

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

**Date:** Friday, December 12, 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:** Effective Date for EPA Administrative Order for Access  
Abrachem Chemical  
2 Peekay Drive, Clifton, NJ  
Latitude: 40.8306000  
Longitude: -74.1231000

<b>POLREP No.:</b>	10	<b>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 December 5, 2008 an Administrative Order (AO) was issued by the EPA Region II Director of the Emergency and Remedial Response Division to Abrachem Group, LLC., and to Tilghman Frey, the operator of Abrachem Group, LLC. The AO required both the corporation and Mr. Frey, the Respondents, to grant access to EPA to perform a response action at the Site. The effective date of the Order is Friday, December 12, 2008.

On Friday, December 12, 2008 the attorney for Respondents met with the EPA Site Attorney and one of the On-Scene Coordinators assigned to the Site to discuss the factual representations specified in the AO. The EPA enforcement team was hopeful that the Respondents would comply with the AO and grant access. That however, was not the case.

At the end of the conference the EPA attorney verbally informed Respondent's attorney that nothing presented to EPA was adequate assurance that his client was capable of performing the requisite response

action, and nothing he presented was able to refute the facts specified in the Order. Consequently, he was informed that the Order would become effective at COB this day (12/12). He was further informed that a written notification to that effect would be delivered to him by overnight mail on Monday, December 15, 2008. He was also informed that EPA would now seek judicial intervention, and that his client could be subject to daily fines for failing to comply with the Order. He was told that should his client comply with the Order and give EPA written, unconditioned access, the enforcement process that would normally follow such failure to comply could be suspended.

#### **Planned Removal Actions**

EPA will initiate contact with the relevant officials in the US Department of Justice (DOJ) and request DOJ assistance in obtaining a judicial access order.

Should Respondents grant EPA the access it has ordered, EPA would immediately activate its ERRS contractor on an emergency basis and mobilize personnel and equipment to the Site to initiate a response action.

#### **Next Steps**

See above.

#### **Key Issues**

key issues still remain obtaining access to the Site and monitoring the Site for additional releases or threats of a release.

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