



BOROUGH of PAULSBORO

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January 16, 2014

FOR IMMEDIATE RELEASE

**CONTACT: Brad Campbell
(609) 273-3483**

PAULSBORO PUTS POLLUTER ON NOTICE

Mayor: Solvay Plant Must Protect Paulsboro or Face Litigation

Paulsboro Mayor W. Jeffery Hamilton and the Borough Council have put Solvay Specialty Polymers USA, LLC and its affiliates (Solvay) on notice that they must provide long-term protection for Paulsboro's drinking water and natural resources or face the Borough in Federal Court.

"Despite more than twenty years of oversight by the New Jersey Department of Environmental Protection (NJDEP)," Mayor Hamilton said, "toxic chemicals from Solvay's West Deptford facility continue to taint Paulsboro's drinking water supply as well as the sediments and waters of Mantua Creek and the Delaware River that adjoin Paulsboro."

The Borough's action responds to Solvay's use and disposal of hazardous waste that has polluted groundwater and sediments in and around Paulsboro with a range of perfluorochemicals (PFCs), such as perfluorononanoic acid (PFNA), perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS). These chemicals persist in the environment and bioaccumulate in the human bloodstream, because they were specifically designed to be indestructible. NJDEP has detected PFCs from Solvay's operations in the Borough's drinking water since at least 2009, and has ordered Solvay to do additional sampling of drinking water in Paulsboro and surrounding towns. Solvay conducted the Paulsboro sampling in late

November and will be providing the data to the Borough and to NJDEP in early January.

The Mayor said that the Borough's drinking water currently meets all federal and state standards for drinking water safety, but regulators have been slow to set safeguards for PFCs because they have been found in relatively few drinking water systems nationwide. Over the past two years, studies by a panel of independent scientists in response to PFC contamination in West Virginia have found probable links between the presence of PFCs in drinking water and a number of potential adverse health effects.

"Every Paulsboro resident, and especially every child, has a fundamental right to safe drinking water," Mayor Hamilton said. "Solvay is the source of the problem, and Solvay must provide and pay for a solution."

In response to Solvay's laggard cleanup, the company's apparent indifference to Paulsboro's concerns, and NJDEP's failure to intervene promptly and effectively, Mayor Hamilton has asked Governor Christie to have his agencies help Paulsboro, by having a public meeting about the potential health risks, conducting health studies of residents' level of PFC exposure, and ordering Solvay to provide alternate water sources.

The Mayor and Borough Council also retained special environmental counsel, Bradley M. Campbell, who is a nationally recognized environmental law expert and a former Commissioner of NJDEP. In a December 23, 2013 letter (attached), Campbell served formal notice on Solvay that its PFCs present an "imminent and substantial" danger to the community that must be addressed under the Federal Resource Conservation and Recovery Act (RCRA). The RCRA law requires notice to the polluter and to the federal and state governments at least ninety days before filing a lawsuit to force a polluter to abate a public health or environmental concern.

Solvay canceled a January 6 meeting to discuss the most recent sampling results and discuss possible solutions.

Hamilton said that while on paper NJDEP's cleanup rules require polluters to track down off-site pollution, and NJDEP has been overseeing cleanup at Solvay for more than 20 years, NJDEP allowed Solvay to continue to produce and dispose of

PFCs at their West Deptford site. NJDEP, the mayor said, “has largely ignored Solvay’s PFC waste and its impact on Paulsboro until recently. For example, the U.S. Environmental Protection Agency’s “Fact Sheet” on Solvay’s RCRA cleanup work does not even mention PFCs.”¹

Copies of the Borough’s RCRA notice letter, the Borough’s FAQ sheet, and the EPA “Fact Sheet” are attached.

¹ (<http://www.epa.gov/region02/waste/fsausimo.htm>).



