



**State of New Jersey**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**DIVISION OF HAZARDOUS WASTE MANAGEMENT**

LANCE R. MILLER, DIRECTOR

CN 028

Trenton, N.J. 08625-0028

(609) 633-1408

Fax # (609) 633-1454

21 MAR 1991

IN THE MATTER OF  
 MacArthur Petroleum &  
 Solvent Co., Inc./  
 W.A.S. Terminals  
 126 Passaic Street  
 Newark, NJ 07104

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**ADMINISTRATIVE ORDER**  
**AND**  
**NOTICE OF CIVIL ADMINISTRATIVE**  
**PENALTY ASSESSMENT**

This Administrative Order and Notice of Civil Administrative Penalty Assessment is issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (hereinafter "NJDEP" or the "Department") by N.J.S.A. 13:1D-1 et seq., and the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. and duly delegated to the Assistant Director for Enforcement of the Division of Hazardous Waste Management pursuant to N.J.S.A. 13:1B-4.

**FINDINGS**

1. The Department has determined that MacArthur Petroleum & Solvent Co., Inc./W.A.S. Terminals (hereinafter "MacArthur") is a generator of hazardous waste (EPA ID# NJD 011 371 580) as defined in N.J.A.C. 7:26-1.4 and is located at Block 519, Lot 2, and Block 568, Lot 25, 126 Passaic Street, City of Newark, County of Essex, State of New Jersey, hereinafter "the site".
2. On October 29, 1990, the Department investigated a spill incident at the site. During the investigation, it was noted that MacArthur was in violation of several regulations under the Solid Waste Management Act.
3. The Department returned to the site on November 7, 1990, in order to conduct an inspection of the site. As a result of the inspection, the following violations were noted:
  - a. MacArthur failed to retain one copy of every manifest or to forward one copy of every manifest to the state of origin and one to the state of destination. Specifically, MacArthur failed to forward one copy of manifest numbers NJA 0916951, NJA 0913338, NJA 1101764, NJA 0902481, NJA 0919720, NJA 0901457, NJA 0620447, and NJA 0639372 to the state of origin, in violation of N.J.A.C. 7:26-7.4(a)5iii.
  - b. MacArthur failed to comply with exception reporting requirements in violation of N.J.A.C. 7:26-7.4(h). Specifically:

- i. MacArthur failed to contact the hauler and/or the owner or operator of the designated facility when MacArthur did not receive copies of manifest numbers NJA 0792760, and NJA 0717444, with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial hauler, to determine the status of the hazardous waste and to contact the Department at (609) 292-8341 to inform the Department of the situation, in violation of N.J.A.C. 7:26-7.4(h)1.
- ii. MacArthur failed to submit an Exception Report to the Department when it did not receive copies of manifest numbers NJA 0792760, and NJA 0717444, with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial hauler, in violation of N.J.A.C. 7:26-7.4(h)2.
- c. MacArthur failed to ship hazardous waste off site within 90 days or to place it in an on-site authorized facility. Specifically, waste was stored in several drums in the hazardous waste storage area and in two above ground storage tanks (tanks t-24 and t-26) for more than 90 days, in violation of N.J.A.C. 7:26-9.3(a)1.
- d. MacArthur failed to clearly mark several hazardous waste containers located in the hazardous waste storage area with the date when the accumulation period begins or to make mark visible for inspection and to mark each hazardous waste container with the words "Hazardous Waste", in violation of N.J.A.C. 7:26-9.3(a)3.
- e. MacArthur failed to obtain written approval from the Department to accumulate hazardous waste, specifically a mixture of solvents, petroleum oil and antifreeze on-site in two above ground storage tanks (tanks t-24 and t-26) for 90 days or less without a permit, in violation of N.J.A.C. 7:26-9.3(b).
- f. MacArthur failed to transfer hazardous waste from several containers located in the hazardous waste storage area that are not in good condition or begin to leak to containers that are in good condition; or manage the waste in some other way that complies with the requirements of N.J.A.C. 7:26-9.4(d)2, in violation of N.J.A.C. 7:26-9.4(d)2.
- g. MacArthur failed to comply with the following requirement for management of containers, in violation of N.J.A.C. 7:26-9.4(d)4. Specifically:
  - i. MacArthur failed to properly manage several hazardous waste containers located in the hazardous waste storage area such that they shall not be opened, handled, or stored in a manner which may rupture the container or

cause it to leak, in violation of N.J.A.C. 7:26-9.4(d)4iii.

- ii. MacArthur failed to segregate containerized hazardous waste which is located in the hazardous waste storage area by waste type, in violation of N.J.A.C. 7:26-9.4(d)4iv.
- h. MacArthur failed to perform daily inspections of each area where containers are stored, specifically, in the hazardous waste storage area, in violation of N.J.A.C. 7:26-9.4(d)5.
- i. MacArthur failed to provide required classroom or on-the-job training for facility personnel, in violation of N.J.A.C. 7:26-9.4(g). Specifically:
  - i. MacArthur failed to establish and maintain records of the job titles for each position at the facility related to hazardous waste management, with the name of each employee filling each job, in violation of N.J.A.C. 7:26-9.4(g)6i.
  - ii. MacArthur failed to establish and maintain records of a written job description for each position listed under N.J.A.C. 7:26-9.4(g)6i, in violation of N.J.A.C. 7:26-9.4(g)6ii.
  - iii. MacArthur failed to establish and maintain records of a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position related to hazardous waste management, in violation of N.J.A.C. 7:26-9.4(g)6iii.
  - iv. MacArthur failed to conduct semi-annual drills involving all employees and appropriate local authorities to test emergency response capabilities at the facility in accordance with the contingency plan and emergency procedures development pursuant to N.J.A.C. 7:26-9.7, in violation of N.J.A.C. 7:26-9.4(g)8.
- j. MacArthur failed to maintain sufficient aisle space for the unobstructed movement of personnel or equipment in an emergency, specifically, in the hazardous waste storage area, in violation of N.J.A.C. 7:26-9.6(e).
- k. MacArthur failed to make required arrangements with police or fire departments, emergency response contractors, equipment suppliers, or local hospitals, or to document any such authority's refusal of such arrangements, in violation of N.J.A.C. 7:26-9.6(f). Specifically:
  - i. MacArthur failed to make arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or discharges at the facility, in violation of N.J.A.C. 7:26-9.6(f)4.

1. MacArthur failed to include in their contingency plan, an evacuation procedure for personnel including signals, evacuation routes or alternate evacuation routes, in violation of N.J.A.C. 7:26-9.7(h).
4. A reinspection was conducted on December 5, 1990, and the Department granted MacArthur an extension to attain compliance with the above referenced violations.
5. A reinspection was conducted on January 3, 1991, and the Department determined that MacArthur had corrected the violations referenced in paragraphs 3a., 3b., 3c., 3d., 3f., 3g., 3h., 3i(iv)., 3j., and 3k., above.
6. Upon review of compliance submittals sent to the Department by MacArthur dated January 29, 1991, the Department determined that MacArthur had corrected the violations referenced in paragraph 3e. above.
7. Based on the facts set forth in these FINDINGS, the Department has determined that MacArthur has violated the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. and the regulations promulgated pursuant thereto, N.J.A.C. 7:26-1 et seq., specifically N.J.A.C. 7:26-7.4(a)5iii, 7.4(h)1, 7.4(h)2, 9.3(a)1, 9.3(a)3, 9.3(b), 9.4(d)2, 9.4(d)4iii, 9.4(d)4iv, 9.4(d)5, 9.4(g)6i-iii, 9.4(g)8, 9.6(e), 9.6(f)4, and 9.7(h).

**ORDER**

NOW, THEREFORE, PURSUANT TO N.J.S.A. 13:1E-9c, IT IS HEREBY ORDERED THAT MACARTHUR SHALL:

- 8 Within fifteen (15) calendar days after receipt of this Administrative Order and Notice of Civil Administrative Penalty Assessment, correct the violations set forth in paragraphs 3i(i-iii)., and 3l. above.
9. Within twenty (20) calendar days upon receipt of this Administrative Order and Notice of Civil Administrative Penalty Assessment submit

the enclosed VERIFICATION OF COMPLIANCE by certified mail, return receipt requested or by hand delivery to the address below, indicating that you have corrected the violations referenced in paragraph eight (8) above.

New Jersey Department of Environmental Protection  
Division of Hazardous Waste Management  
Bureau of Compliance and Technical Services  
CN 028  
Trenton, NJ 08625  
Attention: Judith Bayard

THIS ORDER SHALL BE EFFECTIVE UPON RECEIPT.

**NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT**

10. Pursuant to N.J.S.A. 13:1E-9e and N.J.A.C. 7:26-5.4(f), and based upon the above FINDINGS, the Department has determined that a civil administrative penalty is assessed against MacArthur in the amount of \$4000.00. The Department's basis for this Civil Administrative Penalty is set forth in the Penalty Assessment Worksheet(s) attached hereto and incorporated herein as Attachment A.
11. Payment of the penalty is due when a final order is issued by the Commissioner subsequent to a hearing, if any, or when this Administrative Order and Notice of Civil Administrative Penalty Assessment becomes a final order (see following paragraph). Payment shall be made by certified check payable to "Treasurer, State of New Jersey" and shall be submitted to:
- New Jersey Department of Environmental Protection  
Division of Financial Management Planning and General Services  
Bureau of Revenue  
CN 402  
Trenton, NJ 08625
12. If no request for a hearing is received within twenty (20) calendar days from receipt of this Administrative Order and Notice of Civil Administrative Penalty Assessment, it shall become a final order upon the twenty-first calendar day following its receipt and the penalty shall then be due and payable.

**NOTICE OF RIGHT TO A HEARING**

13. Pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 13: 1E-9, MacArthur is entitled to an administrative hearing. Any hearing request, along with the enclosed ADMINISTRATIVE HEARING REQUEST CHECKLIST AND TRACKING FORM FOR ENFORCEMENT DOCUMENTS, shall be delivered to the address below within twenty (20) calendar days from receipt of this Administrative Order and Notice of Civil Administrative Penalty Assessment.
- Assistant Director for Enforcement  
Division of Hazardous Waste Management  
401 East State Street  
CN 028  
Trenton, New Jersey 08625  
Attention: Wayne C. Howitz, Assistant Director
14. Pursuant to N.J.A.C. 7:26-5.3 MacArthur shall, in its request for a hearing, furnish NJDEP with the following:
- a. The name, address, telephone number and EPA Identification

- Number (if applicable) of MacArthur and its authorized representative;
- b. MacArthur's defenses, to each of the Department's findings of fact in the findings section of the administrative order or notice of civil administrative penalty assessment, stated in short and plain terms;
  - c. An admission or denial of each of the Department's findings of fact in the findings section of the administrative order or notice of civil administrative penalty assessment. If MacArthur is without knowledge or information sufficient to form a belief as to the truth of a finding, MacArthur shall so state and this shall have the effect of a denial. A denial shall fairly meet the substance of the findings denied. When MacArthur intends in good faith to deny only a part or a qualification of a finding, MacArthur shall specify so much of it as is true and material and deny only the remainder. MacArthur may not generally deny all of the findings but shall make all denials as specific denials of designated findings. For each finding which MacArthur denies, MacArthur shall allege the fact or facts as MacArthur believes such fact or facts to be;
  - d. Information supporting the request and specific reference to or copies of all written documents relied upon to support the request;
  - e. An estimate of the time required for the hearing (in days and/or hours); and
  - f. A request, if necessary, for a barrier-free hearing location for physically disabled persons.

