



EPA Comment Re: Curtis Paper Mill Site

December 30, 2008

Docket Coordinator, Headquarters
U.S. Environmental Protection Agency
CERCLA Docket Office (Mail Code 5305T)
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Re: EPA-HQ-SFUND-2008-0579, Curtis Papers, Inc., Milford, NJ

Dear Docket Coordinator,

Delaware Riverkeeper Network supports immediate action by the U.S. Environmental Protection Agency (the "Agency") to approve the addition of the Curtis Paper Mill site to the National Priorities List. We consider this abandoned paper mill site to be an environmental liability for Delaware River ecosystems, the region - particularly river towns - the Hakhokake Creek, the residents in the area - particularly Milford and Alexandria Township - and the public who rely on the River for water supply, who recreate on and enjoy the River, and who use and enjoy the River as part of their lives.

We submitted a letter to NJ Department of Environmental Protection in support of a request to EPA to consider adding the site to the Superfund List in July 2008. The site has a history of permit violations when it was operated by James River Paper Company and produced paper for 90 years. Solvents, coatings, and many chemicals were used at the paper mill over the years and the site held a power plant and many transformers, a wastewater plant, and a large complex of buildings, machinery, transportation areas, storage areas and other aging infrastructure. A photograph of the standing smokestack and some other buildings is attached.

We have been advocating for this site to be cleaned up after the Curtis Paper Mill closed (leaving the site open and deteriorating) and have long considered the site to hold the risk of pollution. Our concerns were verified by the Preliminary Assessment done by Curtis in 2001 related to requirements under New Jersey's Industrial Site Recovery Act. Curtis identified 20 "areas of concern". Polychlorinated biphenyl (PCB) contamination was found in several places on the site. Some hazardous material was removed by NJDEP in 2006 in an emergency effort to secure the site. The site has continued to deteriorate since it closed. Damage was reportedly done to the site by contractors who won bids to remove scrap materials, exposing potentially dangerous materials to the elements.

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According to the Agency's HRS Documentation Record and Site Summary, a surface water migration pathway from the site exposes pollution to the environment. This pollution pathway is expected to release pollutants to drinking water sources and to threaten the human food chain through fish. Soil samples taken by the Agency in 2007 showed that PCBs were on site in transformers and other materials and were also present in the bank soil of the Hakhokake Creek (also known as Quequacommissacong) and in a discharge pipe to this creek. Sampling also showed that no PCBs were present in the Creek above the site and that there are no other known sources of PCBs in the region. The Hakhokake Creek flows directly to the Delaware River.

The Hakhokake Creek is a Category One waterway, classified by New Jersey due to its high quality resources which are greatly compromised by this site.^[1] The Agency confirms that the creek is known habitat for federal and state threatened species, documenting that 13 different species have been identified in the creek and optimal habitat is present. The Agency also documents that a fisherman was observed fishing from the creek and verified that the fish were eaten, making the creek a fishery. This means that the creek is within an "actual human food chain contamination". The creek enters the Delaware River at about river mile 167.2.

The proximity of the plant site to the Hakhokake Creek and the Delaware River and the finding of PCBs in the creek's bank soil and floodplain as well as in a drain pipe that discharges to the creek, present a likelihood that the PCBs may have already migrated and will migrate into the future into the creek and the river. Other pollutants may also be entering the river from the site. The Agency states that there is a closed wastewater Outfall (#001), drainage ditches and overland flow in other parts of the site (that do not flow to the Hakhokake Creek) that carry runoff to the river. Also, there is an unnamed tributary (an intermittent tributary) that carries water from the site to the river. This tributary borders the south side of the property, is connected to the site directly by pipes and overland flow and flows into the river at about river mile 166.8. Floodwaters from the Delaware River (which has flooded three times between 2004 and 2006) may cause pollutants to be further released to the riparian soils and river. These pathways are available to polluted runoff and should be tested and evaluated by the Agency so that action can be taken to remove any pollution sources, remediate the soil, and prevent runoff from carrying PCBs and other pollutants to the river.