BRADLEY M. CAMPBELL LLC
COUNSELORS AT LAW

December 23, 2013

By Registered Mail, Return Receipt Requested

George Corbin
President
Solvay Specialty Polymers USA, LLC (and affiliates listed in Exhibit A)
333 Richmond Avenue
Houston, Texas 77098

James Harton
President
Rhodia, Inc.
8 Cedarbrook Drive
Cranbury, New Jersey 08512

Mitch Gertz
Solvay Specialty Polymers USA, LLC, et al.
10 Leonard Lane
Thorofare, New Jersey 08086

Corporation Service Co.
Registered Agent
Solvay Specialty Polymers USA, LLC, et al.
830 Bear Tavern Road
West Trenton, New Jersey 08628

Re: Notice of Intent to Sue under Section 7002(a)(1)(B) of the
Resource Conservation and Recovery Act, 42 U.S.C. § 6972(a)(1)(B):
Solvay Facility, 10 Leonard Lane, West Deptford, New Jersey

Dear Messrs. Corbin, Harton and Gertz:

This letter constitutes the Borough of Paulsboro's Notice of Intent to Sue Solvay Specialty Polymers USA, LLC, the affiliates listed in Exhibit A, Rhodia, Inc., and Mitch Gertz (collectively, Solvay) as owners and operators of the facility located at or about 10 Leonard Lane, Thorofare (West Deptford), New Jersey (the Facility), under section

INFO@BRADCAMPBELL.US

50 WEST STATE STREET / SUITE 1100 / TRENTON, NEW JERSEY 08608
MAIN 609 392 4500 / TELECOPIER 609 392 4511

1025 CONNECTICUT AVENUE, N.W. / SUITE 1000 / WASHINGTON D.C. 20036
MAIN 202 327 5405 / TELECOPIER 202 327 5406



7002(a)(1)(B) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6972(a)(1)(B). Specifically, this letter gives notice of the Borough of Paulsboro's intent to seek abatement of an imminent and substantial endangerment to health and the environment resulting from Solvay's disposal of solid waste or hazardous waste at or from the Facility. Bradley M. Campbell, LLC, represents the Borough.

Solvay and/or its predecessor companies at the Facility have improperly disposed of solid waste or hazardous waste there for decades, and this waste includes perfluorochemical compounds (PFCs) such as perfluorononanoic acid (PFNA), perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS), and other known or suspected toxic compounds, certain of which Solvay has patented. These toxic PFCs have entered the Borough of Paulsboro's groundwater, have migrated to the Borough's public and private residential drinking water supply wells, and permeate Mantua Creek and the Delaware River in and adjoining Paulsboro.

While there have been limited remedial activities at the Facility under the supervision of the New Jersey Department of Environmental Protection (NJDEP) since 1990, apparently under delegation from the United States Environmental Protection Agency, the delegation to NJDEP is facially unlawful (this is a RCRA facility, and New Jersey does not have an approved state hazardous waste program pursuant to 40 C.F.R. Part 272). Moreover, twenty-three years of direct NJDEP oversight failed to prevent ongoing PFC use and disposal at the Facility, failed to prevent or abate contamination migrating to the Borough's public and private drinking water sources, failed to prevent or abate ubiquitous contamination of Mantua Creek and the Delaware River, and failed to prevent ingestion and bioaccumulation of PFCs by the Paulsboro population, including sensitive subpopulations of infants and children. These failures, and more than two decades of leaving the Borough and its residents exposed to toxic hazards from Solvay's solid or hazardous waste, make clear there is no basis to believe that action by Solvay or NJDEP will result in abatement of the imminent and substantial endangerment resulting from the Facility's operations and waste handling, storage and disposal.

Section 7002(a)(1)(B) of RCRA, 42 U.S.C. § 6972(a)(1)(B), allows affected persons to bring suit:

against any person . . . including any past or present generator, past or present transporter, or past or present owner or operator of a treatment, storage, or disposal facility, who has contributed or is contributing to the past or present handling, storage, or disposal of any solid or hazardous waste which may present an imminent and substantial endangerment to health or the environment.

