SITE TO BE SEEN

Concepts for and from
the Superfund

RESEARCH DOSSIER

2020–2021

SITE TO BE SEEN

Site to be Seen has been supported by The Pew Center for Arts & Heritage.

RAIR

The Pew Center for Arts & Heritage

CONTENTS

FACILITATING ORGANIZATION

RAIR is an art + industry nonprofit that stages interventions in the Philadelphia-area waste stream to creatively explore waste culture and promote dialogue about sustainability. Offering artists access to over 450 tons of trash per day through its flagship Residency Program, RAIR has been nested within Revolution Recovery's 3.5-acre construction and demolition waste recycling facility in the Tacony neighborhood of Philadelphia since 2010. In late 2016 Revolution Recovery purchased the adjacent 11-acre Superfund Site formerly called the Metal Bank. Pastoral in appearance, this parcel of land located on the Delaware River was once the site of a scrap metal and transformer salvage facility where for years soils and groundwater were contaminated through the release of residual oils and heavy metals, rendering the land unusable. Since its EPA designation as a Superfund site in the early 1980s, the land has undergone extensive remediation.

While to date RAIR's programming has emphasized the reuse of recycled material, with Revolution Recovery's recent acquisition of the Metal Bank, RAIR is now poised to broaden its focus to encompass sustainable solutions more generally—championing not only the creative reuse of recycled materials, but also of remediated land.

PROJECT DESCRIPTION

In 2019, RAIR received funding from The Pew Center for Arts & Heritage in support of this project, *Site to be Seen: Concepts for and from the Superfund*, which is designed to frame the varied ecological, artistic, and social potentials of the Superfund Site adjacent to RAIR. This expository project invites artist Mierle Laderman Ukeles, as a Visioning Artist in Residence, to offer counsel to RAIR while it investigates the feasibility of an organizational transition onto the Site. The project also funds an initiative that invites a group of interdisciplinary artists, curators, and other practitioners to produce printed 'Site Responses.' Addressing concepts of remediation and sustainability inspired by the Metal Bank Superfund site at 7301 Milnor St, these newsprint Site Response broadsides will creatively explore our collective relationship to maintenance, preservation, and remediation of contaminated land.

These commissioned Site Responses will not only serve to make visible the complex histories of the Metal Bank, but will also imagine its potential futures. As the project coincides with a major initiative by the non-profit Riverfront North, whose Delaware River Master Plan includes a public bike trail that will run alongside the Superfund site, *Site to be Seen: Concepts for and from the Superfund* will also introduce the importance, relevance, and timeliness of creative programming to a broad community of local stakeholders (institutions, organizations, businesses, and individuals).

Research Dossier

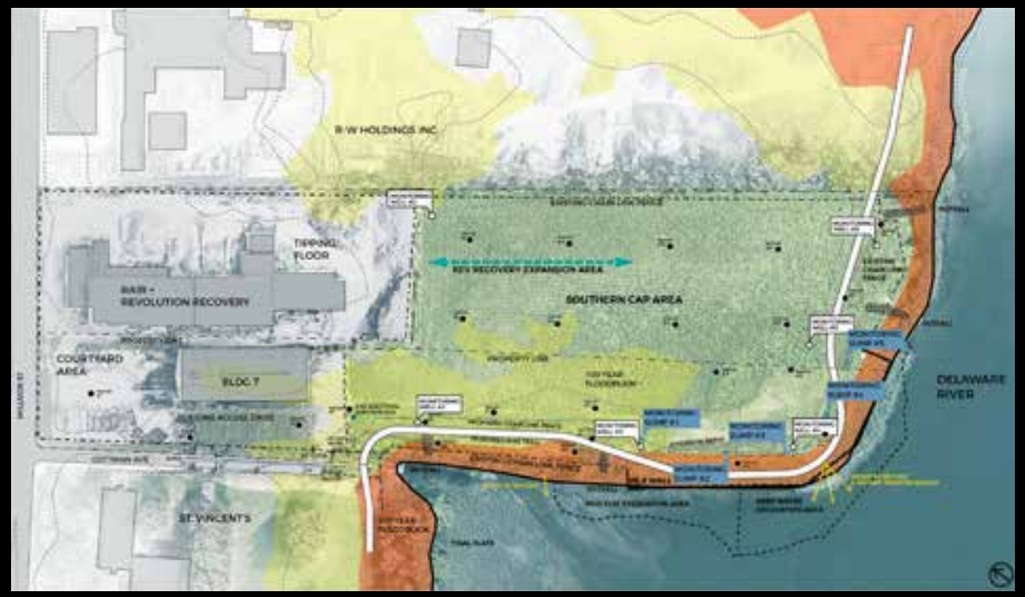
This Research Dossier includes, but is not limited to: EPA land use documents, Superfund site regulations, maps, articles, photographs, and other archival materials that span historical, social, cultural, geographical, and environmental aspects of the Site. This document will serve to introduce aspects of the Superfund Site to Curatorial Advisors, Site Respondents, and other project participants, as well as creating a public living document that begins to catalogue histories of the Site.

RAIR recognizes that it is situated on Lenapehoking: the ancestral and unceded territories of the Lenni-Lenape people, who, as the first settlers of Philadelphia, occupied this land almost 10,000 years prior to Europeans. RAIR's location on 7333 Milnor Street, along the Delaware River, is just 10 miles north of Penn Treaty Park, where, as historical documents would have it, Lenape Chief Tamanend (of the Turtle Clan of the Unami sect of the Lenape peoples) and colonial founder William Penn negotiated a "peaceful co-existence" in 1683. This "peace" soon gave way to land theft and forceful removal.

RAIR, as an organization, is committed to fostering discussion about sustainability and responsibility around materials, labor, art, industry, and land. Through this project, RAIR has begun to advocate more directly for land remediation and land access. It is a hope that this project will facilitate further dialogue about issues of land management and stewardship, the violence of settler colonialism, erased histories on this site and beyond, and the possibility of restorative land practices (many of which originate in Indigenous knowledges) and remediation as it applies both to land and to history.

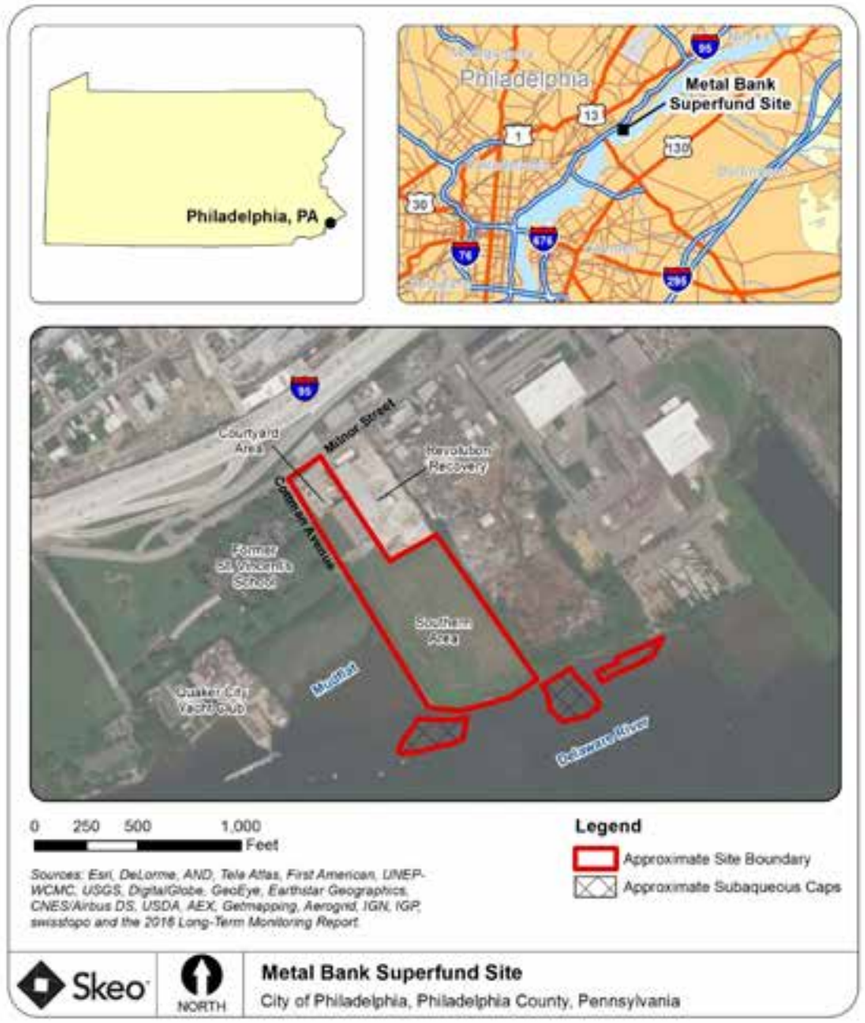
The authors of this Land Acknowledgement also acknowledge the complexity of Land Acknowledgement statements themselves: their limitations as well as their urgent necessity. As such, we offer this statement just as a place to begin.