#### GENERAL PROVISIONS

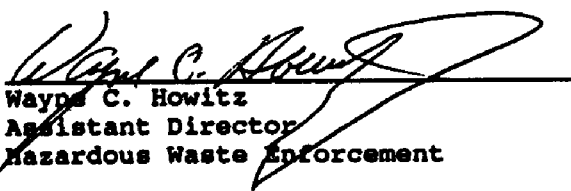
- 15. Neither the issuance of this Administrative Order and Notice of Civil Administrative Penalty Assessment nor anything contained herein shall relieve MacArthur of the obligation to comply with all applicable laws, including but not limited to the statutes and rules cited herein.
- 16. This Administrative Order and Notice of Civil Administrative Penalty Assessment is binding on MacArthur, its agents, successors, assigns, any trustee in bankruptcy or other trustee, and any receiver appointed through a proceeding in law or equity.
- 17. Notice is given that violations of any statutes, rules or permits other than those herein cited may be cause for additional enforcement actions, either administrative or judicial. By issuing this Administrative Order and Notice of Civil Administrative Penalty Assessment the Department does not waive its right to initiate

additional enforcement actions.

18. Obligations and penalties of this Administrative Order and Notice of Civil Administrative Penalty Assessment are imposed pursuant to the police powers of the State of New Jersey for the enforcement of the law and the protection of the public health, safety, and welfare and are not intended to constitute debt or debts which may be limited or discharged in a bankruptcy proceeding.
19. Notice is given that pursuant to N.J.S.A. 13:1E-9e, the Department is authorized to assess a civil administrative penalty of not more than \$50,000 for each violation, and each day during which the violation continues constitutes an additional, separate and distinct offense.
20. Notice is further given that any person who violates the provisions of N.J.S.A. 13:1E-1 et seq. or any code, rule, or regulation promulgated pursuant thereto shall be liable to a penalty of not more than \$50,000 per day to be collected in a civil action, and any person who violates an administrative order issued pursuant to N.J.S.A. 13:1E-9c or a court order issued pursuant to N.J.S.A. 13:1E-9d, or who fails to pay a civil administrative penalty assessed pursuant to N.J.S.A. 13:1E-9e in full after it is due is subject upon order of a court to a civil penalty not to exceed \$100,000 per day of such violations.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:

  
Wayne C. Howitz  
Assistant Director  
Hazardous Waste Enforcement

WCH/jgb

07/14

New Jersey Department of Environmental Protection  
Division of Environmental Quality  
Bureau of Emergency Response  
Region I

INVESTIGATION

Case #: 90-10-25-1223

File #:

Investigators: B. Doyle  
L. Jones  
C. Gibbons

Date: 26 Oct, 1990 Time Arrived: 0915  
Time Departed: 1157

Location: W.A.S. Terminals  
Address: 126 Passaic Street  
Newark, Essex County

Location Phone #: (201)482-4400

Health Dept. Rep:

Phone #:

Origin of Complaint: Captain Dolak Newark F.D. Phone #: (201)733-7495

Nature of Complaint: During a compliance inspection, the complainant observed assorted chemicals, of various classifications, stored together in the main warehouse of W.A.S. Terminals. The complainant was unsure of the possible interactions between different classes of chemicals and requested DEP assistance in assessing the hazard on site. Also noted at the facility was evidence of spilled chemicals entering a sewer line and multiple spills onto the ground.

Findings: Investigators Doyle and Jones responded to the request for assistance from Newark Fire Department on 25 October, 1990. At this time these responders were briefed on the ongoing activities of W.A.S. Terminal A.K.A. Mac Arthur Petroleum and Solvent Co. 126 Passaic Street in Newark. At this time, it was learned that the terminal had numerous chemicals on site many of which were incompatible with others stored in close proximity. It was also learned that evidence suggested that the company was illegally dumping chemicals into the Passaic River and onto the ground at the site. Due to the late hour it was decided that the investigation be initiated on Friday 26 October, 1990.

Investigators Doyle and Gibbons arrived on site at W.A.S. terminal at 0915 Hours, 26 October, 1990. These investigators met with Supervisor John Torres who provided information on the terminal's operation during this inspection. It was learned that the terminal is primarily involved in the distribution of petroleum blends, solvents, lubricants, and automotive chemicals. Both in bulk and in container form. During the course of the inspection, it was also determined that the terminal may be dealing in the purchasing of used and unknown chemicals for subsequent resale.

Investigators Doyle and Gibbons, accompanied by John Torres, inspected the facility and noted the following:

Stored in various locations throughout the terminal were more than 500 fifty five (55) gallon drums which contained unknown liquids and solids.



Mr. Torres stated that these drums are awaiting analysis, by the on site lab, for classification, repackaging and sale. Many of these drums were in poor condition, many were found to be leaking and upset.

On the North-west corner of the property, there was a stack of unmarked drums some of which were leaking onto the ground. Two of the drums had no top and were filled to overflowing with their unknown contents and rain water. Also discovered at this location were four drums which were marked as 'transformer oil 10-19-89'.

Nearby, between another stack of drums and the retaining wall for four tanks marked H-1 to H-4, a manhole cover was discovered. There was evidence of a fluid being dumped on the ground and allowed to run into the manhole. The fluid appeared to be either radiator fluid or dye mixed with water.

Also found in a stack of drums near this location were approximately 60 fifty five (55) gallon drums containing Hydrogen Peroxide. This compound along with several others, to be mentioned later, did not appear on the most recent Community Right to Know Chemical Inventory submitted by W.A.S. Terminal.

In the basement of the warehouse, a trough was observed which contained residues from an assortment of chemicals. At least three distinct substances were evident at this time from their appearance alone. Mr. Torres stated that this trough empties into the elevator shaft. No information was obtained as to where it goes from there. Also, in this basement a worker was observed filling five gallon containers with a product. The worker was not wearing any respiratory protection nor was there any evidence of respiratory protection in the basement. These containers were being filled with a proprietary blend and no information was available on it. Vapors in the basement were strong and Investigators Doyle and Gibbons deemed it prudent to discontinue the inspection of the basement area at this time. It was, however, noted that there were additional drums in poor condition in this basement as well as drums of flammable liquids, (an NFPA violation).

Continuing the inspection of the upper floors, approximately 2000 pounds of Ammonium Sulfate was discovered in bags stored between drums of Isodecanol and drums of a corrosive labeled corrosive 1719 (this number corresponds to caustic alkali liquids n.o.s. in the D.O.T. Guide book.) Also, located on the third floor were bags of Sodium Sulfide, Lauric Acid and Veresit. Sodium sulfide is a flammable solid which can explode upon rapid heating or percussion. Above the pallet containing the bags of these chemicals were unlabeled drums in a precarious position. This situation was brought to the immediate attention of Mr. Torres who stated the bags would be moved immediately.

After completion of the inspection, Investigators Doyle and Gibbons met with Supervisor John Torres and Terminal Manager Phil George. During this meeting the findings of the Investigators were presented to Mr. George. Mr. George was also advised that the findings of this inspection were going to be forwarded to the agencies and divisions which normally deal with these types of violations.

The chemicals noted at the terminal on 26 October, 1990 were checked against the most recent Right To Know inventory dated 7 September, 1990. Several chemicals, found at the facility were not found in the data base for this facility. This list includes but is not limited to: Benzyl Alcohol, Transformer oil, Ammonia Hydroxide, Hydrogen Peroxide, Polydimethyl Siloxane, Lauric Acid, Sodium Sulfide, Ammonium Sulfate, Caustic Soda (solid), Magnesium Aluminum Silicate, Ammonium Chloride and Zinc Sulfate.

The following agencies and divisions were appraised of the findings at W.A.S. Terminal a.k.a. Mac Arthur Petroleum and Solvents: Occupational Safety and Health Administration (David Eppolito and fax to Robert D. Kulic), Division of Criminal Justice, City of Newark Office of Emergency Management, D.E.P; Division of Hazardous Waste Management (Yacoub Yacoub), Division of Water Resources (Charles Berry), and Division of Environmental Quality Right To Know (Bill Gunner).

Conclusions: BER 1 responded to Newark, Essex County at the request of the Newark Office of Emergency Management to conduct an inspection at the W.A.S. Terminal on Passaic Street. An earlier inspection by the Fire Department raised concerns for the health and safety of the local residents due to the storage and handling of chemicals on site. Violations of various Federal and State laws and regulations were observed, noted and referred to the appropriate agencies.

Recommendations: This case be referred to DHWM- M, DWR- M, DEQ RTK, DFG, OSHA, and Newark OEM. No Further action BER 1.

Bruce F. Dayl  
Investigator

10/30/90  
Date

Robert L. Jones  
Investigator

10/30/90  
Date

Christopher K. Williams  
Investigator

10/30/90  
Date

P. H. Allen  
Supervisor

11/2/90  
Date

# **NEWARK FIRE DEPARTMENT**

**OFFICE OF HAZARDOUS MATERIALS**  
188 Mulberry Street  
Newark, New Jersey 07102

**Stanley J. Kossup**  
Director/Fire Chief

(201) 733-7506

Fax (201) 733-7468

**TO: Glenn Grant, Esq.**  
Corporate Council  
Law Department

**FROM: Batt. Chief A. Apostolico**

**November 1, 1991**

**SUBJ: 210 Passaic Street**

Sir,

Enclosed please find information regarding Hazardous Materials violations found at 210 Passaic Street. This information is being provided to expedite any legal action that will be taken. Please be advised that Ms. Paula Garrick is familiar with this case.

The facts leading up to this case are as follows:

On October 25, 1990 an inspection was conducted at MacArthur Fuel (W.A.S. Terminals), 210 Passaic Street. At this inspection it was found that they did not have a Hazardous Materials Permit as required by our Ordinance, 6-S and F-K, May 21, 1986. Section 5.2;

**Section 5.2** A permit shall be required for a facility which manufactures, processes, handles, uses or stores a Significant Quantity of hazardous materials in the City. The fee for such Permit shall be as set forth in Schedule 1 hereof.

New facilities shall have a signed Permit prior to hazardous material operations.

Existing facilities shall make application within 60 days of the effective date of these regulations.

It was also found at this time that this facility did not have any building permits, i.e., Certificate of Occupancy or Fire Permits as required by the Bureau of Life Safety. The uncertainty of knowing whether or not they had the proper permits required by

law, or if the building was safe for occupancy, lead me to stop all operations under the Hazardous Materials Regulations, Section 16.3;

**Section.16.3** The Director shall have the power, where there is or appears to be an imminent hazard affecting life or the safety of the public or property involving hazardous materials. to declare an emergency and order corrective remedy. In such an emergency the Director shall have the power to order the suspension of the hazardous materials operation.

A meeting was held in your office with Chief Austin of the Bureau of Life Safety, Joseph Garrity of the Building Department, and myself. I was informed that we did not have the authority to shut down this company and that they should be given additional time to file for the proper permits. The Building Department along with the Fire Department Bureau of Life Safety granted MacArthur Fuel, (W.A.S. Terminals) 90 days to acquire the proper permits.

On January 8, 1991 our Hazardous Materials Unit responded to an incident on 210 Passaic Street, concerning a vapor cloud in and around the building. At this response it was also noted that MacArthur Fuel, (W.A.S. Terminals) had a truck located inside the building, with a hose connected to it which lead into a floor drain.

On January 9, 1991 I, along with Robert Swales, and Robert Penn from the Office of Emergency Management, Paul Butler from the Department of Engineering and members of the Sewer Department responded to 210 Passaic Street to investigate where the floor drain discharged. Engine Company #9 was dispatched to this location, dye was placed in the sewer and flushed with water. We found that the dyed water was coming out of the back of the building through internal drains. This dyed water emptied onto a driveway that ran alongside the Passaic River. The slope of the driveway caused this run-off to enter into the river. At this time MacArthur Fuel, (W.A.S. Terminals) did not have the proper permits. I reported this to The Bureau of Life Safety and was informed that they had lost their lease and would be moving out of this location.