The Borough believes that hazardous or solid waste that Solvay generated and/or disposed of on public and private property has now migrated into regional drinking water resources, and river and creek sediment in Paulsboro, and presents an imminent and substantial endangerment to health and the environment. Nearly twenty-four years after



NJDEP assumed oversight, Solvay and the NJDEP have failed to take the actions necessary to abate this ongoing imminent and substantial endangerment.

The Borough will file suit in the United States District Court for the District of New Jersey, and will seek abatement of the imminent and substantial endangerment caused by the Facility. We anticipate that the federal court complaint may include claims under New Jersey's Environmental Rights Act (ERA), N.J.S. 2A:35A-1 *et seq.* and common law causes of action as well. We will ask the Court, *inter alia*, to order Solvay to commence immediately with testing and remediation of hazardous waste emanating from the Facility; to install, operate, maintain and pay for measures to ensure the safety of the Borough's public and private drinking water wells; to remove hazardous waste from Mantua Creek and portions of the Delaware River adjacent to Paulsboro that are a source of PFC exposure for the Borough's residents; and to have these actions overseen by a special master with power to enforce a schedule appropriate to the hazard presented.

If you have any questions about this letter or wish to discuss its contents with us, please contact me at the letterhead address and phone number. We request that if you wish to discuss this matter before the complaint is filed, you contact us as quickly as possible. We intend to file the complaint shortly after the expiration of the 90-day notice period provided by 42 U.S.C. § 6972(b)(2)(A) unless the Facility promptly enters an agreement with the Borough providing the relief to which the Borough is entitled, including (without limitation) enforceable requirements promptly and adequately to abate the endangerment.

Very truly yours,

Bradley M. Campbell

BMC/mw/md
Enclosure

c: The Honorable Gina McCarthy
Administrator
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

The Honorable Judith Enck
Regional Administrator
United States Environmental Protection Agency, Region 2
290 Broadway
New York, New York 10007-1866



The Honorable Eric Holder
Attorney General
United States Department of Justice
10th & Pennsylvania Avenues, N.W.
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Robert G. Dreher
Acting Assistant Attorney General
United States Department of Justice
10th & Pennsylvania Avenues, N.W.
Washington, D.C. 20530

The Honorable Paul Fishman
United States Attorney
970 Broad Street
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Newark, New Jersey 07102

The Honorable Chris Christie
Governor
State of New Jersey
125 West State Street
P.O. Box 001
Trenton, New Jersey 08625-0001

The Honorable Bob Martin
Commissioner
New Jersey Department of Environmental Protection
401 East State Street
P.O. Box 402
Trenton, New Jersey 08625-0402

By First-Class Mail:

Mark Pederson
Assistant Commissioner for Site Remediation
New Jersey Department of Environmental Protection
401 East State Street
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Andy Park
United States Environmental Protection Agency, Region 2
290 Broadway
New York, New York 10007-1866

Loren Lasky
New Jersey Department of Environmental Protection
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Bureau of Case Management
New Jersey Department of Environmental Protection
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Trenton, New Jersey 08625-0420

Fred Sickels
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Trenton, New Jersey 08625

Paul E. Linskey, Esq.
Chief Regulatory Counsel
Solvay North America legal Services
8 Cedarbrook Drive
Cranbury, New Jersey 08512



Exhibit A

Affiliates

Solvay USA, Inc.

Solvay Solexis, Inc.

Solvay Performance Chemicals, Inc.

Solvay Minerals, Inc.

Solvay Interlox, Inc.

Solvay Holding, Inc.

Solvay Fluoropolymers, Inc.

Solvay Fluorides, Inc.

Solvay Draka, Inc.

Solvay Chemicals, Inc.

Solvay America, Inc.

Solvay America (NJ), Inc.

Solvay Fluorides, LLC.