SITE IMAGES



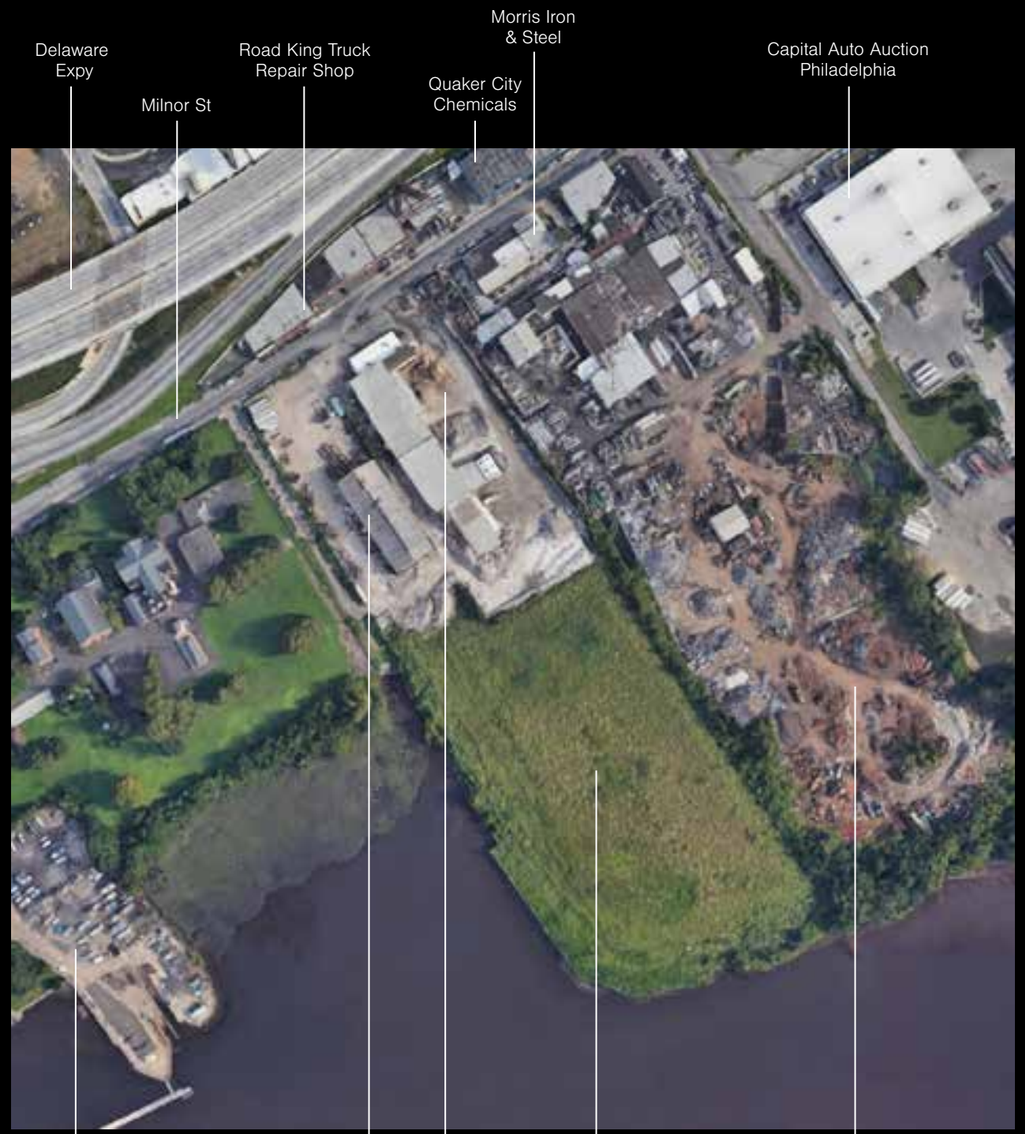
SITE TO BE SEEN / Research Dossier

Figure 1: Vicinity Map



Disclaimer: This map and any boundary lines within the map are approximate and subject to change. The map is not a survey. The map is for informational purposes only regarding EPA's response actions at the Site.

5


Delaware Expy
Milnor St
Road King Truck Repair Shop
Morris Iron & Steel
Quaker City Chemicals
Capital Auto Auction Philadelphia
Quaker City Yacht Club
7301 Milnor St
Revolution Recovery
The Superfund Site
Northeast Metal Traders

SITE TO BE SEEN / Research Dossier

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NATURAL HISTORY

Source

Research Excerpt

Historic Context Statement; Cluster 1: Frankford, Tacony, Wissinoming, Bridesburg; 2009; Works Cited #10

01 “Wissinoming Creek previously ran through the area, but the creation of an extensive sewer system culverted the creek by 1902. From Frankford Avenue, which runs parallel to the Delaware River, the land slopes gently and evenly down to the river, in sharp contrast to the more topographically varied neighborhoods to the northwest.”

02 “The gently sloping land and the winding Wissinoming made the area that would become Tacony an attractive place for early subsistence farming settlement and would eventually become an area for country seats for wealthy Philadelphians.”

Eco Restoration Assessment Final Report; 2009; Works Cited #25

03 “In June 2009, the City of Philadelphia passed a bill that establishes a Delaware River Conservation District. The bill establishes special use rules for development along the North Delaware River, requiring a 50-foot shoreline buffer area dedicated to recreational trails, and parks and open space for recreational purposes.”

“The Secret Scourge of Climate Change? More Raw Sewage in Philadelphia’s Waterways”; 2019; Works Cited #18

04 “Some of the oldest parts of Philadelphia have a long-buried past that is posing a present danger expected to get even worse in the future: an aging sewage system designed to overflow during storms into local waterways, including the Delaware River and the Schuylkill. Decades ago, that system made sense. These so-called combined sewer overflows, or CSOs, might be ground zero for gauging the effects of climate change in Philadelphia. The antiquated system is dealing with more intense rainfalls as more heat and moisture in the air produce stronger, wetter storms. City officials say they are lessening the impact through ‘green’ programs that reduce runoff. Sewage that does get released is highly diluted, they stress.”

“The Delaware: The River That Made Philadelphia”; 2019; Works Cited #24

05 “To the Leni-Lenape, the Delaware was known as Poutaxat, Mochijirickhickon, and Lenapewihittuck. In the summer of 1609, Henry Hudson sailed the Half Moon into its wide mouth at the bay, and more white men—including William Penn—arrived to name and claim the water. The Dutch called it South River. It was the Swedish River to the Swedes. In 1610, an English captain was blown off course and named the river in honor of Thomas West, 3rd Baron De La Warr and governor of Virginia, a man who may have never even seen it.”

06 “‘Forenoon, crossing the Delaware, I noticed unusual numbers of swallows in flight, circling, darting, graceful beyond description, close to the water,’ the poet Walt Whitman wrote in 1879. ‘Thick, around the bows of the ferry-boat as she lay tied in her slip, they flew; and as we went out I watch’d beyond the pier-heads, and across the broad stream, their swift-winding loop-ribands of motion, down close to it, cutting and intersecting.’ Whitman came to know the river well, traveling between Camden and Philadelphia on that ferryboat.”

07 “The river is cleaner than it has been in centuries thanks to the environmental movement, better federal regulations, and growing public access to and appreciation for the Delaware. Long cut off from the river by concrete and highways, people are returning, some to do yoga on reclaimed piers, others to sip craft beers on riverside hammocks. The river still belongs to us, yes, but we now understand what that responsibility means, and ideally, it’s not too late to give back as much as we’ve taken. The river can never return to what it once was, pristine, because we are here alongside it for the foreseeable future.”

08 “To get the fish to return, the Clean Water Act ushered in an age of biological science to treat wastewater—using microbes and oxygen to eliminate the bacteria in a controlled setting.”

“How the Clean Water Act Fixed the Delaware River’s Pollution Problem”; 2019; Works Cited #5

09 “Once the microbes eat the pollutants, any remaining solids settle out and are removed. Instead of going into lagoons, the solids are turned into fertilizer, or used to generate methane, which is used as a power source. After this stage, the remaining liquid waste looks like clear water.”

10 “Add in some chlorine, and the sewage water that typically goes into the Delaware River today is a lot cleaner than the Clean Water Act requires.”

11 “Sewage breeds bacteria in the water, and that bacteria effectively gobbles up all the oxygen, leaving little to none for the fish and other aquatic life in the river.”

“The Death of the Delware River”; 2019; Works Cited #7

12 “Today, the river is far cleaner than when it was heavily polluted from at least the late 1800s through the mid-1900s, when it was choked with dead zones of aquatic life. Now, fish such as American shad and striped bass have made a comeback. Bald eagles, once nearly extinct, now depend on its bounty.”

“Delaware River Named River of the Year by National Environmental Organization”; 2020; Work Cited #17

13 “The river also provides drinking water for more than 13 million people, including those in New York City and Philadelphia.”

Images

14 *Shad fishermen loading their half-mile of net (value $1500) for another haul.*

15 *Sewer under construction in Rock Run (a tributary to Tacony Creek) along the line of present-day Ashdale Street.*

16 *A FEMA flood map rendering showing areas that are a flood hazard.*

Tacony/Wissinoming

By Aliya Turner, M.S.

The modern boundary between Tacony and Wissinoming is marked by the dashed line and has been added by the author.