On July 23, 1991 I responded to an incident on 210 Passaic Street. MacArthur Fuel, (W.A.S. Terminals) had not moved out. Photos were taken, and again the Bureau was notified. I was informed that they had been granted another 90 day extension, and were expected to be out by this time.

On August 28, 1991 I went to 210 Passaic Street. There I found two tanker trucks inside of the building, off loading their products. Again, photos were taken.

On October 15, 1991 I went to 210 Passaic Street, where I took photos of MacArthur Fuel, (W.A.S. Terminals) still in operation.

**Summary:** One year has gone by and MacArthur Fuel, (W.A.S. Terminals) has neither obtained proper permits, nor made an attempt to move out. This company is off loading trucks inside of the building, into

internal drains which run into the Passaic River. There is the risk of a spill, or release of product into the river which in turn would endanger our waterways and environment. I again ask that action be taken against MacArthur Fuel, (W.A.S. Terminals) before an environmental accident occurs.

Violations that exist according to our Haz-Mat regulations are:

**Section 1.2** No person, firm or corporation shall cause, suffer, or permit the transportation, storage and use of hazardous materials in a manner which violates a provision of these Regulations or any other local, federal or state statute, code, rule, or regulation to hazardous materials, or in a manner which causes a discharge of hazardous materials or poses a significant risk of such a discharge.

**Section 5.2** A permit shall be required for a facility which manufactures, processes, handles, uses or stores a Significant Quantity of hazardous materials in the City. The fee for such Permit shall be as set forth in Schedule 1 hereof.

New facilities shall have a signed Permit prior to hazardous material operations.

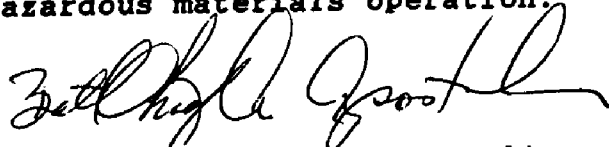
Existing facilities shall make application within 60 days of the effective date of these regulations.

**Section 8.4** Drainage from production facilities, including buildings, and other process areas shall be so engineered as to provide a means of secondary containment for spilled hazardous materials.

Process waste water and cooling water pipes, plant drains and similar installations which drain into sewers, storm drains, public waste water treatment plants, watercourses or other routes which drain to waters of the state shall be engineered so that spills of hazardous materials will not escape through them to waters of the State. If hazardous materials captured in secondary containment systems drain into process waste water lines, provisions must be made to treat or remove the hazardous materials before the water is discharged.

**Section 16.3** The Director shall have the power, where there is or appears to be an imminent hazard affecting life or the safety of the public or property involving

hazardous materials. to declare an emergency and order corrective remedy. In such an emergency the Director shall have the power to order the suspension of the hazardous materials operation.



Batt. Chief A. Apostolico  
Office of Hazardous Materials

cc: Stanley J. Kossup, Director of Fire  
Alvin Zach, P.E., L.S., Director of Engineering  
D/C James Raymond, Division of Investigation

Chief John Antiss, Bureau of Life Safety  
Joseph Garrity, Asst. Construction Official  
Robert Swales, Director O.E.M.  
Paul Butler, Dept. of Engineering

**NEWARK FIRE DEPARTMENT**

Office of Hazardous Materials  
188 Mulberry Street  
Newark, New Jersey 07102

Stanley J. Kossup  
Director/Fire Chief

(201) 733-7506

Fax (201) 733-7468

**\* \* M E M O R A N D U M \* \***

TO: Michelle Hollar-Gregory,  
Acting Corporation Counsel

FROM: Battalion Chief Anthony L. Apostolico

SUBJ: MacArthur Petroleum  
210 Passaic Street

February 27, 1992

Dear Madam,

I would like to meet with you, and if possible Mr. William Schwartz and Ms. Siobhan Teare of your staff. I wish to discuss the possibility of beginning legal proceedings against MacArthur Petroleum, 210 Passaic Street.

This facility has been in violation of the City of Newark Hazardous Material Ordinance (6-s&f-k, May 21, 1986) for over a year. I have tried numerous times to bring this company into compliance, but to no avail.

Below is a brief account of what has transpired since Oct. 25, 1990. You may contact me at the Office of Hazardous Materials, 188 Mulberry Street or by phone at 733-7506

Any help that you can give me in this matter would be greatly appreciated.

On Oct. 25, 1990 I inspected MacArthur Petroleum, 210 Passaic Street. The purpose of this inspection was to have them register their facility under the Hazardous Materials Ordinance 6-s&f-k. It was brought to our attention at this inspection that this facility did not have a Certificate of Occupancy for the building, or a Fire Inspection Certificate from the Bureau of Fire & Life Safety. In addition they did not have a Hazardous Material Permit to operate at this location. It was also noted that there were two trailer tankers off loading a hazardous material inside of the building. Being that this company did not have the required permits to

operate or a certificate of occupancy and I felt that there was a danger to the employees and or the property and environment, I ordered the immediate shut down of the operation. This was done under Section 5.2 and Section 16.3 of the Hazardous Materials Regulations.

**Section 5.2** A permit shall be required for a facility which manufactures, processes, handles, uses or stores a Significant Quantity of hazardous materials in the City. The fee for such Permit shall be as set forth in Schedule 1 hereof.

New facilities shall have a signed Permit prior to hazardous material operations.

Existing facilities shall make application within 60 days of the effective date of these regulations.

**Section 16.3** The Director shall have the power, where there is or appears to be an imminent hazard affecting life or the safety of the public or property involving hazardous materials. to declare an emergency and order corrective remedy. In such an emergency the Director shall have the power to order the suspension of the hazardous materials operation.

A meeting was held with Mr. Glenn Grant, Cooperation Counsel at the request of Chief Anstis, Fire Official. In attendance at this meeting was Mr. Grant, Chief Anstis, myself, and Mr. Joseph Garrity from the Building Department. Chief Anstis stated that I had no right to shut down this facility under the Hazardous Materials Regulations. I disagreed with him in that the ordinance is very clear when it states that a new facility SHALL have a permit prior to operation. I also explained that the facility did not have the required Certificate of Occupancy and that the Bureau of Life Safety did not issue them a fire permit, and seeing that there were no inspections from the building department or the fire department I could not be sure that the building was safe to operate in.

Mr. Grant then stated that the ordinance was not meant to read like that, and that I should not of shut down the operation. I again disagreed with him because of the wording of the ordinance, but said I would do whatever they wanted me to do. This company went back into operation on the following day by orders of Chief Anstis. Mr. Phil George, manager of MacArthur Petroleum stated that his company would get the required permits and inspections within 30 days.

On Jan. 7, 1991 the Hazardous Materials Unit of the Newark Fire Department responded to 210 Passaic Street for a reported hazardous materials incident. Upon arrival it was noted that there was a cloud lingering within the building. (see violation notice # 2177) It was also noted at this time that there were two trailer tank trucks inside of the building and that there was a hose line coming off of one of the tankers and going into a floor drain. It was also noted that there was a unknown liquid flowing into it.



(see copy of official fire department journal). I arrived on the scene and informed the chief in charge to notify the Bureau of Life Safety and to have them respond.

The following day I along with Mr. Robert Swales, and Mr. Robert Penn of the Office of Emergency Management, Mr. Paul Butler of the Engineering Department, and members of the sewer department and members of engine company nine responded to 210 Passaic Street. The purpose of this gathering was to determine where this internal floor drain flowed. A dye was place in the floor drain and the members of engine 9 then flowed water into it. Mr. Swales and myself went to the back of the building and found that the drain was an internal building one, and that it emptied into the driveway at the rear of the building. We also noted that the water with the dye in it flowed down the driveway, and then over the bulkhead of the Passaic River. Photos were taken at this time.

On Jan. 9, 1991 I issued a violation under the Hazardous Material Regulations. (see violation report dated Jan. 9, 1991) At a later date I was informed that the Fire Official gave this facility a 90 day extension so that they could continue to operate there. The reason for the extension was that they were going to move out of this location.

On June 28, 1991, the Fire Official gave MacArthur Petroleum another extension, this one being for five (5) months.

On July 23, 1991 I again inspected the facility to see if they were indeed moving out. To my estimation there was no reduction in any of the materials that was stored in the building, and that they were still operating with the tank trucks inside of the building. Photo were taken at this time.

On Aug. 28, 1991 I re-inspected this facility and again noted that the inventory was not decreasing. The tanker truck was again inside of the building. Photos were taken.

On Nov. 1, 1991 another violation was issued from the Office of Hazardous Materials for not having the required permits, and that they still showed no signs of stopping their operations and moving out. The inventory still remained the same if not more.

On Nov. 4, 1991 The Fire Official again gave this facility another 90 day extension to operate. This extension was good until Jan. 31, 1992.

On a later date in Nov. of 1991 the Fire Official gave this facility another extension to operate that was good until April 30, 1992 .

On Dec. 16, 1991 MacArthur Petroleum was informed that they still did not have any permits. Mr. Phil George, General Manager of the facility, stated that they had applied for a Certificate of Occupancy from the building department. A call was place to Mr. Joseph Garrity of the building department to see if this was true. Mr. Garrity informed me that a application for a Certificate of Occupancy was applied for and that it was for just warehousing. The

operations that are taking place at this facility are HIGH HAZARD. Mr. Garrity also informed me that the owners of the property have not called for any type of inspection for the property.

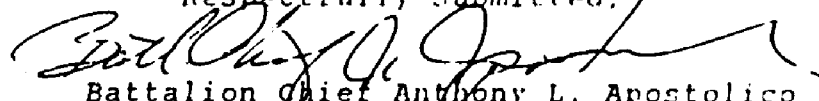
On Jan. 17, 1992 Chai Properties, the owners of this property informed this office that there are no negotiation taking place between them and MacArthur Petroleum.

On Jan. 29, 1992 The Bureau of Life Safety inspected this facility and found that the sprinkler system was shut down. It was also noted that there were tanker trucks inside of the building off loading their product. They were told that they could not have tank trucks inside of the building and that they had to be removed. It was arranged so that the trucks would be parked outside of the building and that there had to be someone in attendance at all times, in addition the tanker had to be grounded and that the shipping papers had to be in the truck.

On Feb. 5, 1992 I responded to a illegal dumping report at 214 Mt. Pleasant Ave. I spoke to a Mr. Ross Rengil, who was the manager of the properties for Chai. He asked me why the Fire Department kept giving MacArthur Petroleum extensions to operate. Mr. Rengil also informed me that Mac Arthur Petroleum was in chapter 11 and that they have not paid their rent for about 6 months. I told Mr. Rengil to send a letter to my office stating what we had talked about. On Feb. 6, 1992 I received a this letter From Chai Properties.

This facility have been operating for over a year without any permits. There have been incidents involving hazardous materials spills. They were also operating without any sprinklers thereby reinforcing my opinion that there was not a safe operation at this facility. I again state that this facility should be shut down pending the required inspections and permits.

