

United States Environmental Protection Agency
Region II
POLLUTION REPORT

Date: Tuesday, August 31, 2010

From: Paul L. Kahn, Michael Hoppe, On-Scene Coordinators

To: Andrew Raddant, Department of Interior Lisa Levy, OSHA
William Molnar, Sandy Alexander Albert Greco, City of Clifton
Denise Zeno, USEPA Angela Carpenter, USEPA

Subject: Responsible Parties Sentenced in State Court

Abrachem Chemical
2 Peekay Drive, Clifton, NJ
Latitude: 40.8306000
Longitude: -74.1231000

POLREP No.:	55	Site #:	A212
Reporting Period:	SPECIAL #18	D.O. #:	072
Start Date:	1/2/2009	Response Authority:	CERCLA
Mob Date:	12/30/2008	Response Type:	Time-Critical
Demob Date:	9/11/2009	NPL Status:	Non NPL
Completion Date:	9/11/2009	Incident Category:	Removal Action
CERCLIS ID #:	NJR000031831	Contract #	EP-W-04-055
RCRIS ID #:			

Site Description

At 1615 hours on 10/29/08 EPA received a notification from the NRC that a chemical release was occurring at Abrachem Chemical, a bulk chemical packaging facility that leased a building in Clifton, Passaic County, NJ. The NJ Dept. of Environmental Protection was on-scene and requested EPA's presence.

At 1730 hours OSC Ellen Banner and OSC Paul Kahn responded to the scene. The company was found to be storing drums and bulk containers of known and unknown chemicals in 17 56-foot long intermodal shipping carriers (ISCs), stacked 3 tiers high (approx. 35 feet). Only 5 of the ISCs could be opened, and inside those it was observed that drums and bulk containers were staged behind tiers of empty poly drums, giving the impression that the ISCs were used for new drum storage. EPA observed that in the one ISC where the release originated at least one drum was leaking its contents onto a wooden pallet; strong chemical odors emanated from the open door of the ISC and were also pervasive in the general area.

The Operator of Abrachem retained the services of a remediation company, and contractor personnel were advised to lay poly sheeting and begin removing and overpacking the leaking and unknown drums that were readily accessible. Work commenced almost immediately, but at 2100 hours was halted due to lack of adequate lighting and inability to physically access the majority of the drums through the narrow doorway.

The Operator of Abrachem and the Owner of the property was issued a Field Expedient Notice, and in response the Operator stated he would initiate a removal action. When his efforts to respond to the release, and threats of a release, proved to be inadequate EPA sought voluntary access to initiate a response action. This access was denied on two occasions. On 12/4/2008 EPA issued a Unilateral Administrative Order (UAO) for access. The Operator refused to comply with the UAO and EPA referred the matter to the Department of Justice for a legal remedy. On 1/8/2009 a federal Magistrate issued an access warrant to EPA to initiate a response action at the Site.

Current Activities

On 8/31/2010 the OSC attended the sentencing of the RPs for this site, Ted Frey, and Abrachem Group LLC in NJ Superior Court in Paterson, NJ.

Ted Frey was charged with 3 criminal counts of violating NJ environmental statutes and the Corporation was charged with 2 criminal counts of violating NJ environmental statutes.

Ted Frey entered a plea of "Not Guilty" and went into the pretrial intervention program. He will be prohibited from engaging in any business involving hazardous wastes and will be in a probationary status for 12 - 36 months. The Corporation plead "Guilty" to the two counts and was fined \$54,000 which will be paid by Ted Frey on behalf of the Corporation in 12 quarterly payments.

In addition, Frey has signed a judicial consent order in which he will be limited in the scope of the nature of any chemical repackaging business in which he is a principal, he will have to notify any municipality in which he is or will be repackaging chemicals, and there are additional provisions. A copy of the signed Consent Order will be uploaded to this web site as soon as it is received from the Court. The provisions of the Consent Order can be monitored by any local, state, or federal agency, which will hopefully prevent Ted Frey from a repetition of what he did in Newark and in Clifton.

www.epaossc.org/abrachemchemical