Geographic Summary

The former borough of Tacony lies in what is conventionally called near Northeast Philadelphia on the Delaware River. The river, Cottman Avenue, Frankford Avenue and Levick Street act as informal borders to the area. Wissinoming Creek previously ran through the area, but

01

p. 25
Historic Context Statement; Cluster 1: Frankford, Tacony, Wissinoming, Bridesburg;
2009; Works Cited #10

the creation of an extensive sewer system culverted the creek by 1902.[110] From Frankford Avenue, which runs parallel to the Delaware River, the land slopes gently and evenly down to the river, in sharp contrast to the more topographically varied neighborhoods to the northwest.

01 (cont.)

Tacony is roughly rectangular in shape, with the slightly longer edge of Cottman Avenue and Levick Street running perpendicular to the Delaware River. Two distinct zones exist within Tacony. The first is an industrial section, starting at the river and ending at the combined boundary of State Road, the railroad, and Interstate 95. Disston Park runs for eight blocks between the railroad and Keystone Street from Levick Street to Princeton Avenue. Continuing inland from the park, Tacony becomes almost entirely residential, with commercial corridors along Torresdale Avenue and Frankford Avenue. Tacony has a wide variety of residential buildings, including one- and two-story rowhouses, twins, and single family dwellings. The neighborhood is also peppered with pocket parks and churches.

Pre-Industrial Tacony (c. 1700 to c. 1870)

Transportation, manufacturing, and a reformist industrial patriarch characterize the history of the neighborhood of Tacony. Changes in transportation continually reshaped Tacony, from the arrival of the first railroad in the mid-1800s to the trolley lines at the beginning of the 1900s and the Tacony-Palmyra Bridge a few decades later. Tacony might have become just another industrial town if not for the direction of Henry Disston (1819-1878), whose paternalistic views shaped the physical and social landscape of the area. Other manufacturers poured into town shortly after Disston set up his saw works in 1871, diluting Disston's control. The interplay of manufacturing — both paternalistic and capitalistic — and transportation molded Tacony from rural farmland into a diverse residential and industrial neighborhood.

The gently sloping land and the winding Wissinoming made the area that would become Tacony an attractive place for early subsistence farming settlement and would eventually become an area for country seats for wealthy Philadelphians. Records for the earliest period are scarce, but by 1679 Tacony was described as a "village of Swedes and Finns."[111] Three years later, the Englishman Thomas Holmes arrived in the area on official business of surveying the land for patent by William Penn. At the time, "several purchasers [were] already seated and placed" and the survey served to formalize boundaries in the area.[112] In 1683, William Penn gave authorization to Henry Waldy to set up the first post office in the Philadelphia area in Tacony. Penn also authorized Waldy to supply horses to travelers destined for New Castle (Delaware) or "the falls" (of the Delaware River, or Trenton), suggesting that Tacony was a stopping point on the main route from Philadelphia

02

[110] Adam Levine, "Maps I," at *Philly H.O*, http://www.phillyh2o.org/maps.htm (accessed February 10, 2009).
[111] Jasper Danckaerts, *Journal of Jasper Danckaerts, 1679-1680* (New York: C. Scribner's Sons, 1913), 100. It should be noted that in early settlement villages, existing Lenni Lenape villages in Philadelphia and its immediate surroundings were at first shared by Europeans. There does not appear to be any literature that indicates that the village of Tacony was a native encampment, but the name Tacony, like Wissinoming, are both from the Lenape. See John L. Cotter, Daniel G. Roberts, and Michael Parrington, *The Buried Past: An Archaeological History of Philadelphia* (Philadelphia: University of Pennsylvania Press, 1993), 29.
[112] John Reed, *Explanation of the Map of the City of Philadelphia* (Philadelphia: Charles L. Warner, 1870), 14.

p. 26
Historic Context Statement; Cluster 1: Frankford, Tacony, Wissinoming, Bridesburg;
2009; Works Cited #10

Section 2-City of Philadelphia Perspective

PEC has integrated this CZM grant restoration work with City of Philadelphia initiatives and programs. PEC has tracked and promoted City of Philadelphia legislative efforts to create a **greenway-zoning overlay**. PEC has also worked closely with **Philadelphia Water Department** efforts to identify restoration opportunities within the City. More recently, we have explored opportunities to match restoration projects with **wetland mitigation requirements**, such as those associated with proposed Philadelphia International Airport expansions. Summaries of the above-noted initiatives are as follows:

Greenway Zoning Overlay: In June 2009, the City of Philadelphia passed a bill that establishes a Delaware River Conservation District. The bill establishes special use rules for development along the North Delaware River, requiring a 50-foot shoreline buffer area dedicated to recreational trails, and parks and open space for recreational purposes. The buffer is defined as 50 feet west (inland) either from the designated bulkhead line, or in the case of erosion behind the bulkhead, the top of the bank.

This conservation district provides regulatory control over land development activities along the North Delaware River. The conservation district promotes both the development of the greenway trail and the establishment of park and open space areas. PEC views this conservation district as an opportunity to promote ecological restoration activities that will attract fish and wildlife species and associated recreational uses such as fishing, birding, and environmental education.

Philadelphia Water Department: The Philadelphia Water Department (PWD) is an active participant in this effort to identify ecological restoration opportunities along the North Delaware River. PWD has undertaken its own initiative to identify restoration sites as documented in a 2007 *Upper Delaware Estuary Wetland Creation and Enhancement* project report (excerpts from this PWD report are included in the following paragraphs).

The goals of PWD's project include (1) wetland creation/enhancement, (2) increased wildlife habitat, (3) community accessibility to the waterfront and (4) water quality improvement. The PWD report identifies the following key issues related to ecological restoration and the importance of wetlands:

- The Delaware River has designated uses by warm water and migratory fish.
- The upper Delaware Estuary remains threatened by the heavy development and industrialization that surrounds it.
- Only small remnants of once continuous freshwater tidal wetlands remain on the Pennsylvania side of the river (Kreeger 2005).
- Wetlands, including small wetlands, play an important role in regional biodiversity. The simulated loss of small wetlands results in a significant increase in the regional extinction rate of small mammals, small birds and turtles (Gibbs 1993).
- In the Delaware River, the decline of available spawning habitat (e.g. wetlands) has been historically linked to changes in the abundance of anadromous fish species (CCMP 1996).
- Wetland creation is necessary to increase the benefits provided by existing wetlands. While extensive wetland restorations have occurred in the Delaware estuary over the past decade, an overwhelming majority of these projects have occurred in the middle or lower Delaware estuary (Kreeger 1995). Wetland creation has been largely absent in the upper Delaware estuary.

p.8
Eco Restoration Assessment Final Report; 2009; Works Cited #25

9/22/2020 The secret scourge of climate change? More raw sewage in Philadelphia's waterways.

INQUIRER MORNING NEWSLETTER

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Some of the oldest parts of Philadelphia have a long-buried past that is posing a present danger expected to get even worse in the future: an aging sewage system designed to overflow during storms into local waterways, including the Delaware River and the Schuylkill. Decades ago, that system made sense.

POWERED BY CONCERT FEEDBACK

These so-called combined sewer overflows, or CSOs, might be ground zero for gauging the effects of climate change in Philadelphia. The antiquated system is dealing with more intense rainfalls as more heat and moisture in the air produce stronger, wetter storms. City officials say they are lessening the impact through "green" programs that reduce runoff. Sewage that does get released is highly diluted, they stress.

Frankford Creek at Aramingo Avenue, Philadelphia, captured during an overflow, Sept. 3, 2019. Erik Gilbert/

The problem is not unique to Philadelphia but is exacerbated in urban areas because so much of the surface is hard. Stormwater flows quickly over sidewalks, parking lots, streets, and roofs, and directly into storm drains. Almost three-quarters of Philadelphia is impervious surface. In more suburban or rural settings, much more water gets absorbed by the ground instead of flowing straight into a waterway, carrying in pollutants.

p. 2–3
"The Secret Scourge of Climate Change? More Raw Sewage in Philadelphia's Waterways"; 2019; Works Cited #18

JOHN DUCHNESKIE / Staff Artist

Over the next year, Inquirer journalists will be exploring the river and the watershed that feeds it from many angles – water quality, environmental challenges, climate change, recreation, history, and how it all converges to define our region and inform life here. Through words, images, videos, and interactive graphics, we will take readers from the place in the Catskills, where one can stand with a foot on each shore of the Delaware; to the Water Gap, where the river is arguably its most picturesque; through muddy, secret fishing holes and Philadelphia's urban heart, to where the river melds with the bay. "From the Source: Stories of the Delaware River," is produced with support from the National Geographic Society, the Lenfest Institute

Fishermen try their luck on the Delaware near the New Hope-Lambertville Bridge.
DAVID MAIALETTI / Staff Photographer

05

To the Leni-Lenape, the Delaware was known as Poutaxat, Mochijirickhickon, and Lenapewihittuck. In the summer of 1609, Henry Hudson sailed the Half Moon into its wide mouth at the bay, and more white men — including William Penn — arrived to name and claim the water. The Dutch called it South River. It was the Swedish River to the Swedes. In 1610, an English captain was blown off course and named the river in honor of Thomas West, 3rd Baron De La Warr and governor of Virginia, a man who may have never even seen it.

p. 3
"The Delaware: The River That Made Philadelphia"; 2019; Works Cited #24

Library of Congress
Walt Whitman in 1869.