Respectfully submitted;

  
Battalion Chief Anthony L. Apostolico  
Office of Hazardous Materials

cc:

Stanley J. Kossup, Director/Fire Chief  
Chief Wayne Pugh  
Chief James Raymond, Division of Investigation  
Mr. William Schwart, corporation counsel  
Ms. Siobhan Teare, corporation counsel

# NEWARK FIRE DEPARTMENT

HAZARDOUS MATERIALS RESPONSE UNIT #1  
188 Mulberry Street  
Newark, New Jersey 07102

Stanley J. Kossup  
Director

Lovell F. Jones  
Fire Chief

## INCIDENT REPORT

Date: JAN. 8, 1991	Station: S165	Haz-Mat Run #: 07	HIRFS: 00326-A	Tour: #2
Time of Alarm: 1520	Time Available: 1620	Haz-Mat Level: 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/>		
Name and Address of Owner or Company: MACARTHUR / W.A.S. TERMINALS				
Location of Incident: #210 PASSAIC ST.				
Shipper: SAME AS ABOVE				
Destination:				
1st Due Engine: ENG. Co. #9	Truck: TRK #1	BC: #3	DC:	Other: Hdqrs #7, Hdqrs. #4
Action taken prior to the arrival of the HMRU: None				
Chemicals Involved: UN #2831 METHYL CHLOROFORM, TRICHLOROETHANE, UN #1498 SODIUM NITRATE				
Amount: UNKNOWN	Identified by: PLACARD, + LABEL			
Type and condition of container:				
Cause (if known): VAPOR CLOUD IN AND AROUND BUILDING - CITIZEN REPORTED BY TELEPHONE TO FIRE DEPT.				
HAZARD CLASS:				
1. Explosive	<input type="checkbox"/>	6. Poison	<input type="checkbox"/>	
2. Gases	<input type="checkbox"/>	7. Radioactive	<input type="checkbox"/>	
3. Flammable Liquid	<input type="checkbox"/>	8. Corrosive	<input type="checkbox"/>	
4. Flammable Solid	<input type="checkbox"/>	9. Miscellaneous	<input checked="" type="checkbox"/>	
5. Oxidizing	<input type="checkbox"/>			

Continued on TIERRA-B-002598

Action taken by the HMRT: *Engine Company and HMRT shutdown operation*

Haz-Mat Officers: Incident Commander: *BATT CHIEF ROBERT GAYNOR 3<sup>RD</sup> BATT.*  
 Operations: *CAPT. DAVID H. JONES HMRT.*  
 Communications: *CAPT. CHARLES LUXTON HMRT.*

Entry Teams	Safety Teams	Decon. Teams
1. <i>NONE</i>	1. <i>NONE</i>	1. <i>NONE</i>
2.	2.	2.
3.	3.	3.
4.	4.	4.

Weather: *Clear* Wind speed: *mph* Wind direction: Temp.: *29* degrees °

Evacuated: *0* Distance: *0* Contaminated: *0* Injured: *0* Dead: *0*

Hospital: *N/A* Transported by: *N/A*

Names of Casualties: *N/A*

Other Agencies on the scene: *Headquarters #7 OEM - Headquarters #4 NFD*  
*PVSC NORFOLK*

Miscellaneous information: *Engine Co. #9 called for NFD Haz-Mat to respond when they found this company making a chemical product that was producing a large vapor cloud and operating without a license. Upon our arrival in checking area company found a hose coming off a device for pumping liquid products going into a sewer trap with the cover removed & vapors coming out. Eng Co. #9 issued a violation notice*

Respectfully submitted:

*B/C A. Apostolides*

*Capt. David H. Jones HMRT*

Forward: \_\_\_\_\_  
 Battalion Chief

Forward: \_\_\_\_\_  
 Deputy Chief

## **Newark Fire Department**

**Hazardous Materials Office  
188 Mulberry Street  
Newark, New Jersey 07102**

**Stanley J. Kossup  
Director**

**Phone (201) 733-7506**

**Fax (201) 733-7468**

---

**To: Mr. Philip George**

**Date: January 9, 1991**

**From: Batt. Chief Anthony L. Apostolico**

**Re: 210 Passaic St.  
MacArthur Petroleum**

**Sir,**

**You have been found to be in violation of City Ordinance 68  
& FE Hazardous Materials Regulations.**

- 1. Sec. 5.2 On October 25, 1990 you were ordered to shut down under section 16.3 Imminent Hazard, operating with no permit, transferring of Hazardous Materials with no grounding/ or bonding. As of January 8, 1991 you failed to obtain the proper permits and certificate of occupancy, and to abate all violations. Also failure to provide a safe environment for civilian employees.**
- 2. Sec. 8.4 Where, as it was noted that on January 8, 1991 hose lines were pumping into sewer lines.**
- 3. Sec.9.1(E) Where as it was noted that 55 gallon drums of of Hazardous Materials are stacked 4 high.**
- 4. Sec.9.1(F) It was also noted that the containers were stored in such a manner that there is not reasonable access to all sides for investigation.**
- 5. Sec. 10.1 (B) Not providing for the segregation of potentially reactive materials.**
- 6. Sec. 12.2 Transferring of Hazardous Materials shall comply with applicable federal laws & regulations in addition to "Any Local" and state requirements.**

7. Sec. 14.1 Where as it was noted that piping used to transfer hazardous materials was not posted/ or labeled in accordance with NFPA, OSHA and N.J. DEP regulations.
8. Sec. 16.3 Where as you have failed to obtain the proper permits and certificates in the prescribed time period and failed to provide a safe environment for its employees.
9. Sec. 17.1 (C) Failure to abate, correct or rectify any non-compliance with provisions of these regulations.
10. Sec. 17.1 (E) Failure to abide by the remedial action imposed by the City Of Newark.
11. Sec. 17.3 Under conditions of imminent hazard the director may issue a Notice of Violation without issuing a Notice of Non compliance.
12. Sec. 19.1 Where as we have not received a Hazardous Chemical list.
13. Sec20.2 Where as you could be punished by a fine of \$1000.00 per day per violation or imprisonment for a term of 90 days or by any combination of such fine and imprisonment.



Chief A. Apostolico  
Chief of Haz-Mat

FILE COPY

**Newark Fire Department**

**Hazardous Materials Office  
188 Mulberry Street  
Newark, New Jersey 07102**

**Stanley J. Kossup  
Director**

**Phone (201) 733-7506**

**Fax (201) 733-7468**

**To: MacArthur Petroleum**

**Date: January 16, 1991**

**From: Batt. Chief Anthony L. Apostolico  
Office of Hazardous Materials  
Re: Reinspection of 126 Passaic St.**

**Sir,**

On January 14, 1991 at 1340 hours this office reinspected your facility at 126 Passaic St. It was noted that many violations have been abated or corrected to some degree. Listed below are what we found to still exist as well as what has been abated or put on hold from the violation notice of October 13, 1991.

**ITEM**

1. Section 1.2: 210 Passaic St. still in effect.
2. Section 5.2: 210 Passaic St. still in effect.
3. Section 7.4: A letter from your engineer stating that all  
2.1 storage containers making contact with the exterior surface of the ground are protected with a layer of natural and/or man made materials of sufficient thickness, density, and composition as to prevent the discharge into UNDERLYING GROUND WATER or adjacent surface of any hazardous materials for a period of at least as long as the maximum anticipated time during which the hazardous materials will be in contact with the impervious layer.
4. Sec. 9.1 (A) Tank # E-11, 24,000 Gallons has to have a dike built around it.
5. Sec. 8.8.1 Tank # W-33 in warehouse has a broken flange, and is presently out of service.

- 8.9.2(D) Said container has been declared and is temporarily out of service.
- 8.9.2(E) The Director has been notified has been notified in writing of the intended status of removal from service within 30 days of said removal from service.
6. Tank # w-33 wrong label on markings on contents of tank.
7. SEC. 9.1 (A) Engineer report for this area same as Item #3 section 2.1
8. SEC. 9.1 (A) Tank along the river where (2) are temporarily out of service have no dikes.
9. SEC. 9.1 (A) Pipe running through dike of (4) horizontal tanks must be cloned up to prevent product from escaping in the event of tank failure North Side.
10. SEC. 9.2 (D) Drums stored outside shall be protected from weather-related damage.
11. FLAMMABLES IN BASEMENT TO BE REMOVED IMMEDIATELY.
12. SEC. 14.1 Approximately 100 55/gallon drums in basement with no label: unknown ?
13. SEC. 14.1 Tank H-12 NFPA 704 diamond improperly marked: 1E; contents of tank METHANOL: FLAMMABLE.
14. SEC. 9.1 (E) Drums on the 1st. floor of the warehouse are stacked 3 high in some places.
15. SEC. 9.1 (E) Drums on the 2nd. floor of warehouse are stacked 3 high.
- 10.1 (B) Segregation of potentially reactive chemical: Flammable solids mixed with flammables.
16. SEC. 9.1 (E) 4th. floor of warehouse. Pallets of bags of chemicals stacked on top of cardboard containers, causing containers to be crushed.
- 14.1 Many containers have no labels/and or markings.
- 15.1 Containers are leaking onto the floor. Unknown product.
17. SEC. 10.1 5TH. floor segregation of potentially reactive

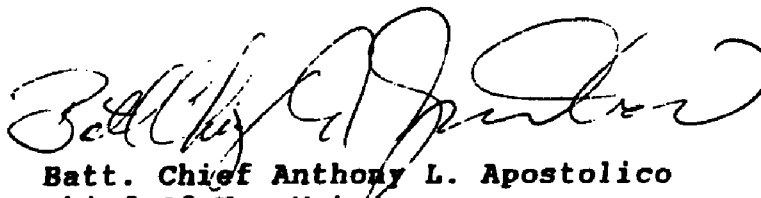


chemicals: Noted many bags of Sodium Sulfate, Amonia Sulfate, and other bagged products broken & spilled around the floor and contents on or next to corrosives.

15.2 Broken bags to be over packed area to be cleaned.

18. SEC. 9.1 (F) All floors of main warehouse containers stacked so as not to be able to read labels.

19. SEC. 11.2 Above ground piping to be labeled and/or posted as to its contents.



Batt. Chief Anthony L. Apostolico  
Chief Of Haz-Mat

**NEWARK FIRE DEPARTMENT**

Office of Hazardous Materials  
188 Mulberry Street  
Newark, New Jersey 07102

Stanley J. Kossup  
Director/Fire Chief

(201) 733-7506

Fax (201) 733-7468

**\* \* M E M O R A D U M \* \***

February 13, 1992

To: Acting Corporation Counsel Michelle Hollar-Gregory  
From: Battalion Chief Anthony Apostolico  
Subj: MacArthur Petroleum

Dear Madam,

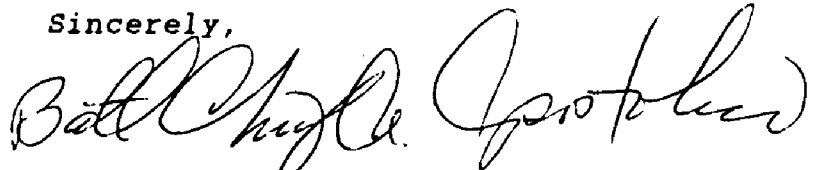
I would like to meet with you, and if possible Mr. William Schwartz and Ms. Siobhan Teare of your staff. I wish to discuss the possibility of beginning legal proceedings against MacArthur Petroleum of 126 and 210 Passaic Street.

These facilities have been in violation of the City of Newark Hazardous Materials Ordinance (6-s & F-K, May 21, 1986) for over a year. I have tried numerous times to bring this company into compliance, but to no avail.

You may contact me at the Office of Hazardous Materials, 188 Mulberry Street or by phone at 733-7506.

Any help that you can give me in this matter would be greatly appreciated.

