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TODAY'S FORECAST: Sunny with a shower or T-storm in the afternoon
A.M. 57° at 2 P.M. 84° at 7 P.M. 80° DETAILS, PAGE 2

TUESDAY, JUNE 24, 2008

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THE NEWSPAPER FOR NEW JERSEY

Deal to detoxify part of the Passaic

EPA says two firms held liable for dioxin will foot \$80M bill

BY JUDY PEET

STAR-LEDGER STAFF

It is, everyone agreed, a good — maybe even a great — first step.

Federal environmental officials announced yesterday that, after decades of inertia and legal wrangling, an agreement has been reached to begin cleaning the most polluted stretch of New Jersey's most polluted river.

Standing in a park overlooking the Passaic River in Newark, Environmental Protection Agency regional administrator Alan J. Steinberg said former polluters will soon start removing nearly half the dioxin that has contaminated sediment in the river directly in front of the Diamond Alkali Superfund site, also known as the former Diamond Shamrock plant.

"This is a monumental first step ... and a real down payment on the river's future," Steinberg said, calling the cleanup plan the "most profound environmental agreement ever negotiated in New Jersey."

Steinberg was flanked by congressmen and local, county and state leaders, all touting the \$80 million plan to remove 200,000 cubic yards of riverbed in front of the Diamond Shamrock site in Newark. Gov. Jon Corzine endorsed the agreement; so did President Bush.

Environmentalists who had been screaming for action for decades cautioned that a good first step does not make a journey.

"This first step is like putting lipstick on a pig; it makes people think something is being done but doesn't solve the problem," said Bill Wolfe of the group Public Employees for Environmental Responsibility. "I don't have faith the government is actually going to force the polluters to do the comprehensive cleanup."

A year ago, the EPA unveiled six options for comprehensive cleanup of the lower eight miles of

the Passaic. Costs ranged from \$900 million to \$2.3 billion.

Steinberg stressed that the agreement for the initial cleanup — to start by the end of the year and be completed within 30 months — "in no way affects" the government's commitment to remediation of the entire lower Passaic River.

The agreement was signed by Occidental Chemical Corp. and Tierra Solutions, which inherited the pollution liabilities from Diamond Shamrock. Tierra will conduct the initial-phase cleanup and the companies will pay for it. A Tierra spokesman who attended yesterday's event declined comment.

Steinberg said further plans to address Passaic contamination, a complex process that involves more than six dozen corporate polluters, will be announced next year. A spokesman for the state Department of Environmental Protection

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added that a suit filed by New Jersey in 2005 to force Passaic cleanup will not be dropped.

"Of course, we are heartened to see any cleanup of the Passaic get started; we've been pushing for it for the past 40 years," said Jeff Tittle, director of the New Jersey chapter of the Sierra Club. "But it's not nearly enough.

"We need to do much, much more than they are discussing right now. And somebody still should go to jail," Tittle added.

A known carcinogen also tied to a number of other diseases including diabetes, dioxin is a by-product of pesticides including Agent Orange, used in the Vietnam era as a defoliant. During the 1950s, Diamond Shamrock knowingly released dioxin directly into the Passaic in direct violation of state laws.

The factory was closed more than 35 years ago, and the place where it stood is now encased in concrete and topped with potted trees.

The muck on the river bottom has tested out as the highest concentrations of dioxin in recorded science, at 5.3 parts per million — about a half-million times more than what is typically found in an

urban river.

The initial riverbed cleanup is to be conducted in two phases. The first will address 40,000 cubic yards of the most highly contaminated sediment, directly in front of the plant on Lister Avenue.

The second will address 160,000 cubic yards of contaminated sediment upstream and downstream from the plant.

In both phases, sediment will be removed from the river in a semi-dry state, using conventional earth-moving equipment, after pilings are driven into the riverbed and sheets of steel are used to segregate the sediment from the riverbed around it.

This method will ensure that sediment is not stirred up and dispersed back into the river, officials said. Clean fill will be placed over excavated areas. The work will be monitored by the EPA.

Material excavated in the first phase will be taken to an off-site facility permitted to accept dioxin.

For the second phase — which involves treating sediment with lower concentrations of dioxin — Tierra Solutions will build a structure in the river to hold the sediment indefinitely, the EPA said.