"Forenoon, crossing the Delaware, I noticed unusual numbers of swallows in flight, circling, darting, graceful beyond description, close to the water," the poet Walt Whitman wrote in 1879. "Thick, around the bows of the ferry-boat as she lay tied in her slip, they flew; and as we went out I watch'd beyond the pier-heads, and across the broad stream, their swift-winding loop-ribands of motion, down close to it, cutting and intersecting." Whitman came to know the river well, traveling between Camden and Philadelphia on that ferryboat.

06

The watershed is a source of income, drinking water, and recreation for tens of millions of people. Yet in Philadelphia, where the Delaware River runs deep and wide, it hasn't

p. 5
"The Delaware: The River That Made Philadelphia"; 2019; Works Cited #24

On a recent spring morning, shad fishermen were anchored beneath the New Hope-Lambertville Bridge, jigging for the silvery fish as they swam upstream to spawn. On the Lambertville side, Steve Meserve readied a wide, sweeping net to haul them in, just as his father, grandfather, and great-grandfather did.

"The water is so much clearer today," he said. "Sometimes I'll be out there in 6 to 8 feet of water, and I can almost see the bottom and I'll see a flash of silver. That's a shad."

Volunteers pull a boat up the Delaware River as they prepare to net fish for shad at the Lewis Fishery in Lambertville, N.J.
DAVID MAIALETTI / Staff Photographer

The river is cleaner than it has been in centuries thanks to the environmental movement, better federal regulations, and growing public access to and appreciation for the Delaware. Long cut off from the river by concrete and highways, people are returning, some to do yoga on reclaimed piers, others to sip craft beers on riverside hammocks. The river still belongs to us, yes, but we now understand what that responsibility means, and ideally, it's not too late to give back as much as we've taken. The river can never return to what it once was, pristine, because we are here alongside it for the foreseeable future.

07

p. 5
"The Delaware: The River That Made Philadelphia"; 2019; Works Cited #24

Water commissioner Deb McCarty points to the modern computerized system used today to monitor flow and other operations at the plant. (Kimberly Paynter/WHYY)

To get the fish to return, the Clean Water Act ushered in an age of biological science to treat wastewater — using microbes and oxygen to eliminate the bacteria in a controlled setting.

08

Once the microbes eat the pollutants, any remaining solids settle out and are removed. Instead of going into lagoons, the solids are turned into fertilizer, or used to generate methane, which is used as a power source. After this stage, the remaining liquid waste looks like clear water.

09

Add in some chlorine, and the sewage water that typically goes into the Delaware River today is a lot cleaner than the Clean Water Act requires.

10

p.11
"How the Clean Water Act Fixed the Delaware River's Pollution Problem"; 2019;
Works Cited #5

A photo from 1966 showing hot, smelly liquid pouring into the Delaware River from a nearby factory. (Temple Archives)

11

Sewage breeds bacteria in the water, and that bacteria effectively gobbles up all the oxygen, leaving little to none for the fish and other aquatic life in the river.

"With more and more and more people, over time it became an increasing problem," Kreeger said, "until something had to be done because everything was dying because of lack of oxygen."

By 1964, about a million pounds of waste was going into the river every day, and more than 60 percent of that was coming from sewage treatment plants, with cities like Philadelphia, Camden and Wilmington contributing the most. In 1964, the bacteria count at Philadelphia's water intake at Torresdale was 39,300 per 100 mL.

But it wasn't just sewage. There was also blood from slaughterhouses, oil from refineries like Gulf Oil and Sun Oil, and toxic waste from chemical companies like Rohm and Haas and Dupont. Acidic industrial waste lowered the pH of the river for several miles above and below the Pa.-Del. state line.

Almost none of the waste entering the river was disinfected, so it contained high levels of bacteria — again, eating up all of the oxygen.

p. 5
"The Death of the Delware River"; 2019; Works Cited #7

THURSDAY, APRIL 16, 2020 · THE PHILADELPHIA INQUIRER · B3

Delaware River gets environmental honor

American Rivers designated it as the river of the year for pollution recovery.

By Frank Kummer
STAFF WRITER

American Rivers, an environmental advocacy group, has named the Delaware as its river of the year for 2020, hailing it as a "national success story" for its dramatic revitalization from the decades it spent polluted by industrial and sewage waste.

"The Delaware shows how a healthy river can be an engine for thriving communities and strong local economies," William Robert Irvin, president and CEO of American Rivers, said in a news release.

At 330 miles long, the Delaware is the largest undammed river in the United States east of the Mississippi. It runs from Hancock, N.Y., to the Delaware Bay, from which it eventually empties into the Atlantic Ocean. Along the way, it is fed by 2,000 tributaries, the largest being the Schuylkill and the Lehigh River in Pennsylvania.

From Trenton to the Delaware Bay, the river is tidal and is known as the Delaware Estuary, where the river's freshwater mixes with saltwater from the ocean.

Today, the river is far cleaner than when it was heavily polluted from at least the late 1800s through the mid-1900s, when it was choked with dead zones of aquatic life. Now, fish such as American shad, striped bass, and Atlantic sturgeon have made a comeback. Bald eagles, once nearly extinct, now depend on its bounty.

The river also provides drinking water for more than 13 million people, including those in New York City and Philadelphia.

The river's improvement is credited to a number of initiatives, including the federal Clean Water Act, the policies of four states (Pennsylvania, New Jersey, New York, and Delaware), regulation by the Delaware River Basin Commission, and, more recently, the Delaware River Watershed Initiative, a coordinated effort of dozens of environmental groups and research organizations. The Delaware has the most extensive National Wild and Scenic River protection of any watershed in the country.

"Communities along the Delaware River are setting a national example for river stewardship," Irvin said. "We must use these lessons to ensure healthy rivers, equitable access, and clean water in cities nationwide."

Irvin added that continued "commitment from leaders and local communities is critical to address growing challenges such as aging water infrastructure, urban development, and climate change."

American Rivers also released a list of America's Most Endangered Rivers of 2020.

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Anthony Staples (left) of Ivyland and Jim Christy of Pennsauken try to catch striped bass in the Delaware at Palmyra Cove Nature Park. TOM GRALISH / Staff Photographer

al and is known as the Delaware Estuary, where the river's freshwater mixes with saltwater from the ocean.

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13

"Delaware River Named River of the Year by National Environmental Organization"; 2020; Work Cited #17

14

Shad fishermen loading their half-mile of net (value $1500) for another haul, Delaware River, Philadelphia, PA; Library of Congress, 1905, photo by E.W. Kelley.

15

Sewer under construction in Rock Run (a tributary to Tacony Creek) along the line of present-day Ashdale Street, City Archives of Philadelphia, 1922.

16

A FEMA flood map rendering showing areas that are a flood hazard.

NATURAL HISTORY

MORE RESEARCH DOCUMENTS

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Natural History

AREA DEVELOPMENT

Source

History of St. Vincent's Orphan Asylum of Tacony, Philadelphia: A memoir of its Diamond Jubilee; 1934; Works Cited #26

Research Excerpt

01 "The present Milnor Street bore the name Orphan Street; Wissinoming Street was known as Liberty Street and State Road as Aramingo Avenue."

02 "Each buyer enjoys, also, the exceptional advantage that the terms do not burden him with any other trouble than a monthly payment of $2-$4. You can find there also the most beautiful and most select river-cottage lots, that means building lots for pleasure-gardens and summer homes along the Delaware, each 50 feet wide and 200 feet long. Here one can finally create a second paradise on earth. Far from us be all cheating. Every gain that comes from the sale of these lots, will be used for the erection of an Orphan Asylum, School, etc. Therefore, the buyers have nothing to do with land-speculators, doing rather a good work out of which a great benefit will result for them and their families. The situation of the land is most beautiful, and very healthful. It offers a splendid view of the surrounding territory and the Delaware. This new settlement, with which every advantage is connected, is accessible at each hour of the day, by Railroad and by Steamboat, a depot and wharf being nearby. There is also a plankroad which will run through the streets of the town."

03 "Ye workingmen and citizens, go to Tacony on May 13, and the cramps caused by too much sitting will leave you forever. Ye all, who pay high rents in a silly corner of the city and breathe pestiferous air, soon losing dollars and life, come to Tacony!"

04 "Ye doctors, who have become the second nature of the present generation, but put the people under the earth many years too early with our sweet and sour quack-pills, go to Tacony! And if you are men of learning, you will soon discover where the salt- and sulphur-fountains are to be found, from which alone people can expect a natural restoration to health."

05 "Ye innkeepers, who have failed, go to Tacony likewise! Start gardening, and work that you won't get too fat. The land is very good, and the fruit of the smallest melon is much larger than that of the thickest and highest oak-tree. You need not wrap up sausages for the afternoon; Lagerbeer waits for you with a ready table. And finally, honest people only are invited, for then Tacony will always be free of lawyers. Do not forget May 13!"

06 "The earliest records relating to land at what is now Tacony show a patent dated March 26, 1676, from Sir Edmund Andros, Swedish governor, to Michael Fredericks of 300 acres between 'Pinnepakta' (now Pennypack) to 'Towacawoninck,' an Indian name meaning 'uninhabited land' or 'wilderness.'"

Images of America: Tacony; 2004; Works Cited #14

07 "A major shift in Tacony's center occurred between 1903 and 1930. In August 1903, the No. 58 trolley was completed; it ran from Cottman Avenue to Philadelphia's Frankford section via Torresdale Avenue. Tacony laborers were now less dependent on the Disston Plant for work, and other populations entered Tacony and bolstered the labor force, increasing the community's ethnic diversity. It was during this time that Tacony's Italian population emerged."