DRN suggests that the presence of other hazardous materials at the site is high due to the nature and longevity of the manufacturing done there. Many chemicals were handled and used such as solvents and coatings. Also, the Agency discovered at least one unpermitted discharge there, several nonpoint source pollution pathways as well as permitted discharges. The Agency should not conclude that hazardous substances are not present and do not pose a pollution and health risk; the Agency does confirm that surface water migration of hazardous waste is present at the site yet in many instances not enough information is present to assign hazardous waste ratings in the Agency's document. It is stated in the Agency's report that there were a limited number of samples taken. The necessary sampling and information gathering (such as location of all sumps and other machinery on site) needs to be done to identify all pollutants and hazardous materials so that an accurate hazardous waste quantity and area can be assigned and a plan can be made to remove the material.

The presence of PCBs at so many locations at the site is alarming. Many areas tested showed the presence of PCBs and the Agency states that not all areas that may contain PCBs were sampled yet. PCBs are a problem pollutant in the Delaware River. DRN is actively involved in attempting to develop a program for the removal of PCBs from the Delaware River environment as a member of the Delaware River Basin Commission (DRBC)-led TMDL Implementation Advisory Committee (IAC) for PCBs in the River. We consider the control and removal of PCBs from the Delaware River to be an essential task that has the highest priority to protect the environment, fish, aquatic life and wildlife (including known federal and state listed threatened species) as well as water supply and human health.

The Agency recognizes Pennsylvania's Point Pleasant Pumping Station which is about 10 miles downstream and withdraws 20 million gallons of water per day (MGD). DRN points out that this station will soon take up to 40 MGD. The water from the Pt. Pleasant Pump is also used to maintain flows in the North Branch of the Neshaminy Creek and the East Branch of the Perkiomen Creek, spreading pollution from this site even further into the environment. The Agency does not assign a potential contamination value to the drinking water drawn

by the Pt. Pleasant Station because of its multiple use as flow augmentation in the East Branch of the Perkiomen Creek and recreational use in Lake Galena. However, DRN suggests that calculations can accurately be performed to measure the amount that is used for drinking water by the company that purveys that water to its customers from the Forest Park Water Treatment Facility. Even if an exact gallonage cannot be certain, there should be enough information to allow for a score that reflects the danger of contamination for this critical drinking water supply for Bucks and Montgomery Counties, PA.

The Delaware River's drinking water is at risk due to pollution from this site. 2.9 million people downstream of this location rely on the Delaware River for drinking water and all sources that could potentially be contaminated should be analyzed and given a potential contamination value by the Agency. The cities of Philadelphia, PA, Trenton, NJ, Morrisville, PA and residents of Southern New Jersey served by New Jersey American Water Company all drink water withdrawn for the Delaware River.

Approximately 500,000 people get water through New Jersey's Delaware and Raritan Canal, about 14 miles downstream at about river mile 152.8. The Delaware and Raritan Canal's water supply is managed by the New Jersey Water Supply Authority, who should be contacted for an accurate estimate of the drinking water use that can be affected by this site; 100 MGD can be drawn from the Delaware River into the feeder canal and more can be withdrawn in drought. A potential contamination factor value should be assigned to this water source for Central New Jersey.

According to the NJ Water Supply Authority:

"The Delaware and Raritan Canal was originally constructed in 1834 and operated as a barge canal until 1932. The Canal was taken over by the State of New Jersey from the Pennsylvania Railroad Company in 1934. During the 1950's the Canal was rehabilitated to serve as a public water supply transmission system. In 1974 the Canal was designated as a State Park and was also placed on the State and Federal Registry of Historic Sites.