Region 2

You are here: [EPA Home](#) > [Region 2 Waste](#) > [NJ RCRA Cleanup Fact Sheet](#) > Solvay Solexis Incorporated

<http://www.epa.gov/region02/waste/fsausimo.htm>
Last updated on 06/13/2013

Solvay Specialty Polymers USA LLC

Other (Former) Names of Site - Solvay Solexis, Inc., Ausimont USA Incorporated, National Steel Company (Pennwalt)

EPA Identification Number:

NJD980753875

Facility Location:

10 Leonard Lane, Thorofare, New Jersey 08086



Facility Contact:

Facility Contact: Mitch Gertz: (856) 251-6630

EPA Contact:

Andy Park, 212-637-4184, park.andy@epa.gov

New Jersey Department of Environmental Protection (NJDEP)
Case Manager:

Loren Lasky, Loren.Lasky@dep.state.nj.us

Last Updated:

May 2013

Environmental Indicator Status:

Human Exposures Under Control [PDF 771.40 KB, 40 pp] has been verified.
Groundwater Contamination Under Control: No status has been reported.

Site Description

The site is located at 10 Leonard Lane, in West Deptford Township, New Jersey, in a mostly industrial setting surrounded by a rural residential area. Pennwalt began operations in the 1970s manufacturing fluorocarbons but the operations ceased in 1977. New operations began in 1985, manufacturing vinylidene fluoride monomers, fluoropolymers and fluorocarbons. The site was sold to Elf Atochem in 1989, subsequently to Ausimont USA, Inc. in 1990, and then to the Solvay Group in 2002. Currently, fluoropolymers, fluorocarbons and fluoroelastomers are manufactured. The operation generates hazardous wastes that are managed under a permit from New Jersey Department of Environmental Protection (NJDEP) for on-site hazardous waste storage and incineration.

Potential Threats and Contaminants

Groundwater and soil contamination at the site resulted from plant operations and management of wastes. Key groundwater contaminants include 111, trichloroethane (and its degradation products, 1,1 dichloroethane, 1,1 dichlorethene), and carbon tetrachloride and its degradation product, chloroform. Metals in groundwater include iron, manganese and aluminum. Soils contamination is below NJDEP direct contact standards for volatile organic compounds. Metals in soil include antimony and nickel.

Cleanup Approach and Progress

From 1990 to 1992, soil contamination was cleaned up via excavation and offsite disposal at a waste disposal facility, followed by backfilling of the excavated areas with clean soil.

In 2004, Solvay installed a soil cap at the dredge spoils area on the site's northern section, which is located outside the manufacturing area. In 2005, Solvay replaced underground process piping with double walled piping to prevent leaks. In April of 2010, Solvay began operation of a groundwater pump and treat system to provide onsite treatment and hydraulic containment of the plume. The treated groundwater is reused in the manufacturing process.

Solvay Specialty Polymers USA LLC is currently investigating the groundwater contamination at the site to determine how far it may extend. The investigation needs to be completed to define the hydrogeology and groundwater contamination and is primarily focused off-site. An appropriate final remedy will be selected based on the contaminant concentration levels, the rate at which the contaminated groundwater is moving and the distance the plume of contaminated water has migrated. Institutional controls (e.g., a Deed Notice for residual soil contamination and a Classification Exception Area for any remaining groundwater contamination) will be imposed at areas with residual contamination. A long-term groundwater monitoring system will be developed to ensure that the groundwater contamination continues to be contained.

Final Cleanup Status or Projection

- Final Remedy Construction (RCRAInfo database code CA550) has not been achieved.

Site Repository

Division of Solid & Hazardous Waste
Records Center
401 E. State Street, 6th Floor
Trenton, NJ 08625
Telephone: (609) 777-3373

The New Jersey Department of Environmental Protection (NJDEP) makes available its public records through formal request under the Open Public Records Act (OPRA).