



State of New Jersey
Department of Environmental Protection and Energy
Division of Responsible Party Site Remediation
CN 028
Trenton, NJ 08625-0028

Scott A. Weiner
Commissioner

Karl J. Delaney
Director

Prepared By *Jerri Weigand*
Date: *Jerri Weigand*

IN THE MATTER OF THE : ADMINISTRATIVE
SPECTRASERV SITE AND : CONSENT
SPECTRASERV : ORDER
(Respondent)

This Administrative Consent Order is issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection and Energy (hereinafter "the Department") by N.J.S.A. 13:1D-1 et seq., and the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., and the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq. and duly delegated to the Assistant Director, Division of Responsible Party Site Remediation pursuant to N.J.S.A. 13:1B-4.

FINDINGS

1. Spectraserv (hereinafter "Spectraserv" or "Respondent") is a New Jersey corporation with its principal offices located at 75 Jacobus Avenue, Kearny, New Jersey. Spectraserv owns 6.5 acres designated as Lots 10, 10R, 11, and 11R of Block 289 on the tax maps of the City of Kearny, Hudson County, New Jersey (hereinafter "the Site"). The Site is bordered on the east by Jacobus Avenue and on the west by the Passaic River; the surrounding area is highly industrialized. The Site is adjacent to the Syncon Resins superfund site which is already the subject of a Record of Decision dated September 29, 1986.

2. Spectraserv, formerly Modern Transportation Company, currently operates a sludge treatment and dewatering facility on the Site and has done so since 1962. Sludges from municipal wastewater treatment plants are dewatered on-site. The supernatant is discharged to the Kearny Sewer System under a New Jersey Pollutant Discharge Elimination System (NJPDES) permit or the supernatant is returned to the municipality for treatment. The solids are transferred to permitted or approved off-site sludge management operations. Prior to the March

17, 1991 ban on ocean dumping of sewage sludge, the sludge generated by certain treatment plants was disposed at sea.

3. From 1978 to 1981, Spectraserv operated a waste oil reprocessing facility consisting of 16 above ground storage and processing tanks on the Site. Spectraserv treated waste oil through filtration, decanting, heating and sedimentation. Spectraserv also reprocessed organic solvents by filtration and sedimentation which were subsequently mixed with the reprocessed waste oil. After treatment and blending with organic solvents, the reprocessed oil was sold for use as fuel oil, motor oil stock, forming oils, etc. No waste oils were processed at the Site after 1981 and remaining waste oils were removed from the Site and sent to licensed facilities.

4. Spectraserv also operated an acid/caustic neutralization operation on the Site until 1988. Inorganic acid waste was mixed with inorganic caustic waste and lime slurry to achieve a neutral pH. After settling, the sludge was removed, dewatered and disposed off-site and the neutralized liquid was then discharged to the Kearny Sewer System in accordance with Spectraserv's NJPDES permit. The acid/caustic neutralization facility consisted of six underground storage tanks, three above ground tanks and a lime slurry storage tank.

5. Also present on the Site were a 6,000-7,000 gallon underground skimmer tank used to contain spills and runoff in the waste oil reprocessing area, a 10,000 gallon gasoline underground storage tank and a 4200 gallon above ground fuel oil tank serving the facility's boiler all of which have been removed in accordance with applicable laws.

6. Spectraserv submitted a Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq. ("RCRA") permit application to operate the waste oil reprocessing and wastewater treatment facilities in 1981 and resubmitted in 1982. In 1990, Spectraserv requested the application for the wastewater treatment facility be withdrawn due to plans to upgrade and expand its sludge handling and treatment capabilities in order to meet the increased demand for these services created by the ban on ocean dumping of sludge. This upgrade and expansion had to be done on an expedited schedule in order to meet the sludge disposal needs of municipalities and the State deadline to end ocean disposal. Engineers certified that the wastewater treatment facility was never operated and the waste oil facility was closed according to the closure plan supplied to the NJDEPE in Spectraserv's 1982 permit application. The closure certifications supplied by Spectraserv to the NJDEPE for the waste water treatment plant and waste oil facility were accepted by the NJDEPE in its letter to Spectraserv dated August 25, 1992.

7. The acid/caustic neutralization facility was permitted and began operations in 1976. The Site was designated a treatment, storage and disposal facility in accordance with RCRA (permit #NJD 049 851 892) as a result of the operation of the acid/caustic neutralization facility. The facility was closed in 1988 and remained inactive until 1991 when it was decontaminated and decommissioned. The area of the acid/caustic neutralization facility was

remediated according to an NJDEPE approved RCRA closure plan (closure approval letter dated June 22, 1991).

8. In order to approve the construction of the new sludge handling facilities, the Department required Spectraserv to conduct soil sampling and removal of contaminated soil in the waste oil reprocessing area and the acid/caustic neutralization area in the footprints of the proposed sludge handling tanks. It was agreed by Spectraserv and the Department that other areas of contamination within the waste oil facility which are not in the footprints of the new tanks would be addressed at a later time in order to expedite the upgrade of the sludge handling facility. However, by letter dated August 3, 1990, the Department informed Spectraserv that delisting of a facility as a TSD cannot occur until closure plans are approved and closure of all RCRA units is certified complete.

9. On April 12, 1990, Spectraserv submitted a closure plan for the acid/caustic neutralization facility. The Department approved the closure plan on June 22, 1990 and contaminated soils were removed December 3 - 5, 1990.

10. On August 27, 1990 Spectraserv submitted a soil sampling plan for the waste oil reprocessing area and on January 3 - 4, 1991 contaminated soils were removed.

11. By letter dated December 12, 1990 the Department provided comments on the cleanup in the footprint areas. This letter also stated that there are other soils within the waste oil reprocessing area and the acid/caustic neutralization facility that require remediation, although not on an expedited schedule, and provided Draft Soil Target Cleanup Levels to be used to remediate them. (Currently, only post-excavation sampling is required in the acid/caustic neutralization area.)

12. By letter dated December 21, 1990, Spectraserv acknowledged the need to remediate other areas in the area of the waste oil facility and contested the Draft Soil Target Levels for the areas outside the footprints. Spectraserv requested that the Department review the Draft Soil Target Cleanup Levels for volatile organics and polycyclic aromatic hydrocarbons that were contained in the Department's December 12, 1990 letter.

13. By letter dated August 14, 1991, the Department informed Spectraserv that it may propose alternate cleanup levels supported by a complete risk assessment.

14. By letter dated August 25, 1992, the Department accepted documentation that the RCRA units were closed. However, the letter stated that the facility cannot be delisted from TSD status due to soil contamination. Spectraserv and the Department have entered into this Administrative Consent Order to remediate the remaining areas of soil contamination outside the footprints of the new tanks and to address potential groundwater contamination so the Site can be delisted as a TSD facility.

15. By entering this Administrative Consent Order, Spectraserv does not admit to any fact, fault or liability under any statute or regulation concerning the condition of the Site.

16. All of the Department's files concerning the Site are incorporated herein and made a part hereof.

17. The Department intends, and Spectraserv agrees, that the scope of the investigation and cleanup required by this Administrative Consent Order will include all remaining contaminants at the above referenced Site, and all contaminants which are emanating from or which have emanated from the Site.

ORDER

I. Prior Cost Reimbursement

18. Within thirty (30) calendar days after receipt of a written summary of the Department's costs incurred to the effective date of this Administrative Consent Order, Spectraserv shall submit the amount in that summary to the Department as payment for these costs in connection with the investigation of, and response to, the matters described in the Findings hereinabove, including the costs associated with the preparation of this Administrative Consent Order. Spectraserv shall make payment of the above amount by a cashier's or certified check payable to the "Treasurer, State of New Jersey" and submitted with DEPE Form 062A.

II. Interim Response Action

19. No interim response action is required at this time. However, if it is determined by the Department that interim response action(s) is required after the effective date of this Administrative Consent Order, Spectraserv shall, within forty-five (45) calendar days after the effective date of this Administrative Consent Order or as otherwise directed by the Department, submit to the Department a detailed draft Interim Response Action Work Plan (hereinafter "IRA Work Plan") in accordance with prevailing technical standards.

20. Within ninety (90) days after receipt of the Department's written approval of the IRA Work Plan, Spectraserv shall implement and submit the results of the IRA Work Plan in accordance with prevailing technical standards along with one of the following: a proposed no action alternative; a proposed remedial action; or a supplemental IRA Work Plan.

21. Upon the Department's approval of a no action alternative submitted pursuant to Paragraph 20 above, no further action shall be required as specifically stated in the Department's approval.

22. Upon receipt of the Department's written approval of a remedial action plan, Spectraserv shall implement any Department-approved remedial action in accordance with the approved schedule.

23. If the Department approves a supplemental IRA Work Plan pursuant to Paragraph 20 above, Spectraserv shall perform the additional work pursuant to Paragraph 20 above.

24. If the Department determine that any submittal made under this section is inadequate or incomplete, then the Department shall provide Spectraserv with written notification of the deficiency(ies), and Spectraserv shall revise and resubmit the required information within a reasonable period of time not to exceed thirty (30) days from receipt of such notification.

25. During the time this Administrative Consent Order is in effect, if the Department determines that additional interim response actions are required, Spectraserv shall conduct the required work pursuant to Paragraphs 19 through 24, above.

III. Remedial Investigation and Action Requirements

26. Within ninety (90) calendar days after the effective date of this Administrative Consent Order, Spectraserv shall submit to the Department a detailed Remedial Investigation Work Plan (hereinafter "RI Work Plan") in accordance with prevailing technical standards.

27. After receipt of the Department's written approval of the RI Work Plan, Spectraserv shall implement and submit the results of the RI Work Plan in accordance with the schedule contained in the workplan and the prevailing technical standards along with one of the following:

- (a) A proposed no action alternative;
- (b) A proposed remedial action; or
- (c) A supplemental RI Work Plan.

28. Upon the Department's approval of a no action alternative submitted pursuant to Paragraph 27 above, no further action shall be required as specifically stated in the Department's approval.

29. Upon receipt of the Department's written approval of a remedial action plan, Spectraserv shall implement the Department-approved remedial action in accordance with an approved schedule.

30. If the Department approves a supplemental RI Work Plan pursuant to Paragraph 27 above, Spectraserv shall perform the additional work pursuant to Paragraph 27 above.

31. If the Department determines that any submittal made under this section is inadequate or incomplete, then the Department shall provide Spectraserv with written notification of the deficiency(ies), and Spectraserv shall revise and resubmit the required information within a reasonable period of time not to exceed thirty (30) days from receipt of such notification.

32. During the time this Administrative Consent Order is in effect, if the Department determines that additional remedial investigation is required, Spectraserv shall conduct additional remedial investigation as required by the Department in writing and submit a supplemental work plan.

IV. Feasibility Study

33. If required by the Department, Spectraserv shall submit to the Department a Feasibility Study Report (hereinafter "FS Report") in accordance with prevailing technical standards.

V. Permit Application Process for Remedial Activities

34. Within forty-five (45) calendar days after receipt of the Department's written notification regarding the Department's selection of the remedial action, Spectraserv shall submit to the Department a detailed draft permit application submission schedule in accordance with prevailing technical standards for all relevant federal, State and local permit applications, certifications or modifications necessary to implement the selected remedial action.

35. Upon receipt of the Department's written approval of the permit application schedule, Spectraserv shall carry out the permit application process in accordance with the approved schedule.

36. This Administrative Consent Order shall not be construed to be a permit or in lieu of a permit for any activities which require permits and it shall not relieve Spectraserv from obtaining and complying with all applicable federal, State and local permits necessary for any activities which Spectraserv must perform in order to carry out the obligations of this Administrative Consent Order.

37. Spectraserv shall submit complete applications for all federal, State and local permits or permit modifications required to carry out the obligations of this Administrative Consent Order in accordance with the approved schedules.

38. Within thirty (30) calendar days after Spectraserv's receipt of written comments from the permitting agency concerning any permit application to a federal, State, or local agency, or within a time period extended in writing by the Department, Spectraserv shall modify the permit application to conform to the permitting agency's comments and resubmit the permit application to the agency.

39. The terms and conditions of any federal, State or local permit or permit modification issued to Spectraserv shall not be preempted by the terms and conditions of this Administrative Consent Order even if the terms and conditions of any such permit or permit modification are more stringent than the terms and conditions of this Administrative Consent Order.

40. To the extent that the terms and conditions of any federal, State or local permit or permit modification are substantially equivalent to the terms and conditions of this Administrative Consent Order, Spectraserv waives any rights it may have to contest such terms and conditions of any such permit. To the extent that any Federal, State or local permit incorporates matters which are beyond the terms and conditions of this Administrative Consent Order, Spectraserv reserves its right to challenge such terms and conditions in accordance with the requirements of the permit program.

VI. Progress Reports

41. If requested by the Department, Spectraserv shall submit quarterly progress reports to the Department in accordance with the next paragraph. Spectraserv shall submit the first progress report on or before the last calendar day of the fourth calendar month following the effective date of this Administrative Consent Order. Spectraserv shall submit a progress report thereafter on or before the last calendar day of the month following the next three calendar months being reported.

42. Spectraserv shall detail the status of Spectraserv's compliance with this Administrative Consent Order in each progress report and shall include the following:

i. Identification of the contaminated site and a reference to this Administrative Consent Order, including signatory parties and effective date;

ii. Identification of specific requirements of this Administrative Consent Order, including the corresponding Paragraph number and schedule, which were initiated during the reporting period;

iii. Identification of specific requirements of this Administrative Consent Order, including the corresponding Paragraph number and schedule, which were initiated in a previous reporting period, which are still in progress and which will continue to be carried out during the next reporting period;

iv. Identification of specific requirements of this Administrative Consent Order, including the corresponding Paragraph number and schedule, which were completed during this reporting period;

v. Identification of specific requirements of this Administrative Consent Order, including the corresponding Paragraph numbers and schedule, which were scheduled to have been completed during the reporting period and were not;

vi. An explanation of each specific requirement of this Administrative Consent Order not met, including actions taken or to be taken to address each such requirement;

vii. Identification of the specific requirements of this Administrative Consent Order, including the corresponding Paragraph number and schedule, that will be initiated during the next reporting period; and,

viii. All data generated during the reporting period which indicate that conditions at the contaminated Site exceed federal, state or local human health based standards or criteria, or in the absence thereof, any data which indicate potential human health concerns; and

ix. All reports and other information required pursuant to any work plan or report the Department approves pursuant to this Administrative Consent Order.

VII. Project Coordination

43. Spectraserv shall submit to the Department all documents required by this Administrative Consent Order, including correspondence relating to force majeure issues, by delivery with an acknowledgement of receipt from the Department. The date that the Department executes the acknowledgement will be the date the Department uses to determine Spectraserv's compliance with the requirements of this Administrative Consent Order and the applicability of stipulated penalties and any other remedies available to the Department.

44. Within fourteen (14) calendar days after the effective date of this Administrative Consent Order, Spectraserv shall submit to the Department the name, title, address and telephone number of the individual who shall be Spectraserv's technical contact for the Department for all matters concerning this Administrative Consent Order and Spectraserv shall designate an agent for the purpose of service for all matters concerning this Administrative Consent Order and shall provide the Department with the agent's name and address.

45. Unless otherwise directed in writing by the Department, Spectraserv shall submit all payments and four (4) copies of all documents required by this Administrative Consent Order to the individual identified below, who shall be the Department's contact for Spectraserv for all matters concerning this Administrative Consent Order:

New Jersey Department of Environmental Protection and Energy
Division of Responsible Party Site Remediation
Bureau of Federal Case Management
401 East State Street, 5th floor
CN 028
Trenton, New Jersey 08625

46. Spectraserv shall notify, both verbally and in writing, the contact person listed above at least fourteen (14) calendar days prior to the initiation of any field activities.

VIII. Financial Assurances and Project Cost Review

47. Within thirty (30) calendar days after the effective date of this Administrative Consent Order, Spectraserv shall obtain and provide to the Department financial assurance in the form acceptable to the Department in the amount of \$250,000. The financial assurance shall conform with the requirements of this Administrative Consent Order.

48. If Spectraserv selects a financial institution, surety, and a trustee, located outside New Jersey and not authorized to do business in New Jersey, such entity shall agree in writing to be subject to the jurisdiction of New Jersey courts for all claims made by the Department against the financial assurance. Within thirty (30) calendar days after the effective date of this Administrative Consent Order, Spectraserv shall submit the written agreement with such financial institution or surety and the trustee to the Department with the financial assurance.

49. The financial assurance shall meet the following requirements:

(a) Irrevocable letter of credit:

i. The wording of the irrevocable letter of credit shall be identical to the wording specified in Appendix A;

ii. The irrevocable letter of credit shall be issued by a New Jersey State or federally chartered bank, savings bank, or savings and loan association, which, unless otherwise approved by the Department in writing, has its principal office in New Jersey; and,

iii. The irrevocable letter of credit shall be accompanied by a letter from Spectraserv referring to the irrevocable letter of credit by number, issuing institution and date and providing the following information: the name and address of the Site which is the subject of the Administrative Consent Order and the amount of funds securing Spectraserv's performance of all its obligations under the Administrative Consent Order.

iv. The irrevocable letter of credit shall be accompanied by an irrevocable standby trust fund which wording shall be identical to the wording specified in Appendix B.

v. The irrevocable standby trust fund may, at the discretion of the Department, be the depository for all funds paid pursuant to a draft by the Department against the letter of credit.

(b) Surety bond:

i. The wording of the surety bond shall be identical to the wording specified in Appendix D;

ii. The surety company issuing the surety bond shall be among those listed as acceptable sureties on Federal bonds in the most recent version of Circular 570 issued by the U.S. Department of the Treasury, which is published annually on July 1 in the Federal Register; and

iii. The surety bond shall be accompanied by a letter from Spectraserv referring to the surety bond by number, issuing institution and date and providing the following information: the name and address of the Site which is the subject of the Administrative Consent Order and the amount of funds securing

Spectraserv's performance of all its obligations under the Administrative Consent Order.

iv. The surety bond shall be accompanied by an irrevocable standby trust fund which wording shall be identical to the wording specified in Appendix B.

v. The irrevocable standby trust fund may, at the discretion of the Department, be the depository for all funds paid pursuant to a draft by the Department against the letter of credit.

(c) Fully funded trust:

i. The wording of the fully funded trust shall be identical to the wording specified in Appendix C.

ii. The trustee shall be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or New Jersey agency. The trustee shall agree to be subject to the jurisdiction of New Jersey courts.

iii. An executed certification of acknowledgement that is identical to the wording specified in Appendix C shall be submitted to the Department with the fully funded trust and the irrevocable standby trust.

50. In the event that the Department determines that Spectraserv has failed to perform any of the obligations under this Administrative Consent Order, the Department may proceed to draw on that amount of the financial assurance necessary to complete the performance of the obligation; provided, however, that before the Department takes this action, the Department shall notify Spectraserv in writing of the obligation(s) which it has not performed, and shall have thirty (30) calendar days after receipt of such notice, unless extended in writing by the Department, to remedy the failure to perform such obligation. Notwithstanding any other provisions of this Administrative Consent Order, Spectraserv reserves its rights, if any, to commence an action seeking judicial review of the Department's draw-down or expenditure of the financial assurance at any time after such draw-down has occurred. During the pendency of such an action, Spectraserv will not seek to enjoin the Department from the drawing down of funds or the expenditure of funds drawn down pursuant to this provision. Penalties assessed for violations of this Administrative Consent Order shall not be drawn against the financial assurance.

51. At any time, Spectraserv may apply to the Department to substitute other financial assurances as specified by this subchapter, in a form, and manner acceptable to the Department.

52. Upon the Department approval of a remedial action, Spectraserv shall amend the amount of the financial assurance, specified in Paragraph 47 above, to equal the estimated cost of implementation of the approved remedial action, or shall provide such other financial assurance as may be approved by the Department

in an amount equal to the estimated cost of implementation of the approved remedial action.

53. Spectraserv shall comply with the following project cost review requirements:

(a) Beginning three hundred sixty-five (365) calendar days after the effective date of this Administrative Consent Order, and annually thereafter on the same calendar day, Spectraserv shall submit to the Department a detailed review of all costs required for Spectraserv's compliance with this Administrative Consent Order, including:

i. A detailed summary of all monies spent to date pursuant to this Administrative Consent Order;

ii. The estimated cost of all future expenditures required to comply with this Administrative Consent Order, including any operation, maintenance and monitoring costs; and

iii. The reason for any changes from the previously submitted cost review.

(b) At any time after Spectraserv submits the first cost review pursuant to the preceding Paragraph, Spectraserv may request the Department's approval to reduce the amount of the financial assurance to reflect the remaining costs of performing the obligations under this Administrative Consent Order. If the Department grants written approval of such a request, Spectraserv may amend the amount of the then existing financial assurance consistent with that approval.

(c) If the estimated costs of meeting Spectraserv's obligations in this Administrative Consent Order at any time increase to an amount greater than the financial assurance, Spectraserv shall:

i. Within thirty (30) calendar days after receipt of written notice of the Department's determination, increase the amount of the then existing financial assurance or provide additional financial assurance to an amount equal to the Department's approved estimated cost; and

ii. Upon notification from the Department pursuant to Paragraph 99 that the obligations of the Administrative Consent Order have been satisfied, Spectraserv shall be relieved of any further obligation to maintain in full force and effect the financial assurance required by this Administrative Consent Order for the Site which is the subject of this Administrative Consent Order. Upon the Department's written approval of the completion of any cleanup required by this Administrative Consent Order, as verified by final Site inspection and upon Spectraserv's satisfaction of all financial obligations in connection therewith, Spectraserv shall be relieved of any further obligation to maintain in full force and effect the financial assurance required by this Administrative Consent Order for the facility at which the approved cleanup has been completed.

IX. Oversight Cost Reimbursement

54. Within thirty (30) calendar days after receipt from the Department of a written summary of the Department's costs including all accrued interest incurred pursuant to paragraph 55 below, Spectraserv shall submit to the Department a cashier's or certified check payable to the "Treasurer, State of New Jersey" and submitted with DEPE Form 062A, for the full amount of the Department's oversight costs, for the period being charged.

