

7
WEEKLY SUMMARY OF INSPECTIONS BY INSPECTORS

Week of July 23, to July 27, 1956, Inc.

DISTRICT NO. 6 - (Inspector for this district, Mr. Fruhinfield retired)

This district is covered by different inspectors assigned by the Acting Chief Inspector. The Acting Chief Inspector also inspects the district.

During the daily inspections of District No. 6 from July 23, to July 27, all conditions were found to be normal.

DISTRICT NO. 7 - Wilbert Seals (Acting Chief Inspector)

During the daily inspections of District No. 7 from July 23, to July 27, all conditions were found to be normal.

DISTRICT NO. 8 - Frank Capone

July 24, Violation -

Sergeant Chemical Company, Lister Ave., Newark.
Our inspector contacted Mr. Sude, plant engineer of the Sergeant Chemical Company and told him that the 600 gallon concrete vat containing a solution of 2 parts caustic soda, 3 parts water, and 3 parts chlorine, which is discharged periodically to the river was a violation.

Mr. Sude stated that he will take the matter up with the president of the plant and will notify our inspector of the changes to be made. He said other methods will be found to divert the discharge so that it will not go into the river.

July 26, Violation and Elimination -

Raymond Plaza, Storm Sewer, Newark, N. J.
This storm sewer was discharging sewage and our inspector reported it to Mr. Seals, Acting Chief Inspector.

Mr. Seals contacted our truck and had them clean out the sewer and the violation ceased.

Acting Chief Inspector,

Wilbert Seals.

WS:WP

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WEEKLY SUMMARY OF INSPECTIONS BY INSPECTORS

Week of July 30, to August 3, 1956, Inc.

Aug. 3, Elimination - Tidewater Metals Co., 333 River Drive, Passaic.
Inspection on August 3, showed the oil from the seepage covered by a thick layer of dirt. The oil pipe which caused the seepage was diverted so the drippings will fall into containers.

DISTRICT NO. 5 - John B. Mc Atear

During the daily inspections of District No. 5 from July 30, to August 3, all conditions were found to be normal.

DISTRICT NO. 6 - (Inspector for this district Mr. Fruhinfield retired.)

This district is covered by different inspectors assigned by the Acting Chief Inspector. The Acting Chief Inspector also inspects the district.

During the daily inspections of District No. 6 from July 30, to August 3, all conditions were found to be normal.

DISTRICT NO. 7 - Wilbert Seale (Acting Chief Inspector)

During the daily inspections of District No. 7 from July 30, to August 3, all conditions were found to be normal.

DISTRICT NO. 8 - Frank Capone

July 31, Special Report- Serravallo Chemical Co., Lister Ave., Newark, N. J.
NSI Violation of July 24, 1956.

Our inspector again warned the plant engineer of this company about the concrete vat containing a solution of chlorine and caustic soda. This vat was periodically emptied into the river about every three weeks.

The plant engineer assured our inspector that this condition will be corrected as soon as the president of the company gets back from his vacation.

July 31, Special Report- Diamond Alkali & Chemical Co., 80 Lister Ave., Newark
NSI Violation of July 20, 1956.

Men were digging, laying pipe and breaking concrete when our inspector visited the premises.

Mr. Burton explained that he was rearranging the pipe lines to clear up the situation.

Our inspector was told to ask for permission to enter the premises to take samples. Mr. Capone said he would ask permission to go on the premises

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INSPECTIONS BY INSPECTORS
Week of August 6, to August 10, 1956, Inc.

DISTRICT NO. 7 - Wilbert Seals (Acting Chief Inspector)

During the daily inspections of District No. 7 from August 6, to August 10, all conditions were found to be normal.

DISTRICT NO. 6 - Frank Capone

Aug. 6, Special Report - Sergeant Chemical Co., Lister Ave., Newark, N. J.
On August 6 at 11 A.M., our inspector visited the Sergeant Chemical Company. He questioned an employee as to what happened to the mixed solution that was in the concrete vat last week. The employee stated that it was discharged to the river on Friday night.

On August 7 at 10:15 A.M., the concrete vat contained a new 600 gallon mixed solution.

Mr. Seals was again told by our inspector that this solution cannot be discharged into the river.

Aug. 6, Special Report - Freeman St., Storm Sewer, Newark, N. J.

On Monday August 6, our inspector checked the discharge of the Freeman Street Storm Sewer and found the discharge to be normal.

Aug. 7, Special Report - Thomasett Color Co., Lister Ave., Newark, N. J.

This company has started work on diverting the discharge into the sewer. Mr. Cohen stated that it will take at least two weeks before the work is completed.

The violation was reported on July 31.

Acting Chief Inspector,

Wilbert Seals.

