

**FIVE-YEAR REVIEW REPORT**

**Syncon Resins Superfund Site**

**Town of Kearny, Hudson County, New Jersey**



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Five - Year Review (Type Ia)  
Syncon Resins Superfund Site  
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**I. INTRODUCTION**

Authority Statement. Purpose

The U.S. Environmental Protection Agency (EPA), Region 2 conducted a five-year review pursuant to Section 121 (c) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 as amended (CERCLA), Section 300.430(f)(4)(ii) of the National Oil and Hazardous Substances Pollution Contingency Plan and OSWER Directives 9355.7-02 (1991), 9355.7-02A (1994) and 9355.7-03A (1995). The purpose of a five-year review is to ensure that a remedial action remains protective of public health and the environment. This document will become part of the site file. This is a Type Ia review, which is appropriate for a site where response actions are ongoing.

The Remedial Action that triggered a five-year review at this site was an interim remedy selected in a September 29, 1986 Record of Decision (ROD). This remedy mainly consisted of removal and disposal of the contents of storage tanks and vessels, lagoon liquids and sediments and tank structures; installation of a permeable cover to eliminate exposure of contaminated subsurface soils; and construction of a collection and treatment system for remediating contaminated ground water from the shallow aquifer. This portion of work was completed by the New Jersey Department of Environmental Protection (NJDEP) in October 1993. In addition to the mentioned remedial actions performed, the selected interim remedy included a provision to conduct supplemental studies to evaluate methods to enhance the effectiveness of the flushing and/or treatment of contaminated soils. That work was conducted under Operable Unit 2 and the final remedy was selected in a September 27, 2000 ROD. Along with evaluating alternatives for the final remedy, the effectiveness of the interim remedy was evaluated. Consequently, the ROD Declaration Statement indicated that a five-year review had been properly conducted as part of the remedy-selection process.

However, EPA's Office of Emergency and Remedial Response will not recognize the September 27, 2000 five-year review without a separate report. Therefore, this report provides documentation of the five-year review.

## Site Characteristics and History

The Syncon Resins Site encompasses approximately 15 acres and is located in a heavily industrialized area of Kearny, Hudson County, New Jersey. Various chemical plants, hazardous waste transporters, manufacturing companies, petroleum facilities, and storage terminals are situated within the immediate area. The closest residential areas to the Site are located approximately one mile west in Newark and one and one-half miles southeast in Jersey City. The shallow aquifer in the area is not utilized for any purpose. Ground water from the confined or deeper aquifer within the area is utilized solely for industrial purposes. All potable water for the area's users is supplied by municipal water purveyors.

The origin of the Syncon Resins Site is obscure. The earliest evidence documenting the existence of the Site consists of 1951 aerial photographs of the area. In May 1977, the owners of Syncon Resins filed for bankruptcy under Chapter 11 of the Bankruptcy Act. In November 1981, the NJDEP investigated the Site and ordered its owners to control and contain the hazards at the Site. In 1982, the company ceased all operations. In December 1982, the Site was added to the National Priorities List.

The Syncon Resins facility produced alkyd resin carriers for pigments, paints, and varnish products. The processes that produced these resins were carried out in closed stainless steel vessels. Cooling water utilized in the production process was recycled within the system. In the production process, excess xylene or toluene was separated from the waste water and reused in subsequent reactions. The remaining waste water was subsequently pumped to two unlined leaching ponds (lagoons), where it was allowed to evaporate or percolate into the soil. Apparently, much of the company's operations consisted of the reprocessing of off-specification resins purchased from the manufacturers.

The Site consisted of at least two reactor buildings containing stainless steel vessels, various other buildings and structures, numerous large bulk storage tanks, two unlined lagoons, and an unknown number of underground tanks and associated piping systems. A total of 12,824 55-gallon drums of off-specification resins, raw materials, wastes and solvents stored at various locations on the Site were removed in 1984, under a cooperative agreement between NJDEP and the U.S. Environmental Protection Agency (EPA), at a cost of \$2.4 million.

In 1983, the United States filed a proof of claim in the Syncon Resins bankruptcy action. The Chapter XI bankruptcy was converted to a Chapter VII liquidation; however, the only asset in the bankruptcy estate was the property comprising a portion of the Site (Lots 13 & 13R). On July 25, 1996, the Bankruptcy Court granted the trustee's motion to abandon the property and dismiss the bankruptcy case.

The United States also filed a cost recovery action in 1986 against Benjamin Farber, the former owner of the entire Site and present owner of a portion of the Site. In addition, the United States later named Disch Construction Company ("Disch") and Essex Chemical Corporation ("Essex") as defendants in that action. Mr. Farber filed a contribution action against 17 additional parties. After many years of

litigation the case was resolved, and as a result of settlements with six of the parties, including Mr. Farber, Disch, and Essex, the United States received \$2.69 million in reimbursement of past costs incurred at the Site.

## **II. DISCUSSION OF REMEDIAL OBJECTIVES**

The second operable unit investigation for the site was completed in July 1998 and was the basis of the September 27, 2000 ROD. The selected remedy consists of: excavation and drainage of approximately 30,000 cubic yards of contaminated soil, removal and disposal of buried debris and other obstructions, installation of a drainage layer at the bottom of the excavations, treatment and disposal of drained free product from the excavated material, addition of soil amendments to the excavated soil before backfilling, possible restoration of natural hydraulic conditions, possible discontinuation of the contaminated water treatment system operation, and establishment of institutional controls to ensure continued commercial and industrial use of the property. As part of the remedy-selection process, the NJDEP made several site visits. In addition, a public comment period provided an opportunity for the community to comment on the proposed remedy.

## **III. RECOMMENDATIONS**

EPA conducts a Type Ia five-year review at sites where remedial action is ongoing. The remedy selected in the September 27, 2000 ROD needs to be designed and constructed as planned.

The remedial action that triggered this five-year review was an interim remedy described in a September 29, 1986 ROD. This interim remedy was evaluated prior to the September 27, 2000 ROD and has been subsumed into the remedies selected in the 2000 ROD.

It is recommended that operation of the existing ground water collection and treatment system be continued until monitoring of the ground water indicates that contaminant levels are below the applicable criteria.

## **IV. STATEMENT OF PROTECTIVENESS**

Interim actions taken in accordance with the 1986 ROD, such as installation of a fence, cover material, slurry wall, and groundwater pumping and treatment system provide adequate protection of public health and the environment until the final site remedies are fully implemented.