55. Interest shall accrue on the unpaid balance of oversight costs, beginning at the end of the thirty (30) calendar day period established in the preceding Paragraph, at the rate established by Rule 4:42 of the current edition of the Rules Governing the Courts of the State of New Jersey.

X. Stipulated Penalties

56. Spectraserv agrees to pay stipulated penalties to the Department for Spectraserv's failure to comply with any of the deadlines, schedules or requirements of this Administrative Consent Order including those established and approved by the Department in writing pursuant to this Administrative Consent Order. Each day of violation for each deadline, schedule or requirement not complied with shall be an additional, separate and distinct violation. Nothing herein shall prevent the simultaneous accrual of separate penalties for separate violations of this Administrative Consent Order. Each signatory to this Administrative Consent Order shall be jointly and severally liable for stipulated penalties for violations of this Administrative Consent Order which result in the Department's issuance of a demand for stipulated penalties.

57. Stipulated penalties shall begin to accrue on the first calendar day after the performance is due or noncompliance occurs and not at the time the Department gives notice of the violation or non-compliance to Spectraserv or issues a written demand for stipulated penalties. Stipulated penalties shall then continue to accrue through the final day of correction of the non-compliance. The Department may determine that a submittal of insufficient quality constitutes non-compliance and one or more violations of this Administrative Consent Order. Stipulated penalties for such violations shall accrue from the date Spectraserv made the submission for sixty (60) calendar days, unless the Department provides Spectraserv with written notice that stipulated penalties for such violations continue to accrue beyond that sixty (60) day period. In which case stipulated penalties will continue to accrue until Spectraserv corrects the non-compliance.

58. Spectraserv's payment of stipulated penalties for Spectraserv's failure to comply with the deadlines, schedules and requirements associated with the major deliverables and tasks required by this Administrative Consent Order, as identified below, shall be made according to this Paragraph:

(a) Major violations include Spectraserv's failure, according to the schedules in the Administrative Consent Order, to:

1. Submit any remedial investigation workplans;

- ii. Submit any remedial action workplans;
- iii. Implement any approved remedial investigation workplan;
- iv. Implement any approved remedial action workplan;
- v. Implement any approved interim response actions;
- vi. Submit permit applications;
- vii. Satisfy any financial assurance requirement;
- viii. Failure to allow the Department or its authorized agents access to the Site; and
- ix. Implementation and recording of permanent use and/or access restrictions.
- x. Reimbursement of oversight costs, including prior costs; and
- xi. Submit payment of penalty or damage payments.

(b) Spectraserv agrees to pay stipulated penalties for the major violations, identified in (a) above, up to the following amounts as determined by the Department:

Calendar Days After Due Date	Stipulated Penalties per Calendar Day
1 - 14	\$ 1,000
15 - 29	\$ 2,500
30 - 44	\$ 5,000
45 - 59	\$ 10,000
60 - over	\$ 25,000

(c) Spectraserv agrees to pay stipulated penalties for all other violations, not identified in (a) above, up to the following amounts as determined by the Department:

Calendar Days After Due Date	Stipulated Penalties per Calendar Day
1 - 14	\$ 200
15 - 29	\$ 500
30 - 44	\$ 1,000
45 - 59	\$ 5,000
60 - over	\$ 10,000

59. Stipulated penalties shall be due and payable thirty (30) calendar days after Spectraserv's receipt of a written demand by the Department.

Spectraserv shall make payment of stipulated penalties by a cashier's or certified check payable to the "Treasurer, State of New Jersey" submitted with DEPE Form 062A, and shall be accompanied by a letter referencing this Administrative Consent Order and the Department's written demand for stipulated penalties.

60. Spectraserv shall regard payments of stipulated penalties pursuant to this Administrative Consent Order as payments of civil or civil administrative penalties.

61. The payment of stipulated penalties does not alter Spectraserv's responsibility to complete any requirement of this Administrative Consent Order.

62. If Spectraserv fails to pay stipulated penalties pursuant to this section, the Department may take additional enforcement action, including without limitation, instituting civil proceedings to collect such penalties or assessing civil administrative penalties. Spectraserv reserves all rights it may have, if any, to challenge assessment of any stipulated penalties in such action.

XI. Reservation of Rights

63. The Department reserves the right to unilaterally terminate this Administrative Consent Order in the event Spectraserv violates the terms or fails to meet the obligations of this Administrative Consent Order.

64. Nothing in this Administrative Consent Order shall preclude the Department from seeking civil or civil administrative penalties, costs and damages or any other legal or equitable relief against Spectraserv for matters not set forth in the Findings of this Administrative Consent Order. The Department reserves the right to conduct any remediation itself at any time.

65. Nothing in this Administrative Consent Order, including the Department's assessment of stipulated penalties, shall preclude the Department from seeking civil or civil administrative penalties or any other legal or equitable relief against Spectraserv for violations of this Administrative Consent Order. In any such action brought by the Department under this Administrative Consent Order for injunctive relief, civil, or civil administrative penalties or collection of stipulated penalties, Spectraserv may raise, among other defenses, a defense that Spectraserv failed to comply with a decision of the Department, made pursuant to this Administrative Consent Order, on the basis that the Department's decision was arbitrary, capricious or unreasonable. If Spectraserv is successful in establishing such a defense based on the administrative record, Spectraserv shall not be liable for penalties for failure to comply with that particular requirement of the Administrative Consent Order. Similarly, in the event that Spectraserv prevails in any proceeding in which Spectraserv alleges that the Department acted arbitrarily, capriciously, or unreasonably in exercising its right under to draw on the financial assurance, the Department will refund, to the account of the financial assurance the amount of the funds so drawn. Although Spectraserv may raise such defenses in any

action initiated by the Department for injunctive relief or stipulated penalties, Spectraserv hereby agrees not to otherwise seek review of any decision made or to be made by the Department pursuant to this Administrative Consent Order and under no circumstances shall Spectraserv initiate any action or proceeding challenging any decision made or to be made by the Department pursuant to this Administrative Consent Order.

66. This Administrative Consent Order shall not be construed to affect or waive the claims of federal or State natural resources trustees against any person for damages for injury to, destruction of, or loss of natural resources, unless expressly provided herein, and then only to the extent expressly provided herein.

67. The Department reserves the right to require Spectraserv to take or arrange for the taking of any and all additional measures if the Department determines that such actions are necessary to protect human health or the environment.

68. Notwithstanding any other provision of this Administrative Consent Order, Spectraserv reserves its right to challenge, as a contested case pursuant to N.J.S.A. 52:14B-1 et seq., that the Department's draw on the financial assurance provided pursuant to this Administrative Consent Order was arbitrary, capricious or unreasonable; Spectraserv agrees, however, not to initiate any such challenge until after the Department has corrected or implemented the requirement of this Administrative Consent Order which was the focus of the Department's draw. The Department reserves its right to contest any such action.

XII. Force Majeure

69. If any event specified in the following Paragraph occurs which Spectraserv believes or should believe will or may cause delay in the compliance or cause non-compliance with any provision of this Administrative Consent Order, Spectraserv shall notify the Department in writing within seven (7) calendar days of the start of delay or knowledge of the anticipated delay, as appropriate, referencing this Paragraph and describing the anticipated length of the delay, the precise cause or causes of the delay, any measures taken or to be taken to minimize the delay, and the time required to take any such measures to minimize the delay. Spectraserv shall take all necessary action to prevent or minimize any such delay.

70. The Department will extend in writing the time for performance for a period no longer than the delay resulting from such circumstances as determined by the Department only if:

(a) Spectraserv has complied with the notice requirements of the preceding Paragraph;

(b) Any delay or anticipated delay has been or will be caused by fire, flood, riot, strike or other circumstances beyond the control of Spectraserv; and

(c) Spectraserv has taken all necessary action to prevent or minimize any such delay.

71. The burden of proving that any delay is caused by circumstances beyond the control of Spectraserv and the length of any such delay attributable to those circumstances shall rest with Spectraserv.

72. "Force Majeure" shall not include the following:

(a) Delay in an interim requirement with respect to the attainment of subsequent requirements;

(b) Increases in the cost or expenses incurred by Spectraserv in fulfilling the requirements of this Administrative Consent Order;

(c) Contractor's breach, unless Spectraserv demonstrates that such breach falls within Paragraph 70, above; and

(d) Failure to obtain access required to implement this Administrative Consent Order, unless denied by a court of competent jurisdiction.

XIII. General Provisions

73. Spectraserv shall, in addition to any other obligation required by law, notify the Department contact identified in Paragraph 45 immediately upon knowledge of any condition posing an immediate threat to human health and the environment. The Department reserves the right to stop any construction, improvement(s), or change(s) at the Site(s) subject to this Administrative Consent Order, due to the presence of hazardous substances or wastes, the disturbance of which, prior to implementation of the Department-approved remedial action, has the potential to cause a threat to human health and the environment as determined by the Department.

74. In the event that the Department determines that a public meeting concerning the remediation of the Site is necessary at any time, Spectraserv shall ensure that Spectraserv's appropriate representative is prepared and available for, and participates in such a meeting upon written notification from the Department of the date, time and place of such meeting.

75. In addition to the Department's statutory and regulatory rights to enter and inspect, Spectraserv shall allow the Department and its authorized representatives access to the Site at all times for the purpose of monitoring Spectraserv's compliance with this Administrative Consent Order and/or to perform any remedial activities Spectraserv fails to perform as required by this Administrative Consent Order.

76. Spectraserv shall not construe any informal advice, guidance, suggestions, or comments by the Department, or by persons acting on behalf of the

Department, as relieving Spectraserv of its obligation to obtain written approvals as required herein.

77. Spectraserv shall perform all work conducted pursuant to this Administrative Consent Order in accordance with prevailing professional standards.

78. Spectraserv shall provide a copy of this Administrative Consent Order to each contractor and subcontractor retained to perform the work required by this Administrative Consent Order and shall condition all contracts and subcontracts entered for the performance of such work upon compliance with the terms and conditions of this Administrative Consent Order. Spectraserv shall be responsible to the Department for ensuring that its contractors and subcontractors perform the work herein in accordance with this Administrative Consent Order.

79. Spectraserv shall conform all actions required by this Administrative Consent Order with all applicable federal, state and local laws and regulations.

80. Nothing in this Administrative Consent Order shall relieve Spectraserv from complying with all other applicable laws and regulations. Compliance with the terms of this Administrative Consent Order shall not excuse Spectraserv from obtaining and complying with any applicable federal, state or local permits, statutes, regulations and/or orders while carrying out the obligations imposed by this Administrative Consent Order. This Administrative Consent Order shall not preclude the Department from requiring that Spectraserv obtain and comply with any permits, and/or orders issued by the Department under the authority of the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., and the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., for the matters covered herein. Should any of the measures to be taken by Spectraserv during the remediation of any ground water and surface water pollution result in a new or modified discharge as defined in the New Jersey Pollutant Discharge Elimination System ("NJPDES") regulations, N.J.A.C. 7:14A-1 et seq., then Spectraserv shall obtain a NJPDES permit or permit modification from the Department prior to commencement of the activity.

81. All work plans and documents required by this Administrative Consent Order and approved in writing by the Department are incorporated herein and made a part hereof.

82. To the extent required by law, Spectraserv shall preserve all potential evidentiary documentation found at the Site until written approval is received from the Department to do otherwise, including without limitation, documents, labels, drums, bottles, boxes or other containers, and/or other physical materials that could lead to the establishment of the identity of any person which generated, treated, transported, stored or disposed of contaminants at the Site.

83. Upon the receipt of a written request from the Department, Spectraserv shall submit to the Department all data and information, including technical records and contractual documents, concerning contamination at the Site, including raw sampling and monitor data, whether or not such data and information, including technical records and contractual documents, was developed pursuant to this Administrative Consent Order.

84. Obligations and penalties of this Administrative Consent Order are imposed pursuant to the police powers of the State of New Jersey for the enforcement of law and the protection of the human health, safety and welfare and are not intended to constitute debt or debts which may be limited or discharged in a bankruptcy proceeding. No obligations imposed by this Administrative Consent Order are intended to constitute a debt, claim, penalty or other civil action which could be limited or discharged in a bankruptcy proceeding.

85. Spectraserv hereby consents to and agrees to comply with this Administrative Consent Order which shall be fully enforceable as an Administrative Order in the New Jersey Superior Court pursuant to the Department's statutory authority.

86. No modification or waiver of this Administrative Consent Order shall be valid except by written amendment to this Administrative Consent Order duly executed by Spectraserv and the Department. Any amendment to this Administrative Consent Order shall be executed by the Department and Spectraserv. The Department reserves the right to require the resolution of any outstanding violations of the rules or this Administrative Consent Order prior to executing any such amendment.

87. Spectraserv waives its rights to an administrative hearing concerning the entry of this Administrative Consent Order.

88. This Administrative Consent Order shall be governed and interpreted under the laws of the State of New Jersey.

89. If any provision of this Administrative Consent Order or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Administrative Consent Order or the application of such provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each provision of this Administrative Consent Order shall be valid and enforced to the fullest extent permitted by law.

90. This Administrative Consent Order represents the entire integrated agreement between the Department and Spectraserv and supersedes all prior negotiations, representations or agreements, either written or oral, unless otherwise specifically provided herein.

91. Within thirty (30) calendar days after the effective date of this Administrative Consent Order, Spectraserv shall record a copy of this Administrative Consent Order with the County Clerk, Hudson County, State of New

Jersey and shall provide the Department with written verification of compliance with this Paragraph which shall include a copy of this Administrative Consent Order stamped "Filed" by the County Clerk.

92. The Site or any portion thereof may be freely alienated provided that Spectraserv complies with the requirements in this Paragraph and all other applicable law.

(a) At least ninety (90) calendar days prior to the date of such alienation, Spectraserv shall notify the Department in writing of the proposed alienation, the name of the grantee, the extent of the alienation, and a description of the grantor's continuing obligations, if any, which grantee has agreed to perform.

(b) At least ninety (90) calendar days prior to transfer of ownership of Spectraserv's facility, Site, or portion thereof which are the subject of this Administrative Consent Order, Spectraserv shall notify the transferee of the existence of this Administrative Consent Order and shall simultaneously verify to the Department that such notice has been given.

(c) Any contract to alienate the Site shall require the grantee to allow the implementation and continuation of all activities and obligations pursuant to this Administrative Consent Order and to allow Spectraserv, the Department and its authorized representatives access to the Site for purposes of such activities and obligations. Any alienation shall not affect Spectraserv's obligations under this Administrative Consent Order.

(d) Spectraserv shall include in any instrument of conveyance, including but not limited to a deed, title, lease, easement or license for the Site a written notice that the Site is the subject of this Administrative Consent Order. Any such instrument of conveyance shall be subject to the requirements set forth in this Administrative Consent Order regarding the use of the Site and deed restrictions.

93. This Administrative Consent Order shall be binding, jointly and severally, on each signatory, its successors, assignees and any trustee in bankruptcy or receiver appointed pursuant to a proceeding in law or equity. No change in the ownership or corporate status of any signatory or of the facility or Site shall alter signatory's responsibilities under this Administrative Consent Order.

94. Spectraserv shall preserve, during the pendency of this Administrative Consent Order and for a minimum of ten (10) years after its termination, all data and information, including technical records, potential evidentiary documentation and contractual documents, in its possession or in the possession of their divisions, employees, agents, accountants, contractors, or attorneys which relate in any way to the contamination at the Site, despite any document retention policy to the contrary. After this ten year period, Spectraserv may make a written request to the Department to discard any such documents. Such a request shall be accompanied by a description of the documents

involved, including the name of each document, date, name and title of the sender and receiver and a statement of contents. Upon receipt of written approval by the Department, Spectraserv may discard only those documents that the Department does not require to be preserved for a longer period. Upon receipt of a written request by the Department, Spectraserv shall submit to the Department all data and information, including technical records and contractual documents or copies of the same. Spectraserv reserves whatever rights it may have, if any, to assert any privilege or a privilege regarding such data or information, however, Spectraserv agrees not to assert confidentiality claims with respect to any data related to Site conditions, sampling, or monitoring.

95. Spectraserv agrees not to contest the authority or jurisdiction of the Department to issue this Administrative Consent Order; Spectraserv further agrees not to contest the terms or conditions of this Administrative Consent Order except as to interpretation or application of such specific terms and conditions that are being enforced in any action brought by the Department to enforce the provisions of this Administrative Consent Order. Spectraserv reserves all of its rights pursuant to the Spill Act concerning the Department's selection of any remedial action pursuant to this Administrative Consent Order.

96. Spectraserv shall provide to the Department written notice of the dissolution of its corporate or partnership identity, the liquidation of the majority of its assets or the closure, termination or transfer of operations at least thirty (30) calendar days prior to such action. Upon such notice, Spectraserv shall submit a cost review pursuant to Paragraph 53 to the Department. Spectraserv shall also provide written notice to the Department of a filing of a petition for bankruptcy no later than the first business day after such filing. These requirements shall be in addition to any other statutory requirements arising from the dissolution of corporate or partnership identity, the liquidation of the majority of assets, or the closure, termination or transfer of operations. Upon receipt of notice of dissolution of corporate identity, liquidation of assets or filing of a petition for bankruptcy, the Department may request and, within fourteen (14) days of the Department's written request, Spectraserv shall obtain and submit to the Department additional financial assurance pursuant to this Administrative Consent Order.

97. Spectraserv shall not make any use of the Site or take any actions at the Site inconsistent within this Administrative Consent Order. Spectraserv shall impose such use and/or access restrictions as may be deemed necessary by the Department. The use and access restrictions are to run with the land and be for the benefit of and enforceable by the Department and any citizen which is or may be damaged as a result of violations of the use and access restrictions. The use and access restrictions shall provide actual and constructive notice to any subsequent grantee of the locations and concentrations of all contaminants which remain at the Site and of the use and access restrictions imposed. Within thirty (30) calendar days after Spectraserv's receipt of a written request from the Department, Spectraserv shall record the restrictions with the Hudson County Clerk, Hudson County, State of New Jersey, and provide the Department with a copy of this Administrative Consent Order stamped "Filed" by the Hudson County Clerk.

98. Except as otherwise provided, the requirements of this Administrative Consent Order shall be deemed satisfied upon the receipt by Spectraserv of written notice from the Department that Spectraserv has demonstrated, to the satisfaction of the Department, that Spectraserv has completed the substantive and financial obligations imposed by this Administrative Consent Order. Such written notice shall not relieve Spectraserv from the obligation to conduct future investigation or remediation activities pursuant to federal, state or local laws for matters not addressed by this Administrative Consent Order. Furthermore, such written notice shall not terminate the obligations and requirements set forth in the preceding six (6) Paragraphs.

99. Except as otherwise set forth herein, by the execution of this Administrative Consent Order the Department does not release Spectraserv from any liabilities or obligations Spectraserv may have pursuant to any other authority, nor does the Department waive any of its rights or remedies pursuant thereto.

100. Spectraserv shall submit to the Department, along with the executed original Administrative Consent Order, documentary evidence in the form of a corporate resolution, that the signatory has the authority to bind Spectraserv to the terms of this Administrative Consent Order.

101. The Department will consider a request for an extension of time to perform any requirement under this Administrative Consent Order, provided that any extension request is submitted to the Department two weeks prior to any applicable deadline to which the extension request refers.

102. Spectraserv expressly agrees that in the event that Spectraserv fails or refuses to perform any obligation(s) under this Administrative Consent Order as determined by the Department, the Department shall have the right to exercise any option or combination of options available to the Department under this Administrative Consent Order, or any other statute.

103. This Administrative Consent Order shall be effective upon the execution of this Administrative Consent Order by the Department and Spectraserv. Spectraserv shall return a fully executed Administrative Consent Order to the Department together with the financial assurance required by Paragraph 47 above, and signature authorization required by Paragraph 100 above within five (5) business days from the effective date.

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ENERGY

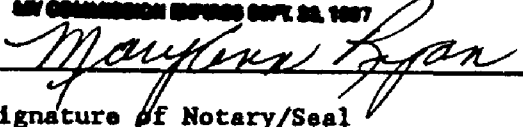
Date 3-29-93

BY: Ronald T. Corcory
Ronald T. Corcory, Assistant Director
Responsible Party Cleanup Element

Date March 1, 1993

SPECTRASERV
BY: Steven A. Townsend
Signature
Steven A. Townsend
Print Full Name Signed Above
President
Title

I swear that on the 1st day of March and in my presence
Steven A. Townsend did affix his/her signature to this
Administrative Consent Order.

MARY ANN RYAN
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES SEPT. 22, 1997

Signature of Notary/Seal

MES KRONE
DE CHAIRMAN

UNEL R. BECHT, ESQ.
IANK J. CALANORIELLO
JIMMIE W. CUCCINELLO
ETER A. MURPHY
GELINA M. PASERCHIA
OMAS J. POWELL
ONALD TUCKER
OMMISSIONERS

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NEWARK, N.J. 07105
(973) 344-1800
Fax: (973) 344-2951
www.pvsc.com

CHIEF COUNSEL
LOUIS LANZILLO
CLERK

July 31, 1998

Mr. Herbert Frank
Heterene Chemical Co., Inc.
295 Vreeland Avenue
Paterson, New Jersey 07543

CERTIFIED RECEIPT
Z 282 910 099

RE: NOTICE OF VIOLATION
PERMIT NO.: 274075452
VIOLATION DATE: 07/21/98
SECTION VIOLATED: 315.1, 317.1

Dear Mr. Frank:

On 07/21/98, a PVSC Inspector visited your facility as part of a multi-agency investigation. During his inspection and dye testing of your internal process wastewater drainage system, the Inspector identified various wastewater sources which are not discharged through your permitted, regulated process outlet. Therefore, there are portions of your regulated process wastewater that are not monitored by the continuous pH recorder and composite sampler. This prevents us from determining your company's compliance with applicable regulations. This is unacceptable and must be corrected. Enclosure (1) lists the areas and drains that require immediate attention and correction.