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09 "Another leading employer during Tacony's early development was the Erben-Harding Woolen Mill, whose mills largely manufactured knitwear and hosiery. The factory, built in 1892, was located along the waterfront, south of the Disston Saw Works. Later known as Erben, Search and Company, it gave employment to females, as did Henry Disston and Sons."

10 "Delaney and Company was a glue-manufacturing facility located on the Delaware River near what is now Cottman Avenue; it was known as Township Line Road in 1907 at the time of this photograph. The plant, along with the nearby Martin Lamp-Black Works, offered unskilled labor opportunities, which allowed many Italian immigrants who settled west of the factories a chance at employment during the following decade."

11 "[Pictured above], the Tacony ferry, along with the Palmyra ferry, provided motorists and pedestrians a means of access across a 4,800-foot span of the Delaware River. The ferries operated from 6:00 am until midnight, with trips every 15 minutes. In 1922, the cost was 5¢ for a passenger trip and 45¢ for cars or trucks. In 1925, the ferries carried over 400,000 cars and trucks, over 115,000 pedestrians, and over 525,000 passengers."

12 "A big reason why Tacony led the way in technological revolution was Frank Shuman, who came to Tacony in 1891 to assist his Uncle Francis with the task of creating the William Penn Statue. By that time, Shuman had owned the patent for wire glass which, at the time, was a critical invention. He was a pioneer in solar energy work [and resided in this building (seen in the 1980s) at Disston and Ditman Streets.]"

13 "Frank Shuman started investigating the potential for solar energy c. 1906. He studied three previous models, improving previous designs by reflecting solar rays onto square boxes filled with ether, which has a lower boiling point than water. As a result, Shuman could power a small toy steam engine."

14 "In the 1600's, present-day Tacony, or 'Towacawoninck,' was inhabited primarily by what had been generations of the Lenni-Lenape tribe of Native Americans. Swedish and Finnish settlers had begun to populate this wooded area along the waterfront before the arrival of William Penn. In 1683, William Penn gave orders to Henry Waldy of 'Tekonay' to establish the first post office, shortening the area's name and directing Waldy 'to supply passengers with horses from Philadelphia to New Castleor to the Falls.' This post office, located on 'tacony Hill,' northwest of the railroad, existed until 1753, when delivery by penny post began."

15 "In 1871, seeking to escape the unhealthy conditions of his Front Street and Laurel Street factory, Henry Disston, owner of the Disston Saw Works, was attracted to Tacony for its natural setting, its transportation sources with railroad and wharf already in place, and the fact that the undeveloped area would facilitate profitable building lots for workers."

16 "The Disston Company, Dodge Steel, and Gillinder Glass Works are but a sampling of Tacony's influence on the modern world."

Historic Context Statement; Cluster 1: Frankford, Tacony, Wissinoming, Bridesburg; 2009; Works Cited #10

17 "...a portion of the city that was accessed mainly by boat and a single roadway in the first century of Philadelphia's settlement."

18 "Changes in transportation continually reshaped Tacony, from the arrival of the first railroad in the mid-1800s to the trolley lines at the beginning of the 1900s and the Tacony-Palmyra Bridge a few decades later."

19 "The interplay of manufacturing—both paternalistic and capitalistic—and transportation molded Tacony from rural farmland into a diverse residential and industrial neighborhood."

20 "Tacony might have become just another industrial town if not for the direction of Henry Disston (1819—1878), whose paternalistic views shaped the physical and social landscape of the area."

21 "In 1683, William Penn gave authorization to Henry Waldy to set up the first post office in the Philadelphia area in Tacony. Penn also authorized Waldy to supply horses to travelers destined for New Castle (Delaware) or "the falls" (of the Delaware River, or Trenton), suggesting that Tacony was a stopping point on the main route from Philadelphia north."

22 "1832 marks the beginning of the story that set Tacony on its course to becoming a remarkably significant company town. In that year the Pennsylvania Legislature passed an act to incorporate the Philadelphia and Trenton Railroad Company, effectively connecting Philadelphia directly to New York City. Residents of Philadelphia reacted negatively to this announcement, and opposed the idea of a railroad terminus near Market and Front Streets. Accounts from 1840 tell of angry mobs harassing rail workers, tearing up tracks as they were laid down, arson, and the ensuing riots preventing fire fighters from extinguishing the blaze so that the building burnt to the ground. The protesters were so vehement in their objections that plans had to be abandoned to bring the railroad all the way into town. In 1846, Tacony became the terminus for the railroad and passengers had to take a ferry to complete their voyage into Philadelphia. For all the intense protestation, by 1849 the Philadelphia and Trenton Railroad ran all the way into Philadelphia."

"The area remained a small hamlet of farms and country seats and summer homes well into the 1800s." **23**

"Further evidence of Tacony's early life as a place of retreat is evidenced by the formation of the Tacony Cottage Association. Formed in the mid-1800s to support building St. Vincent's Orphan Asylum, the association bought up 49 acres of farmland in Tacony and used half for land for the asylum and sold the other half as speculative lots for summer cottages." **24**

"An 1862 map shows that Tacony grew only slightly in thirteen years, retaining its pastoral setting." **25**

"In 1855, the first member of the Disston family arrived in Tacony, not for work, but for recreation. Thomas Disston bought land for a summer house from the Tacony Cottage Association and often entertained his family at his country seat. He was not alone—many wealthy Philadelphians used the city's outlying areas, including Tacony, as areas to escape from Philadelphia proper. It was not until nearly twenty years later when Thomas's brother Henry purchased land in Tacony for entirely different reasons, the pursuit of industry and the creation of an ideal company town." **26**

"'This [company and community of workers] is what I live for. We all ought to live and make each other happy. God knows the greatest desire of my life is to see all that I am connected with happy. And I believe to this day that there is not a happier or more contented family in the world. I say family because I consider you and myself of one and the same family. There has (sic) never been any wants that I could afford to alleviate but that I have endeavored to do so as I would my nearest kin... The object of men and Boss should be mutual, the Boss to give all he can when times will permit, and the men under a close competition to be willing to help meet the market... Whatever money I make is spent in improvements to facilitate us in putting goods into the market at such prices that we will have work as long as any house.'" **27**

Historic American Buildings Survey; Works Cited #15

Henry Disston speaking on the relationship between him and his workers

Images

2018 photograph of some remaining Disston Saw Works factory buildings. **28**

Etching from History of Philadelphia. 1609—1884. **29**

Frank Schuman and his 'Sun-boiler,' 1907. **30**

Facade of St. Vincent's Orphan Asylum. **31**

32 *Map illustrating the boundaries of the land claimed during the 1737 Walking Purchase.*

33 *Etching depicting Tacony waterfront and the Elm Tree Hotel in the early nineteenth century.*

34 *Aerial photograph of Disston Saw Works factory buildings, 1939.*

containing thirty-eight acres should be bought near Tacony at a cost averaging between sixteen and seventeen thousand dollars. Of these, twenty acres should be laid out in building lots. "By this speculation the eighteen remaining acres were to cost nothing to the Society and a profit of several thousand dollars made besides".

The land was acquired on October 3, 1855. According to the deeds "22 acres and 30 perches of fast land, 9 acres, 3 roods and 24 perches of the flats" were acquired from Richard Wigfall at a cost of $8,700.00. Furthermore "17 acres of fast land and about six acres and 72 perches of the flats" were bought from George Knowles for $6,200.00. An acre of fast land cost $137.50, the mudflats being free. In January, 1856, an additional 10 acres adjoining the mentioned 39, were purchased from Wm. H. Gatzmer at the rate of $450.00 per acre. The total cost for the 49 acres was $19,400.00. The buyers were Bernhard Huelsemann, the soul of the entire undertaking, John Knoll and Francis Bierbreuer. The acquired property of the Association comprised all the land between the Pennsylvania Railroad (at that time the New York Trenton R. R.) on the west and the Delaware River on the east; Cottman Street (then Township-line Road) formed the northern boundary and Princeton Avenue (originally Monroe Street) the southern. The present Milnor Street bore the name Orphan Street; Wissinoming Street was known as Liberty Street and State Road as Aramingo Avenue. In July, 1930, St. Vincent's Street was changed to Wellington Street. Union and Friendship Streets retained their old names.

For the purpose of re-selling, the Tacony Cottage Association was established on November 1, 1855. It was in fact, merely a subcommittee of the Board of Managers, with its own cash and bookkeeping. On November 5, 1855, the society received the deed to the property from Mr. Wigfall for $1,007.00 in cash and a mortgage. The next day the first public sale of lots took place. 81 lots were sold for $11,723.00. "Everybody was highly pleased", we read in St. Peter's House Chronicle. On the following Monday, November 12, the second public sale was held. "Though it was raining all day, $8,593.00 were realized". After the third auction on Thanksgiving Day, November 22, the total number of lots sold was 200 leaving 75 lots. The total sum cleared amounted to $29,000.00. On May 13 and July 4, 1856 two more auctions were held. The one in May netted $2,426.00 for 12 lots. Mr. Behlen was the auctioneer. This public sale is of special interest because of its long and unique advertisement in the "Philadelphia Democrat" of May 10, 1856. Not only on account of the many new facts it reveals, but mostly because of its humorous character, we give a full translation:

> "A large piece of land of 48 acres, was recently bought at Tacony, 23rd Ward, with the intention of using part of it as the site for a German Orphan Asylum. The remainder was divided into building lots, 20 feet broad, and 120 to 200 feet long; these shall be auctioned on Tuesday morning, March 13th, at 11 o'clock, on the place itself to the highest bidder. The land is to be had for a cheap price ranging from not more than $90 to $170; and after a year or two, it will be worth more than $300 to $400.

