Top Notch Metal
NJD 002405736
J. Smolewski

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

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SUBJECT: Request for Approval of Funding for a Time-Critical Fund-Lead Removal Action at the Meadowlands Plating and Finishing Site, East Rutherford, Bergen County, New Jersey - **ACTION MEMORANDUM**

FROM: Paul L. Kahn, On-Scene Coordinator
Response and Prevention Branch

TO: Richard L. Caspe, Director
Emergency and Remedial Response Division

Site ID No.: LW
CERCLIS ID No.: NJ002405736

I. PURPOSE

The purpose of this Action Memorandum is to request approval for a time-critical removal action to be initiated at the Meadowlands Plating and Finishing, Inc. Site("MPF", "MPF,Inc." or "the Site"), 890 Paterson Plank Road, E. Rutherford, New Jersey 07073. On September 10, 1998, the New Jersey Department of Environmental Protection ("NJDEP") requested that the United States Environmental Protection Agency ("EPA") conduct a removal assessment to determine the removal action eligibility for this Site under provisions of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), as amended, by 42 U.S.C. §9601 et seq. NJDEP referred the Site to EPA because of the abandoned ignitable, corrosive and toxic chemicals that were left at the Site.

Approval of this Action Memorandum will provide funding for site security, stabilization, sampling, analysis, transportation and proper disposal of hazardous substances identified to be present at the Site. This Site is not on the National Priorities List (NPL).

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II. SITE CONDITIONS AND BACKGROUND

A. Site Description

1. Removal Site Evaluation

MPF operated a metal electroplating and metal finishing facility engaged in finishing, plating and other mechanical or chemical processing of metal objects, used primarily in the tool and decorative automotive parts industry. Operations at the Site included pretreatment by acid and caustic dipping, finish stripping, vapor degreasing, and electroplating of chromium, copper, nickel and cadmium metals. Acids, metallic plating wastes, and cyanide-bearing wastes were generated and treated in a small on-site facility. This resulted in tons of filter cake material being generated, some of which is still on the Site in various containers and inside pieces of equipment. MPF leased the building and the plating equipment and ceased business operations at the Site in December 1997.

The building is in good condition; the roof is intact and no evidence of water leaks/damage was observed. The rear parking lot is fenced on three sides, but the fencing is incomplete and there is a ready access into the Site from one side of the building. Utilities such as fire alarms, sprinklers, electricity, water and waste disposal were fully functional but have been terminated recently. The heating system was fully operational, but some of the steam ducts from the oil-fired boilers were cut during the process of a contractor removing large pieces of equipment from the building. There are no undeveloped areas of land at the Site.

A Preliminary Assessment ("PA") of the Site was conducted by EPA on September 9, 17, 18 and 21, 1998. During the September 9th assessment, samples of materials found at the Site were acquired for RCRA TCLP analyses. The analyses revealed the presence of the following:

- Wastes with the Characteristic of Corrosivity: pH ranging from 0 to 13.4.
- Wastes with the Characteristic of Ignitability: flash point less than 140° F.
- Wastes with the Characteristic of Reactivity: cyanide-bearing compounds.
- Wastes with the Characteristic of Toxicity: chromium.

In addition to the analytical information, visual assessment of the premises revealed the following:

- Approximately 300 various sized, unsecured drums of hazardous, toxic, corrosive, reactive, or poisonous chemicals inside the premises, some of which are leaking their contents onto the floor.
- Approximately 80,000 gallons of free-flowing corrosive plating liquids in subfloor concrete troughs.
- Approximately 50,000 gallons of corrosive plating liquids inside various plating/holding/dipping tanks.
- Approximately 1,400 pounds of metallic cyanide compounds contained in six partially filled drums stored in a bin near open tanks containing acids.
- Approximately 400 small chemical containers in a laboratory area.
- Thirty five over-packed 55-gallon drums containing metallic plating wastes.
- Approximately twenty cylinders of compressed propane, hydrogen and other flammable gases inside and outside the building.
- An unlocked box trailer containing 68 drums of unknown plating chemicals or plating wastes outside the building.
- Three 25-cubic yard roll-off containers of dried metallic plating wastes, one of which has allegedly been mixed with waste perchlorethylene and an unknown amount of metallic mercury, located in an area in the rear parking lot.
- Two semi-buried fiberglass tanks of liquid nickel plating wastes, each containing approximately 1,000 gallons, and located outside the building.
- A waste treatment facility containing unknown but visible amounts of liquid wastes and partially treated solid plating wastes, and exhibiting visible signs of leaks and spills.
- Approximately 400 gallons of waste oil contained in a leaking open tank, located inside the building.
- An outside underground #2 fuel oil storage tank with an unknown amount of fuel stored within.
- An underground gasoline storage tank with an unknown amount of gasoline stored within.