In view of the discharge of process water around your monitoring equipment, your company is in violation of Section 315.1 of the PVSC Rules & Regulations (R&R), for failing to monitor all of your industrial wastewater. Similarly, you are in violation of Section 317.1 of the R&R, for failing to maintain such records as are necessary to demonstrate compliance. Since all your regulated wastewater is not discharged through your permitted pretreatment sample point, you are hereby directed to take the action necessary to correct these violations. You may correct them by taking the corrective actions outlined in Enclosure (1) as soon as possible. If you do not combine the discharges as outlined in Enclosure (1), then PVSC will revise your Sewer Use Permit to add additional outlets. This would lead to additional reporting and monitoring requirements.

WSE, D&E, Mo)

BAA000025

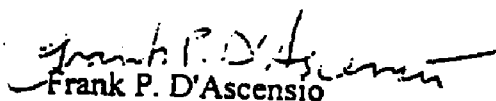
TIERRA-B-002510

Heterene
July 31, 1998
Page 2

Please respond to this letter in writing within five days, with a timetable outlining what you will do to ensure that all your process discharges are monitored and sampled appropriately. Failure to respond or take the necessary corrective actions will lead to fines and other penalties. If you have any questions, please call Andy Caltagirone at (973) 817-5723.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS



Frank P. D'Ascensio
Manager of Industrial & Pollution Control

FPD/sml

cc: Robert J. Davenport, Executive Director
Tom Mack
Andy Caltagirone
Gabriel M. Ambrosio, Esq.
City of Paterson

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Passaic Valley
Sewerage Commissioners

600 WILSON AVENUE
NEWARK, N.J. 07105
(973) 344-1800
Fax: (973) 344-2851
WWW.PVSC.COM

ROBERT J. DAVENPORT
EXECUTIVE DIRECTOR

PETER G. SHERIDAN
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

Industrial Dept. Fax: (973) 344-4141
January 28, 1999

Timothy F. Rutka
Spectraserv Inc.
75 Jacobus Avenue
Kearny NJ 07032

CERTIFIED RECEIPT
Z 282 908 185

REVISED

RE: NOTICE OF VIOLATION
PERMIT #: 15406882
VIOLATION DATE: June 1998
SECTION VIOLATED: 312.1(D)

Dear Mr. Rutka:

You are put on notice that your company is in violation of Section 312.1(D) of the PVSC Rules and Regulations as follows:

The results of a sample taken by your company for PHC on 6/8/98 was 24.5 mg/l. The result of a sample taken by PVSC for PHC on 6/9/98 was 81.8 mg/l. The results of samples taken by your company and PVSC on 6/5/98 was 10.8 mg/l and 27.0 mg/l respectively. The average of these two samples was 18.9 mg/l. The result of samples taken by your company and PVSC for PHC on 6/18/98 was 57.2 mg/l and 225 mg/l respectively. The average of these two samples was 141.1 mg/l. The result of samples taken by your company and PVSC for PHC on 6/23/98 were 26.8 mg/l and 239 mg/l respectively. The average of these two samples was 132.9 mg/l.

The sample results of 225 mg/l and 239 mg/l exceeded the daily maximum limit specified in the PVSC Rules and Regulations. The monthly average of all samples taken during the month was 79.84 mg/l. This average was in compliance with the monthly average limit of 100 mg/l.

BAA000028

Spectraserv
January 28, 1999
Page 2

You should be aware that a monthly average of all samples taken either by you or PVSC that is 20% or more above the monthly average limitation for a hazardous pollutant makes the violation a serious violation and that two (2) serious violations in any six month period would make a company a significant non complier (SNC). In addition, four monthly average violations of any amount in any six-month period would also make a company SNC. This would subject your company to mandatory minimum fines under the Clean Water Enforcement Act (CWEA).

If you need further assistance, please contact Ric Quintieri at (973) 817-5719.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS



Frank P. D'Ascensio
Manager of Industrial & Pollution Control

FPD/sml

cc: Robert J. Davenport, Executive Director
Andy Caltagirone
Town of Kearny

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NEWARK, NJ 07105

(973) 344-1800

Fax: (973) 344-2951

www.pvsc.com

Industrial Department

Fax: (973) 344-4876

October 19, 2000

ROBERT J. DAVENPORT
EXECUTIVE DIRECTOR

PETER G. SHERIDAN
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

CERTIFIED RECEIPT
7099 3400 0001 2317 5579

Spectraserv, Inc.
75 Jacobus Avenue
South Kearny, New Jersey 07032

Attn: Mr. Frank Senske

RE: NOTICE OF VIOLATION
PERMIT NO.: 15220002
VIOLATION DATE: 09/15/00, 10/10/00
SECTION VIOLATED: 312.1 (c), 314.1

Dear Mr. Senske:

You are hereby notified that Spectraserv, Inc. violated Section 312.1 (c) of the PVSC Rules & Regulations (R&R) on 09/15/00 and 10/10/00. This Section prohibits the discharge of solids or viscous wastes to the sanitary sewer. At 7:36 AM and 9:05 AM on 09/15/00, and at 3:45 AM on 10/10/00, PVSC Inspectors found solids in the sewer that PVSC has determined is attributable to discharges from Spectraserv, Inc.

Spectraserv, Inc. failed to notify PVSC of these discharges in violation of Section 314.1 of the R&R. This Section requires that PVSC be notified when a Permittee is unable to comply with any prohibition contained in the R&R or in its Sewer Use Permit.

Please respond to this NOTICE OF VIOLATION in writing within five days, providing an explanation for the discharge of solids on 09/15/00 and 10/10/00. Include in your response a plan designed to prevent future violations of this kind and to provide for the proper notification. This violation will subject Spectraserv, Inc. to penalties of up to \$50,000 per day per violation.

Failure to respond to this NOTICE and to prevent recurrences will result in additional enforcement action. In view of this violation, a copy of this letter is being forwarded to the PVSC attorneys for further action.

Very Truly Yours,
PASSAIC VALLEY SEWERAGE COMMISSIONERS


Frank P. D'Ascensio
Manager of Industrial & Pollution Control

FPD/np

cc: Robert J. Davenport, Executive Director
Andy Caltagirone ✓
Gabriel M. Ambrosio, Esq.
City of Kearny
Joseph Skelly, Kearny Municipal Utilities Authority

BAA000035

TIERRA-B-002514

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CHAIRMAN

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VICE CHAIRMAN

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COMMISSIONERS

**Passaic Valley
Sewerage Commissioners**

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NEWARK, NJ 07105
(973) 344-1800
Fax: (973) 344-2951
www.pvsc.com

ROBERT J. DAVENPORT
EXECUTIVE DIRECTOR

PETER G. SHERIDAN
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

Industrial Department
Fax: (973) 344-4876

July 18, 2000

**CERTIFIED RECEIPT
Z 282 911 727**

Spectraserv, Inc.
75 Jacobus Avenue
South Kearny, New Jersey 07032

Attn: Mr. Frank Senske

**RE: NOTICE OF VIOLATION
PERMIT NO.: 15220002
VIOLATION DATE: 05/11/00
SECTION VIOLATED: 312.1 (d), 314.1**

Dear Mr. Senske:

You are hereby notified that Spectraserv, Inc. violated Section 312.1 (d) of the PVSC Rules & Regulations (R&R) on 05/11/00. This Section prohibits the discharge of petroleum based oils or greases in excess of 100 mg/l, and also prohibits the discharge of floatable fats, greases or oils. On 5/11/00, a PVSC Inspector found floatable greases in the sanitary sewer downstream of your facility from approximately 10:05 AM through 2:35 PM. PVSC determined that these greases were attributable to discharges from Spectraserv, Inc. PVSC then issued a Notice of Violation (NOV) to Spectraserv dated 05/15/00 for violating Section 312.1 (c) of the R&R, which prohibits the discharge of solids and viscous wastes. Subsequent to the 05/15/00 NOV, PVSC obtained analytical results from the 10:05 AM and 11:05 AM samples respectively. The samples were tested for total petroleum hydrocarbons (TPH) and Oil and Grease (O&G). The 10:05 AM yielded a TPH result of 69,800 mg/kg and an O&G result of 585,000 mg/kg. The 11:05 AM sample yielded a TPH result of 75,600 mg/kg and an O&G result of 627,000 mg/kg. Both TPH results are over two orders of magnitude above the daily maximum limit of 100 mg/l. Additionally, both grease samples contain over 50% O&G.

Spectraserv, Inc. failed to notify PVSC of these discharges in violation of Section 314.1 of the R&R. This Section requires that PVSC be notified when a Permittee is unable to comply with any prohibition contained in the R&R or in its Sewer Use Permit.

BAA000044

TIERRA-B-002515

Spectraserv, Inc.
May 18, 2000
Page Two

Please respond to this NOTICE OF VIOLATION in writing within five days, providing an explanation for the discharge of greases on 05/11/00. Include in your response a plan designed to prevent future violations of this kind and to provide for the proper notification. This violation will subject Spectraserv, Inc. to a penalty of up to \$50,000 per day per violation. Upon receipt and review of the requested information, a decision will be made as to the appropriate penalties.

Failure to respond to this NOTICE and to prevent recurrences will result in additional enforcement action. In view of this violation, a copy of this letter is being forwarded to the PVSC attorneys.

Very Truly Yours,
PASSAIC VALLEY SEWERAGE COMMISSIONERS



Frank P. D'Ascensio
Manager of Industrial & Pollution Control

FPD/np

cc: Robert J. Davenport, Executive Director
Andy Caltagirone
Gabriel M. Ambrosio, Esq.
City of Kearny
Joseph Skelly, Kearny Municipal Utilities Authority

INDUSTRIAL VIOLATION INFORMATION

DATE OF LETTER: 7/18/00

COMPANY NAME: SPECTRASERV

LOCATION: 75 JACOBUS AVE

COMMUNITY: S. KEARNY

PERMIT #: 15220002

VIOLATION DATE: 5/11/00 1 1 1

SECTION VIOLATED: 312.1 (D) 314.1

DESCRIPTION OF VIO: PHC - EXCEEDED LIMITS

AMOUNT OF FINE: _____

VISIT 1: 7/18/00

COMMENT 1: SENT TO LEGAL

VISIT 2: 1 1 1

COMMENT 2: _____

VISIT 3: 1 1 1

COMMENT 3: _____

VISIT 4: 1 1 1

COMMENT 4: _____

VISIT 5: 1 1 1

COMMENT 5: _____

DATE CLOSED: 1 1 1

IRENE G. ALMEIDA
CHAIRMAN

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VICE CHAIRMAN

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COMMISSIONERS

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NEWARK, NJ 07105
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Fax: (973) 344-2951
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ROBERT J. DAVENPORT
EXECUTIVE DIRECTOR

PETER G. SHERIDAN
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

Industrial Dept. Fax: (973) 344-4876
June 1, 2000

Spectraserv, Inc.
75 Jacobus Avenue
South Kearny, New Jersey 07032
Attn: Mr. Frank Senske

Certified Receipt
Z 282 909 093

RE: NOTICE OF VIOLATION
PERMIT NO.: 15220002
VIOLATION DATE: 05/30/00
SECTION VIOLATED: 40 CFR 403.6 (d)

Dear Mr. Senske:

You are hereby notified that Spectraserv, Inc. violated Federal Regulation 40 CFR 403.6 (d) on 05/30/00. This Section prohibits dilution as a substitute for treatment, and states that, "Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement." From 6:20 AM through 8:35 AM on 05/30/00, a PVSC Inspector observed large amounts of water being directed to the surface of the final clarifier by use of a fire hose connected to an on-site fire hydrant. Since this hose was left on, it diluted the clarifier contents. PVSC did not authorize this dilution.

Please respond to this NOTICE OF VIOLATION in writing within five days, providing an explanation for the dilution of your final clarifier tank contents on 05/30/00. Include in your response a plan designed to prevent future violations of this kind. This violation will subject Spectraserv, Inc. to a penalty of up to \$50,000 per day per violation. Upon receipt and review of the requested information, a decision will be made as to the appropriate penalties.

Failure to respond to this NOTICE and to prevent recurrences will result in additional enforcement action. In view of this violation, a copy of this letter is being forwarded to the PVSC attorneys.

Very Truly Yours,
PASSAIC VALLEY SEWERAGE COMMISSIONERS



Frank P. D'Ascensio
Manager of Industrial & Pollution Control

FPD/sl

cc: Robert J. Davenport, Executive Director
Andy Caltagirone
Gabriel M. Ambrosio, Esq.
Town of Kearny
Joseph Skelly, Kearny Municipal Utilities Authority

BAA000055

TIERRA-B-002518

IRENE G. ALMEIDA
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ROBERT J. DAVENPORT
EXECUTIVE DIRECTOR

PETER G. SHERIDAN
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

Industrial Department
Fax: (973) 344-4876

May 25, 2000

**CERTIFIED RECEIPT
Z 282 911 747**

Spectraserv, Inc.
75 Jacobus Avenue
South Kearny, New Jersey 07032

Attn: Mr. Frank Senske

**RE: NOTICE OF VIOLATION
PERMIT NO.: 15220002
VIOLATION DATE: 05/19/00
SECTION VIOLATED: 312.1 (c), 314.1**

Dear Mr. Senske:

You are hereby notified that Spectraserv, Inc. violated Section 312.1 (c) of the PVSC Rules & Regulations (R&R) on 05/19/00. This Section prohibits the discharge of solids or viscous wastes to the sanitary sewer. At 11:38 PM on 05/19/00, a PVSC Inspector found sludge in the sewer that PVSC has determined is attributable to discharges from Spectraserv, Inc.

Spectraserv, Inc. failed to notify PVSC of this discharge in violation of Section 314.1 of the R&R. This Section requires that PVSC be notified when a Permittee is unable to comply with any prohibition contained in the R&R or in its Sewer Use Permit.

Please respond to this NOTICE OF VIOLATION in writing within five days, providing an explanation for the discharge of solids on 05/19/00. Include in your response a plan designed to prevent future violations of this kind and to provide for the proper notification. This violation will subject Spectraserv, Inc. to a penalty of up to \$50,000 per day per violation. Upon receipt and review of the requested information, a decision will be made as to the appropriate penalties.

BAA000059

TIERRA-B-002519

Spectraserv, Inc.
May 25, 2000
Page Two

Failure to respond to this NOTICE and to prevent recurrences will result in additional enforcement action. In view of this violation, a copy of this letter is being forwarded to the PVSC attorneys.

Very Truly Yours,
PASSAIC VALLEY SEWERAGE COMMISSIONERS


Frank P. D'Ascensio
Manager of Industrial & Pollution Control

FPD/np

cc: Robert J. Davenport, Executive Director
Andy Caltagirone
Gabriel M. Ambrosio, Esq.
City of Kearny
Joseph Skelly, Kearny Municipal Utilities Authority

Z 282 911 747

US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

Sent to <i>Spectreserv Inc</i>	
Street & Number	
Post Office, State, & ZIP Code <i>So. Leary 07032</i>	
Postage	
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, April 1995

INDUSTRIAL VIOLATION INFORMATION

DATE OF LETTER: 5/25/00

COMPANY NAME: SPECTRA SERV

LOCATION: 75 JACOBIUS AVE

COMMUNITY: S. KENNY

PERMIT #: 15220002

VIOLATION DATE: 5/19/00 1 1 1

SECTION VIOLATED: 3/2.1 C 3/4.1

DESCRIPTION OF VIO: DISCHARGE of SOLIDS or VISCOUS WASTES INTO SEWER

AMOUNT OF FINE: _____

VISIT 1: 5/25/00

COMMENT 1: SENT TO LEGAL

VISIT 2: 6/6/00

COMMENT 2: Response 111-1702

VISIT 3: 1 1

COMMENT 3: _____

VISIT 4: 1 1

COMMENT 4: _____

VISIT 5: 1 1

COMMENT 5: _____

DATE CLOSED: 1 1

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Spectrasur Inc.
75 Jacobus Ave
South Kearny N. J
07032
Attn: Mr Frank Senske

2. Article Number (Copy from service label)

2-282 011 747

PS Form 3811, July 1999

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

5/26

C. Signature

x M J Chormanicki

- ☒ Agent
☐ Addressee

D. Is delivery address different from Item 1?

If YES, enter delivery address below: ☐ Yes ☒ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Domestic Return Receipt

102595-09-14-1709

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THOMAS J. POWELL
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COMMISSIONERS

**Passaic Valley
Sewerage Commissioners**

600 WILSON AVENUE
NEWARK, N.J. 07105
(973) 344-1800
FAX: (973) 344-2951
www.pvsc.com

ROBERT J. DAVENPORT
EXECUTIVE DIRECTOR

PETER G. SHERIDAN
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

Industrial Department
Fax: (973) 344-4876

May 25, 2000

**CERTIFIED RECEIPT
Z 282 911 748**

Spectraserv, Inc.
75 Jacobus Avenue
South Kearny, New Jersey 07032

Attn: Mr. Frank Senske

**RE: NOTICE OF VIOLATION
PERMIT NO.: 15220002
VIOLATION DATE: 05/20/00
SECTION VIOLATED: 40 CFR 403.6 (d)**

Dear Mr. Senske:

You are hereby notified that Spectraserv, Inc. violated Federal Regulation 40 CFR 403.6 (d) on 05/20/00. This Section prohibits dilution as a substitute for treatment, and states that, "Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement." At 6:12 AM, 7:25 AM, and 7:42 AM on 05/20/00, a PVSC Inspector observed one of your employees adding large amounts of water to the surface of the final clarifier by use of a fire hose connected to an on-site fire hydrant. Then, from 8:40 AM through 9:30 AM, this hose was left on, further diluting the clarifier contents. PVSC did not authorize this dilution.

Please respond to this NOTICE OF VIOLATION in writing within five days, providing an explanation for the dilution of your final clarifier tank contents on 05/20/00. Include in your response a plan designed to prevent future violations of this kind. This violation will subject Spectraserv, Inc. to a penalty of up to \$50,000 per day per violation. Upon receipt and review of the requested information, a decision will be made as to the appropriate penalties.

BAA000061

Spectraserv, Inc.
May 25, 2000
Page Two

Failure to respond to this NOTICE and to prevent recurrences will result in additional enforcement action. In view of this violation, a copy of this letter is being forwarded to the PVSC attorneys.

Very Truly Yours,
PASSAIC VALLEY SEWERAGE COMMISSIONERS


Frank P. D'Ascensio
Manager of Industrial & Pollution Control

FPD/np

cc: Robert J. Davenport, Executive Director
Andy Caltagirone
Gabriel M. Ambrosio, Esq.
City of Kearny
Joseph Skelly, Kearny Municipal Utilities Authority

IRENE G. ALMEIDA
CHAIRMAN

JAMES KRONE
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**Passaic Valley
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600 WILSON AVENUE
NEWARK, N.J. 07105
(973) 344-1800
FAX: (973) 344-2951
www.pvsc.com

ROBERT J. DAVENPORT
EXECUTIVE DIRECTOR

PETER G. SHERIDAN
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

Industrial Department
Fax: (973) 344-4876

May 15, 2000

**CERTIFIED RECEIPT
Z 282 911 624**

Spectraserv, Inc.
75 Jacobus Avenue
South Kearny, New Jersey 07032

Attn: Mr. Frank Senske

**RE: NOTICE OF VIOLATION
PERMIT NO.: 15220002
VIOLATION DATE: 05/11/00, 05/12/00,
05/13/00 & 05/14/00
SECTION VIOLATED: 312.1 (c), 314.1**

Dear Mr. Senske:

You are hereby notified that Spectraserv, Inc. violated Section 312.1 (c) of the PVSC Rules & Regulations (R&R) on 05/11/00, 05/12/00, 05/13/00, and 05/14/00. This Section prohibits the discharge of solids or viscous wastes to the sanitary sewer. At 9:35 AM on 05/11/00, a PVSC Inspector found sludge in the sewer that PVSC has determined is attributable to discharges from Spectraserv, Inc. Then at approximately 10:05 AM the same morning and continuing through 2:35 PM, a thick oily sludge-like floatable discharge was observed in the sewer line downstream of your facility. At 11:45 PM on 05/11/00, then at 1:10 AM and 3:15 AM on 05/12/00, a PVSC Inspector again found sludge in the sewer. PVSC has determined that this material is attributable to discharges from Spectraserv, Inc.

Additionally, at 4:15 AM and 5:20 AM on 05/13/00, a PVSC Inspector found sludge in the sewer that PVSC has determined is attributable to discharges from Spectraserv, Inc. Finally, at 9:20 AM and 10:20 AM on 05/14/00, a thick oily sludge-like floatable discharge was observed in the sewer line downstream of your facility.

Spectraserv, Inc. failed to notify PVSC of these discharges in violation of Section 314.1 of the R&R. This Section requires that PVSC be notified when a Permittee is unable to comply with any prohibition contained in the R&R or in its Sewer Use Permit.

BAA000066

TIERRA-B-002526

Spectraserv, Inc.
May 15, 2000
Page Two

Please respond to this NOTICE OF VIOLATION in writing within five days, providing an explanation for the discharge of solids on 05/11/00, 05/12/00, 05/13/00, and 05/14/00. Include in your response a plan designed to prevent future violations of these kinds and to provide for the proper notification. These violations will subject Spectraserv, Inc. to penalties of up to \$50,000 per day per violation. Upon receipt and review of the requested information, a decision will be made as to the appropriate penalties.

Failure to respond to this NOTICE and to prevent recurrences will result in additional enforcement action. In view of this violation, a copy of this letter is being forwarded to the PVSC attorneys.

Very Truly Yours,
PASSAIC VALLEY SEWERAGE COMMISSIONERS



Frank P. D'Ascensio
Manager of Industrial & Pollution Control

FPD/np

cc: Robert J. Davenport, Executive Director
Andy Caltagirone
Gabriel M. Ambrosio, Esq.
City of Kearny
Joseph Skelly, Kearny Municipal Utilities Authority

INDUSTRIAL VIOLATION INFORMATION

DATE OF LETTER: 5/15/00

COMPANY NAME: SPECTRASERV

LOCATION: 75 JACOBUS AVE.