Originally, the navigable Delaware and Raritan Canal consisted of 43 miles of main Canal between the Delaware River at Bordentown and the Raritan River at New Brunswick and 22 miles of feeder Canal between Bulls Island in Hunterdon County and the City of Trenton. The present Canal Water Supply Transmission Facility is 60 miles long with its Delaware River intake at Bulls Island in Hunterdon County and its outlet at the Raritan River in the City of New Brunswick."[\[2\]](#)

Other river towns withdraw drinking water from the Canal and/or river, depending on need and seasonal fluctuations of other sources. An example is the City of Lambertville at river mile 149 that can and does use the Canal water when necessary. Approximately 1,750 consumers rely on the water from the Lambertville system, totaling about .4 MGD. This water supply should also be assigned a potential contamination value.

The Delaware River is a federally-designated Wild and Scenic River due to its outstanding natural values and this part of the Lower Delaware River is protected by Special Protection Waters regulations at the Delaware River Basin Commission, providing stricter pollution controls to protect its high water quality from degradation.[\[3\]](#) The wildlife that use the River and riparian areas as habitat are dependent on the high quality of these resources; resident wildlife and migrating birds both rely on the river's high quality. The river corridor is a major migration pathway for tropical birds and for fish and eels. The wildlife, fish, aquatic life and other living creatures that rely on the river all need to be considered by the Agency. These should all be assigned a value by the Agency in terms of potential contamination.

The Delaware and Raritan (D and R) Canal State Park and its trail system ends just south of the Mill. The Park is a centerpiece of public parks in Central New Jersey, following the Delaware River from just below the mill site to West Trenton and then on to New Brunswick, a total of 60 miles. The D and R Canal State Park and trail are heavily used by hikers, bikers, birders and naturalists. The park's trail system was designated a National Recreation Trail in 1992.[\[4\]](#) The Park and trail are impacted by potential contamination and should be assigned a value by the Agency. See map attached.

Recreationally, the River at this location and downstream is used heavily by boaters, fishermen, canoeists and swimmers and is a key economic engine in terms of ecotourism for the region. The presence of PCBs and other dangerous contaminants directly exposes the River, recreators and all those downstream to pollution and a degradation of its environmental assets. This potential contamination should be assigned a value by the Agency.

The Agency states that the Delaware River is a human food chain as well because of the fishery and the fact that fish are eaten from the River. However, the Agency does not assign a score to this fishery. The Agency should interview fishermen to evaluate the level of fishing and the potential for contamination of the food chain. There are fishermen that use the river recreationally and for catching fish to consume; this use is an important and popular use of the Delaware River at this location and downstream. A potential human food chain contamination value should be assigned.

DRN does not agree that the flow of the Delaware River adds enough dilution to discount the danger of contamination from this site. This is particularly true considering low flows and recurring drought conditions (and less dilution) in the river which must be factored in when potential contamination is evaluated. Unfortunately, the possibility of drought is always present for the Delaware River. Drought conditions can develop quickly within a season. DRBC points out that in 2001, the season began with 100% full, spilling reservoirs (holding 271 billion gallons of water) but less than 8 months later, the reservoirs were at 23.4% of capacity, holding just 63.348 billion gallons combined. It took until spring 2003 to refill.^[5] There have been 11 droughts managed by the DRBC since 1980.^[6]

DRN is a nonprofit member-supported organization dedicated to the protection of the Delaware River and its tributaries and habitats. We submit this comment on behalf of our members and the Delaware River's living ecosystems. We thank the Agency for the opportunity to comment on this important issue and urge quick action to add the Curtis Paper Mill Site to the National Priorities List. We look forward to the clean up by the Agency of this site, now a liability for the Delaware River, its ecosystems and communities.

Sincerely,

Maya K. van Rossum
the Delaware Riverkeeper

Tracy Carluccio
Deputy Director

[1]

NJDEP Surface Water Quality Standards, N.J.A.C. 7:9B.

[2]

http://www.njwsa.org/html/d___r_canal.html

[3]

<http://www.state.nj.us/drbc/regs/SPW-FedReg092608.pdf>

[4]

<http://www.dandr canal.com/history.html>

[5]

DRBC, "Water Supply Reservoirs and Flood Protection", 12.13.07, page 3.

[6]

DRBC, "Water Supply Reservoirs and Flood Protection", 12.13.07, page 4.