

October 17, 2007

Lisa P. Jackson, Commissioner
Department of Environmental Protection
401 East State Street
CN 401
Trenton, NJ 08625

Re: Atlantic States foundry – Phillipsburg plant

Via facsimile, email, and US Mail

Dear Commissioner Jackson:

Yesterday, October 16, 2007, I went to Phillipsburg to visit the Atlantic States Cast Iron Pipe Company foundry (hereafter “plant”) in hopes of inspecting the response to the recent illegal spill and discharge of what has been described as “hydraulic fluid” to the Delaware River.

I went looking for a chemical storage and water pollution problem, and in addition to that found an extreme air pollution problem. The plant is like something out of Dickens or Blake. Highly polluting heavy industrial production is being conducted right on top of a working class residential neighborhood, creating and contributing to shameful conditions I thought no longer existed in NJ.

Upon walking the perimeter of the plant, I smelled strong organic chemical emissions. The smell was like a combination of rubber cement and burning truck brake fluid. Within 5 minutes, I got a headache and nausea, followed by dry burning throat, and later a post nasal drip hours after leaving the site. I also visually observed and photographed clouds of air emissions and sloppy materials handling practices on site. I spoke to several residents who confirmed chronic odors and air emissions. Several residents said that the odors were overpowering on hot stagnant summer days (yesterday was a crisp fall breezy day).

Obviously, there are air, soil, and water emissions from the plant that are impacting the community. These emissions need to be investigated and better controlled by the Department.

I strongly urge the Department to initiate a site-wide facility environmental audit and conduct site-wide compliance inspections. The Department must conduct sampling of the ambient air, soil, and stormwater runoff from the site and the adjacent impacted neighborhood. Chemical exposures and community health risks must be assessed. On-site chemical and materials handling and storage; tanks; piping; production operations; stormwater management; and pollution controls must be examined closely. These are the minimum steps required to get an understanding of the totality of the adverse impacts and

to assess additional pollution controls, management practices, and risk reduction measures required to correct this unacceptable situation.

In addition to those site-wide efforts, I urge the Department to issue the maximum allowable fines under the NJ Water Pollution Control Act and Spill Compensation and Control Act for the most recent spill and illegal discharge to the Delaware River. The Department should issue a Spill Act Directive and Administrative Order to require pollution source track down for the most recent spill, and a site-wide remedial investigation and cleanup of all historic and ongoing spills, hazardous substances discharges, and releases of pollutants from the site. The Department should enforce and modify, as necessary, stormwater management, NJPDES and air pollution control permits issued to the facility.

Last, I visually inspected the stormwater outfall that discharged the “hydraulic fluid” spill to the Delaware River. The booms were not effectively installed and were being bypassed. Rocks were stained black and there were moderate odors still present. The stormwater outfall was many years old and crumbling. The Department must conduct additional sampling (sediments, biota and water quality) and an infrastructure investigation to improve this situation and initiate enforcement actions.

A strong enforcement response and aggressive Department oversight is especially warranted in this case, given the compliance history and criminal convictions associated with the operation of this facility.

I urge your immediate attention to this matter and specifically request that the Department initiate an investigation and enforce current applicable NJDEP regulations that have been violated in this case.

Thank you for your prompt and favorable consideration of this request. I would be glad to provide photographs I took of the site and the stormwater outfall discharge to the Delaware River to validate the above statements.

Sincerely,

Bill Wolfe, Director
NJ PEER

c: USEPA Regional Administrator Steinberg