COMMUNITY: S. KENNY

PERMIT #: 15230002

VIOLATION DATE: 5/11/00 5/12/00 5/13/00 5-14-00

SECTION VIOLATED: 3/2.1(c) 3/4.1

DESCRIPTION OF VIO: DISCHARGE OF SOLIDS OR VISCOUS WASTES & FAILURE TO NOTIFY

AMOUNT OF FINE: _____

VISIT 1: 5/15/00

COMMENT 1: SENT TO LEGAL

VISIT 2: 5/22/00

COMMENT 2: Response 111-1591

VISIT 3: 1/1/

COMMENT 3: _____

VISIT 4: 1/1/

COMMENT 4: _____

VISIT 5: 1/1/

COMMENT 5: _____

DATE CLOSED: 1/1/

IRENE G. ALMEIDA
CHAIRMAN

JAMES KRONE
VICE CHAIRMAN

FRANK J. CALANDRIELLO JR.
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**Passaic Valley
Sewerage Commissioners**

600 WILSON AVENUE
NEWARK, N.J. 07105

(973) 344-1800

FAX: (973) 344-2951

www.pvsc.com

Industrial Department Fax: (973) 344-4876

April 28, 2000

ROBERT J. DAVENPORT
EXECUTIVE DIRECTOR

PETER G. SHERIDAN
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

**CERTIFIED RECEIPT
Z 282 911 614**

Spectraserv, Inc.
75 Jacobus Avenue
South Kearny, New Jersey 07032

Attn: Mr. Frank Senske

**RE: NOTICE OF VIOLATION
PERMIT NO.: 15220002
VIOLATION DATE: 04/25/00
SECTION VIOLATED: 312.1 (c), 314.1**

Dear Mr. Senske:


You are hereby notified that Spectraserv, Inc. violated Section 312.1 (c) of the PVSC Rules & Regulations (R&R) on 04/25/00. This Section prohibits the discharge of solids or viscous wastes to the sanitary sewer. At 4:50 PM and 5:50 PM, a PVSC Inspector found sludge in the sewer that PVSC has determined is attributable to discharges from Spectraserv, Inc.

Spectraserv, Inc. failed to notify PVSC of these discharges in violation of Section 314.1 of the R&R. This Section requires that PVSC be notified when a Permittee is unable to comply with any prohibition contained in the R&R or in its Sewer Use Permit.

Please respond to this NOTICE OF VIOLATION in writing within five days, providing an explanation for the discharge of solids on 04/25/00. Include in your response a plan designed to prevent future violations of this kind and to provide for the proper notification. This violation will subject Spectraserv, Inc. to penalties of up to \$50,000 per day per violation. Upon receipt and review of the requested information, a decision will be made as to the appropriate penalties.

Failure to respond to this NOTICE and to prevent recurrences will result in additional enforcement action. In view of this violation, a copy of this letter is being forwarded to the PVSC attorneys.

Very Truly Yours,
PASSAIC VALLEY SEWERAGE COMMISSIONERS


Frank P. D'Ascensio
Manager of Industrial & Pollution Control

FPD/np

cc: Robert J. Davenport, Executive Director
Andy Caltagirone
Gabriel M. Ambrosio, Esq.
Town of Kearny
Joseph Skelly, Kearny Municipal Utilities Authority

BAA000071

TIERRA-B-002529

IRENE G. ALMEIDA
CHAIRMAN

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**Passaic Valley
Sewerage Commissioners**

600 WILSON AVENUE
NEWARK, N.J. 07105

(973) 344-1800

FAX: (973) 344-2951

www.pvsc.com
Industrial Department

Fax: (973) 344-4876

April 24, 2000

ROBERT J. DAVENPORT
EXECUTIVE DIRECTOR

PETER G. SHERIDAN
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

**CERTIFIED RECEIPT
Z 282 911 602**

Spectraserv, Inc.
75 Jacobus Avenue
South Kearny, New Jersey 07032

Attn: Mr. Frank Senske

RE: NOTICE OF VIOLATION

PERMIT NO.: 15220002

**VIOLATION DATE: 04/12/00, 04/13/00, 04/14/00, 04/18/00,
04/19/00**

SECTION VIOLATED: 312.1 (c), 314.1

Dear Mr. Senske:

You are hereby notified that Spectraserv, Inc. violated Section 312.1 (c) of the PVSC Rules & Regulations (R&R) on 04/12/00, 04/13/00, and 04/14/00. This Section prohibits the discharge of solids or viscous wastes to the sanitary sewer. On the following dates and times, a PVSC Inspector found sludge in the sewer that PVSC has determined is attributable to discharges from Spectraserv, Inc.

<u>Date</u>	<u>Time(s)</u>
04/12/00	8:15 P.M.
04/12/00	9:25 P.M.
04/12/00	10:10 P.M.
04/13/00	12:15 P.M.
04/13/00	2:00 P.M.
04/13/00	6:00 P.M.
04/13/00	6:30 P.M.
04/14/00	4:20 A.M.
04/14/00	7:10 A.M.
04/18/00	5:20 P.M.
04/19/00	7:15 A.M.
04/19/00	7:59 A.M.

BAA000075

TIERRA-B-002530

Spectraserv Incorporated
April 24, 2000
Page Two

Spectraserv, Inc. failed to notify PVSC of these discharges in violation of Section 314.1 of the R&R. This Section requires that PVSC be notified when a Permittee is unable to comply with any prohibition contained in the R&R or in its Sewer Use Permit.

Please respond to this NOTICE OF VIOLATION in writing within five days, providing an explanation for the discharge of solids on the aforementioned days. Include in your response a plan designed to prevent future violations of this kind and to provide for the proper notification. This violation will subject Spectraserv, Inc. to penalties of up to \$50,000 per day per violation. Upon receipt and review of the requested information, a decision will be made as to the appropriate penalties.

Failure to respond to this NOTICE and to prevent recurrences will result in additional enforcement action. In view of this violation, a copy of this letter is being forwarded to the PVSC attorneys.

Very Truly Yours,
PASSAIC VALLEY SEWERAGE COMMISSIONERS


Frank P. D'Ascensio
Manager of Industrial & Pollution Control

FPD/np

cc: Robert J. Davenport, Executive Director
Andy Caltagirone
Gabriel M. Ambrosio, Esq.
City of Kearny
Joseph Skelly, Kearny Municipal Utilities Authority

Z 282 911 602

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	<i>Spectra</i>
Street & Number	<i>75 Jacobus Ave</i>
Post Office, State, & ZIP Code	<i>S. Kenney 07032</i>
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, April 1995

INDUSTRIAL VIOLATION INFORMATION

DATE OF LETTER: 4/24/00

COMPANY NAME: SPECTRA SERV

LOCATION: 75 JOSEPH AVE

COMMUNITY: S. KEARNY

PERMIT #: 15220002

VIOLATION DATE: 4/12/00 4/13/00 4/14/00 4-18-00 4-19-00

SECTION VIOLATED: 312.1C, 314.1

DESCRIPTION OF VIO: DISCHARGE OF SOLIDS OR VISCOUS WASTE INTO SEWER

AMOUNT OF FINE: _____

VISIT 1: 4/24/00

COMMENT 1: SENT TO LEGAL

VISIT 2: 5/1/00

COMMENT 2: RESPONSE 111-1385

VISIT 3: 1/1

COMMENT 3: _____

VISIT 4: 1/1

COMMENT 4: _____

VISIT 5: 1/1

COMMENT 5: _____

DATE CLOSED: 1/1

Is your RETURN ADDRESS completed on the reverse side?

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.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Spectraserv Inc
75 Jacobus Ave
South Keating NJ
Attn: Frank Smith 07032

4a. Article Number

2282 911 602

4b. Service Type

- ☒ Registered ☐ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

4/26

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X M Chomanski

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-08-9-0229

Domestic Return Receipt

Thank you for using Return Receipt Service.

RENE G. ALMEIDA
CHAIRMAN

JAMES KRONE
VICE CHAIRMAN

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DOMING W. CUCCINELLO
CARL S. CZAPLICKI JR.
PETER A. MURPHY
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COMMISSIONERS

**Passaic Valley
Sewerage Commissioners**

600 WILSON AVENUE
NEWARK, N.J. 07105
(973) 344-1800
FAX: (973) 344-2951
www.pvsc.com

ROBERT J. DAVENPORT
EXECUTIVE DIRECTOR

PETER G. SHERIDAN
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

Industrial Department
Fax: (973) 344-4876

April 12, 2000

**CERTIFIED RECEIPT
Z 282 911 605**

Spectraserv, Inc.
75 Jacobus Avenue
South Kearny, New Jersey 07032

Attn: Mr. Frank Senske

**RE: NOTICE OF VIOLATION
PERMIT NO.: 15220002
VIOLATION DATE: 04/12/00
SECTION VIOLATED: 104.1**

Dear Mr. Senske:

You are hereby notified that Spectraserv, Inc. is in violation of Section 104.1 of the PVSC Rules & Regulations (R&R), which states that PVSC may enter upon a property or premises for the purpose of, among other things, inspecting the plant facilities. On 04/12/00, at approximately 9:10 AM, a PVSC Inspector attempted to observe the contents of your final clarifier, which were being discharged to the sanitary sewer at the time. Mr. Rutka of your staff refused him access to the top of the clarifier. The Inspector informed him that this action was in violation of the R&R. Later that day, at approximately 10:35 am, Mr. Rutka denied access to another PVSC Inspector, while the Inspector attempted to view and sample the top of your final clarifier.

Please respond to this NOTICE OF VIOLATION in writing within five days, providing an explanation for denying the Inspector access to the clarifier. Include in your response a plan to prevent its recurrence. This violation will subject Spectraserv, Inc. to penalties of up to \$50,000 per day per violation. Upon receipt and review of the requested information, a decision will be made as to the appropriate penalties.

BAA000079

TIERRA-B-002535

Spectraserv, Inc.
April 12, 2000
Page Two

Failure to respond to this NOTICE and to prevent recurrences will result in additional enforcement action. In view of this violation, a copy of this letter is being forwarded to the PVSC attorneys.

Very Truly Yours,
PASSAIC VALLEY SEWERAGE COMMISSIONERS


Frank P. D'Ascensio
Manager of Industrial & Pollution Control

FPD/np

cc: Robert J. Davenport, Executive Director
Andy Caltagirone
Gabriel M. Ambrosio, Esq.
City of Kearny
Joseph Skelly, Kearny Municipal Utilities Authority

DONALD TUCKER
CHAIRMAN

CARL S. CZAPLUCKI, JR.
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Passaic Valley
Sewerage Commissioners

100th Anniversary
1902 - 2002

600 WILSON AVENUE
NEWARK, NJ 07105
(973) 344-1800

Fax: (973) 344-2951

www.pvsc.com

Industrial Fax # (973) 344-4876

April 30, 2003

09-019-319
ROBERT J. DAVENPORT
EXECUTIVE DIRECTOR

JAMES KRONE
DEPUTY EXECUTIVE DIRECTOR

JOSEPH A. FERRIERO
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

Mr. Frank Senske
Spectraserv
75 Jacobus Avenue
South Kearny, New Jersey 07032

Certified Receipt
7099 3400 0000 0040 7823

RE: NOTICE OF VIOLATION
PERMIT NO.: 15220002
VIOLATION DATE: 4/18/03
SECTION VIOLATED: 315.2

Dear Mr. Senske:

You are put on notice that your company is in violation of Section 315.2 of the PVSC Rules & Regulations (R&R). This Section refers to pretreatment systems not operating in conformance with their intended use. On 4/18/03, a PVSC Inspector visited your facility and observed floatable solids being discharged after the upper baffle plate and over the discharge weir. Because these solids were floatable, they were not being sampled. The Inspector also observed that the surface of the weir box, from the upper baffle plate towards the upstream, inlet side of the weir box, was covered with floatable solids. The upper baffle plate was designed to capture floatable solids not retained by your final clarifier. As you are aware, however, the plate will only be effective if the surface upstream of the upper baffle is cleaned periodically, and/or if the weir box is cleaned out periodically in its entirety. This cleaning will prevent the build up of solids that ultimately can overwhelm the baffle and cause solids to be discharged without being properly sampled.

In view of the above, you are in violation of the aforementioned Section for failing to maintain your equipment to prevent solids from being discharged without being sampled. To illustrate the violation, we have included the attached pictures showing the solids floating on the surface of the weir box, and being discharged without the possibility of being sampled on 4/18/03. As you will see on the picture of the discharge on 4/21/03, there were no floatable solids going under the top baffle plate that day, and thus not being sampled.

You are required to respond in writing within 10 days of receipt of this letter with an explanation for the above violation and a plan to eliminate future violations of this type. Failure to do so may result in further enforcement action. You should also be aware that continued violations of this type could subject your company to penalties of up to \$50,000 per day per violation. If you have any questions, please call me at (973) 817-5710.

Very truly yours,
Passaic Valley Sewerage Commissioners

Andy Caltagirone
Andy Caltagirone
Manager of Industrial & Pollution Control

AC/jt

C: Robert J. Davenport, Executive Director
Gabriel M. Ambrosio, Esq.
Town of Kearny

BAA000090

TIERRA-B-002537

DONALD TUCKER
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CARL S. CZAPLICKI, JR.
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Passaic Valley
Sewerage Commissioners

100th Anniversary

1902 - 2002

600 WILSON AVENUE
NEWARK, NJ 07105

(973) 344-1800

Fax: (973) 344-2951

www.pvsc.com

Industrial Department

Fax: (973) 344-4876

June 10, 2003

019-9704
ROBERT J. DAVENPORT
EXECUTIVE DIRECTOR

JAMES KRONE
DEPUTY EXECUTIVE DIRECTOR

JOSEPH A. FERRIERO
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

CERTIFIED RECEIPT
7002 0860 0004 7768 4797

Spectraserv, Inc.
75 Jacobus Avenue
South Kearny, New Jersey 07032
Attn: Mr. Frank Senske

RE: NOTICE OF VIOLATION
PERMIT NO.: 15220002
VIOLATION DATE: 05/12/03
SECTION VIOLATED: 312.1 (q), 315.2, 317.1 & SUP

Dear Mr. Senske:

On 5/12/03, a PVSC Inspector observed the pH probe in a bucket of water while Spectraserv was discharging effluent. In view of the above, Spectraserv is in violation of the following Sections of the PVSC Rules and Regulations, and its Sewer Use Permit (SUP):

1. 312.1 (q) - refers to Bypassed Wastes which would normally be monitored or pretreated, but are discharged to the sanitary sewer without being monitored or pretreated, unless specifically authorized by PVSC.
2. 315.2 - refers to your monitoring equipment not operating in conformance to its intended use.
3. 317.1 - refers to maintaining of accurate records to demonstrate compliance.
4. SUP - requires continuous pH monitoring.

In view of this violation, a copy of this letter is being forwarded to the PVSC attorneys. You also should be aware that continued violations of this type could subject Spectraserv to penalties of up to \$50,000 per day per violation. If you have any questions concerning this matter, please call Ric Quintieri at (973) 817-5719.

Very Truly Yours,
PASSAIC VALLEY SEWERAGE COMMISSIONERS

Andy Caltagirone
Andy Caltagirone
Manager of Industrial & Pollution Control

AC/np

c: Robert J. Davenport, Executive Director
Ric Quintieri
Gabriel M. Ambrosio, Esq.
James O'Hara, Esq.
City of Kearny

BAA000092

TIERRA-B-002538

Memo



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Chief Counsel

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Clerk

Industrial Department
Fax: (973) 344-4876
March 31, 2005

CERTIFIED RECEIPT
7001 1140 0001 8671 7381

Spectraserv, Inc
75 Jacobus Avenue
South Kearny, NJ 07032
Attn: Frank Senske

RE: Notice of Violation
Permit: 15220002
Violation Dates: 11/16/04
Section Violated: 312.1 (d)

Dear Mr. Senske:

You are put on notice that your company is in violation of Section 312.1 (d) of the PVSC Rules and Regulations. A review your MR-1 Report and samples taken by PVSC for Total Petroleum Hydrocarbons (TPH) for November 2004 revealed the following exceedance:

Total Petroleum Hydrocarbons (TPH)

During November, the result of a sample taken by PVSC for TPH on 11/16/04 was 128 mg/L, which exceeded the daily maximum limit of 100 mg/L.

You are required to respond in writing within 10 days of receipt of this letter with an explanation for the above violation and a plan to eliminate future violations of this type. Failure to do so may result in further enforcement action. If you have any questions concerning this matter, contact Glenn McLaughlin at (973) 817-5724.

Very truly yours,
PASSAIC VALLEY SEWERAGE COMMISSIONERS

Andy Caltagirone
Andy Caltagirone
Manager of Industrial and Pollution Control

AC/cc

c: Bryan J. Christiansen, Executive Director
Ric Quintieri
Glenn McLaughlin
Anthony Gammara
Town of Kearny

BAA000106

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June 6, 2001

ROBERT J. DAVENPORT
EXECUTIVE DIRECTOR

PETER G. SHERIDAN
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

CERTIFIED RECEIPT
7099 3400 0000 0041 7754

Spectraserv, Inc.
75 Jacobus Avenue
South Kearny, New Jersey 07032

Attn: Mr. Frank Senske

RE: NOTICE OF VIOLATION
PERMIT NO.: 15220002
VIOLATION DATE: 6/5/01
SECTION VIOLATED: 312.1 (c), 314.1

Dear Mr. Senske:

You are hereby notified that Spectraserv, Inc. violated Section 312.1 (c) of the PVSC Rules & Regulations (R&R). This Section prohibits the discharge of solids or viscous wastes to the sanitary sewer. At 3:00 PM on Tuesday, 6/5/01, a PVSC Inspector observed solids in the sewer that PVSC has determined is attributable to discharges from Spectraserv, Inc.

Spectraserv, Inc. failed to notify PVSC of this discharge in violation of Section 314.1 of the R&R. This Section requires that PVSC be notified when a Permittee is unable to comply with any prohibition contained in the R&R or in its Sewer Use Permit.

Please respond to this NOTICE OF VIOLATION in writing within five days, providing an explanation for the discharge of solids on 6/5/01. Include in your response a plan designed to prevent future violations of this kind and to provide for the proper notification. This violation will subject Spectraserv, Inc. to penalties of up to \$50,000 per day per violation.

Failure to respond to this NOTICE and to prevent recurrences will result in additional enforcement action. In view of this violation, a copy of this letter is being forwarded to the PVSC attorneys for further action.

Very Truly Yours,
PASSAIC VALLEY SEWERAGE COMMISSIONERS

Frank P. D'Ascensio
Manager of Industrial & Pollution Control

FPD/np

c: Robert J. Davenport, Executive Director
Andy Caltagirone
James O'Hara, Esq.
City of Kearny
Joseph Skelly, Kearny Municipal Utilities Authority

BAA000113

IRENE G. ALMEIDA
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Industrial Department Fax: (973) 344-4876
August 14, 2001

ROBERT J. DAVENPORT
EXECUTIVE DIRECTOR

PETER G. SHERIDAN
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

CERTIFIED RECEIPT
7099 34009 0000 0041 7839

Spectraserv, Inc.
75 Jacobus Avenue
South Kearny, New Jersey 07032
Attn: Mr. Frank Senske

RE: NOTICE OF VIOLATION
PERMIT NO.: 15220002
VIOLATION DATE: 7/31/01, 8/1/01
SECTION VIOLATED: 312.1 (c), 314.1

Dear Mr. Senske:

You are hereby notified that Spectraserv, Inc. violated Section 312.1 (c) of the PVSC Rules & Regulations (R&R). This Section prohibits the discharge of solids or viscous wastes to the sanitary sewer. At 7:50 PM on Tuesday, 7/31/01, and at 7:07 PM on 8/1/01, a PVSC Inspector observed solids in the sewer that PVSC has determined is attributable to discharges from Spectraserv, Inc.

Spectraserv, Inc. failed to notify PVSC of this discharge in violation of Section 314.1 of the R&R. This Section requires that PVSC be notified when a Permittee is unable to comply with any prohibition contained in the R&R or in its Sewer Use Permit.

Please respond to this NOTICE OF VIOLATION in writing within five days, providing an explanation for the discharge of solids on 6/5/01. Include in your response a plan designed to prevent future violations of this kind and to provide for the proper notification. This violation will subject Spectraserv, Inc. to penalties of up to \$50,000 per day per violation.

Failure to respond to this NOTICE and to prevent recurrences will result in additional enforcement action. In view of this violation, a copy of this letter is being forwarded to the PVSC attorneys for further action.

Very Truly Yours,
PASSAIC VALLEY SEWERAGE COMMISSIONERS

Frank P. D'Ascensio
Manager of Industrial & Pollution Control

FPD/np

c: Robert J. Davenport, Executive Director
Andy Caltagirone
James O'Hara, Esq.
City of Kearny
Joseph Skelly, Kearny Municipal Utilities Authority

BAA000114

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January 11, 2002

ROBERT J. DAVENPORT
EXECUTIVE DIRECTOR

PETER G. SHERIDAN
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

CERTIFIED RECEIPT
7099 3400 0000 0041 3527

Spectraserv, Inc.
75 Jacobus Avenue
South Kearny, New Jersey 07032
Attn: Mr. Frank Senske

RE: NOTICE OF VIOLATION
PERMIT NO.: 15220002
VIOLATION DATE: 1/9/02
SECTION VIOLATED: 312.1 (c), 314.1

Dear Mr. Senske:

You are hereby notified that Spectraserv, Inc. violated Section 312.1 (c) of the PVSC Rules & Regulations (R&R). This Section prohibits the discharge of solids or viscous wastes to the sanitary sewer. From 9:20 AM through 10:50 AM on Wednesday, 1/9/02, a PVSC Inspector observed solids in the sewer that PVSC has determined are attributable to discharges from Spectraserv, Inc.