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History of St. Vincent's Orphan Asylum of Tacony, Philadelphia: A memoir of its Diamond Jubilee; 1934; Works Cited #26

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"Each buyer enjoys, also, the exceptional advantage that the terms do not burden him with any other trouble than a monthly payment of $2 — $4. You can find there also the most beautiful and most select river-cottage lots, that means building lots for pleasure-gardens and summer homes along the Delaware, each 50 feet wide and 200 feet long. Here one can finally create a second paradise on earth. Far from us be all cheating. Every gain that comes from the sale of these lots, will be used for the erection of an Orphan Asylum, School, etc. Therefore, the buyers have nothing to do with land-speculators, doing rather a good work out of which a great benefit will result for them and their families. The situation of the land is most beautiful, and very healthful. It offers a splendid view of the surrounding territory and the Delaware. This new settlement, with which every advantage is connected, is accessible at each hour of the day, by Railroad and by Steamboat, a depot and wharf being nearby. There is also a plankroad which will run through the streets of the town."

"PAY ATTENTION! The proprietor will be his own landlord, a very great advantage for the merchants and businessmen, whose health is worth thousands of dollars. They will do well to bring their whole family to this fine country town."

"Ye workingmen and citizens, go to Tacony on May 13, and the cramps caused by too much sitting will leave you forever. Ye all, who pay high rents in a silly corner of the city and breathe pestiferous air, soon losing dollars and life, come to Tacony!"

"Ye doctors, who have become the second nature of the present generation, but put the people under the earth many years too early with your sweet and sour quack-pills, go to Tacony! And if you are men of learning, you will soon discover where the salt- and sulphur-fountains are to be found, from which alone people can expect a natural restoration to health."

"Ye innkeepers, who have failed, go to Tacony likewise! Start gardening, and work that you won't get too fat. The land is very good, and the fruit of the smallest melon is much larger than that of the thickest and highest oak-tree. You need not wrap up sausages for the afternoon; Lagerbeer waits for you with a ready table. And finally, honest people only are invited, for then Tacony will always be free of lawyers. Do not forget May 13!"

This advertisement lets us clearly see the reasons for the strong participation. They were: cooperation in a great and necessary work of charity; quiet, healthful country life; good connections with the city; prospects of Church and School which would guarantee the education of the children; and finally the conviction that the lots bought could be resold in a short time with a considerable profit.

The buyers were, of course, chiefly members of the two German Parishes, since they were especially interested in the success of the undertaking. We see this from the fact that ninety-eight of the buyers of the first year, with the exception of nine, were Germans. This easily explains the old stock of German Catholic settlers in Tacony, which was later divided into "Irishtown" and "Dutchtown".

The settlement followed the plan laid out by a Mr. Saver (surveyor) of Frankford, who received $55.00 for his services. He was ordered to lay out the land in six-cottage lots. A copy of the plan is still in possession of the Orphan Asylum (see page 18). The lots were as a rule 20 x 250 and sold at an average of $120.00 each.

In the beginning of 1859, the value of the lots amounted to $32,339. In addition to the property for the Orphanage, a number of

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p. 21
History of St. Vincent's Orphan Asylum of Tacony, Philadelphia: A memoir of its Diamond Jubilee; 1934; Works Cited #26

The earliest records relating to land at what is now Tacony show a patent dated March 26, 1676, from Sir Edmund Andros, Swedish governor, to Michael Fredericks of 300 acres between "Pinnepakta" (now Pennypack) to "Towacawoninck," an Indian name meaning "uninhabited land" or "wilderness." The Consolidation Act of 1854, which made Tacony part of the City of Philadelphia, had a positive impact on real estate in the area. William H. Gatzmer secured the charter that made Tacony depot, as it was known by that time, the terminus for trains to and from New York. The Tacony Cottage Association heavily publicized the area in its efforts to sell building lots for the construction of St. Vincent's School and Orphanage. The area caught the attention of Henry Disston, who eventually purchased 390 acres in Tacony. When Disston purchased his tract of land at Tacony, fishing and farming quickly gave way to manufacturing. This photograph depicts the Tacony waterfront in the pre-Disston era, showing why records of William Penn's deeds in the area included privileges "of hawking, fishing and fowling."

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p. 10
Images of America: Tacony; 2004; Works Cited #14

Some of the notable merchants who lined the business strip of Longshore Avenue at the e beginning of the 20th century included Joseph M. Smith's Hardware Store, White and Dunker it Shoe Store, J.H. Currier's Real Estate, Lister's Restaurant, Rubin Brothers' Department Store, C Smithwaite Papers and Periodicals, William Boardman's Hardware Store, Gottlieb Gotthardt's Bakery, and Emma L. Stern's Millinery Shop. This photograph was taken looking west along Longshore Avenue from Keystone Street, c. 1910.

A major shift in Tacony's center occurred between 1903 and 1930. In August 1903, the No 58 trolley was completed; it ran from Cottman Avenue to Philadelphia's Frankford section via Torresdale Avenue. Tacony laborers were now less dependent on the Disston Plant for work and other populations entered Tacony and bolstered the labor force, increasing the community's ethnic diversity. It was during this time that Tacony's Italian population emerged.

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p. 16
Images of America: Tacony; 2004; Works Cited #14

One of the earliest Tacony settlers was Lynford Lardner, a relative of William Penn and a landholder along the Delaware River near what is now Levick Street. Known as "Old Tacony Place," this tract featured boating docks and a stone mansion, which stood as late as 1900. This photograph shows Lardner's Point, the 20th-century name of the structure that coexisted with a city-operated waterworks and the electric light company for a time.

Leaders in the early days of the Tacony business community, the Merz Brothers were active in the business community and also sponsored some of Tacony's best baseball teams at the beginning of the 20th century. Their business, known as Merz's Hotel, pictured c. 1910, was located east of the Disston Estate along State Road near Knorr Street and stood where Interstate 95 is located today.

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p. 35
Images of America: Tacony; 2004; Works Cited #14

Another leading employer during Tacony's early development was the Erben-Harding Woolen Mill, whose mills largely manufactured knitwear and hosiery. The factory, built in 1892, was located along the waterfront, south of the Disston Saw Works. Later known as Erben, Search, and Company, it gave employment to females, as did Henry Disston and Sons.

Situated along State Road near Magee Avenue was the Tacony Iron and Metal Company. Formed in 1891 by Francis Schumann (uncle of the inventor), this company's claim to fame was having cast the William Penn Statue and decorative iron dome work that adorns the top of the Philadelphia City Hall. Teams of 16 horses hauled single pieces of the statue to the downtown location.

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p. 59
Images of America: Tacony; 2004; Works Cited #14

Delaney and Company was a glue-manufacturing facility located on the Delaw[illegible] River [illegible] what is now Cottman Avenue; it was known as Township Line Road in 1907 [illegible] the time this photograph. The plant, along with the nearby Martin Lamp-Black Works, offered unski[illegible] labor opportunities, which allowed many Italian immigrants who settled west of the factor[illegible] chance at employment during the following decade.

The Tacony Trust Fund Building and Loan Association was formed on December 1, 18[illegible] Shortly thereafter, this building was erected on the southeast corner of Longshore Avenue [illegible] Tulip Street. The board of directors was a virtual *Who's Who* of Tacony civic and business l[illegible] as evidenced by the officers mentioned in the *40th Anniversary Booklet* of 1913, and inclu[illegible] Thomas W. South, John H. Currier, and Frederick Merz.

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p. 60
Images of America: Tacony; 2004; Works Cited #14

Pictured above, the *Tacony* ferry, along with the *Palmyra* ferry, provided motorists and pedestrians a means of access across a 4,800-foot span of the Delaware River. The ferries operated from 6:00 a.m. until midnight, with trips every 15 minutes. In 1922, the cost was 5¢ for a passenger trip and 45¢ for cars or trucks. In 1925, the ferries carried over 400,000 cars and trucks, over 115,000 pedestrians, and over 525,000 bus passengers.

It was not until this structure was complete that the areas west and northwest of the Disston Estate became ripe for settlement. The community was no longer viewed as a suburb. Along with the Roosevelt Boulevard extension and creation of the Market-Frankford elevated line, the new bridge made access convenient from all points. The Tacony-Palmyra Bridge opened during a torrential rainstorm on August 14, 1929, with a gala ceremony, which included dignitaries and citizens.

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Images of America: Tacony; 2004; Works Cited #14

Frank Shuman started investigating the potential for solar energy c. 1906. He studied three previous models, improving previous designs by reflecting solar rays onto square boxes filled with ether, which has a lower boiling point than water. As a result, Shuman could power a small toy steam engine. This handbill was posted by Shuman to invite the public and potential investors to a solar energy demonstration in his yard on Disston Street.