WB:WP

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1868

SEP 15 2003

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

Al Reisch, President
E M Sergeant Pulp & Chemical Co. Inc.
6 Chelsea Road
Clifton, New Jersey 07102

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

Dear Mr. Reisch:

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 Study to include the areal extent of contamination to which hazardous substances from the six-mile stretch were transported; and those sources from which hazardous substances outside the six-mile stretch have come to be located within the expanded Study Area.

By this letter, EPA is notifying E M Sergeant Pulp & Chemical Co. Inc. ("Sergeant") 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.

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

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

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

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

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

We request that you consider becoming a "cooperating party" for the Lower Passaic River Project. As a cooperating party, you, along with many other such parties, will be expected to

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fund EPA's share of the study costs. Upon completion of the study, it is expected that CERCLA and WRDA processes will be used to identify the required remediation and restoration programs, as well as the assignment of remediation and restoration costs. At this time, the commitments of the cooperating parties will apply only to the study. For those who choose not to cooperate, EPA may apply the CERCLA enforcement process, pursuant to Sections 106 (a) and 107(a) of CERCLA, 42 U.S.C. §9606(a) and §9607(a) and other laws.

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

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

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

Sincerely yours,



George Pavlou, Director
Emergency and Remedial Response Division

Enclosure

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PRPs in Receipt of Notice Letters:

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

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Yvan Dupay, President Benjamin Moore & Co. 51 Chestnut Ridge Road Montvale, New Jersey 07645	Arthur Schulz, Esq. Environmental Counsel 4910 Massachusetts Ave., N.W. Suite 221 Washington, DC 20016
Alberto Celleri, President Chemical Compounds Inc. 10 Baldwin Court Roseland, New Jersey 07086	Jim Giannotti Chemical Compounds Inc. 29-75 Riverside Avenue Newark, NJ 07104
President Chris-Craft Industries, Inc. 767 Fifth Avenue, 46th Floor New York, New York 10153	Brian Kelly, Esq. Chris-Craft Industries, Inc. 767 Fifth Avenue, 46th Floor New York, NY 10153
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David Weisman, CEO Elan Chemical Company 268 Doremus Ave. Newark, New Jersey 07105	Jeffrey Schwartz, Esq. Sarber Schlesinger Satz & Goldstein One Gateway Center Newark, NJ 07102
Al Reisch, President E M Sergeant Pulp & Chemical Co. Inc. 6 Chelsea Road Clifton, New Jersey 07102	None
Mark Tucker, Esq. Essex Chemical Corp. 2030 WMDC Midland, Michigan 48674	Kenneth Mack, Esq. Fox, Rothschild, O'Brien & Frankel Princeton Pike Corp.Center 997 Lenox Drive, Building 3 Lawrenceville, NJ 08648
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Bradley Buechler, President Franklin-Burlington Plastics Inc. 113 Passaic Ave. Kearny, New Jersey 07032	Robert M. Becker, Esq. Kraemer, Burns, Mytelka & Lovell, P.A. 675 Morris Ave. Springfield, NJ 07081
Henry Benz, President Hoescht Celanese Chemicals, Inc. Route 202-206 P.O.Box 2500 Somerville, New Jersey 08876	Anne Conley-Pitchell, Esq. Hoescht Celanese Corp. Route 202-206 P.O.Box 2500 Somerville, NJ 08876
Francine Rothschild, President Kearny Smelting & Refining 936 Harrison Ave #5 Kearny, New Jersey 07032	None
Henry Schact, CEO Lucent Technologies, Inc. 600 Mountain Avenue Murray Hill, New Jersey 07974	Ralph McMurry, Esq. Hill, Betts & Nash LLP 1 Riverfront Plaza, Suite 327 Newark, NJ 07102-5401
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Richard Mahoney, CEO Monsanto Company 800 N. Lindbergh Blvd. St. Louis, Missouri 63167	L. William Higley, Esq. Monsanto Company 800 N. Lindbergh Blvd. St. Louis, MO 63167
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Lawrence Codey, President PSE&G Co. P.O. Box 570 Newark, New Jersey 07101-0570	Hugh Mahoney, Esq. PSE&G Co. P.O. Box 570 Newark, NJ 07101
Phillip D. Ashkettle, President Reichhold Chemicals, Inc. P.O. Box 13582 Research Triangle Park, North Carolina 27709	Adam S. Walters, Esq. Phillips, Lytle, Hitchcock, Blaine & Huber 3400 Marine Midland Center Buffalo, NY 14203
Robert McNeeley, President Reilly Industries, Inc. 1510 Market Square Center 151 North Delaware Street Indianapolis, Indiana 46204	Paul Rivers, Director Corporate Environmental Affairs Reilly Industries, Inc. 1500 S. Tibbs Avenue Indianapolis, IN 46242

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

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