Sincerely,



Battalion Chief Anthony Apostolico

# VIOLATION NOTICE HAZARDOUS MATERIALS REGULATIONS

## CITY OF NEWARK FIRE DEPARTMENT

1010 18th Ave, Newark, N.J. 07106  
(201) 733-7495

☐ NOTICE OF VIOLATION AND ORDER  
TO TERMINATE

☒ NON COMPLIANCE

☐ COURT ACTION REQUIRED

### IDENTIFICATION

LOCATION: 126 passaic street

Block: \_\_\_\_\_ Lot: \_\_\_\_\_

OWNER: WAS MACRTHUR PETROLEUM

AGENT:

Name \_\_\_\_\_

Name MR. PH. I GEORGE

Address 126 PASSAIC STREET

Address 126 PASSAIC STREET

Town/State/Zip NEWARK, NEW JERSEY 07104

Town/State/Zip NEWARK N.J. 07104

"HM" Permit #: H2MP053

### ACTION

DATE OF NOTICE: 10-31-90

COMPLIANCE DUE DATE: SEE NOTE

DATE OF INSPECTION: 10-25-

TAKE NOTICE that you have been found to be in violation of the City of Newark Ordinance ( 6S&FE amended March 21, 1990) governing hazardous materials:

SECTION 1.2  
SECTION 5.2  
SECTION 7.4  
SECTION 8.4  
SECTION 9.1A  
SECTION 9.1B  
SECTION 9.1D  
SECTION 9.1E  
SECTION 9.1F

SECTION 9.3A  
SECTION 10.1 B  
SECTION 11.2  
SECTION 12.2  
SECTION 14.1  
SECTION 15.1  
SECTION 16.3  
SECTION 18.2C  
SECTION 18.2E

SECTION 18.2H  
SECTION 18.2.2  
SECTION 19.1  
SECTION 20.1  
SECTION 20.2

NOTE: SEE ATTACHMENT FOR EXPLANATION & COMPLIANCE DUE DATE

If you have any questions concerning this matter, please call: (201) 733 - 7495

Inspector

Date

Robert L. Lick  
Officer in Charge Fire Prevention & Safety

Hazmat Officer

Date

Batt Chief G. Capotolone 10/31/90  
Ph. I. George 10-31-90  
Received by: Date

**Compliance:** *IMMEDIATELY STOP OPERATIONS UNTIL PROPER PERMITS HAVE BEEN OBTAINED.*

**Section 7.4** *It SHALL be unlawful to install, use or maintain any aboveground storage container making contact with the ground unless and until that exterior surface in contact with the ground is protected in accordance with sound engineering design and the compliance schedule contained herein.*

**Findings:** *1. All storage tanks outside have an earth base.  
2. Drums are stored on earth.*

**Compliance:** *Impervious pads to be placed under and around all storage tanks and drum storage areas.  
TO BE STARTED WITHIN 30 DAYS.*

**Section 8.4** *Any owner or other person in possession or control of an indoor aboveground storage container or part thereof SHALL file a proof of inspection form with the Director within 12 months of the issuance of the permit or other longer period is specified in the permit.  
Re: Storage tanks located in the basement to the 1st floor.*

**Findings:** *No record exist as to receiving any inspection forms.*

**Compliance:** *5 DAYS to COMPLY*

**Section 9.1a** *An impervious pad SHALL be provided for the placement of the portable storage containers and tanks.*

**Findings:** *All storage areas outside to have impervious pads installed.*

**Compliance:** *30 DAYS TO START.*

**Section 9.1b** *An impervious containment area SHALL be provided to sufficiently contain at least 100 % of the volume of the largest tank.*

**Findings:** *Many aboveground tanks were found to have no dikes around them. One dike on the north side has a hole in it.*

**Compliance:** *Dikes to be built around all tanks that do not have dikes. Dike with hole in it to be repaired. 30 DAYS TO START.*

**Section 9.1d** *The storage area of Portable storage containers or tanks SHALL be protected from weather-related damage where required to maintain the integrity of the storage area.*

**Findings:** *Drums stored outside are rusted and exposed to all types of weather.*

**Compliance:** *Sheltered areas to be provided for all storage containers outside. 30 DAYS TO COMPLY.*

**Section 9.1e** *Portable storage containers or tanks SHALL be stored in accordance with NFPA 30-1984 and SHALL be placed no higher than TWO high with-out using a properly designed storage system.*

**Findings:** *Many drums stored in out-side storage areas stacked three and four high. Many drums on ALL floors of the warehouse stacked three and four high.*

**Compliance:** *5 DAYS TO COMPLY.*

**Section 9.1f** *Portable storage containers or tanks SHALL be located in a manner to provide reasonable access to all sides for inspection.*

**Findings:** *Drums stored outside of building do not provide reasonable access. Drums stored inside of warehouse all floors do not provide reasonable access.*

**Compliance:** *5 DAYS TO COMPLY.*

**Section 9.3a** *Any owner or other person in possession or control of a storage area or part thereof SHALL file a proof of inspection form with the Director within 12 months of the issuance of the permit or other period as specified in the permit.*

**Findings:** *Our records show no inspection forms on file.*

**Compliance:** *5 DAYS TO COMPLY.*

**Section 10.1b** *Providing for the segregation of potentially reactive chemicals which are hazardous materials or which may react so as to form hazardous materials and which reaction may present or cause a hazardous or dangerous condition.*

**Findings:** *Potentially reactive chemicals are stored in all outside storage areas.  
Potentially reactive chemicals are stored on all floors of the 5 story warehouse.*

*A violation of these same conditions was issued on Jan. 18 1990. These condition still exist now.  
Failure to abate these violations will result in a complete stop order.*

**Compliance:** *5 DAYS TO COMPLY.*

**Section 11.2** *Above ground piping, fittings and connections.*

**Findings:** *All piping is to be labeled and or posted as to what it contains.*

**Compliance:** *5 DAYS TO COMPLY.*

**Section 12.2** *Transfer of hazardous materials:  
a person who loads or unloads hazardous materials SHALL comply with the applicable federal laws and regulations in addition to any local and state requirements.*

**Findings:** *Many outside off-loading procedures are done in a hap-hazardously way. Grounding of tankers, and bonding of all containers being filled are not being done. There is no ground protection in case of a spill. There are no dead-man shut-offs in the event of an accident.*

**Compliance:** *5 DAYS TO COMPLY.*

**Section 14.1** *All storage areas, tanks, portable containers and pipelines containing hazardous materials SHALL be posted and/or labeled in accordance with NFPA, OSHA and NJDEP regulations.*

**Findings:** 1. Aboveground storage tanks not labeled properly.  
2. Piping from above ground tanks not labeled.  
3. Numerous drums not labeled.  
4. Storage areas containing hazardous materials not posted.

**Compliance:** 30 DAYS TO COMPLY.

**Section 15.1** In the event of fire, explosion, structural failure, LEAKAGE or other discharge relating to hazardous materials requiring notification under federal or state law, the permit holder SHALL notify the Director.

**Findings:** In that upon inspection it was noted that many drums are leaking onto the ground outside as well as the floors of the warehouse.

**Compliance:** 5 DAYS TO COMPLY.

**Section 16.3** Imminent Hazard: The Director SHALL have the power where there is or appears to be an imminent hazard affecting life or safety of the public or property involving hazardous materials, to declare an emergency and order corrective remedy. In such an emergency the Director SHALL have the power to order the suspension of the hazardous material operation.

**Findings:** In that on Oct. 30 1990 it was found that flammable liquids are being stored in the basement of the 5 story warehouse, and that filling of 5 gal. pails from a gravity system from a tanker located outside of the building was being done. The hazardous material being off loaded into these 5 gal. pails was Lacquer thinners. There were no fans in operation. the employee had no respirator on and there was no grounding or bonding done.

**Compliance:** IMMEDIATELY SHUT DOWN.

**Section 18.2c** Drainage plans of the facility SHALL be provided including the location of all sanitary, storm and combined sewers. All water-courses into which surface water run off from the facility.

**Findings:** Our records show no drainage plans.

**Compliance: 5 DAY TO COMPLY.**

**Section 18.2e** Initially and annually, by anniversary of the signed permit, provide the Director with certification that the facility is in compliance with all applicable federal, and state laws.

**Findings:** Our records show no record.

**Compliance: 5 DAYS TO COMPLY.**

**Section 18.2h** The general site plan map SHALL be updated annually, by the anniversary of the signed permit.

**Findings:** Updated plan not submitted.

**Compliance: 5 DAYS TO COMPLY.**

**Section 18.2.2** The HMMP SHALL contain a description of the method to be utilized to ensure separation & protection of stored hazardous materials from conditions which may cause a fire, discharge of hazardous materials, explosion or deterioration of the primary or secondary storage.

**Findings:** Our records show nothing on this matter.

**Compliance: 5 DAYS TO COMPLY.**

**Section 19.1** Chemical inventory: Such person, firm or corp. SHALL amend the EHCI within 30 days of the storage of any hazardous materials not listed, but required to be listed by these regulations.

**Findings:** In that upon inspection many chemicals were found that were not listed on the list supplied when you applied for your permit.

**Compliance: 5 DAYS TO COMPLY.**

**Section 20.1** Maintenance fees: The maintenance fees for the years 1989 and 1990 have not been paid.

1. 1989 \$100.00

2. 1990 100.00

-----

\$200.00 TOTAL DUE.



**Section 20.2**

Whenever in these regulations any act is prohibited or is made or declared to be unlawful, or whenever in these regulations the performance of any act is required or failure to perform any act is made or declared to be unlawful, the commission of any such prohibited act or failure to perform any such required act, SHALL be punished by a fine of not more than \$1000.00 per day per violation or by imprisonment for a term of not more than 90 days, or by any combination of such fine and imprisonment. Each day any violation of these regulations continues shall be considered a separate offense.

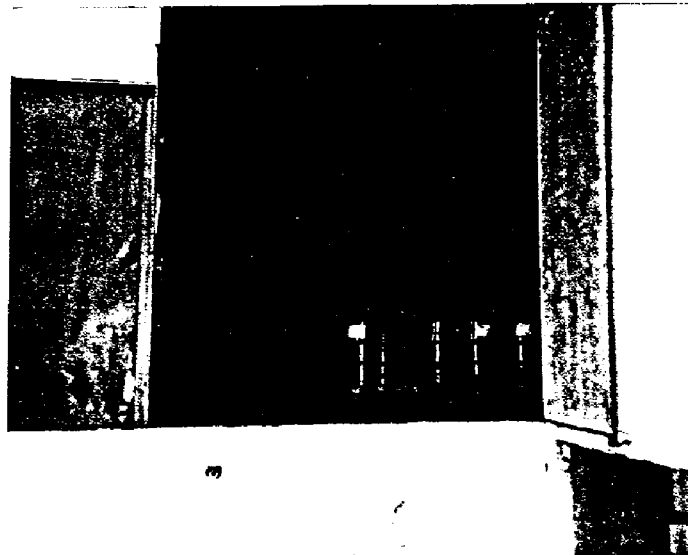
Respectfully;

  
Battalion Chief Anthony L. Apostolico  
Chief of Haz-Mat

cc: Director Kossup  
Director Zach  
Ms. Paula Garrich  
Director Svailes  
Chief Freda  
Chief Anstis  
Chief Ladd



7/23/91  
210 PASSAIC ST



7/23/91  
210 PASSAIC ST.



8/28/91 210 PASSAIC ST  
AA (WAS) M<sup>0</sup>ARTHUR



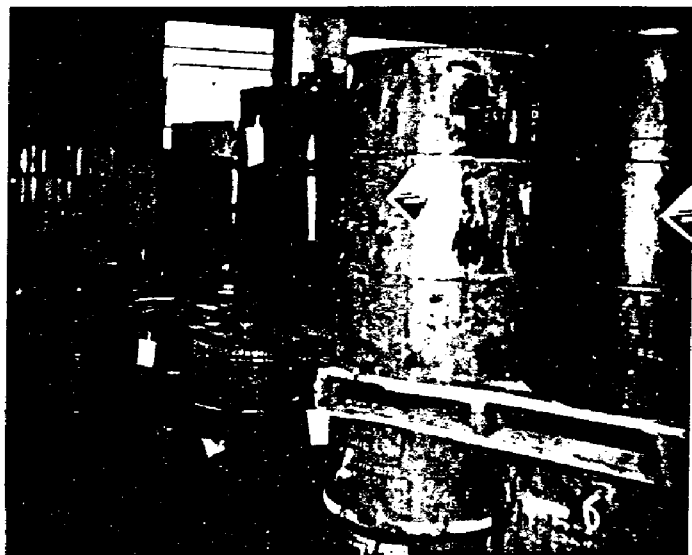
8/28/91 210 PASSAIC ST.  
AA (WAS) M<sup>0</sup>ARTHUR



5 120 PASSADIE ST.