- Abandoned plating tanks containing approximately 1 ton of precipitated metallic crystals.

- An undetermined amount of contaminated wood, metal, and concrete from plating liquids containment devices.

- A polypropylene open-top mixing tank containing nitric acid, located within 10 feet of the cyanide storage bin.

- An old plating tank filled with a dark colored liquid, staged in the rear parking lot.

Some of the drums and containers appear to be in good condition, but essentially all are being stored without regard to chemical compatibility or other environmental controls. The owners of the property were at the Site during the day, acting in a care-taker role. However, Top Notch Realty, Inc. has recently filed for bankruptcy, and the owners are now excluded from the premises. As such, the Site is currently unoccupied. In addition, all services to the Site have been terminated by the bankruptcy trustee, and even the door and window intruder alarms have ceased functioning. The lack of any site security creates an additional threat of release of the hazardous substances identified on-site.

2. Physical Location

The Site is located on a heavily used secondary road at 890 Paterson Plank Road, East Rutherford, New Jersey. It is situated in an area consisting mostly of light industrial and commercial businesses and is directly adjacent to the Hackensack Meadowlands, a major wetland topographic feature. To the west of the Site, approximately 1/4 mile away, are numerous residential communities consisting of many single and multiple family residences the Meadowlands Sports Complex, including a football stadium, race track, and basketball arena is situated less than one mile away from the Site. The Site is located within ½ mile of four major highways used by thousands of commuters each day, and is within 300 yards of a major railroad commuter line connecting Rockland County, New York, and Bergen County, New Jersey to New York City and Newark, New Jersey. Teterboro Airport, owned and operated by the Port Authority of New York and New Jersey, and one of the busiest airports in the country, is located within one mile of the Site.

According to 1996 population density maps, approximately 12,000 people live within a one-half mile radius of the Site. The racial population is reported as 20-40% minority. The median annual household income is $39,000 to $46,000. There are six schools within a half mile of the Site, and a total of seven

within one mile. The Hackensack Meadowlands, a wetlands preserve of approximately three square miles, borders the Site at the south fence line.

3. Site Characteristics

The Site consists of approximately 1.5 acres of land with a single story block and metal building occupying 36,000 square feet of manufacturing and office space. The building has a paved parking lot on one side and the rear, and a narrow grassy area on the other side and in front. The rear of the Site is heavily vegetated with phragmites and other forms of wetlands flora.

4. Release or Threatened Release into the Environment of a Hazardous Substance, or Pollutant or Contaminant

The following compounds have been identified at the Site based on label information and/or analytical results:

Substances Identified

Potassium permanganate	Hydrochloric acid
Nitric acid	Cyanide compounds
Sulfuric acid	Chromic acid

Statutory Source as Hazardous Substance

These hazardous substances are acutely and chronically toxic, corrosive, poisonous and/or ignitable, are RCRA characteristic Wastes, and have the potential health effects identified below:

Cyanide compounds	CWA §307(a) & CAA §112
Sulfuric acid	CWA §311(b)(4)
Nitric acid	CWA §311(b)(4)
Chromic acid	CWA §311(b)(4)
Hydrochloric acid	CWA §311(b)(4) & CAA §112
Potassium permanganate	CWA §311(b)(4)

