

**United States Environmental Protection Agency**  
**Region II**  
**POLLUTION REPORT**

**Date:** Friday, December 5, 2008  
**From:** Paul L. Kahn, Michael Hoppe

**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:** SPECIAL #4 Issuance of Unilateral Administrative Order to Site Operator  
Abrachem Chemical  
2 Peekay Drive, Clifton, NJ  
Latitude: 40.8306000  
Longitude: -74.1231000

|                          |                            |                    |
|--------------------------|----------------------------|--------------------|
| <b>POLREP No.:</b>       | <b>9 Site #:</b>           | A212               |
| <b>Reporting Period:</b> | <b>D.O. #:</b>             |                    |
| <b>Start Date:</b>       | <b>Response Authority:</b> | CERCLA             |
| <b>Mob Date:</b>         | <b>Response Type:</b>      | Time-Critical      |
| <b>Demob Date:</b>       | <b>NPL Status:</b>         | Non NPL            |
| <b>Completion Date:</b>  | <b>Incident Category:</b>  | Removal Assessment |
| <b>CERCLIS ID #:</b>     | <b>Contract #</b>          |                    |
| <b>RCRIS ID #:</b>       |                            |                    |

#### **Site Description**

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

At 1730 hours OSC Ellen Banner and OSC Paul Kahn responded to the scene. The company was found to be storing drums and bulk storage containers of known and unknown chemicals in 17 56-foot long intermodal shipping carriers, stacked 3 tiers high (approx. 35 feet). Only 5 of the intermodals could be opened, and inside those it was observed that drums and bulk containers were staged behind tiers of new, blue poly drums which gave the impression that the intermodals were used only for new drum storage.

The owner of Abrachem retained the services of a remediation company which was on the scene, but waiting for EPA to arrive prior to starting work. Contractor personnel were advised to lay poly sheeting and begin removing/overpacking the leaking and unknown drums that were readily accessible. Work commenced almost immediately, but at 2100 hours work was halted due to lack of adequate lighting and the physical inability to access the majority of the drums. Work will resume on 10/30/08 when additional personnel and equipment arrive on-Site.

A meeting was held with the owner, EPA, state, and local authorities at 1000 hours on 10/30/08. At that time a Field Expedient Notice was issued to Mr. Ted Frey, the owner/operator of Abrachem Chemical.

#### **Current Activities**

On 12/4/2008 ERRD Deputy Division Director John LaPadula signed a Unilateral Administrative Order (UAO) directing the RP to grant EPA access to the Site to undertake a response action pursuant to CERCLA and the NCP. The UAO is issued to both Abrachem Group, LLC., and Tilghman B. Frey as COO and Managing Director of Abrachem Group, LLC. On 12/5/2008 OSC Paul Kahn hand-carried the signed Administrative Order to the Site and served it upon Mr. Frey. Present at the time was Mrs. Beverly Frey (believed to also be an officer of the Corporation) and NJDEP Inspector John Dotterweich. Mr. Frey acknowledged being served the UAO by signing an acknowledgement receipt.

A copy of the UAO will be sent to the Corporation, and the attorney representing Abrachem Group, LLC., directly from the Office or Regional Counsel via Certified Mail.

#### **Planned Removal Actions**

EPA and NJDEP personnel will continue to monitor the activities of Clean Venture as it samples, tests, and

overpacks deteriorated drums of waste chemicals.

**Next Steps**

The next step is dependent on the reply from the RP as to whether he will comply with the UAO.

**Key Issues**

EPA access to the Site remains the key issue, as does the threat of another release at the Site.

[response.epa.gov/abrachemchemical](https://response.epa.gov/abrachemchemical)