5 PASSADIE ST



2 PASSADIE ST



4 120 PASSADIE ST



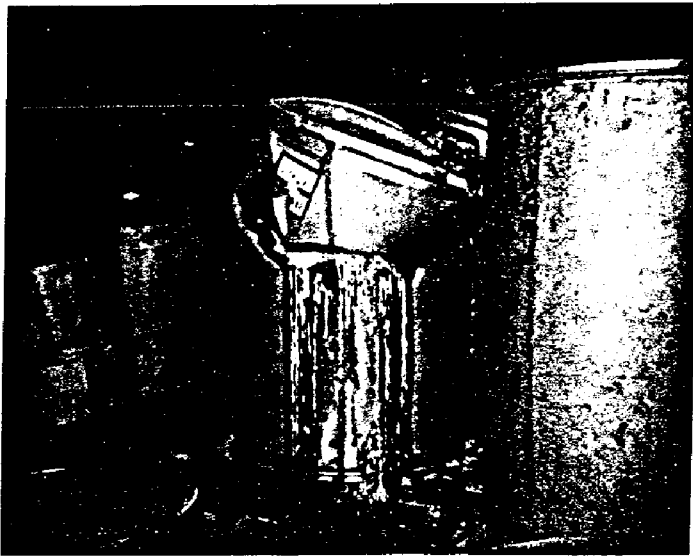
5 126 PASSAIC ST



400 126 PASSAIC ST



4 126 PASSAIC ST



2/27/92

MACARTHUR  
126 PASSAIC ST.

ALA/MD

5TH FLOOR



5 126 PASSAIC ST



8/27/91

4TH FLOOR

AA/RP

WAS 126 PASSAIC

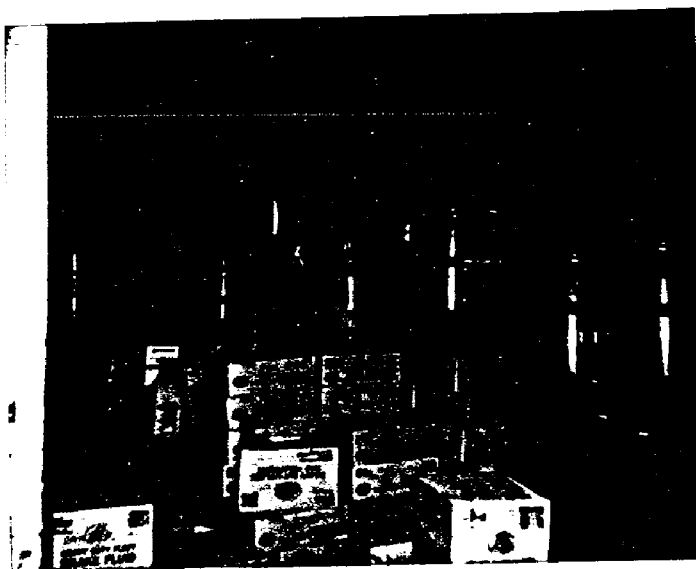


2/26/92

MACARTHUR  
126 PASSAIC ST

ALA/MD

5TH FLOOR  
TIERRA-B-002616



8/27/91 5TH FLOOR  
AA/RP WAS 126 PASSAIC

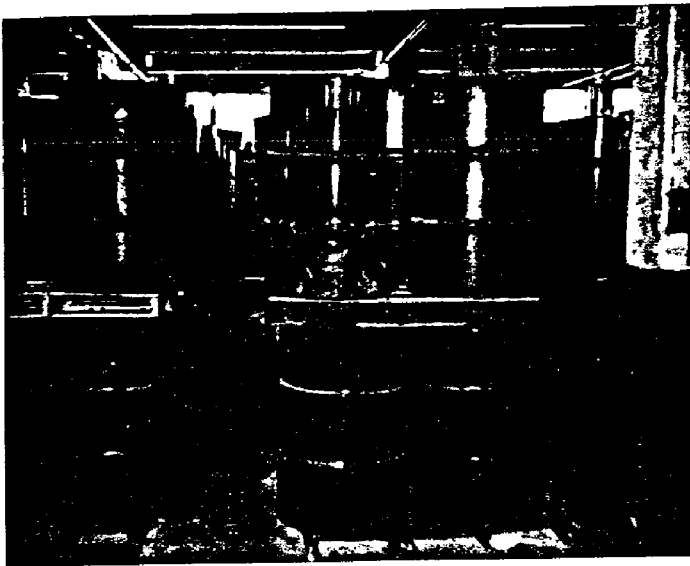


8/27/91 5TH FLOOR  
AA/RP WAS 126 PASSAIC



8/27/91  
AA/RP WAS 126 PASSAIC





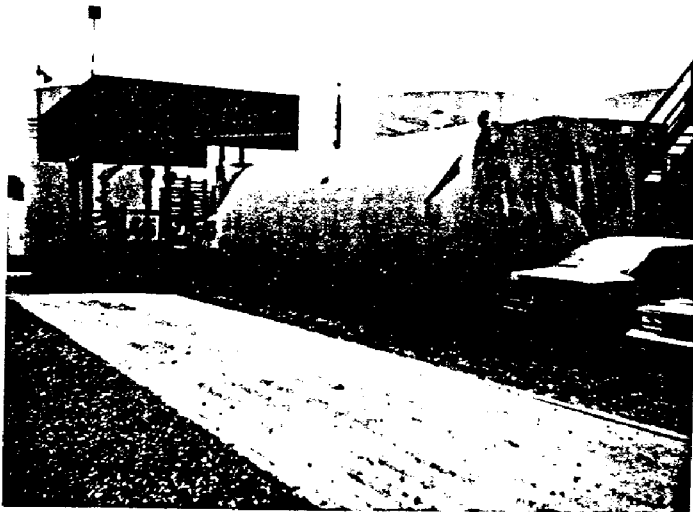
8/27/91

AA/RP WAS 126 PASSAIC



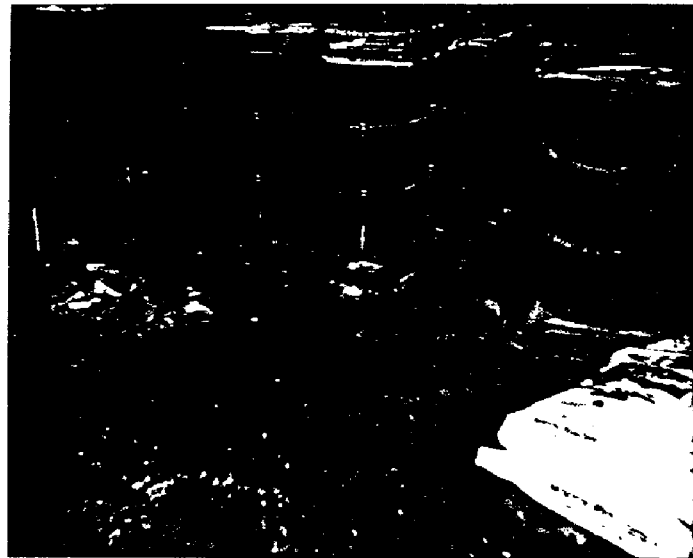
8/27/91

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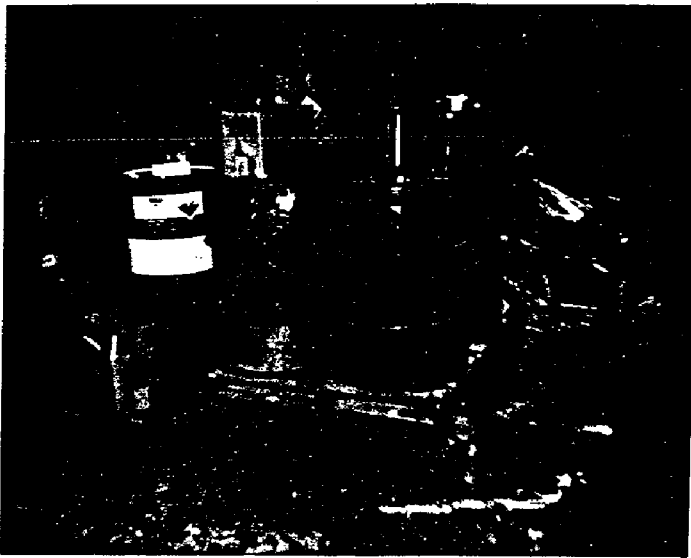
8/27/91

AA/RP WAS 126 PASSAIC



8/27/91

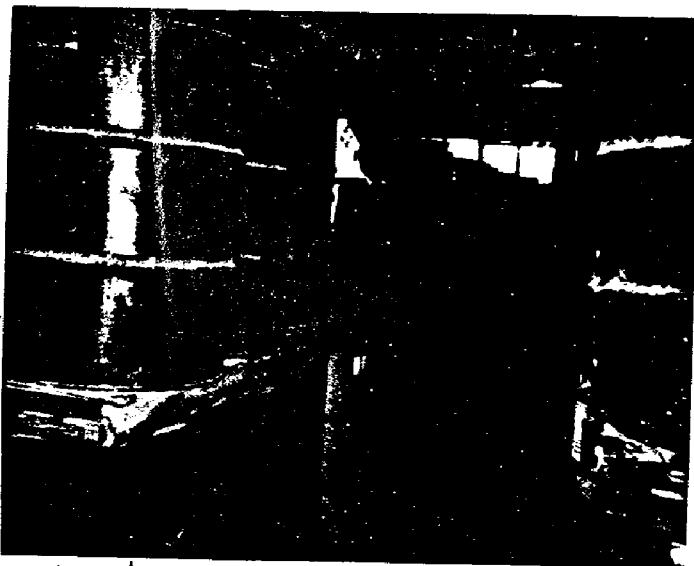
AA/RP WAS 126 PASSAIC



8/27/91 BASEMENT  
AA/RP WAS 126 PASSAIC



8/27/91 4TH FLOOR  
AA/RP WAS 126 PASSAIC



8/27/91 BASEMENT  
AA/RP WAS 126 PASSAIC



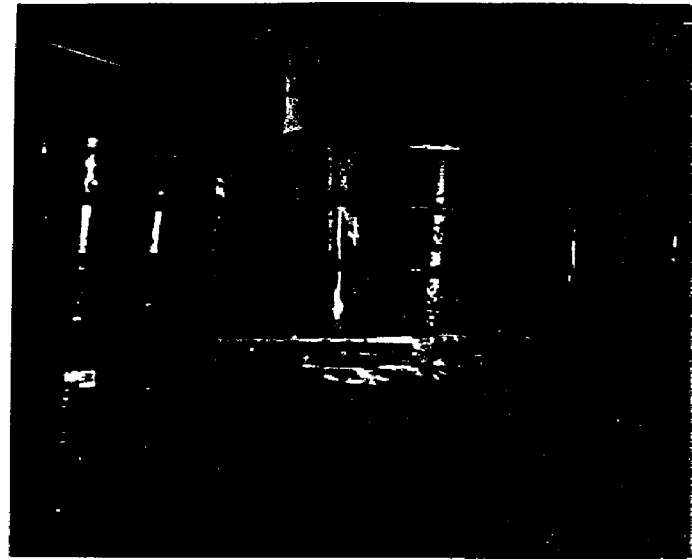
8/27/91 ALONG RAILROAD  
AA/RP WAS 126 PASSAIC