CWA = Clean Water Act CAA = Clean Air Act

Potential Health and Toxicological Effects

Material	1	2	3	4
Sodium hydroxide		x	x	
Hydrochloric acid	x	x	x	x
Potassium permanganate		x	x	x
Sulfuric acid	x	x	x	
Chromic acid	x	x	x	
Cyanide compounds	x	x	x	x

1 - Liver Damage
2 - Respiratory Damage
3 - Eye, Skin, or Respiratory irritant
4 - Toxic by inhalation, skin absorption or ingestion

In addition, there are other wastes at the Site that meet the RCRA definition for the Characteristics of Corrosivity, Ignitability, Toxicity and Reactivity as outlined in 40 CFR Part 261.

5. NPL Status

At the present time, the Site is not on the NPL. Absent any sampling evidence that wide-spread contamination of the soil has occurred, it is unlikely that this Site would qualify for inclusion on the NPL. Sampling of the soil at the Site will be conducted as part of the process of further determining the extent of Site contamination during the removal action.

B. Other Actions to Date

1. Previous Actions

Previous actions at the Site consisted of two EPA compliance inspections and the EPA Removal Assessment.

In 1996, two inspections of the MPF, Inc. operations were conducted by the EPA, Response and Prevention Branch, in response to queries by the local fire department, which had observed drums marked "cyanide" staged in the rear of the premises. EPA inspected the premises and checked on the status of annual reporting of hazardous material storage which are sent to the NJDEP each year under the Emergency Planning and Community Right to Know Act (EPCRA). EPA subsequently determined that the facility was in compliance with its EPCRA reporting requirements.

2. Current Actions

See Enforcement Confidential Section in the back of this Action Memorandum.

A. State and Local Authorities' Roles

1. State and Local Actions to Date

The only information available to EPA with regards to any state or local actions regarding MPF, Inc. is that the NJDEP has notified both MPF, Inc. and the owner of the premises, Top Notch Realty, Inc. that they share joint responsibility for the chemical wastes and any contamination at the Site with respect to compliance with applicable New Jersey statutes.

2. Potential for Continued State/Local Response

Neither the NJDEP nor the local government have the resources available to conduct a removal action at the Site. These organizations will act in a supporting role throughout the removal action.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

A. Threats to Public Health or Welfare

Hazardous substances, pollutants or contaminants presently stored at the Site present a threat to the public health and welfare as defined by §300.415(b)(2) of the National Contingency Plan, 40 CFR Part 300 et seq. ("NCP"), in that there exists actual or potential exposure to nearby human populations from hazardous substances, many of which are toxic, reactive, ignitable and/or corrosive, in the event of fire or chemical reaction, or in the event of human contact by trespassers or vandals, as described in 40 CFR §300.415((b)(2)(I).

B. Threats to the Environment

The threat to the environment would be from a release of hazardous substances, contaminants, or pollutants, either from a fire or a direct release into a wetlands area, with the potential for exposure to waterfowl, flora and fauna.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances from the Site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare or the environment.

The appropriateness of conducting a removal action is evidenced by:

- o Actual or potential exposure to nearby human populations as described in 40 CFR §300.415(b)(2)(i), specifically as the result of a fire involving the release of hazardous substances into a smoke plume.
- o Storage of hazardous substances in drums, barrels, tanks or other bulk storage containers, that may pose a threat of release, as described in 40 CFR §300.415(b)(2)(iii).
- o Threat of fire or explosion due to incompatibly stored chemicals and lack of adequate site security, as described in 40 CFR §300.415(b)(2)(vi).
- o Proximity of abandoned hazardous substances at the Site, as described 40 CFR §300.415(b)(2)(viii), adjacent to the Hackensack Meadowlands, a wetlands area that is used by numerous varieties of waterfowl for nesting, feeding and resting during migratory events.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed Action Description

The objective of this removal action is to eliminate the threat of human exposure through direct contact with a release of the hazardous substances at the Site. The Site totally unsecured against unauthorized entry, heightening the need for a time-critical removal action. The proposed removal action will include:

i. Initiating site security;
ii. stabilizing and staging chemical containers;
iii. bulking liquid and solid wastes by compatible waste stream;
iv. sampling and removal of USTs, or only the contents of USTs;

v. soil sampling and excavation of contaminated soil, if found;
vi. pumping liquids from storage tanks, process equipment and concrete troughs under process lines;
vii. on-site treatment, to include neutralization of acids and caustics and precipitation of toxic metals;
viii. sampling and analyzing wastes for disposal;
ix. preparation of waste streams for shipment; and
x. transporting and disposing of all wastes in accordance with EPA's CERCLA Off-Site Disposal Rule.