Spectraserv, Inc. failed to notify PVSC of this discharge in violation of Section 314.1 of the R&R. This Section requires that PVSC be notified when a Permittee is unable to comply with any prohibition contained in the R&R or in its Sewer Use Permit.

Please respond to this NOTICE OF VIOLATION in writing within five days, providing an explanation for the discharge of solids on 1/9/02. Include in your response a plan designed to prevent future violations of this kind and to provide for the proper notification. This violation will subject Spectraserv, Inc. to penalties of up to \$50,000 per day per violation.

Failure to respond to this NOTICE and to prevent recurrences will result in additional enforcement action. In view of this violation, a copy of this letter is being forwarded to the PVSC attorneys for further action.

Very Truly Yours,
PASSAIC VALLEY SEWERAGE COMMISSIONERS

Frank P. D'Ascensio
Manager of Industrial & Pollution Control

FPD/np

c: Robert J. Davenport, Executive Director
Andy Caltagirone
Carmen DellaPia
James O'Hara, Esq.
City of Kearny
Joseph Skelly, Kearny Municipal Utilities Authority

BAA000115

IRENE G. ALMEIDA
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Industrial Department
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June 25, 2002

ROBERT J. DAVENPORT
EXECUTIVE DIRECTOR

JAMES KRONE
DEPUTY EXECUTIVE DIRECTOR

PETER G. SHERIDAN
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

CERTIFIED RECEIPT
7099 3400 0000 0040 9582

Spectraserv, Inc.
75 Jacobus Avenue
South Kearny, New Jersey 07032
Attn: Mr. Frank Senske

RE: NOTICE OF VIOLATION
PERMIT NO.: 15220002
VIOLATION DATE: 6/20/02
SECTION VIOLATED: 312.1 (c), 314.1

Dear Mr. Senske:


You are hereby notified that Spectraserv, Inc. violated Section 312.1 (c) of the PVSC Rules & Regulations (R&R). This Section prohibits the discharge of solids or viscous wastes to the sanitary sewer. At 7:20 PM on 6/20/02, a PVSC Inspector observed solids in the sewer that PVSC has determined is attributable to discharges from Spectraserv, Inc.

Spectraserv, Inc. failed to notify PVSC of this discharge in violation of Section 314.1 of the R&R. This Section requires that PVSC be notified when a Permittee is unable to comply with any prohibition contained in the R&R or in its Sewer Use Permit.

Please respond to this Notice of Violation (NOV) in writing within five days, providing an explanation for the discharge of solids on 6/20/02. Include in your response a plan designed to prevent future violations of this kind and to provide for the proper notification. This violation will subject Spectraserv, Inc. to penalties of up to \$50,000 per day per violation.

Failure to respond to this NOV and to prevent recurrences will result in additional enforcement action. In view of this violation, a copy of this letter is being forwarded to the PVSC attorneys for further action.

Very Truly Yours,
PASSAIC VALLEY SEWERAGE COMMISSIONERS


✓ Andy Caltagirone
Manager of Industrial & Pollution Control

AC/np

c: Robert J. Davenport, Executive Director
Ric Quintieri
James O'Hara, Esq.
Gabriel M. Ambrosio, Esq.
Town of Kearny
Joseph Skelly, Kearny Municipal Utilities Authority

BAA000116

TIERRA-B-002543

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August 13, 2002

ROBERT J. DAVENPORT
EXECUTIVE DIRECTOR

JAMES KRONE
DEPUTY EXECUTIVE DIRECTOR

JOSEPH A. FERRIERO
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

CERTIFIED RECEIPT
7099 3400 0000 0040 9773

Spectraserv, Inc.
75 Jacobus Avenue
South Kearny, New Jersey 07032
Attn: Mr. Frank Senske

RE: NOTICE OF VIOLATION
PERMIT NO.: 15220002
VIOLATION DATE: 7/25/02
SECTION VIOLATED: 312.1 (c), 314.1

Dear Mr. Senske:

You are hereby notified that Spectraserv, Inc. violated Section 312.1 (c) of the PVSC Rules & Regulations (R&R). This Section prohibits the discharge of solids or viscous wastes to the sanitary sewer. At 12:55AM on 7/25/02, a PVSC Inspector observed solids in the sewer that PVSC has determined is attributable to discharges from Spectraserv, Inc. The Inspector then attempted to call Mr. Lago of your staff during "Off-Hours," as outlined in the Wolff & Samson letter of 1/4/01. However, it was not until 7 AM that the Inspector was able to gain access to the Spectraserv facility, long after the time for meaningful inspection and sampling to take place. Therefore, your company has violated Section 104.3 of the R&R for failing to provide PVSC immediate access to your facilities for the purpose of inspecting and sampling.

Spectraserv, Inc. also failed to notify PVSC of this discharge in violation of Section 314.1 of the R&R. This Section requires that PVSC be notified when a Permittee is unable to comply with any prohibition contained in the R&R or in its Sewer Use Permit.

Please respond to this Notice of Violation (NOV) in writing within five days, providing an explanation for the discharge of solids on 7/25/02, and for the failure to provide timely access and notification of the violation. Include in your response a plan designed to prevent future violations of this kind and to provide for the proper notification. This violation will subject Spectraserv, Inc. to penalties of up to \$50,000 per day per violation.

Failure to respond to this NOV and to prevent recurrences will result in additional enforcement action. In view of this violation, a copy of this letter is being forwarded to the PVSC attorneys for further action.

Very Truly Yours,
PASSAIC VALLEY SEWERAGE COMMISSIONERS


✓ Andy Caltagirone
Manager of Industrial & Pollution Control

AC/np

c: Robert J. Davenport, Executive Director
Ric Quintieri
James O'Hara, Esq.
Gabriel M. Ambrosio, Esq.
Town of Kearny

BAA000117

TIERRA-B-002544

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DEPUTY EXECUTIVE DIRECTOR

JOSEPH A. FERRIERO
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

Industrial Department Fax: (973) 344-4876
October 3, 2002

CERTIFIED RECEIPT
7099 3400 0000 0041 1998

Spectraserv, Inc.
75 Jacobus Avenue
South Kearny New Jersey 07032
Attn: Mr. Frank Senske

RE: NOTICE OF VIOLATION
PERMIT NO.: 15220002
VIOLATION DATE: 09/27/02
SECTION VIOLATED: 312.1 (c), 314.1

Dear Mr. Senske:

You are hereby notified that Spectraserv, Inc. violated Section 312.1 (c) of the PVSC Rules & Regulations (R&R) on 09/27/02. This Section prohibits the discharge of solids or viscous wastes to the sanitary sewer. At 11:20 AM, a PVSC Inspector observed solids in the sewer that PVSC has determined is attributable to discharges from Spectraserv, Inc.

Spectraserv, Inc. failed to notify PVSC of these discharges in violation of Section 314.1 of the R&R. This Section requires that PVSC be notified when a Permittee is unable to comply with any prohibition contained in the R&R or in its Sewer Use Permit.

Please respond to this notice of violation in writing within five days, providing an explanation for the discharge of solids on 09/27/02. Include in your response a plan designed to prevent future violations of this kind and to provide for the proper notification. This violation will subject Spectraserv, Inc. to penalties of up to \$50,000 per day per violation.

Failure to respond to this notice and to prevent recurrences will result in additional enforcement action. In view of this violation, a copy of this letter is being forwarded to the PVSC attorneys.

Very Truly Yours,
PASSAIC VALLEY SEWERAGE COMMISSIONERS


Andy Caltagirone
Manager of Industrial & Pollution Control

AC/np

c: Robert J. Davenport, Executive Director
Gabriel M. Ambrosio, Esq.
James O'Hara, Esq.
Joseph Skelly, Kearny Municipal Utilities Authority
Ric Quintieri
City of Kearny

BAA000118

TIERRA-B-002545

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Industrial Department Fax: (973) 344-4876
January 17, 2003

ROBERT J. DAVENPORT
EXECUTIVE DIRECTOR

JAMES KRONE
DEPUTY EXECUTIVE DIRECTOR

JOSEPH A. FERRIERO
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

**CERTIFIED RECEIPT
7099 3400 0000 0041 0557**

Spectraserv, Inc.
75 Jacobus Avenue
South Kearny NJ 07032
Attn: Mr. Frank Senske

**RE: NOTICE OF VIOLATION
PERMIT NO.: 15220002
VIOLATION DATE: 12/12/02 & 12/13/02
SECTION VIOLATED: 312.1 (c), 314.1**

Dear Mr. Senske:

You are hereby notified that Spectraserv, Inc. violated Section 312.1 (c) of the PVSC Rules & Regulations (R&R) on 12/12/02 and 12/13/02. This Section prohibits the discharge of solids or viscous wastes to the sanitary sewer. At 8:40PM on 12/12/02 and at 9:56 AM on 12/13/02, PVSC Inspectors found solids in the sewer that PVSC has determined is attributable to discharges from Spectraserv, Inc.

Spectraserv, Inc. failed to notify PVSC of these discharges in violation of Section 314.1 of the R&R. This Section requires that PVSC be notified when a Permittee is unable to comply with any prohibition contained in the R&R or in its Sewer Use Permit.

In advance of this Notice of Violation (NOV), you submitted a letter dated 12/16/02 stating that the issuance of a NOV in this matter would be improper. PVSC does not agree with the contents of your letter. As for your request for information generated by PVSC in this regard, PVSC will submit this information in the course of the litigation. In view of this violation, a copy of this letter is being forwarded to the PVSC attorneys.

Very Truly Yours,
PASSAIC VALLEY SEWERAGE COMMISSIONERS

Andy Caltagirone
Andy Caltagirone
Manager of Industrial & Pollution Control

c: Robert J. Davenport, Executive Director
Gabriel M. Ambrosio, Esq.
James O'Hara, Esq.
Ric Quintieri
City of Kearny

BAA000119

TIERRA-B-002546



PERKS REUTTER ASSOCIATES
CONSULTING ENGINEERS

July 28, 2004

Mr. Jim Ruple
Spectraserv, Inc.
75 Jacobus Avenue
S. Kearny, NJ 07032

Reference: 2004 Storage Tank Certification
Spectraserv, Inc.
NJPDES Permit #NJ 0079570
SPEC5170 001

Dear Jim:

Enclosed please find the original (sealed) and one (1) copy of the Engineers Certification of Annual Inspection of Residuals Storage Tank (Form RMS-16) prepared by Perks Reutter Associates (PRA) along with existing conditions photographs documenting findings at the time of inspection. The original should be submitted to NJ Department of Environmental Protection (NJDEP) and the copy is for Spectraserv files.

Since the 2002 tank inspection cycle, PRA has recommended the fill height of Tank #3 be limited to 35 1/2 feet, and, Tank #5 be limited to 36 1/2 feet. These recommendations are based on the borderline bursting potential which has existed since the annual inspection program was instituted in 1993. Spectraserv limits this recommended fill level as part of its operational procedure. PRA recommends the exterior of the tank @ the float limit level be prominently marked and this fill limit be maintained.

In addition to the borderline bursting potential problem, Tank #5 has the additional concern of buckling of the plates in the upper shell area first identified in the 2002 inspection cycle. Until the cause of this buckling has been determined and rectified the fill level should be limited to below the 2nd full course from the top. The percentages of minimum yield stress listed for Tank #5 are based on the 36 1/2 foot level.

Spectraserv intends to build a new tank on the location of dismantled Tank #8. At that time Tank #7 is scheduled for demolition. Thickness readings were not taken due to its imminent removal. If for any reason the new tank is not installed by October 31, 2004 it must be repaired and measurements taken if it is to remain in

Fairway Corporate Center, Suite 115, 4300 Haddonfield Ave., Pennsauken, New Jersey, 08109, 856-488-6200 FAX 856-488-4302

1520 Locust Street, 4th Floor, Philadelphia, Pennsylvania, 19102-4403, 215-732-9970, FAX 215-732-8940

e-mail: ENGINEERS@PERKSREUTTER.COM

P:\Spectraserv, Inc\Storage Tank Certification 2004 finalRev.doc

BAA000302

TIERRA-B-002547

PERKS REUTTER ASSOCIATES

Spectraserv, Inc.
2004 Storage Tank Certification
NJPDES Permit #NJ 0079570

July 28, 2004

Page 2 of 9

service. Unless repairs are made or this tank is demolished the fill height of Tank #7 must be limited to 18 feet (Top of the 3rd shell plate course).

Tank #9 was not in service at the time of inspection however measurements were taken and the stress data was based on those measurements.

Tank # 10 was out of service for the 2002 & 2003 cycles. Measurements were taken and the stress data was based on these readings. The tank was found to be acceptable for use.

Mr. Don Bowlby, PE, our subcontracted professional structural engineer performed the stress analysis (bursting potential) for each storage tank (report enclosed). Based on the random thickness readings that Mr. Bowlby witnessed or made on June 08, 2004 he determined the stresses developed in the tank shells when the tanks are full.

Our findings and recommendations are summarized as follows:

I. Bursting Potential

PRA was contracted by Spectraserv, Inc. to provide the 2004 Certification of Annual Inspection of Residuals Storage Tanks for their Kearny, NJ plant. One part of the certification is the determination of the bursting potential for each of the seven storage tanks on the site.

PRA and Spectraserv performed the ultrasonic shell thickness measurement for the tanks on June 08, 2004. Readings are taken at random locations and at the most vulnerable locations identified in previous years to assess the amount of corrosion that may have occurred.

The highest stress developed in the tank shell when full of liquid with a specific gravity of 1.0 was determined and then compared to the minimum allowable yield strength for the weakest steel (A-283-C) allowed by the API 650 Code. The percentage of the minimum yield stress is reported for this year's evaluation along with the historical average for each tank since 1993 is reported. 75% of minimum yield is the approximate acceptance limit. All of the tanks except Tank #3 and Tank #5 are below this limit.

PERKS REUTTER ASSOCIATES

Spectraserv, Inc.
2004 Storage Tank Certification
NJPDES Permit #NJ 0079570

July 28, 2004

Page 3 of 9

Tanks #3 and #5 have exceeded the 75% limit in previous years and therefore their minimum fill levels have been restricted. Tank #3 is limited to 35 ½ feet. Due to concerns with buckling of the upper plates Tank #5 is further restricted as outlined below. The historical averages for these two tanks have been adjusted to reflect stresses at this lower fill limit.

The preferred method of limiting the fill level would be an overflow at the maximum allowable level. Spectraserv chooses to limit the fill levels by operational procedures. It is vital that the operational procedures be carefully followed. The tanks need to be prominently marked at the maximum allowable fill level.

Tank #5 has the additional concern of severe buckling in the upper shell area. This condition was first noted in the 2002 Inspection cycle. This condition may be due to some internal failure of a portion of the roof support system. It may also be caused by a partial vacuum being pulled on the tank from pumping out faster than the vent system allowed air to enter. Until the cause of the buckling can be identified and repaired the fill level must be limited to below the 2nd full shell plate course from the top. Once the buckling problem has been successfully addressed the shell thickness would allow a return to the 36 ½ foot level. The percentages shown for Tank #5 are based on this 36 ½ foot level.

Tanks 1, 9 & 10 are acceptable for unlimited services based on the bursting potential analysis. Tanks 3, 5, 6 & 7 should be limited and repairs should be considered in the near future or further limitations are likely.

PERKS REUTTER ASSOCIATES

Spectraserv, Inc.
2004 Storage Tank Certification
NJPDES Permit #NJ 0079570

July 28, 2004

Page 4 of 9

PERCENTAGE OF MINIMUM YIELD STRESS

<u>TANK #</u>	<u>HISTORICAL AVE.</u>	<u>2004</u>
1	66.0%	68.3%
*3	68.2	70.4
*5	63.0	68.0
6	60.4	64.5
9	64.6	64.5
10	53.8	51.9

*The stress percentages for Tank #3 are based on a maximum fill level of 35 ½ feet (4 ½ feet below its top). The stress percentages for Tank #5 are based on a maximum fill level of 36 ½ feet (3 ½ feet below its top). The best method for limiting the fill level of these tanks would be an overflow at the limit level. Spectraserv has elected to limit the fill level by operational procedure. It is important that this procedure be followed.

II. General Observations

A. Leakage from the tank, piping, vacuum hose connections etc.

There is slight liquid running from under tanks 5, 6, & 9. There had been recent significant rainfall but this condition has been present in all previous inspections. The bottom flange has been treated with an epoxy resin which has reduced this situation.

B. Equipment

All equipment & pumps are functioning properly. Shut off valves for tanks are wrapped with insulation. Tanks # 1, #6 and #9 Insulation is deteriorating and should be repaired.

C. Odor Control

All odor Control Units are fair by visual inspection however these carbon units should be analyzed to determine if the carbon requires replacement. We have been informed that the odor control units on Tanks #9 and 10 were out of service

PERKS REUTTER ASSOCIATES

Spectraserv, Inc.
2004 Storage Tank Certification
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at the time of this inspection. Spectraserv believes that these units are not required when the tanks are used for filtrate storage as they have been in the past.

D. Overflow Control & Alarm

Overflow control and alarm performance for all tanks were checked by pulling floats to trigger high-level alarm. Overflow controls must be maintained or a mechanical/fixed overflow device should be installed.

E. Corrosion

The Environmental Protection Agency issued a "Chemical Safety Alert" in January 2001 because of several large tank failures in Ohio. The reason for these failures was substandard construction work. The "Alert" also suggested some things that should be watched concerning large tanks. One of the things specifically listed was corrosion around the base where there is direct contact with the moist ground.

Part of the shell to bottom joint is covered with soil on tanks 1, 3, and 7. This increases the risk of corrosion and possibly a leak at this joint. PRA has in the past noted this condition. However due to the EPA alert regarding this matter we recommend the grading around these tanks be maintained in such a way as to minimize ponding at the tank base.

F. Anchoring

None of the tanks are attached to their concrete pads. These tanks will begin to float in about 3 feet of floodwater if empty. If this occurred, the buoyant force would be resisted by the tank nozzles and piping with the possibility of failure of these items. These tanks should be anchored to their concrete foundations.

PERKS REUTTER ASSOCIATES

Spectraserv, Inc.
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III. Individual Tank Observation

Tank #1

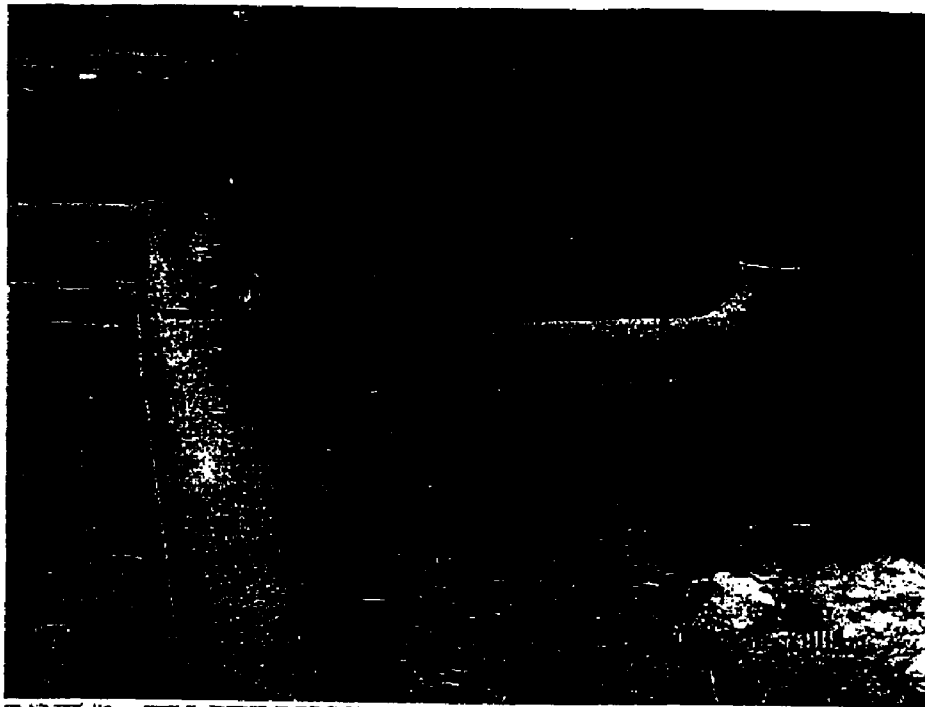
Slight standing water around base of tank at time of inspection promoting minor rust from flange to 2" up. Area surrounding tank has been graded to prevent any ponding of water. This grading scheme must be maintained. Vegetation is underway from concrete pad (at grade). Paint is in good condition except around the base. The paint near the bottom of the tank should be kept in good conditions to prevent corrosion near the base. Connecting access landing with Tank #3 is completely deteriorated at one weld. All welded connections should be inspected and repaired. Access ladder is missing its bottom 1/3 safety rail. The safety railing must be repaired. Roof is in good condition.