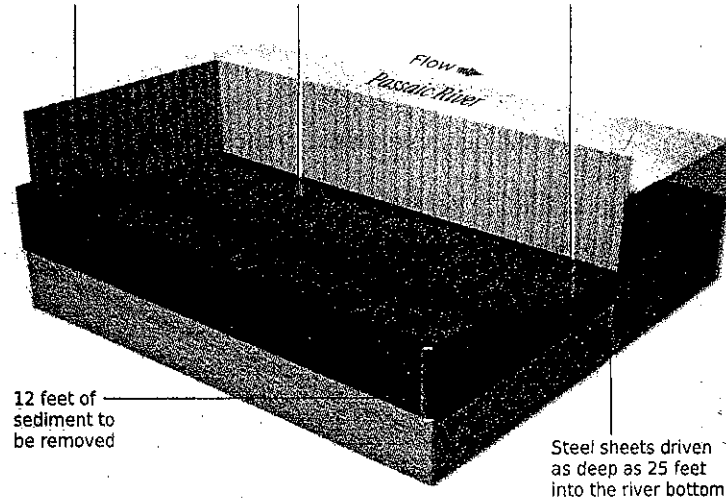
GEORGE McNISH/THE STAR-LEDGER

A sign in Lyndhurst along the Passaic River warns of the cancer risk of eating anything caught from the river.

Dredging toxins from the Passaic

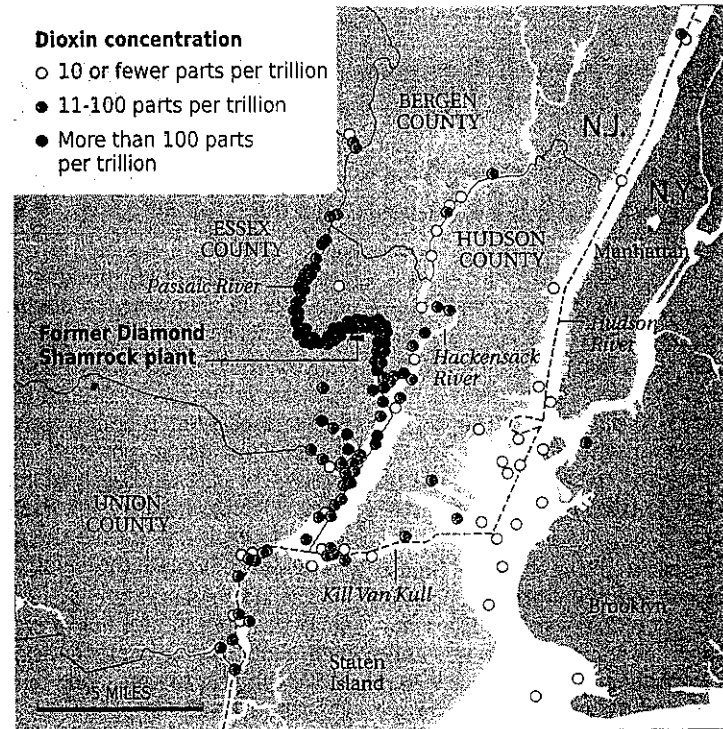
200,000 cubic yards of dioxin-laced sediment will be removed from the Passaic River bottom at the site of the former Diamond Alkali Co. Here's how:

1. Corrugated steel sheets will be driven into the riverbed surrounding the contaminated area.
2. Water in the boxed in area will be pumped out to expose the river bottom.
3. Earth-moving equipment will remove the contaminated sediment and replace it with clean fill.



Pollution and the Passaic River

Seventeen years after a court found Diamond Shamrock liable for releasing dioxin in the Passaic River, the company's corporate successors have yet to conduct a cleanup, and the dioxin has spread.



Dioxin timeline

1951-69: Diamond Shamrock Chemicals Co. dumps dioxin into Passaic River as it manufactures Agent Orange and other pesticides in Newark.

1982: Federal EPA discovers the dioxin.

1983: Gov. Thomas Kean bans consumption of local fish due to dioxin contamination.

1989: State Superior Court finds Diamond polluted the river "in known violation of public law."

1992: Appellate Division upholds decision.

1994: Diamond's successors sign agreement with EPA to study pollution in six miles of Passaic and clean it up.

2002: In White House ceremony, Army Corps and EPA create the Urban River Restoration Initiative, a plan to clean and improve navigation of urban rivers partly with public money. The company's lobbyist had advocated the approach.

2003: Lower 17 miles of Passaic

are named a pilot area for the Initiative. The Superfund study is folded into broader \$19 million study, with government to pay about half.

2004: The EPA and the company entered into an administrative consent order, with the company agreeing to conduct testing and studies to characterize contaminated sediment in Newark Bay.

2005: State of New Jersey, saying federal approach would drag out cleanup and shift costs to public, sues Tierra for costs of a potentially \$1 billion dioxin dredging project.

2007: The EPA releases a draft feasibility study that outlines several alternatives for remedial action in the lower eight miles of the Passaic River.

2008: Federal officials announce an \$80 million partial cleanup that will remove 200,000 cubic yards of dioxin-laden sediment from hot spots near the Diamond Alkali plant. The first phase is expected to take 2 1/2 years.

ANDRE MALOK, THE STAR-LEDGER

SOURCE: Department of Environmental Protection; Army Corp of Engineers