B/27/91 5TH FLOOR

AA/RP WAS 126 PASSAIC



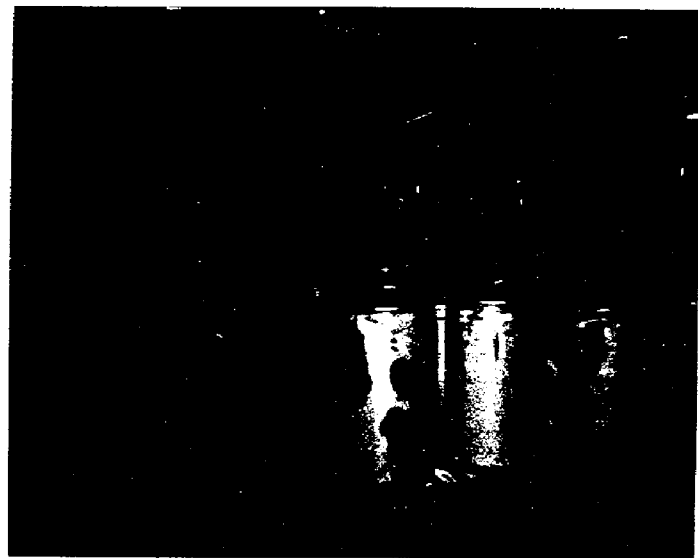
B/27/91 5TH FLOOR

AA/RP WAS 126 PASSAIC



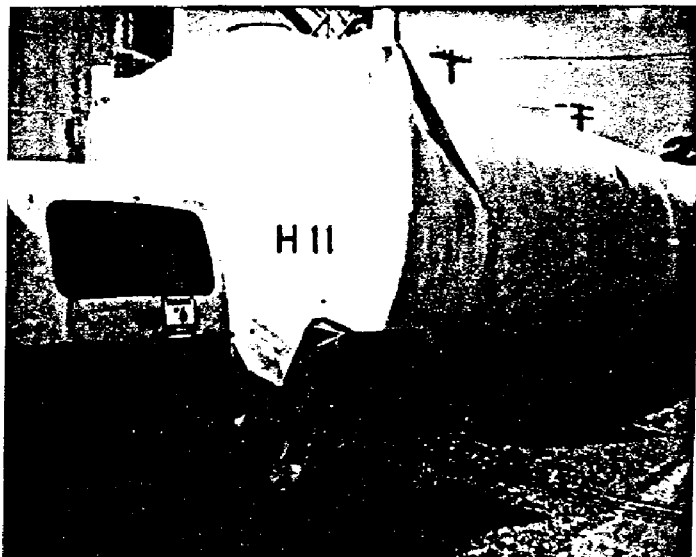
B/27/91 FRONT of BUILDING #2

AA/RP WAS 126 PASSAIC



B/27/91 5TH FLOOR

AA/RP WAS 126 PASSAIC



8/27/91

AA/RP WAS 126 PASSAIC



8/27/91

ALONG RIVER

AA/RP

WAS 126 PASSAIC



8/27/91 ALONG RIVER

AA/RP WAS 126 PASSAIC



8/27/91

ALONG RIVER

AA/RP

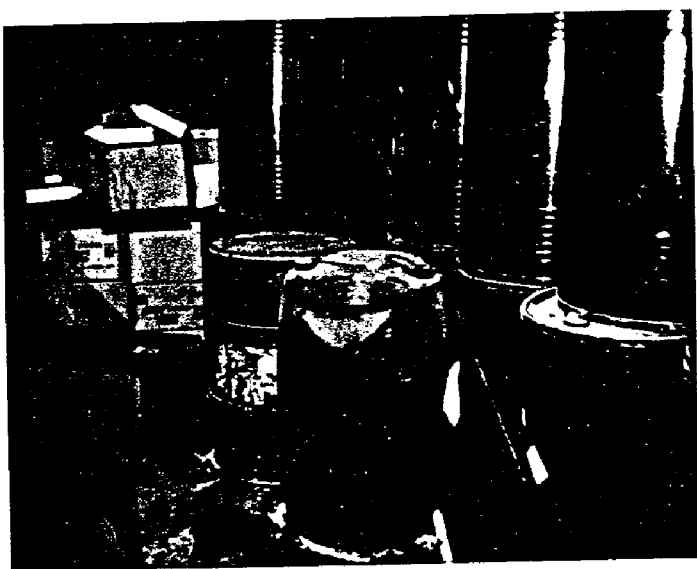
WAS 126 PASSAIC



8/27/91 5TH FLOOR  
AA/RP WAS 126 PASSAIC



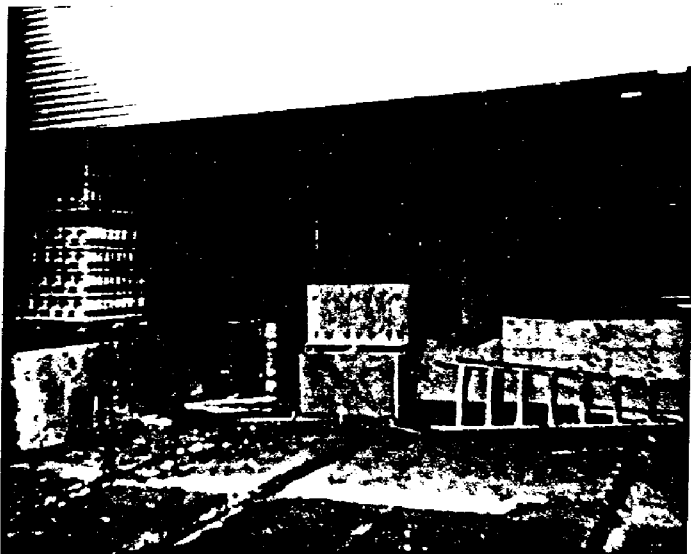
8/27/91 5TH FLOOR  
AA/RP WAS 126 PASSAIC



8/27/91 5TH FLOOR  
AA/RP WAS 126 PASSAIC



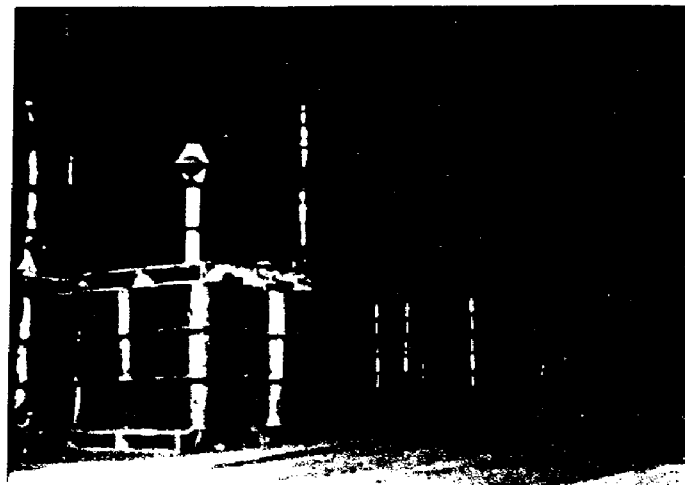
8/27/91 5TH FLOOR  
AA/RP WAS 126 PASSAIC



10/24/91

AA

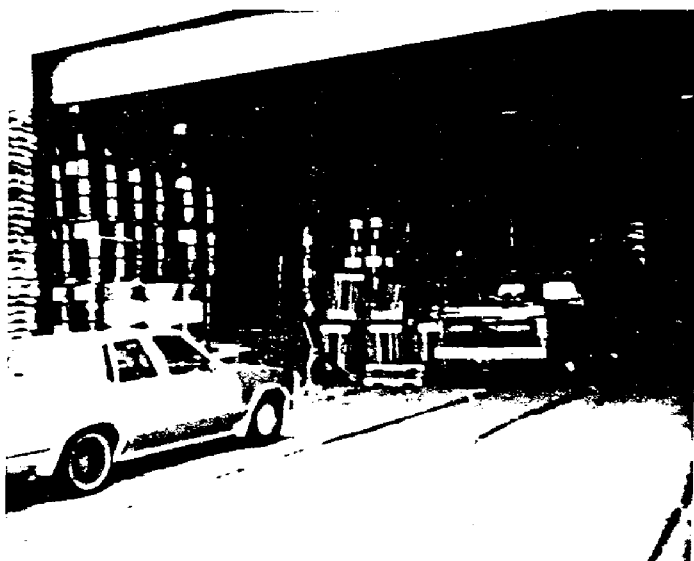
210 PASSAIC ST



10/24/91

AA

210 PASSIC ST



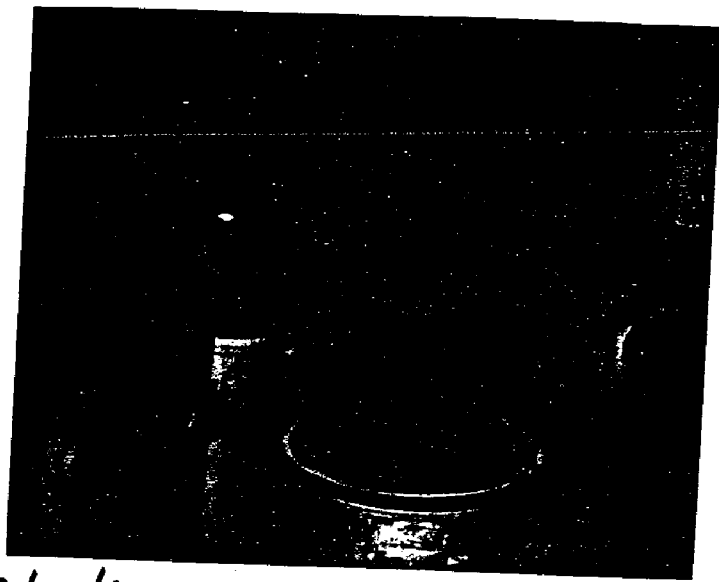
7/23/98

210 PASSIC ST



7/23/98

210 PASSAIC ST



2/27/92

ALA/MD

MAC ARTHUR  
126 PASSAIC ST  
5TH FLOOR

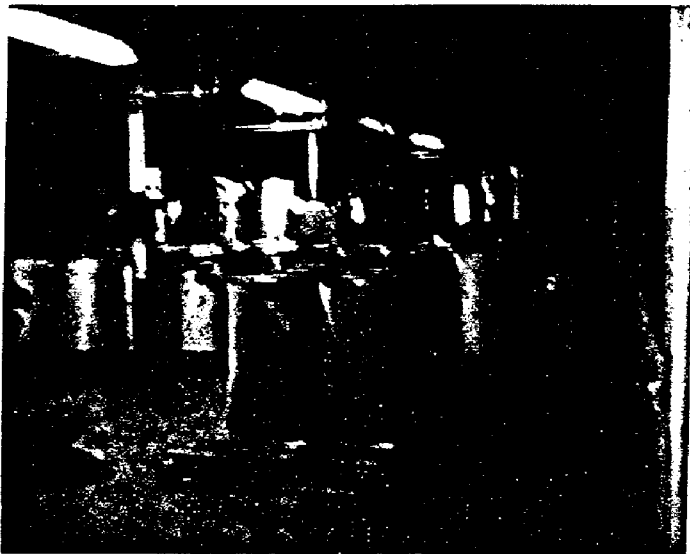


8/27/91

4TH FLOOR

AA/RP

WAS 126 PASSAIC



2/27/92

ALA/MD

126 PASSAIC ST  
MAC ARTHUR  
5TH FLOOR



2/27/92

ALA/MD

MAC ARTHUR  
126 PASSAIC ST  
5TH FLOOR

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DUTY OFFICER NOTIFICATION REPORT