Tank #3

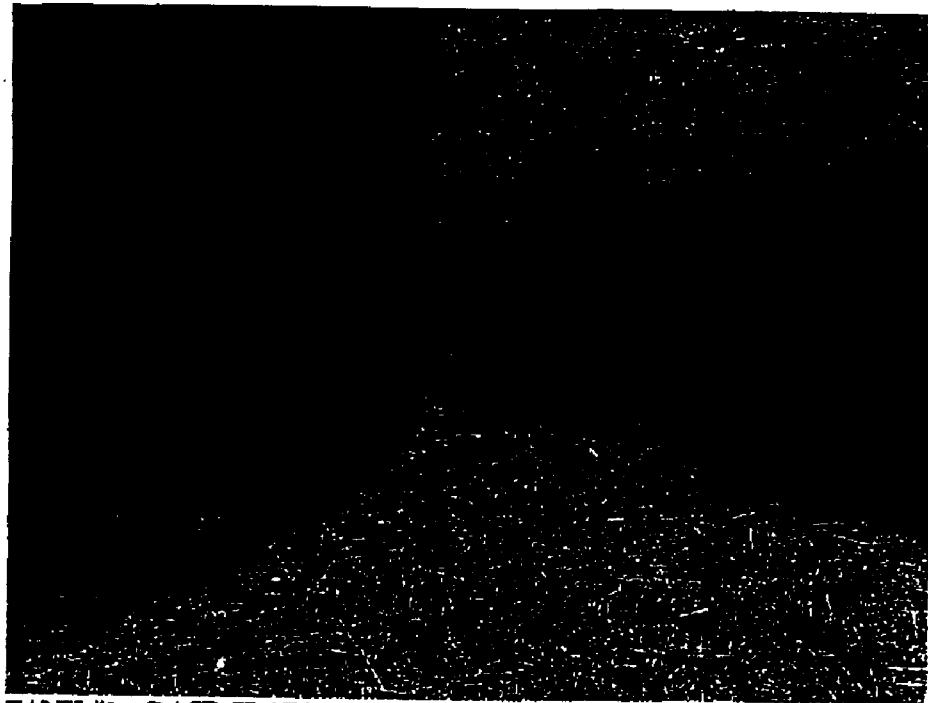
Slight- water around base of tank at time of inspection and soils around base are 1' above flange. Area surrounding tank has been graded to prevent any ponding of water. Steps and landing are in poor condition with safety railing partially missing. All welded connections should be inspected and all steps, landing and safety railings repaired. Paint is good except around base. The paint near the bottom of the tank should be kept in good conditions to prevent corrosion near the base. Roof is in good condition. The tank's exterior level float should clearly indicate the maximum allowable fill level or a mechanical/fixed overflow device should be installed.

Tank #5

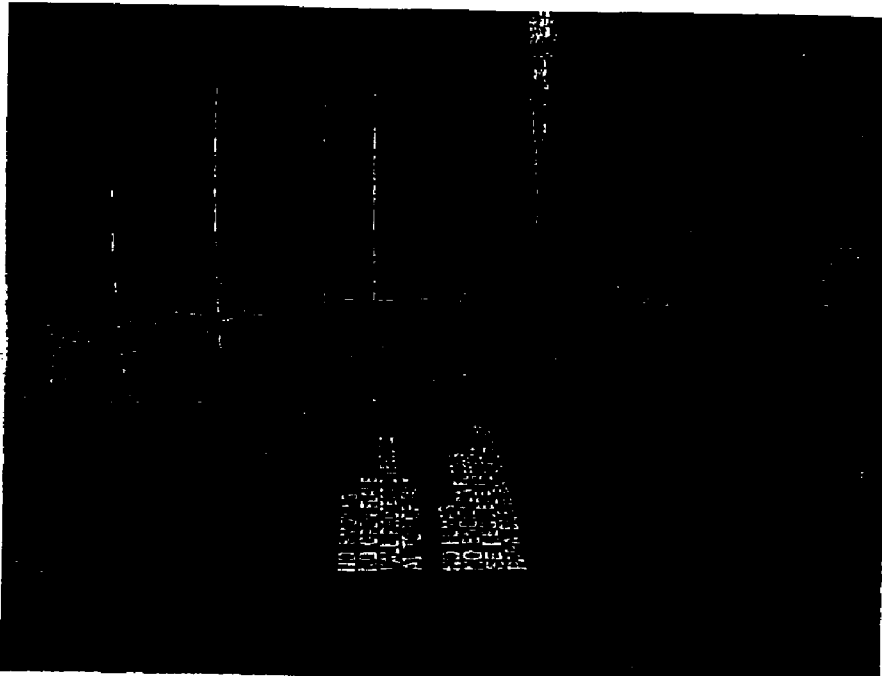
This tank rests on an elevated concrete pad. Flange shows minor deterioration. Paint is in good condition. Roof is in good condition. The tank's exterior level float should clearly indicate the maximum allowable fill level or a mechanical/fixed overflow device should be installed.



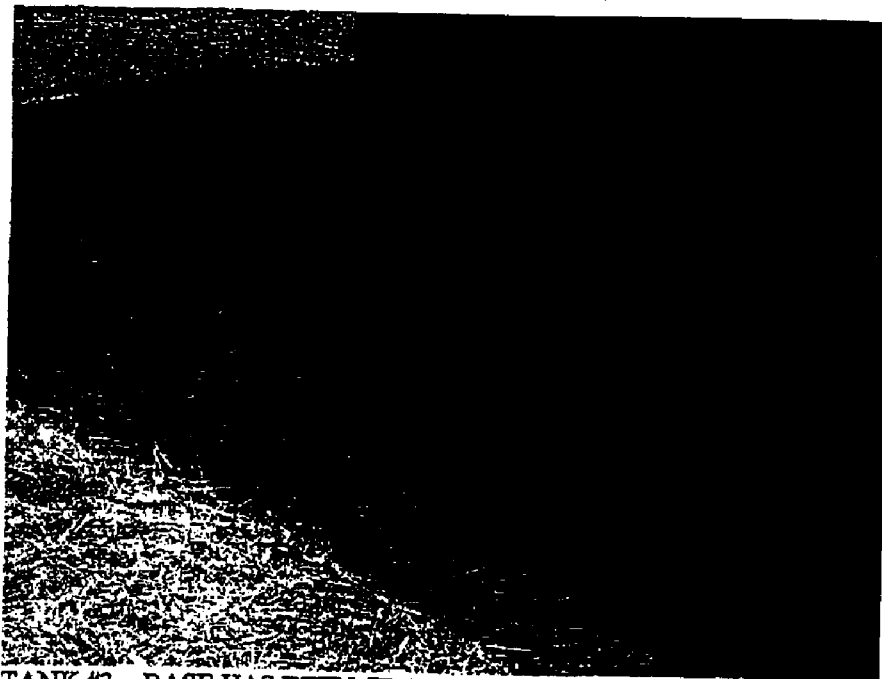
TANK #1 - FILL PIPE DISCONNECTED & NOT CAPPED



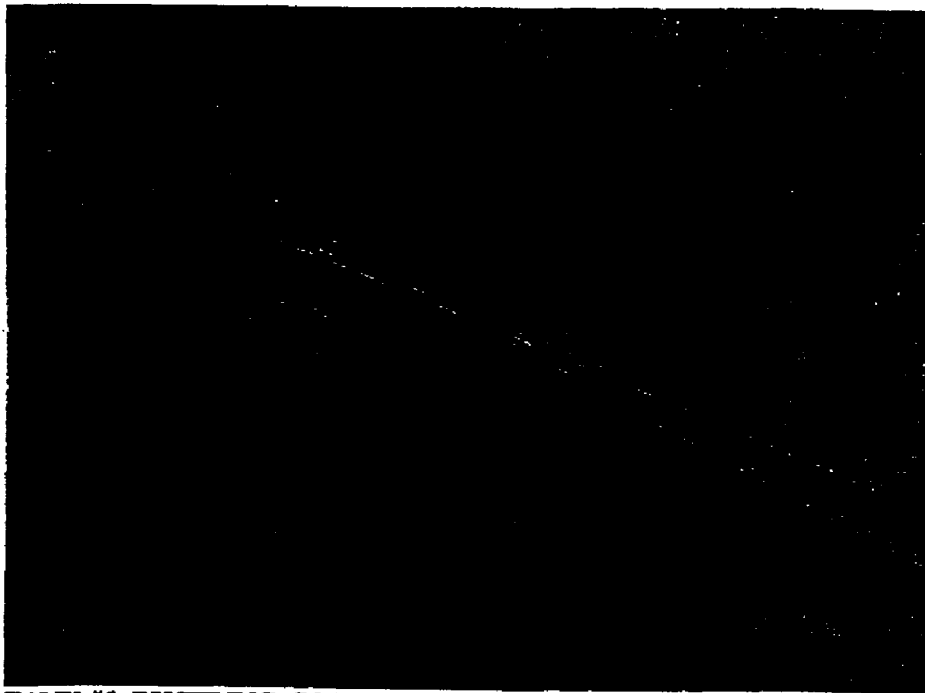
TANK #1 - BASE GRADING SLIGHT MOISTURE



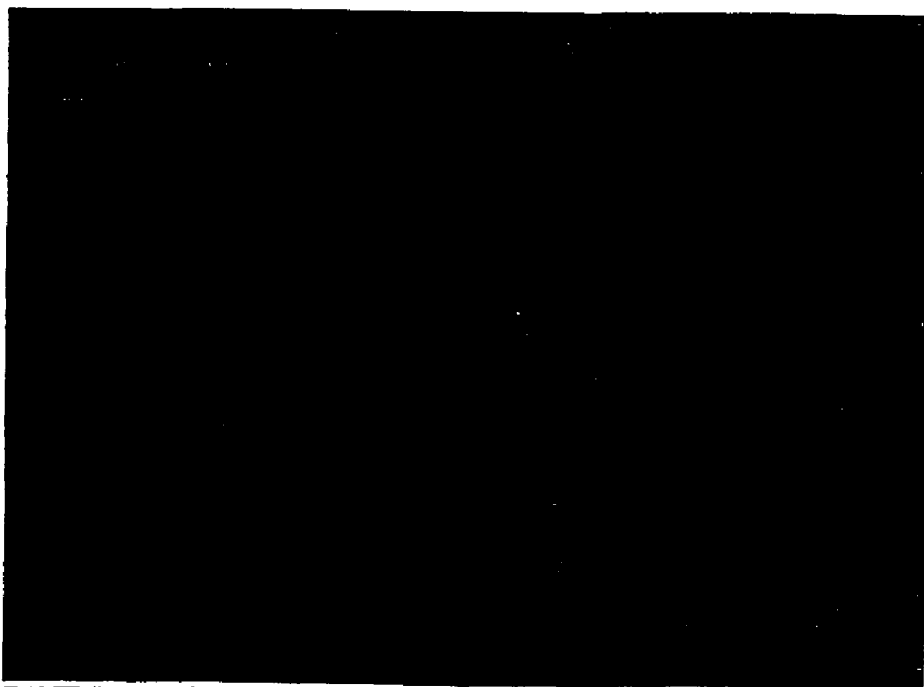
TANK #3 - STEPS SHOW ADDITIONAL DAMAGE SINCE LAST CYCLE



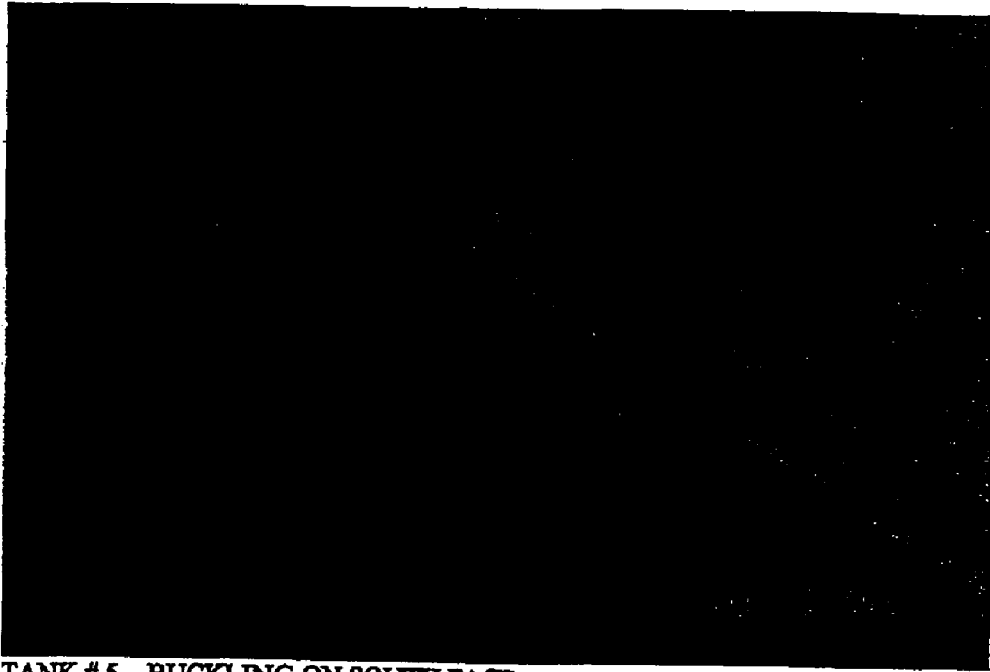
TANK #3 - BASE HAS BEEN GRADED TO DRAIN AWAY FROM TANK



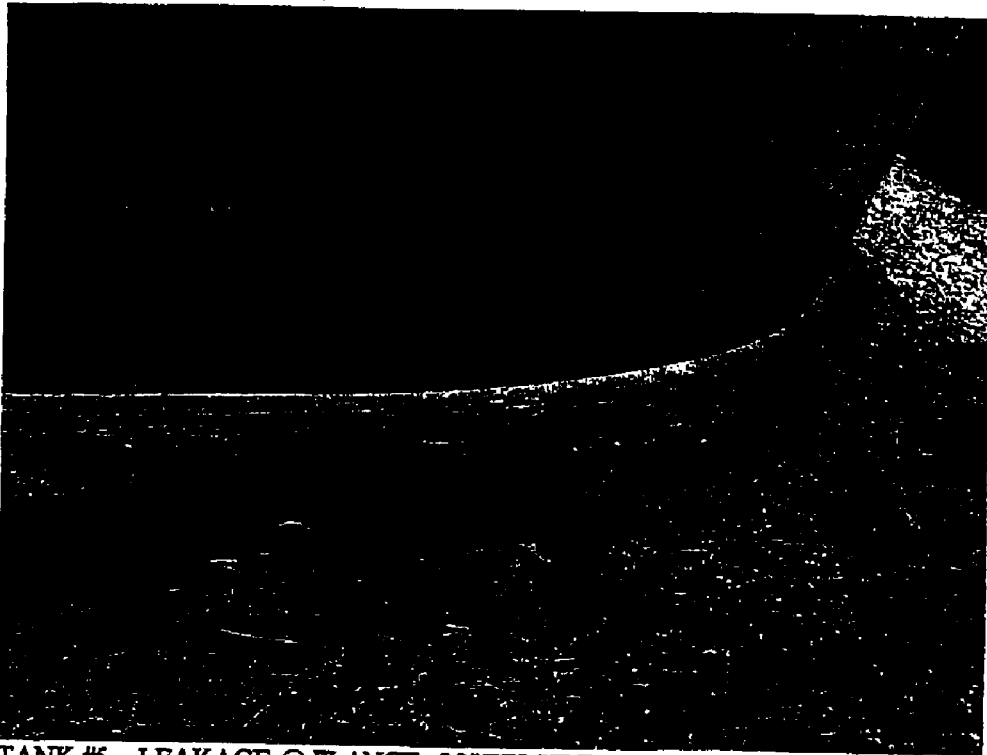
TANK #5- BUCKLING, SOUTH FACE OF TOP COURSE



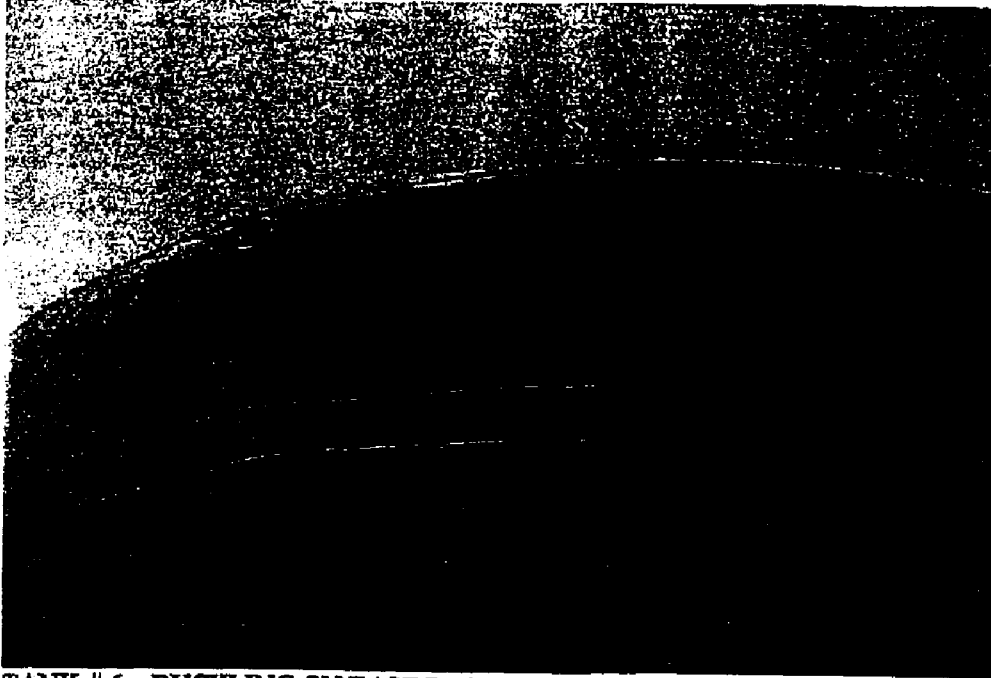
TANK #5 - BUCKLING ON EAST FACE W/ RUST & STAIN



