2) Suspended Solids | -0- | Volatile | | Mineral | |
- f) Oil and Grease Concentration:
- | | |
|--------------------|---------|
| 1) Floatable Oils | 0.1 ppm |
| 2) Emulsified Oils | -0- |
- g) Chlorides 12 ppm
- h) Chemical Oxygen Demand (C.O.D.): 100
- i) 5-day Bio-chemical Oxygen Demand (B.O.D.): 10
- j) Total Organic Carbon (T.O.C.): 15 ppm
- k) Metallic Ions—Name and concentration (Important—list each metal in waste, e.g., chromium hex. and triv. Antimony, Lead, Mercury, Copper, Vanadium, Nickel; give concentration and total daily discharge of each metal.):
SEE ATTACHED LIST "B"
- l) Toxic Material—Name and concentration (e.g., cyanide salts, etc.):
ABSENT
- m) Solvents—Name and concentration:
ABSENT
- n) Resins—Name and concentration (Lacquers, Varnishes, Synthetics):
ABSENT
- o) Date and time span of sample: 6/28/1971 (24 Hours)
- Do you pretreat any waste before discharge? YES
- If so, describe process and disposal of residue removed:
Settling pits and screens remove any polymer or latex skins

Certification of Laboratory doing sampling and making analyses shall be given. Procedures shall be those shown in the 13th edition of Standard Methods for the Examination of Water and Wastewater, where applicable. If no procedure is applicable, the laboratory is to describe method and procedure used in analyses.

Signature and title of person preparing report

PCC000131

TIERRA-B-011354

LIST "B"

<u>Metallic Ions</u>	<u>FPM</u>	<u># PER DAY</u>
Cadmium	3.0	0.0006
Chromium	30.0	0.006
Copper	100.0	0.021
Iron	380	0.079
Lead	10	0.002
Magnesium	4.0	0.83
Manganese	1200	0.25
Mercury	0.8	0.0002
Nickel	260	0.054
Titanium	40	0.008
Zinc	30.0	0.006

Attachment 1 of 2 to
Waste Effluent Survey

LIST "A"

<u>Metallic Ions</u>	<u>PPM</u>	<u># PER DAY</u>
Sodium, Iron	47-470	0.0065-0.065
Titanium	4.7-47	0.00065-0.0065
Lead	32	0.0044
Aluminum, Silicon, Boron, Zinc	0.47-4.7	0.000065-0.00065
Chromium	2.3	0.00032
Phosphorus, Copper, Tin, Calcium	0.047-0.47	0.0000065-0.000065
Manganese, Magnesium	0.0047-0.047	0.00000065-0.0000065
Silver, Nickel	0.00047-0.0047	0.000000065-0.00000065



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

DEC. 27 2006

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

D. Lynn Grider, President
A.E. Staley Manufacturing Co., Inc.
2200 E. Eldorado Street
Decatur, IL 62521-1578

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

Dear Mr. Grider:

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. 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 A.E. Staley Manufacturing Co., Inc. ("Staley") 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 address water quality improvement, remediation, and restoration opportunities in the 17-mile Lower Passaic River Study Area. 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 Staley facility located at 320 Schuyler Avenue, Kearny, 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. As the former owner and operator of the facility, Staley may be potentially liable for response costs that 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 Sarah Flanagan and William Hyatt in writing at the addresses identified below 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 the possession or control of your Company or its agents 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 notices of potential liability. 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. Please 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, 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. 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. Your written notification to EPA should be mailed to:


Sarah Flanagan, 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 file and the Site file are located at EPA's Region 2 Superfund Records Center, at 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 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/sblrbra.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. Flanagan at (212) 637-3136. Questions of a technical nature should be directed to Alice Yeh, Remedial Project Manager, at (212) 637-4427.

Sincerely yours,



Ray Basso, Strategic Integration Manager
Emergency and Remedial Response Division

Enclosure