The selected mode of transportation and method of disposal will be based on analytical data and other factors.

2. Contribution to Remedial Performance

The proposed removal action will contribute effectively to any long-term remedial action with respect to the release or threatened release of hazardous substances. This removal action is consistent with any future long-term remedial action that may be undertaken at the Site, although no such action is anticipated at this time.

3. Description of Alternative Technologies

Alternative technologies will be considered to the extent that they are cost-effective, efficient and consistent with the NCP.

4. Engineering Evaluation/Cost Analysis (EE/CA)

Due to the time-critical nature of this removal action, an EE/CA will not be prepared.

5. Applicable/Relevant & Appropriate Requirements (ARARs)

ARARs within the scope of the project, including RCRA regulations governing disposal of hazardous wastes, will be complied with to the maximum extent practicable.

6. Project Schedule

Once funding is approved through this Action Memorandum, the removal action will be initiated immediately. Site security and other means of site stabilization, inventory, sampling, analysis, waste categorization, and any on-site neutralization would begin immediately. Transportation and disposal would occur shortly thereafter.

B. **Estimated Costs**

Extramural Costs

Regional Allowance Costs (total clean-up contractor costs including labor, equipment, materials, and laboratory disposal analysis): $1,400,000

Extramural Costs not Funded From the Regional Allowance:

Total START (including multiplier costs):	$ 40,000
Subtotal, extramural costs:	$1,440,000
Extramural Costs Contingency (20% extramural costs):	$ 288,000
TOTAL, EXTRAMURAL COSTS (rounded to nearest $1,000):	$1,728,000
Intramural Costs	
Intramural Direct Costs	$ 65,000
Intramural Indirect Costs	$ 130,000
TOTAL, INTRAMURAL COSTS	$ 195,000
	==========
TOTAL, REMOVAL PROJECT CEILING (rounded up to the highest thousand)	**$1,923,000**

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Delayed action, or no action, could result in the release of hazardous substances into the environment from a fire or interaction of incompatible chemicals, thereby exposing nearby residents, employees of the surrounding industries and possibly thousands of sporting spectators to hazardous substances, and causing contamination of the soil and adjacent wetlands.

VII. OUTSTANDING POLICY ISSUES

None.

VIII. ENFORCEMENT

Efforts will be made to identify any viable Potentially Responsible Parties (PRPs) to assume responsibility for the costs for the clean-up. The OSC will work with the Removal Action Branch, the Office of Regional Counsel, and NJDEP in an attempt to locate viable PRPs. CERCLA 104(e) and Notice Letters will be prepared and issued for the PRPs already identified.

IX. RECOMMENDATION

This decision document represents a selected removal action for the MPF, Inc. Site, 890 Paterson Plank Road, East Rutherford, Bergen County, New Jersey. It was developed in accordance with CERCLA as amended, and is not inconsistent with the NCP. This decision is based on the Administrative Record for the Site. Conditions at the Site meet the criteria for a removal action in NCP §300.415(b)(2).

This Action Memorandum, if approved, will authorize a total project ceiling of $1,923,000, with a mitigation ceiling of $1,400,000. The estimated costs for this project are within the FY-99 Regional Advice of Allowance. Please indicate your approval for the MPF, Inc. Site removal action, as per the current Regional redelegation of authority, by signing below.

Approved: _____ Date: 11/17/98
Richard L. Caspe, Director
Emergency and Remedial Response Division

Disapproved: _____ Date: _____
Richard L. Caspe, Director
Emergency and Remedial Response Division

cc: (after approval is obtained)

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