TANK #5 - BUCKLING ON SOUTH FACE



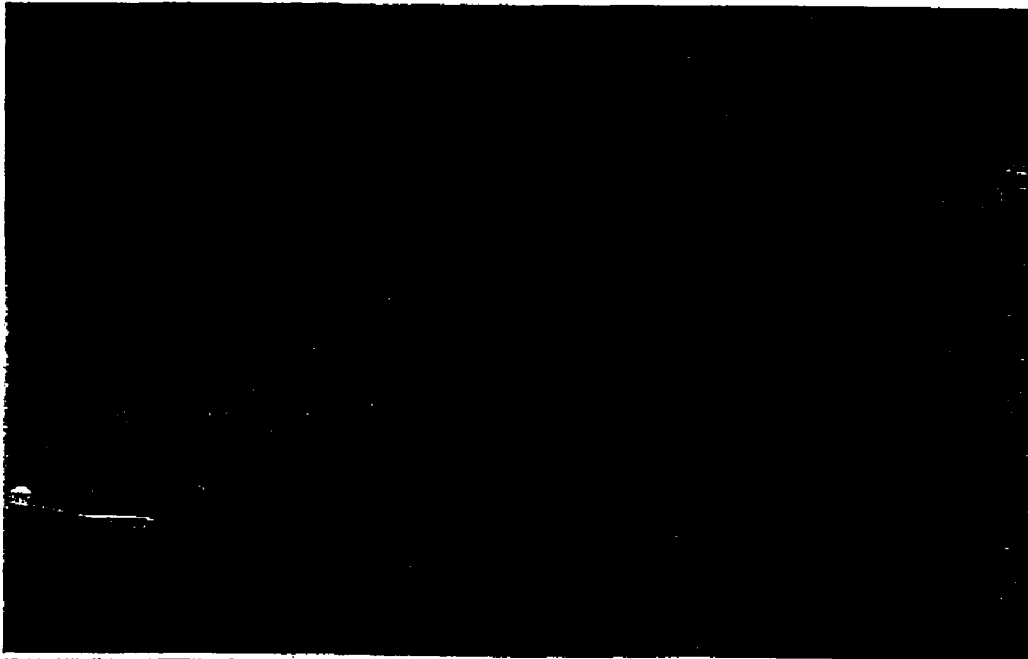
TANK #5 - LEAKAGE @ FLANGE- SOUTH SIDE



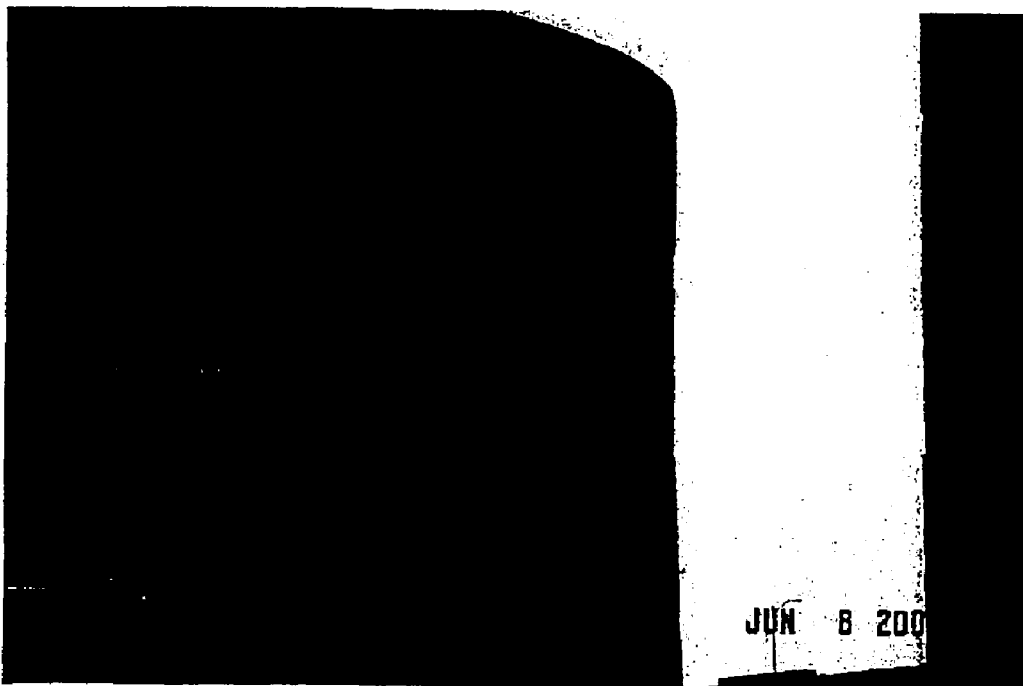
TANK # 6 - BUCKLING ON EAST FACE



TANK # 6 - SOUTH SIDE LEAK W/ STAINING TOP COURSE



TANK #6 - VIEW OF LEAK W/ STAINING



TANK #7 - LEAK ON WEST FACE LOWER COURSE



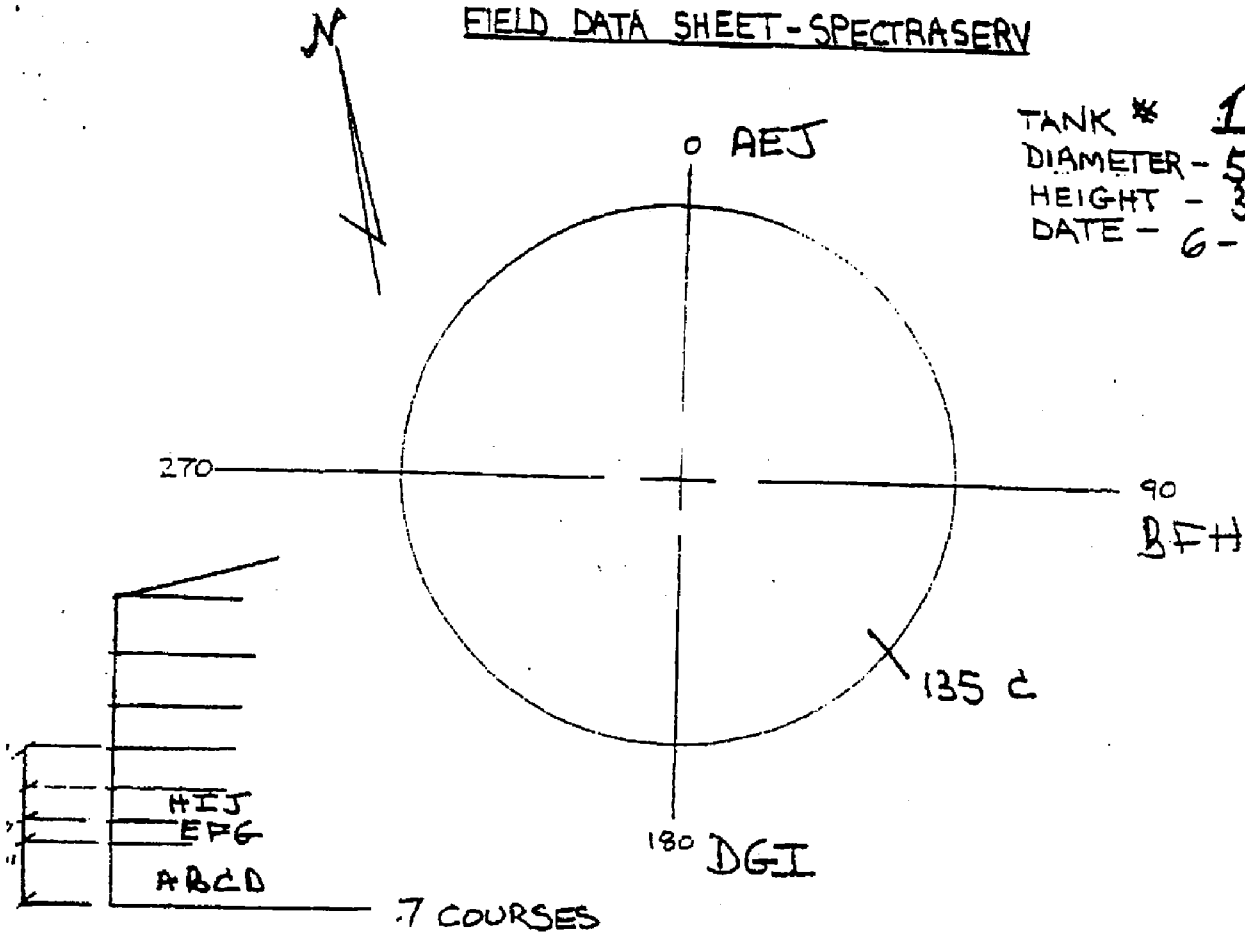
TANKS #9 & #10 - DEBRIS @ BASE (TANKS NOT IN USE)



YARD SUPPLY PIPING - SLIGHT RUST UNDERWAY

FIELD DATA SHEET - SPECTRASERV

TANK * 1
 DIAMETER - 50'
 HEIGHT - 38'
 DATE - 6-8-04



DATA POINT	A	B	C	D	E	F	G	H	I	J			
ORIENTATION	0	90	135	180	0	90	180	90	180	0			
ELEVATION	1	1	1	1	2	2	2	3	3	3			
THICKNESS	248	269	241	250	235	254	240	247	208	220			

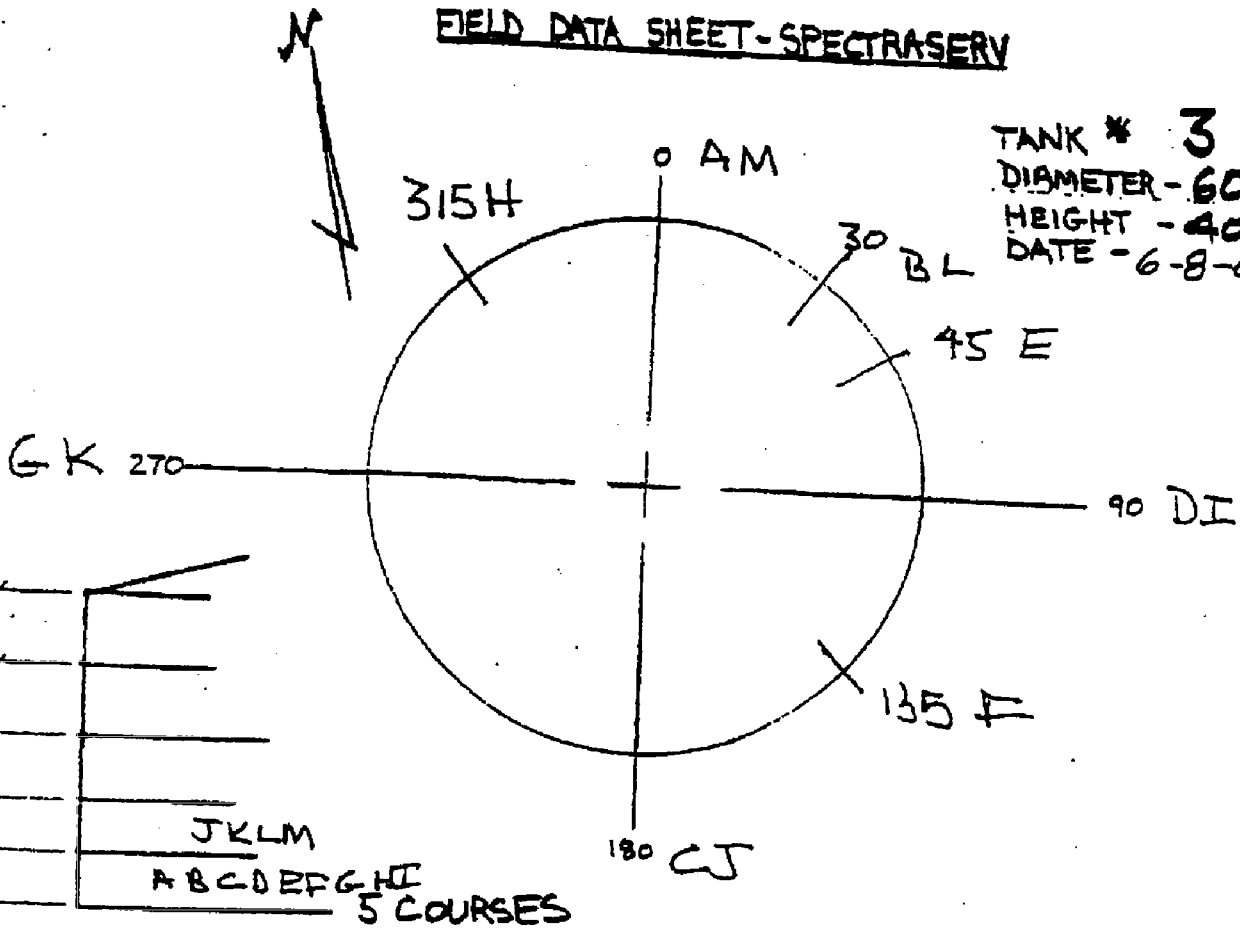
OBSERVATIONS
 93 02 02 02 96 02 02 02 02 01
 04 04 04 04 04 04 04 04 04 04

WITNESSED BY

[Signature]

FIELD DATA SHEET-SPECTRASERV

TANK # 3
DIAMETER - 60'
HEIGHT - 40'
DATE - 6-8-04



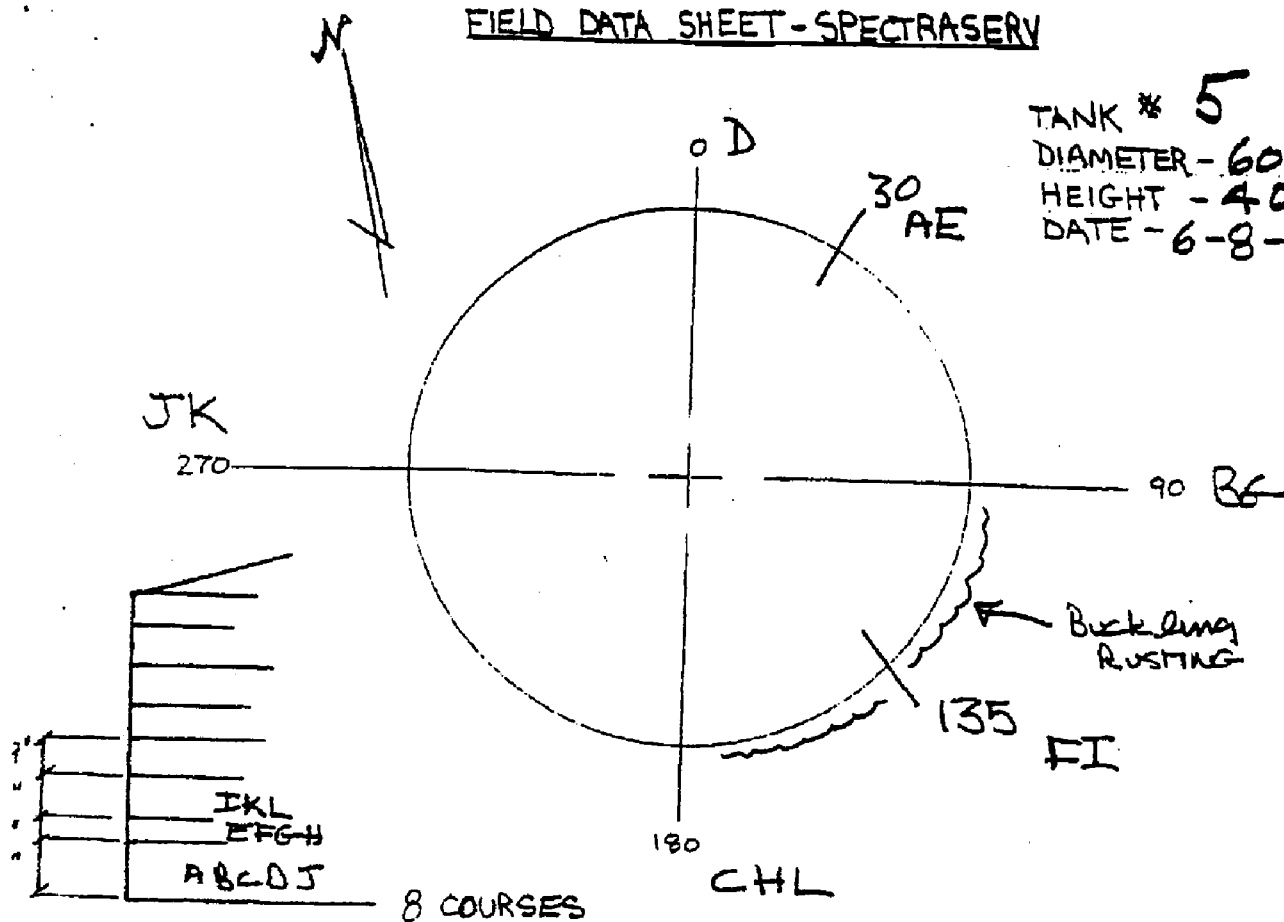
DATA POINT	A	B	C	D	E	F	G	H	I	J	K	L	M
ORIENTATION	0	30	180	90	45	135	270	315	90	180	270	30	0
ELEVATION	1	1	1	1	1	1	1	1	2	2	2	2	2
THICKNESS	263	308	262	267	264	330	265	264	238	237	232	265	246
OBSERVATIONS	93	98	93	99	93	94	90	94	90	90	90	01	01

04 _____ 04

WITNESSED BY D. K. Kelley

FIELD DATA SHEET - SPECTRASERV

TANK # 5
DIAMETER - 60'
HEIGHT - 40'
DATE - 6-8-04



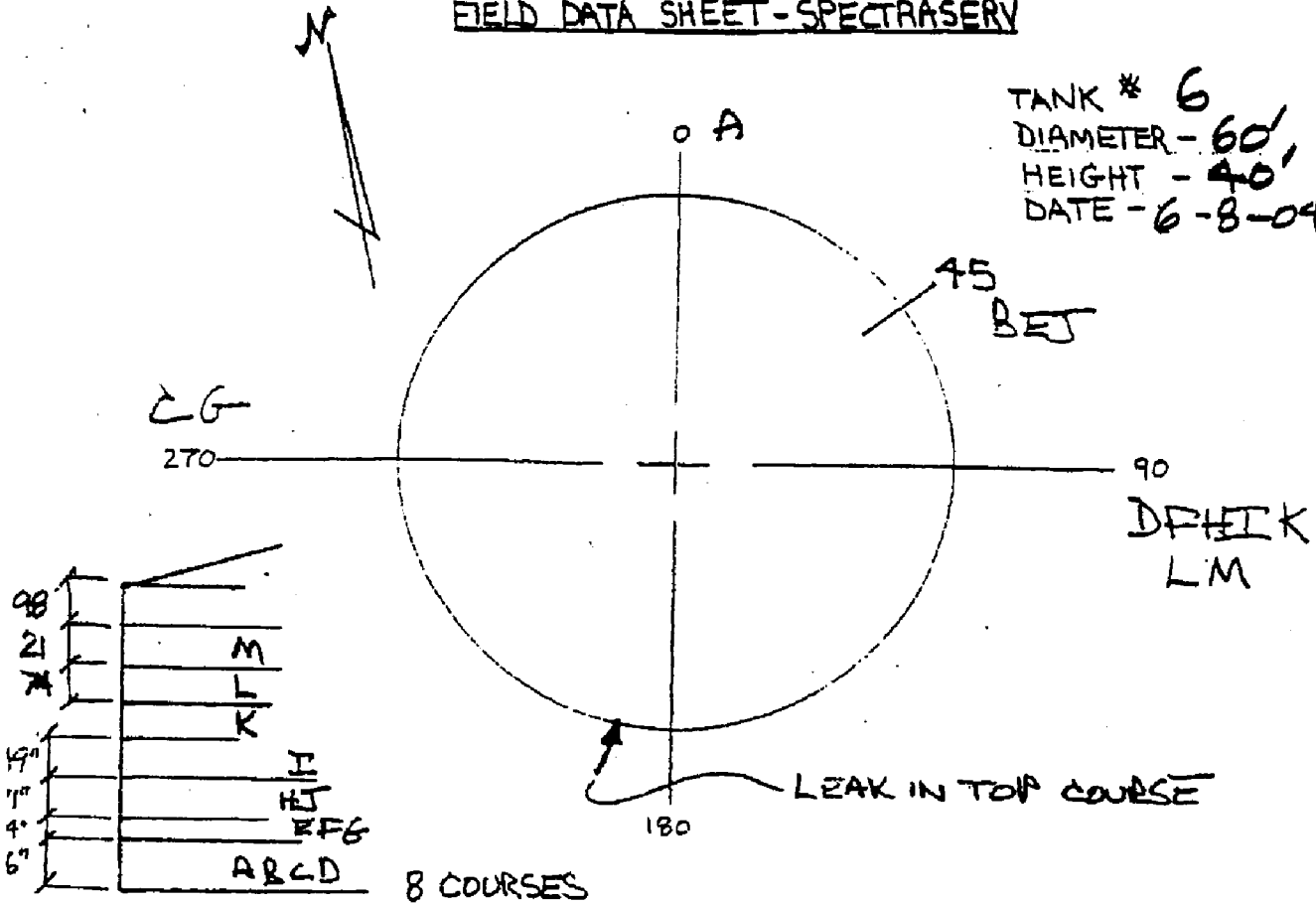
DATA POINT	A	B	C	D	E	F	G	H	I	J	K	L	
ORIENTATION	30	90	180	0	30	135	90	180	135	270	270	180	
ELEVATION	1	1	1	1	2	2	2	2	3	1	3	3	
THICKNESS	358	318	330	348	234	227	219	218	226	336	258	221	

OBSERVATIONS
93 94 01 02 00 02 02 97 02 00 02 02
04 _____ 04

WITNESSED BY D. H. Crowley

FIELD DATA SHEET - SPECTRASERV

TANK # 6
DIAMETER - 60'
HEIGHT - 40'
DATE - 6-8-04



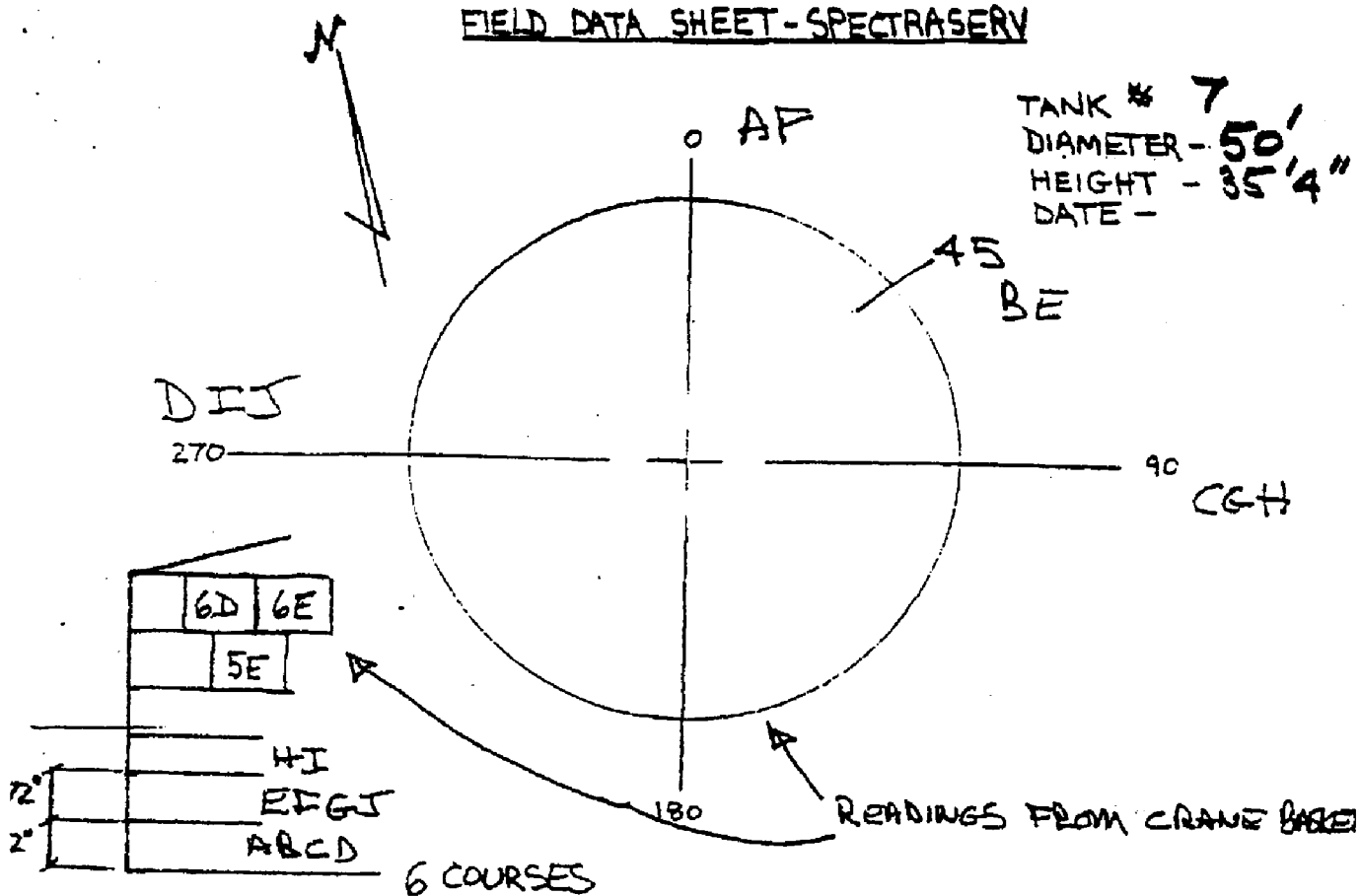
DATA POINT	A	B	C	D	E	F	G	H	I	J	K	L	M
ORIENTATION	0	47	270	90	45	90	270	90	90	45	90	90 ⁺	90 ⁺
ELEVATION	1	1	1	1	2	2	2	3	4	3	5	6	7
THICKNESS	366	374	356	385	258	285	297	264	175	297	203	163	161

OBSERVATIONS 93 01 97 02 02 01 01 02 02 02 02 04 04 04

04 04

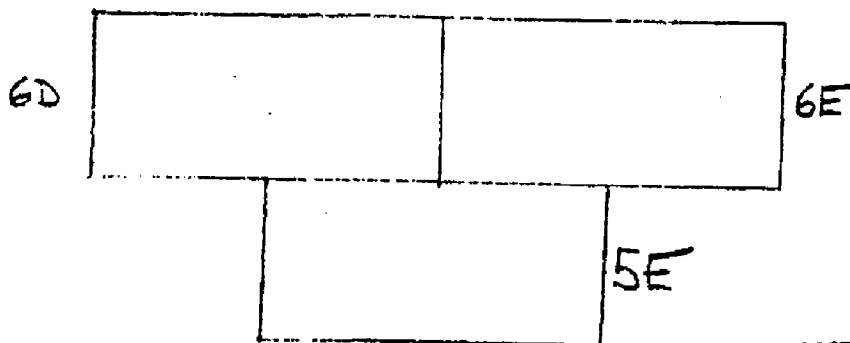
WITNESSED BY [Signature]