SOLAR POWER LIQUID AIR

MECHANICAL POWER, HEAT, LIGHT
ELECTRICITY, REFRIGERATION
AND FERTILIZERS

FROM SUN HEAT AND AIR

YOU ARE INVITED TO ATTEND AN

EXHIBITION RUN

OF THE

FIRST PRACTICAL
SOLAR ENGINE

AT 4400 DISSTON STREET

TACONY, PHILADELPHIA, PA.

ON EACH AFTERNOON BETWEEN TWELVE AND THREE P. M.
DURING THE NEXT TWO WEEKS

A big reason why Tacony led the way in technological revolution was Frank Shuman, who came to Tacony in 1891 to assist his Uncle Francis with the task of creating the William Penn Statue. By that time, Shuman had owned the patent for wire glass which, at the time, was a critical invention. He was a pioneer in solar energy work and resided in this building (seen in the 1980s) at Disston and Ditman Streets.

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Images of America: Tacony; 2004; Works Cited #14

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15

INTRODUCTION

In the 1600s, present-day Tacony, or "Towacawoninck," was inhabited primarily by what had been generations of the Lenni-Lenape tribe of Native Americans. Swedish and Finnish settlers had begun to populate this wooded area along the waterfront before the arrival of William Penn. In 1683, William Penn gave orders to Henry Waldy of "Tekonay" to establish the first post office, shortening the area's name and directing Waldy "to supply passengers with horses from Philadelphia to New Castle or to the Falls." This post office, located on "Tacony Hill," northwest of the railroad, existed until 1753, when delivery by penny post began.

In 1871, seeking to escape the unhealthy conditions of his Front Street and Laurel Street factory, Henry Disston, owner of the Disston Saw Works, was attracted to Tacony for its natural setting, its transportation sources with railroad and wharf already in place, and the fact that the undeveloped area would facilitate profitable building lots for workers. He reserved 40 acres of waterfront land to move his factory to Tacony and set aside monies for streets, sewers, and a school; he visualized an ideal working-class community where workers could own or rent their own homes in close proximity to the factory. Construction of homes began c. 1875, streets were laid out in a westerly direction from the railroad, and other industries became attracted to the waterfront. Homes, mostly twins, were built with attention to light, air, and green space, which contrasted the cramped surroundings of the area near his factory. Henry Disston built a park in the center of the community to provide a natural barrier between the industries and residences. He enacted deed restrictions that would preserve a high quality of life for those who lived in the community of Tacony. These restrictions read: "No tavern or building for the sale or manufacture of Beer or Liquors of any kind or description and no court house, carpentry, blacksmith, currier or machine shop, livery stables, slaughter houses, soap or glue boiling establishment or factory of any kind whatsoever where steam-power shall be used or occupied on the said lots, tracts or piece of land or any part thereof."

These restrictions are still in full force and effect today, having been upheld by the Supreme Court of Pennsylvania in 1938, when four clubs were forced to move outside the original Disston Estate. The restrictions were upheld again in 1999 when the Superior Court of Pennsylvania upheld a previous lower court ruling that a local delicatessen could not sell alcoholic beverages based on Henry Disston's deed restrictions.

Without question, Henry Disston is the single person most responsible for the community of Tacony. The object of this publication, beyond the fascinating images it presents, is to enlighten the community about the many other people, places, and organizations (in addition to the Disstons), who have helped to make the neighborhood such a special place. Although the chapters could be interchanged, with images included in one chapter that could well have been in another, the seven categories chosen were felt to best encapsulate by theme what makes Tacony unique.

Chapters one and two ("The Neighborhood" and "People and Places") present most of the interesting streetscapes, people, and places that have been a part of the Tacony community since its days after the arrival of Henry Disston. Chapter three features what was probably the most photographed event in Tacony's history. On March 27, 1911, a fierce cyclone tore through the Philadelphia area, doing the most extensive damage in modern memory, with most devastation occurring along the Schuylkill and Delaware Rivers. As Chapter three will document, Tacony was not spared by this powerful windstorm. Few people know that Tacony was a center for technological revolution between 1890 and 1920. Chapter four ("Progress") was designed to illustrate not only Tacony's progress but also the great impact Tacony residents

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p. 7
Images of America: Tacony; 2004; Works Cited #14

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and manufacturers had worldwide. The Disston Company, Dodge Steel, and Gillinder Glass Works are but a sampling of Tacony's influence on the modern world.

The balance of the book focuses on the facets of Tacony that have made the community such a fine place to live for the past 130 years. Chapter five ("Pride and Patriotism") focuses on not only on the tremendous patriotism displayed by Tacony residents during the war years but also the pride in community and culture, which is so important in keeping traditions alive and neighborhoods strong.

Chapters six and seven ("Religion and Education" and "Sports and Recreation") focus on the people and institutions responsible in so many ways for Tacony's stability. The fabric of Tacony has been woven with the strongest fibers, those created through the dedication, passion, and culture of many people and places that have called Tacony home.

For the first time in a single publication, this book is a visual documentation of the rich history the neighborhood of Tacony possesses. More than 200 images have been compiled by the Historical Society of Tacony; in presenting this visual time capsule, we hope to evoke special memories for Tacony residents and introduce those unfamiliar with Tacony to this historic neighborhood.

These concrete reminders of days gone by (and some not too far gone by) are but a sampling of reasons why Tacony is such a special and unique place to live, work, play, worship, and learn. Indeed, these images show how much Tacony has changed but, at the same time, they show how much has not changed.

While preparing this book, the authors were inspired and fascinated with the many vivid stories and fond recollections these images evoked in those who were kind enough to share them with us. As much as today's Tacony can be credited to some famous and semi-famous entrepreneurs and civic leaders, most credit is owed to the thousands of residents who, throughout the community's history, have helped Tacony stay true to its founder's vision of a well-balanced, proud, working-class community.

Many hours were spent by the authors collecting and analyzing these thought-provoking images that span 116 years of Tacony history. It is our hope that these countless hours will be multiplied many times over as residents, both young and old, peruse this treasured collection of images.

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Images of America: Tacony; 2004; Works Cited #14

Historic Context Statement for Neighborhood Cluster 1
Frankford, Tacony, Wissinoming and Bridesburg:
Industrial Villages of the Upper Delaware River Waterfront

Edited, with an Introduction by Emily T. Cooperman, Ph.D.

17

Cluster 1 consists of a group of neighborhoods closely connected to the Delaware River and the smaller waterways that formerly fed into it (Frankford Creek and its tributaries as well as Wissinnoming Creek) in a portion of the city that was accessed mainly by boat and a single roadway in the first century of Philadelphia's settlement. Like many other areas of the city, the neighborhoods of Cluster 1 were developed to a great extent because of the industries that were founded there, and their fortunes have risen and fallen with the city's industrial growth and subsequent decay. Frankford was one of the earliest settled villages in the former Philadelphia County. Bridesburg was built on flat land made habitable by fill and bulwark along the riverfront. The land in Wissinoming and Tacony was characterized by country seats and farms until past the mid-nineteenth century when Henry Disston moved his Saw Works from Northern Liberties to land that had not yet been developed except for agriculture use.

In the twentieth century, these neighborhoods became more closely connected to Center City through the completion of the Frankford Elevated subway in 1915. As industry declined by the 1950s, the area lost population along with the rest of Philadelphia.

Study area with major roads. (Image by Aliya Turner, created in Google Earth)

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Historic Context Statement; Cluster 1: Frankford, Tacony, Wissinoming, Bridesburg; 2009; Works Cited #10

the creation of an extensive sewer system culverted the creek by 1902.[110] From Frankford Avenue, which runs parallel to the Delaware River, the land slopes gently and evenly down to the river, in sharp contrast to the more topographically varied neighborhoods to the northwest.

Tacony is roughly rectangular in shape, with the slightly longer edge of Cottman Avenue and Levick Street running perpendicular to the Delaware River. Two distinct zones exist within Tacony. The first is an industrial section, starting at the river and ending at the combined boundary of State Road, the railroad, and Interstate 95. Disston Park runs for eight blocks between the railroad and Keystone Street from Levick Street to Princeton Avenue. Continuing inland from the park, Tacony becomes almost entirely residential, with commercial corridors along Torresdale Avenue and Frankford Avenue. Tacony has a wide variety of residential buildings, including one- and two-story rowhouses, twins, and single family dwellings. The neighborhood is also peppered with pocket parks and churches.

Pre-Industrial Tacony (c. 1700 to c. 1870)

18 20

Transportation, manufacturing, and a reformist industrial patriarch characterize the history of the neighborhood of Tacony. Changes in transportation continually reshaped Tacony, from the arrival of the first railroad in the mid-1800s to the trolley lines at the beginning of the 1900s and the Tacony-Palmyra Bridge a few decades later. Tacony might have become just another industrial town if not for the direction of Henry Disston (1819-1878), whose paternalistic views shaped the physical and social landscape of the area. Other manufacturers poured into town shortly after Disston set up his saw works in 1871, diluting Disston's control. The interplay of manufacturing — both paternalistic and capitalistic — and transportation molded Tacony from rural farmland into a diverse residential and industrial neighborhood.