PAGE 1 OF

CASE NO. 90 - 10 - 25 - 1223  
(Yr) (Mo) (Day) (Time)

DATE 10 - 25 - 90 REC'D BY B-16 TIME \_\_\_\_\_  
(Mo) (Day) (Yr)

INCIDENT REPORT BY:

Name Capt. Dolak Phone 733-7495  
Street \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_  
Affiliation/Title Newark FD

INCIDENT LOCATION:

Transportation \_\_\_\_\_ Facility \_\_\_\_\_ Other: \_\_\_\_\_  
Name (Site): WAs Terminals Phone 482-4900  
Street 126 Passaic St  
City Newark County Essex State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Date of Incident: 10 - 25 - 90 Time: \_\_\_\_\_  
(Mo) (Day) (Yr)

IDENTITY OF SUBSTANCE(S) SPILLED, RELEASED, ETC.:

Suspected \_\_\_\_\_ Unknown \_\_\_\_\_  
Name of Substance(s) (Gas, Liquid, Solid): Incompatible Chemicals  
Amount Released/Spilled \_\_\_\_\_ Actual \_\_\_\_\_ Potential \_\_\_\_\_ Estimated \_\_\_\_\_ Substance Contained Y N U  
Type of Release/Spill: \_\_\_\_\_ Terminated \_\_\_\_\_ Continuous \_\_\_\_\_ Intermittent \_\_\_\_\_ Hazardous Material Y N U

INCIDENT DESCRIPTION:

Fire \_\_\_\_\_ Explosion \_\_\_\_\_ Air Rel \_\_\_\_\_ Spill \_\_\_\_\_ MVA \_\_\_\_\_ Derailment \_\_\_\_\_ Smoke/Dust \_\_\_\_\_  
Odors \_\_\_\_\_ Sewage \_\_\_\_\_ NJPDES \_\_\_\_\_ Noise \_\_\_\_\_ Wildlife \_\_\_\_\_ Illegal Dumping \_\_\_\_\_ Drums \_\_\_\_\_  
Equip Start-Up/Shutdown, Equip Fail/Upset, etc. \_\_\_\_\_

☒ Other (specify) Incompatible Chemicals & Sloppy housekeeping

Injuries Y ☒ N ☐ U  
Facility Evacuation Y ☒ N ☐ U  
Population Evacuation Y ☒ N ☐ U  
Potable Water Source Y ☒ N ☐ U  
Contamination of Air ☒ Land ☒ Water  
Receiving Water Passaic River  
Public Exposure Y ☒ N ☐ U  
Fire Department at Scene Y ☒ N ☐ U  
Police at Scene Y ☒ N ☐ U  
Assistance Requested Y ☒ N ☐ U  
Precipitation Y ☒ N ☐ U  
Wind Direction/Speed \_\_\_\_\_  
Location Type: Residential \_\_\_\_\_ Industrial ☒ Commercial \_\_\_\_\_ Rural \_\_\_\_\_ Sensitive Population (Hosp., School, Nurs. Home) \_\_\_\_\_

STATUS AT INCIDENT SCENE Incompatible Chemicals → Sloppy housekeeping  
ground saturated with Ethel Glycol + unk. Chemicals

RESPONSIBLE PARTY:

Suspected \_\_\_\_\_ Unknown \_\_\_\_\_  
Company Name WAs Terminals Phone \_\_\_\_\_  
Contact \_\_\_\_\_ Title \_\_\_\_\_  
Street \_\_\_\_\_  
City \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

OFFICIALS NOTIFIED (Name/Title):

NJSP: TD / \_\_\_\_\_ Phone \_\_\_\_\_ Date/Time \_\_\_\_\_ / \_\_\_\_\_ (T/M)  
Local Health: \_\_\_\_\_ / \_\_\_\_\_ Phone \_\_\_\_\_ Date/Time \_\_\_\_\_ / \_\_\_\_\_ (T/M)  
Local Munic: TD A310 / \_\_\_\_\_ Phone \_\_\_\_\_ Date/Time \_\_\_\_\_ / \_\_\_\_\_ (T/M)  
USEPA: \_\_\_\_\_ / \_\_\_\_\_ Phone \_\_\_\_\_ Date/Time \_\_\_\_\_ / \_\_\_\_\_ (T/M)

INCIDENT REFERRED TO:

DEQ \_\_\_\_\_ DWR \_\_\_\_\_ DSWM \_\_\_\_\_ DHSM ☒ DHWM \_\_\_\_\_ DOH ☒ DFG \_\_\_\_\_ DPF \_\_\_\_\_ DCJ \_\_\_\_\_ DCR \_\_\_\_\_  
Region: Northern \_\_\_\_\_ Metro ☒ Central \_\_\_\_\_ Southern \_\_\_\_\_ ER1 \_\_\_\_\_ ER2 \_\_\_\_\_  
1. Name/Affil \_\_\_\_\_ / \_\_\_\_\_ Phone \_\_\_\_\_ Date/Time \_\_\_\_\_ / \_\_\_\_\_ (T/M)  
2. Name/Affil \_\_\_\_\_ / \_\_\_\_\_ Phone \_\_\_\_\_ Date/Time \_\_\_\_\_ / \_\_\_\_\_ (T/M)  
3. Name/Affil \_\_\_\_\_ / \_\_\_\_\_ Phone \_\_\_\_\_ Date/Time \_\_\_\_\_ / \_\_\_\_\_ (T/M)

DEP RESPONSE

Emergency ☒ Immediate ☐ Priority ☐ No Response ☐

COMMENTS Capt. Dolak advised that many incompatible chems were stored together w/a great potential for mixing. Also sloppy housekeeping and dumping into sewer which goes into Passaic.

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DUTY OFFICER NOTIFICATION REPORT

PAGE 1 OF \_\_\_\_\_

CASE NO. 90 - 10 - 25 - 1022  
(Yr) (Mo) (Day) (Time)DATE 10 - 25 - 90 REC'D BY R. J. TIME \_\_\_\_\_  
(Mo) (Day) (Yr)

## INCIDENT REPORT BY:

Name Capt. C. H. L. Phone 733-7495  
Street \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_  
Affiliation/Title Asst. Dir.

## INCIDENT LOCATION:

Transportation \_\_\_\_\_ Facility \_\_\_\_\_ Other: \_\_\_\_\_  
Name (Site): W. J. Terminal Phone 482-4900  
Street 1st St.  
City Newark County Essex State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Date of Incident: 10 - 25 - 90 Time: \_\_\_\_\_  
(Mo) (Day) (Yr)

## IDENTITY OF SUBSTANCE(S) SPILLED, RELEASED, ETC.:

Suspected \_\_\_\_\_ Unknown \_\_\_\_\_  
Name of Substance(s) [Gas, Liquid, Solid]: Incompatible chemicals  
Amount Released/Spilled \_\_\_\_\_ Actual \_\_\_\_\_ Potential \_\_\_\_\_ Estimated \_\_\_\_\_ Substance Contained Y N U  
Type of Release/Spill: \_\_\_\_\_ Terminated \_\_\_\_\_ Continuous \_\_\_\_\_ Intermittent \_\_\_\_\_ Hazardous Material Y N U

## INCIDENT DESCRIPTION:

Fire \_\_\_\_\_ Explosion \_\_\_\_\_ Air Rel \_\_\_\_\_ Spill \_\_\_\_\_ MVA \_\_\_\_\_ Derailment \_\_\_\_\_ Smoke/Dust \_\_\_\_\_  
Odors \_\_\_\_\_ Sewage \_\_\_\_\_ NJPDES \_\_\_\_\_ Noise \_\_\_\_\_ Wildlife \_\_\_\_\_ Illegal Dumping \_\_\_\_\_ Drums \_\_\_\_\_  
Equip Start-Up/Shutdown, Equip Fail/Upset, etc. \_\_\_\_\_  
Other (specify) \_\_\_\_\_Injuries Y (N) U Public Exposure Y (N) U  
Facility Evacuation Y (N) U Fire Department at Scene Y (N) U  
Population Evacuation Y (N) U Police at Scene Y (N) U  
Potable Water Source Y (N) U Assistance Requested Y (N) U  
Contamination of \_\_\_\_\_ Air \_\_\_\_\_ Land \_\_\_\_\_ Water \_\_\_\_\_ Precipitation Y (N) U  
Receiving Water \_\_\_\_\_ Wind Direction/Speed \_\_\_\_\_

Location Type: \_\_\_\_\_ Residential \_\_\_\_\_ Industrial \_\_\_\_\_ Commercial \_\_\_\_\_ Rural \_\_\_\_\_ Sensitive Population (Hosp., School, Nurs. Home)

STATUS AT INCIDENT SCENE Incompatible chemicals -> Sluggish liquid keeping  
around perimeter with Ethyl Glycol and Chloroform

## RESPONSIBLE PARTY:

Suspected \_\_\_\_\_ Unknown \_\_\_\_\_  
Company Name W. J. Terminal Phone \_\_\_\_\_  
Contact \_\_\_\_\_ Title \_\_\_\_\_  
Street \_\_\_\_\_  
City \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

## OFFICIALS NOTIFIED (Name/Title):

NJSP: \_\_\_\_\_ / \_\_\_\_\_ Phone \_\_\_\_\_ Date/Time \_\_\_\_\_ / \_\_\_\_\_ (T/M)  
Local Health: \_\_\_\_\_ / \_\_\_\_\_ Phone \_\_\_\_\_ Date/Time \_\_\_\_\_ / \_\_\_\_\_ (T/M)  
Local Munic: \_\_\_\_\_ / \_\_\_\_\_ Phone \_\_\_\_\_ Date/Time \_\_\_\_\_ / \_\_\_\_\_ (T/M)  
USEPA: \_\_\_\_\_ / \_\_\_\_\_ Phone \_\_\_\_\_ Date/Time \_\_\_\_\_ / \_\_\_\_\_ (T/M)

## INCIDENT REFERRED TO:

DEQ \_\_\_\_\_ DWR \_\_\_\_\_ DSWM \_\_\_\_\_ DHSM \_\_\_\_\_ DHWM \_\_\_\_\_ DOH \_\_\_\_\_ DFG \_\_\_\_\_ DPF \_\_\_\_\_ DCJ \_\_\_\_\_ DCR  
Region: \_\_\_\_\_ Northern \_\_\_\_\_ Metro \_\_\_\_\_ Central \_\_\_\_\_ Southern \_\_\_\_\_ ER1 \_\_\_\_\_ ER2  
1. Name/Affil \_\_\_\_\_ / \_\_\_\_\_ Phone \_\_\_\_\_ Date/Time \_\_\_\_\_ / \_\_\_\_\_ (T/M)  
2. Name/Affil \_\_\_\_\_ / \_\_\_\_\_ Phone \_\_\_\_\_ Date/Time \_\_\_\_\_ / \_\_\_\_\_ (T/M)  
3. Name/Affil \_\_\_\_\_ / \_\_\_\_\_ Phone \_\_\_\_\_ Date/Time \_\_\_\_\_ / \_\_\_\_\_ (T/M)

## DEP RESPONSE

Emergency \_\_\_\_\_ Immediate \_\_\_\_\_ Priority \_\_\_\_\_ No Response \_\_\_\_\_

## COMMENTS \_\_\_\_\_

COPIES:

White - Lead Agency

Yellow - BC &amp; SS

Pink - Other

TIERRA-B-002626