FIELD DATA SHEET - SPECTRASERV



DATA POINT	A	B	C	D	E	F	G	H	I	J				
ORIENTATION	0	45	90	270	45	0	90	90	270	270				
ELEVATION	1	1	1	1	2	2	2	3	3	2				
THICKNESS														

OBSERVATIONS 93 02 61 02 02 97 97 95 02 02
 1 1 1 1 1 1 1 1 1 1

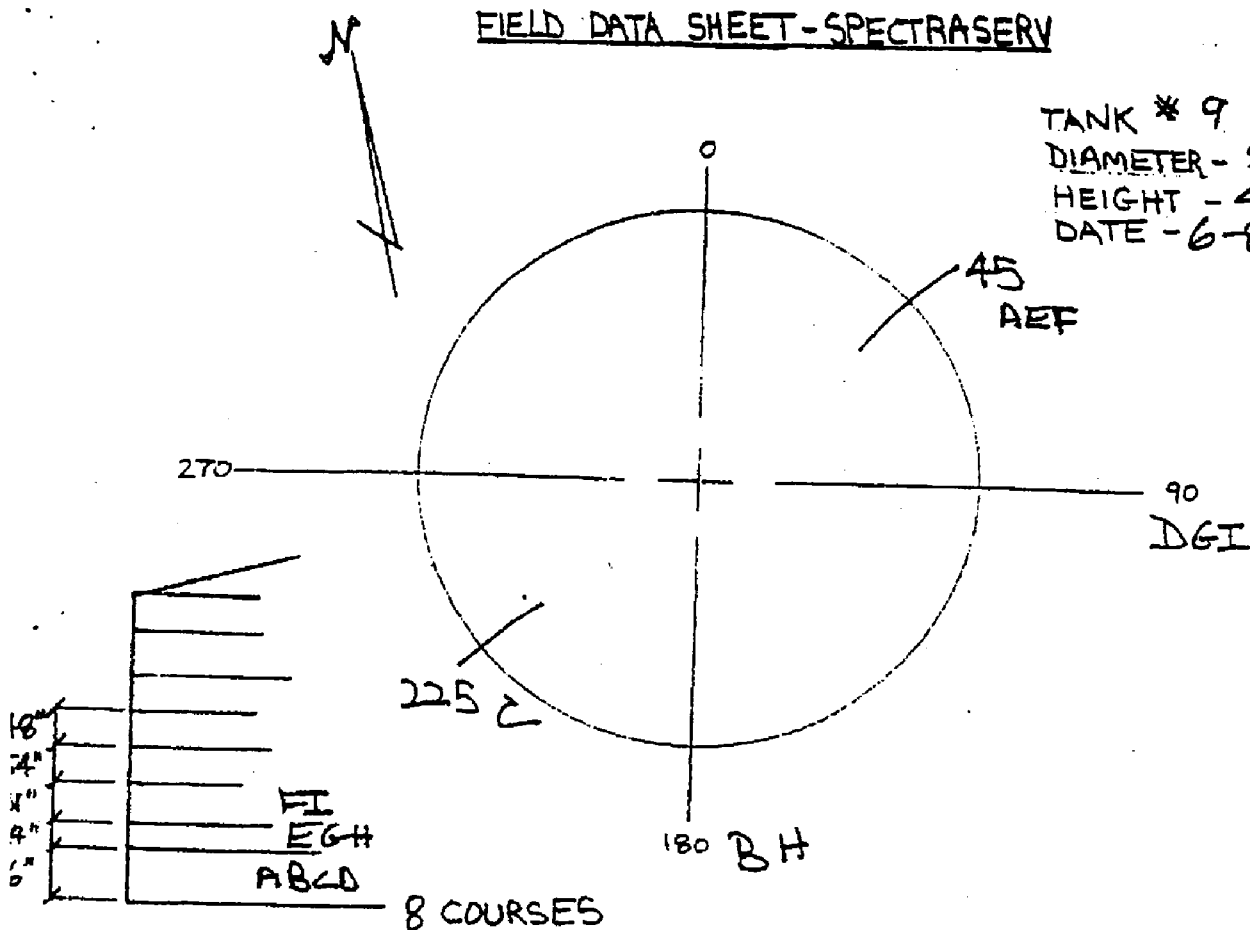


Being Removed
 From Service
 Leak in course
 4 - Limit short
 Term use to 3
 courses

WITNESSED BY D. Keely

FIELD DATA SHEET - SPECTRASERV

TANK * 9
DIAMETER - 50'
HEIGHT - 40'
DATE - 6-8-04



DATA POINT	A	B	C	D	E	F	G	H	I				
ORIENTATION	45	180	225	90	45	45	90	180	90				
ELEVATION	1	1	1	1	2	3	2	2	3				
THICKNESS	301	297	301	306	224	213	245	225	216				

OBSERVATIONS 01 93 94 01 94 99 99 02 99

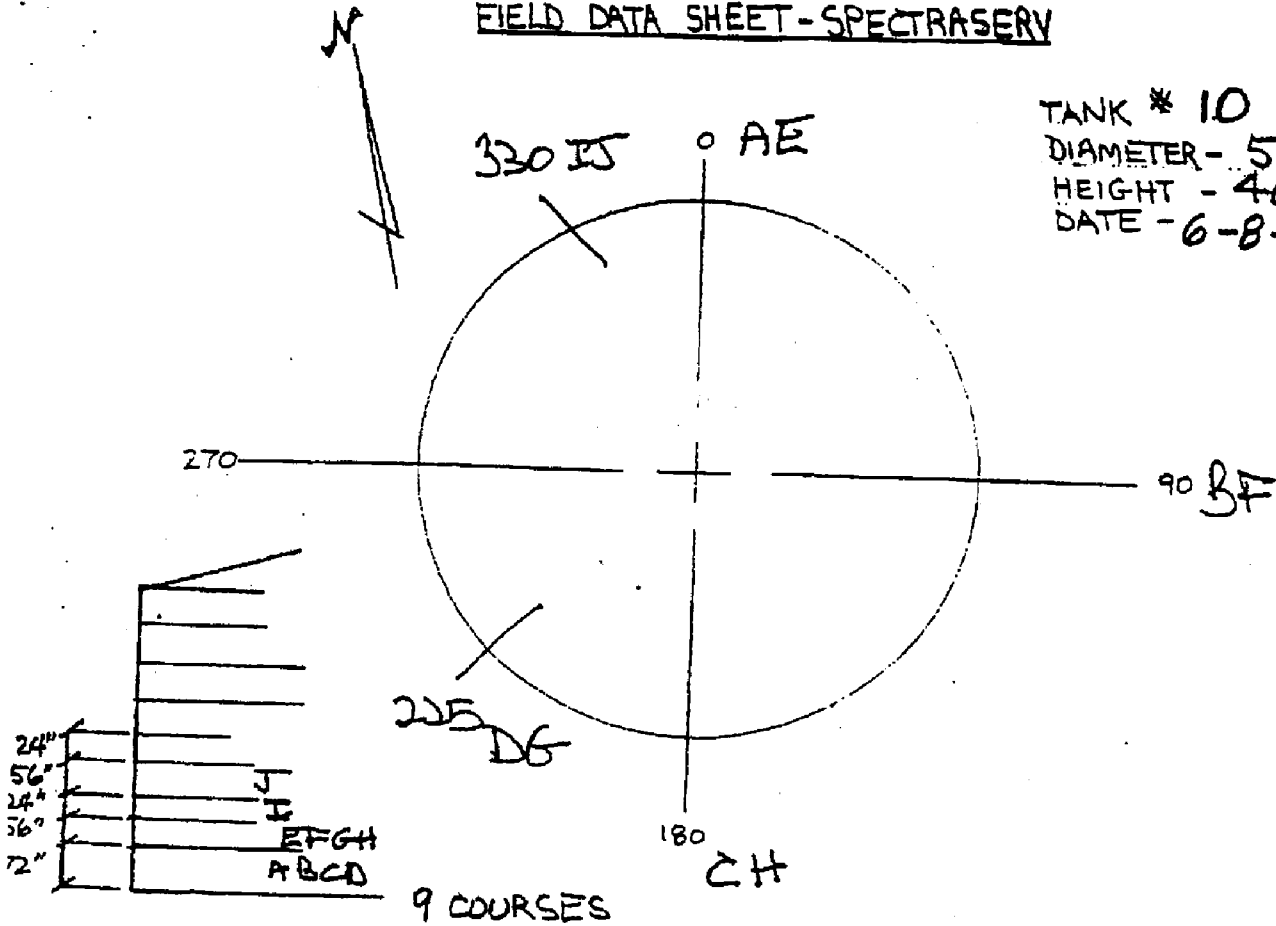
04 04

WITNESSED BY

[Signature]

FIELD DATA SHEET - SPECTRASERV

TANK # 10
DIAMETER - 50'
HEIGHT - 40'
DATE - 6-8-04



DATA POINT	A	B	C	D	E	F	G	H	I	J			
ORIENTATION	0	90	180	225	0	90	225	180	330	330			
ELEVATION	1	1	1	1	2	2	2	2	3	4			
THICKNESS	332	381	323	308	285	300	281	280	232	228			

OBSERVATIONS 1 93 02 02 95 00 02 98 02 00 02

04 ————— 04

WITNESSED BY

[Signature]

DON BOWLBY, P.E.
Process Equipment Consultant
668 Highpoint Drive
West Chester, PA 19382
610-793-3708

SPECTRASERV STORAGE TANKS-BURSTING POTENTIAL

2004

Perks-Reutter Associates was contracted by Spectraserv, Inc to provide the 2003 "Certification of Annual Inspection of Residuals Storage Tanks" for their Kearny, NJ plant. One part of the certification is the determination of the bursting potential for each of the seven storage tanks on the site.

Ultrasonic shell thickness measurements were made on the tanks on June 8, 2004. Measurements were taken at the most vulnerable locations identified by previous years' inspections.

The highest stress developed in the tank shell when it is full of liquid with a specific gravity of 1.0 was determined. In the cases of Tanks 3 & 5, the highest stress is based on restricted fill levels that were specified in previous years. The highest stress was then compared to the minimum allowable yield strength for the weakest steel (A-283-C) allowed by the API 650 Code. The percentage of that minimum yield stress for this year's evaluation along with the historical average for each tank since 1993 is reported below. 75% of minimum yield is the approximate acceptance limit.

Tank #1 is acceptable again this year.

Tanks #3 and #5 had exceeded the 75% limit in previous years, therefore, their maximum fill levels have been limited. Tank 3 is limited to 35 ½ feet and Tank 5 is limited to 36 ½ feet. The historical averages for these two tanks have been adjusted to reflect stresses at these restricted maximum levels.

The best method of limiting the fill level would be an overflow at the maximum allowed level. Spectraserv has chosen to limit the fill levels by operational procedure. It is important that the operational procedures be carefully followed. It is recommended that the tanks be prominently marked at the maximum allowed level gauge readings.

Tank #5 has an additional problem with buckling in the upper shell area. This was first identified in the 2002 inspection. This condition may be due to internal failure of part of the roof support structure. It may also have been caused by a partial vacuum being pulled on the tank from pumping out faster than the vent allowed air to enter. Until the cause of the buckling is determined and repaired, the fill level has been limited to below the second full shellplate course from the top. Once the buckling problem is addressed, the shell thickness would allow a fill level of 36 ½' (40 foot high tank). The percentages listed for tank #5 are based on this 36 ½' fill level.

SPECTRASERV STORAGE TANKS-BURSTING POTENTIAL- page 2

Tank #6 is acceptable based on stress level but a localized leak in the upper shell course is visible. The tank's maximum fill level should be limited to the bottom of the top shell course (32 feet) until the leak is repaired.

A new tank will be installed in the old Tank #8 location. The foundation for the new tank has already been poured. Tank #7 will be dismantled as soon as the new tank is put into service. Thickness readings were not taken on Tank #7 because it's removal is imminent. The tank has several leaks and therefore must be limited as to maximum fill level of 18 feet (top of the third shell course). If for any reason, the new tank does not get installed in the near future, Tank #7 must be repaired and thickness measurements made if it is to remain in service.

Tank #9 was out of service at the time of this inspection. This tank was also out of service in 2003. Measurements were made and the stress data is based on these measurements. The tank is acceptable for use.

Tank #10 was also out of service, which was the case in 2002 and 2003. Measurements were made and the stress data is based on these measurements. The tank is acceptable for use.

PERCENTAGE OF MINIMUM YIELD STRESS

<u>TANK#</u>	<u>HISTORICAL AVE.</u>	<u>2004</u>
1	66.0 %	68.3 %
3	68.2	70.4
5	63.0	68.0
6	60.4	64.5
9	64.4	61.9
10	53.9	54.8

7/1/04 D. Bowlby
spectraserv_04

FORM RMS-16

ENGINEERS CERTIFICATION OF ANNUAL INSPECTION OF
RESIDUALS STORAGE TANK

Permit Facility Name Spectraserv, Inc.

NJPDES Permit Number NJD079570

Tank I.D. Number 1

The annual inspection of the above referenced residuals storage tank was conducted on June 8, 2004 (date). The tank and appurtenances have been inspected for:

1. Leakage from the tank, piping, vacuum hose connections, etc.
2. Bursting potential of tank
3. Mixing equipment, aeration equipment, transfer equipment, venting and alarm performance.
4. Odor control.
5. Overflow control and alarm panel performance.
6. Spill control and maintenance.
7. Corrosion, splits and perforations to tank, piping and vacuum hoses for residual transfer.
- 8.
- 9.

The tank and appurtenances have been inspected for all of the above and have been determined to be:

Acceptable _____

Unacceptable _____

Conditionally Acceptable (list necessary repairs and other conditions):

Landing Shared with Tank #3 needs repair.

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment (N.J.A.C. -7:14A-2.4(d)).

Name (print): Chris Perks, PE

Seal: _____

Signature: 

Date: 7.15.04

NOTE: A Certification Form must be completed for each storage tank.

FORM RMS-16

ENGINEERS CERTIFICATION OF ANNUAL INSPECTION OF
RESIDUALS STORAGE TANK

Permit Facility Name Spectraserv, Inc.

NJPDES Permit Number NJ0079570

Tank I.D. Number 3

The annual inspection of the above referenced residuals storage tank was conducted on June 8, 2004 (date). The tank and appurtenances have been inspected for:

1. Leakage from the tank, piping, vacuum hose connections, etc.
2. Bursting potential of tank
3. Mixing equipment, aeration equipment, transfer equipment, venting and alarm performance.
4. Odor control.
5. Overflow control and alarm panel performance.
6. Spill control and maintenance.
7. Corrosion, splits and perforations to tank, piping and vacuum hoses for residual transfer.
- 8.
- 9.

The tank and appurtenances have been inspected for all of the above and have been determined to be:

Acceptable _____

Unacceptable _____

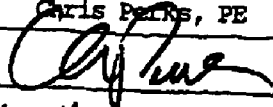
Conditionally Acceptable (list necessary repairs and other conditions):

See comment Tank 1 - Also fill height limit to 35' 6" due to stress.

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment (N.J.A.C. -7:14A-2.4(d)).

Name (print): Chris Parks, PE

Seal: _____

Signature: 

Date: 7.14.04

NOTE: A Certification Form must be completed for each storage tank.

FORM RMS-16

ENGINEERS CERTIFICATION OF ANNUAL INSPECTION OF
RESIDUALS STORAGE TANK

Permit Facility Name Spectraserv, Inc.

NJPDES Permit Number NJ0079570

Tank I.D. Number 5

The annual inspection of the above referenced residuals storage tank was conducted on June 8, 2004 (date). The tank and appurtenances have been inspected for:

1. Leakage from the tank, piping, vacuum hose connections, etc.
2. Bursting potential of tank
3. Mixing equipment, aeration equipment, transfer equipment, venting and alarm performance.
4. Odor control.
5. Overflow control and alarm panel performance.
6. Spill control and maintenance.
7. Corrosion, splits and perforations to tank, piping and vacuum hoses for residual transfer.
- 8.
- 9.

The tank and appurtenances have been inspected for all of the above and have been determined to be:

Acceptable _____

Unacceptable _____

Conditionally Acceptable (list necessary repairs and other conditions):
Due to excessive stress fill level is limited to 36' 6" - However, concern for buckling in top shell plates limits fill to below the 2nd shell plate course from top until cause is determined & corrected.

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment (N.J.A.C. -7:14A-2.4(d)).

Name (print): Chris Perks, PE

Seal:

Signature: 

Date: 7.14.04

NOTE: A Certification Form must be completed for each storage tank.

FORM RMS-16

ENGINEERS CERTIFICATION OF ANNUAL INSPECTION OF
RESIDUALS STORAGE TANK

Permit Facility Name Spectraserv, Inc.
NJPDES Permit Number NJ0079570
Tank I.D. Number 6

The annual inspection of the above referenced residuals storage tank was conducted on June 8, 2004 (date). The tank and appurtenances have been inspected for:

1. Leakage from the tank, piping, vacuum hose connections, etc.
2. Bursting potential of tank
3. Mixing equipment, aeration equipment, transfer equipment, venting and alarm performance.
4. Odor control.
5. Overflow control and alarm panel performance.
6. Spill control and maintenance.
7. Corrosion, splits and perforations to tank, piping and vacuum hoses for residual transfer.
- 8.
- 9.

The tank and appurtenances have been inspected for all of the above and have been determined to be:

Acceptable X

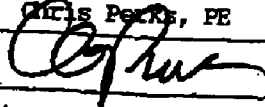
Unacceptable _____

Conditionally Acceptable (list necessary repairs and other conditions):

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment (N.J.A.C. 7:14A-2.4(d)).

Name (print): Chris Parks, PE

Seal:

Signature: 

Date: 7.14.04

NOTE: A Certification Form must be completed for each storage tank.

FORM RMS-16

ENGINEERS CERTIFICATION OF ANNUAL INSPECTION OF
RESIDUALS STORAGE TANK

Permit Facility Name Spectraserv, Inc.

NJPDES Permit Number NJ0079570

Tank I.D. Number 7

The annual inspection of the above referenced residuals storage tank was conducted on June 8, 2004 (date). The tank and appurtenances have been inspected for:

1. Leakage from the tank, piping, vacuum hose connections, etc.
2. Bursting potential of tank
3. Mixing equipment, aeration equipment, transfer equipment, venting and alarm performance.
4. Odor control.
5. Overflow control and alarm panel performance.
6. Spill control and maintenance.
7. Corrosion, splits and perforations to tank, piping and vacuum hoses for residual transfer.
- 8.
- 9.

The tank and appurtenances have been inspected for all of the above and have been determined to be:

Acceptable _____

Unacceptable _____

Conditionally Acceptable (list necessary repairs and other conditions):
Tank must be out of service on or before October 31, 2004, or must be reinspected.
Fill Height is limited to 18 feet or 3rd shell plate course.

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment (N.J.A.C. 17:27A-2.4(d)).

Name (print): Cris Parks, PE

Seal: _____

Signature: 

Date: 7.15.04

NOTE: A Certification Form must be completed for each storage tank.

FORM RMS-16

ENGINEERS CERTIFICATION OF ANNUAL INSPECTION OF
RESIDUALS STORAGE TANK

Permit Facility Name Spectraserv, Inc.

NJPDES Permit Number NJ0079570

Tank I.D. Number 9

The annual inspection of the above referenced residuals storage tank was conducted on June 8, 2004 (date). The tank and appurtenances have been inspected for:

1. Leakage from the tank, piping, vacuum hose connections, etc.
2. Bursting potential of tank
3. Mixing equipment, aeration equipment, transfer equipment, venting and alarm performance.
4. Odor control.
5. Overflow control and alarm panel performance.
6. Spill control and maintenance.
7. Corrosion, splits and perforations to tank, piping and vacuum hoses for residual transfer.
- 8.
- 9.

The tank and appurtenances have been inspected for all of the above and have been determined to be:

Acceptable X

Unacceptable _____

Conditionally Acceptable (list necessary repairs and other conditions):

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment (N.J.A.C. 17:27A-2.4(d)).

Name (print): Chris Berks, PE

Seal: _____

Signature: 

Date: 7.15.04

NOTE: A Certification Form must be completed for each storage tank.

ENGINEERS CERTIFICATION OF ANNUAL INSPECTION OF
RESIDUALS STORAGE TANK

Permit Facility Name Spectraserv, Inc.

NJPDES Permit Number NJ0079570

Tank I.D. Number 10

The annual inspection of the above referenced residuals storage tank was conducted on June 8, 2004 (date). The tank and appurtenances have been inspected for:

1. Leakage from the tank, piping, vacuum hose connections, etc.
2. Bursting potential of tank
3. Mixing equipment, aeration equipment, transfer equipment, venting and alarm performance.
4. Odor control.
5. Overflow control and alarm panel performance.
6. Spill control and maintenance.
7. Corrosion, splits and perforations to tank, piping and vacuum hoses for residual transfer.
- 8.
- 9.

The tank and appurtenances have been inspected for all of the above and have been determined to be:

Acceptable X

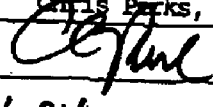
Unacceptable _____

Conditionally Acceptable (list necessary repairs and other conditions):

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment (N.J.A.C. 7:14A-2.4(d)).

Name (print): Chris Parks, PE

Seal: _____

Signature: 

Date: 7/14/04

NOTE: A Certification Form must be completed for each storage tank.

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

Mr. Steven Townsend, President
SpectraServ, Inc.
75 Jacobus Avenue
Kearny, NJ 07032

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

Dear Mr. Townsend:

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 SpectraServ, Inc. ("SpectraServ") 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 SpectraServ's facility located at 75 Jacobus Avenue in 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. Therefore, SpectraServ 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/sblbra.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