19

The gently sloping land and the winding Wissinoming made the area that would become Tacony an attractive place for early subsistence farming settlement and would eventually become an area for country seats for wealthy Philadelphians. Records for the earliest period are scarce, but by 1679 Tacony was described as a "village of Swedes and Finns."[111] Three years later, the Englishman Thomas Holmes arrived in the area on official business of surveying the land for patent by William Penn. At the time, "several purchasers [were] already seated and placed" and the survey served to formalize boundaries in the area. [112] In 1683, William Penn gave authorization to Henry Waldy to set up the first post office in the Philadelphia area in Tacony. Penn also authorized Waldy to supply horses to travelers destined for New Castle (Delaware) or "the falls" (of the Delaware River, or Trenton), suggesting that Tacony was a stopping point on the main route from Philadelphia

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[110] Adam Levine, "Maps I," at *Philly H2O*, http://www.phillyh2o.org/maps.htm (accessed February 10, 2009).
[111] Jasper Danckaerts, *Journal of Jasper Danckaerts, 1679-1680* (New York: C. Scribner's Sons, 1913), 100. It should be noted that in early settlement villages, existing Lenni Lenape villages in Philadelphia and its immediate surroundings were at first shared by Europeans. There does not appear to be any literature that indicates that the village of Tacony was a native encampment, but the name Tacony, like Wissinoming, are both from the Lenape. See John L. Cotter, Daniel G. Roberts, and Michael Parrington, *The Buried Past: An Archaeological History of Philadelphia* (Philadelphia: University of Pennsylvania Press, 1993), 29.
[112] John Reed, *Explanation of the Map of the City of Philadelphia* (Philadelphia: Charles L. Warner, 1870), 14.

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Historic Context Statement; Cluster 1: Frankford, Tacony, Wissinoming, Bridesburg; 2009; Works Cited #10

21 (cont.)

north.[113] In 1760, Lynford Lardner, brother-in-law of William Penn, built a Delaware River-front mansion on the north side of the mouth of the Wissinoming Creek, and called his new property Tacony.[114] The Lardner's maintained a summer home at Tacony for many years. Lynford's son John Lardner established Magnolia Hill on river-front property adjacent to his father's on the north. John Lardner fought in the Revolutionary War and crossed the Delaware with George Washington as part of the First Troop Philadelphia City Calvary.[115] From the perspective of the late nineteenth century, a descendant of Magnolia Hall owners recalled the life in the area in the eighteenth century, noting that "You must not judge [the period] by what you see now at Tacony. The state of society then was more like what it now is in our Western States. Land and provisions were plenty and the laborers married young."[116]

23

Even the first stagecoach that turned the forest trail known as King's Highway into Frankford Avenue in 1776 seems to have little impact on the growth of the town.[117] Early histories of Tacony lack substantive information regarding the earliest phases of the town, suggesting little development. The area remained a small hamlet of farms and country seats and summer homes well into the 1800s.

24

Further evidence of Tacony's early life as a place of retreat is evidenced by the formation of the Tacony Cottage Association. Formed in the mid-1800s to support building St. Vincent's Orphan Asylum, the association bought up 49 acres of farmland in Tacony and used half for land for the asylum and sold the other half as speculative lots for summer cottages.[118]

22

1832 marks the beginning of the story that set Tacony on its course to becoming a remarkably significant company town. In that year the Pennsylvania Legislature passed an act to incorporate the Philadelphia and Trenton Railroad Company, effectively connecting Philadelphia directly to New York City.[119] Residents of Philadelphia reacted negatively to this announcement, and opposed the idea of a railroad terminus near Market and Front Streets. Accounts from 1840 tell of angry mobs harassing rail workers, tearing up tracks as they were laid down, arson, and the ensuing riots preventing fire fighters from extinguishing the blaze so that the building burnt to the ground. The protesters were so vehement in their objections that plans had to be abandoned to bring the railroad all the way into town.[120] In 1846, Tacony became the terminus for the railroad and passengers had to take a ferry to complete their voyage into Philadelphia.[121]

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[113] Thomas J. Scharf and Thompson Wescott, *History of Philadelphia: 1609-1884* (Philadelphia: L.H. Everts and Company: 1884), vol.3, p. 1806.
[114] William Bucke Campbell, *Old Towns and Districts of Philadelphia* (Philadelphia: History Society of Philadelphia: 1942), 130.
[115] Samuel Fitch Hotchkin, *The Bristol Pike* (Philadelphia: George W. Jacobs and Company, 1893), 54.
[116] Anon., "Fanny Saltar's Reminiscences," *Pennsylvania Magazine of History and Biography*, 40: 2 (April 1916): 195-196.
[117] Robert van Dervort, *Tacony* (Philadelphia: Free Library of Philadelphia: 1982), 3.
[118] Harry C. Silcox, "Henry Disston's Model Industrial Community: Nineteenth Century Paternalism in Tacony, Philadelphia," *Pennsylvania Magazine of History and Biography* CXIV, no.4 (October 1990): 496.
[119] Thomas J. Scharf and Thompson Wescott, *History of Philadelphia: 1609-1884* (Philadelphia: L.H. Everts and Company: 1884), vol.3, 2183.
[120] Ibid., 2184-2185.
[121] Jeanne Downing, "Tacony," in *Historical Northeast Philadelphia: Stories and Memories*, eds. Alicia Freitag and Harry Silcox (Philadelphia: Brighton Press, 1990), p. 18; van Dervort, 6.

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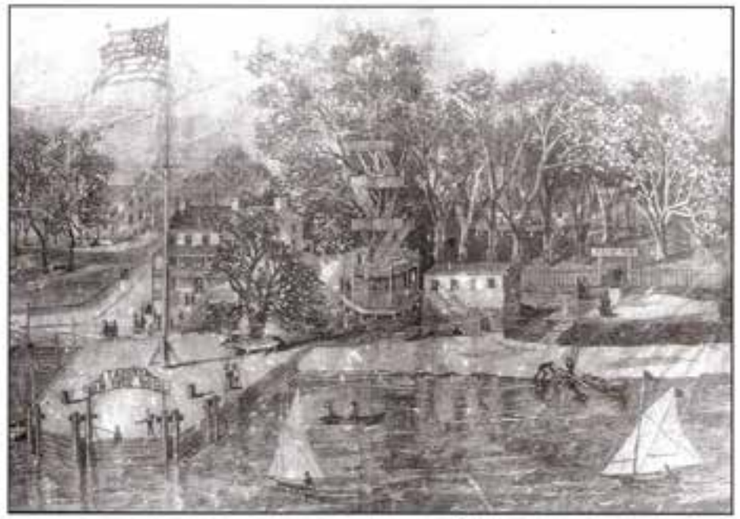

Tacony waterfront, early nineteenth century, courtesy Tacony Historical Society

22 (cont.)

For all the intense protestation, by 1849 the Philadelphia and Trenton Railroad ran all the way into Philadelphia.[122] Tacony retained the railroad depot, and several hotels were built to accommodate railroad travelers. Despite the railroad, Tacony remained a relatively small hamlet clustered around the depot, although a grid of streets appeared soon after the depot.[123] Country seat estates were scattered across the land north of the railroad, but development was slow. An early drawing shows the relatively undeveloped nature of the town even after the railroad. The drawing depicts a hotel with a wharf to accommodate railroad and ferry travel; small boats line the riverbank to the north, and a multi-story tree house, consisting of several levels of wooden decking encircling the tree, can be seen next to the hotel. While the presence of the tree house may seem like artistic license, a photograph from 1870 confirms that the drawing depicted a built condition, including the

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[122] M. Dripps, "Map of the Township of Oxborough, Boroughs of Frankford and Bridesburg, 1849." Map in the Historical Society of Frankford collection.
[123] See *Map of the Township of Oxford, Boroughs of Frankford & Bridesburg*, M. Dripps, 1849, Collection the Free Library of Philadelphia.

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25

sign advertising the hotel and the top level of the tree house.[124] The similarities between the photograph and the drawing are so striking that it seems as if the drawing was made from the photograph. An 1862 map shows that Tacony grew only slightly in thirteen years, retaining its pastoral setting.

26

In 1855, the first member of the Disston family arrived in Tacony, not for work, but for recreation. Thomas Disston bought land for a summer house from the Tacony Cottage Association and often entertained his family at his country seat. He was not alone—many wealthy Philadelphians used the city's outlying areas, including Tacony, as areas to escape from Philadelphia proper.[125] It was not until nearly twenty years later when Thomas's brother Henry purchased land in Tacony for entirely different reasons, the pursuit of industry and the creation of an ideal company town.

[124] The location of the original drawing and photograph are unknown. Copies of the drawing and photograph are in the collection of the Historical Society of Tacony.
[125] Louis M. Iatorola and Lynn-Carmela T. Iatorola, *Lower Northeast Philadelphia*, (Grand Rapids: Arcadia Publishing, 2005).

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decided to begin moving his entire saw operation to Tacony and began to do so in 1872, a decision expedited by the cramped quarters in center city and a massive fire in 1864. In preparation for this move, the Disstons purchased as much Tacony acreage as possible.

In moving Henry Disston & Sons Keystone Saw Works to comparatively remote Tacony, Disston gained room to physically expand his plant as needed, however, he was also able to found and nurture an insulated industrial community. While his motives for this goal are not wholly known, it has been suggested that Henry Disston's familiarity with English utopian experiments as well as the devout Presbyterianism practiced by the family contributed to its development. Regardless of the impetus, Henry Disston might be considered among the most socially conscious of the urban industrial elite coalescing in the last quarter of the nineteenth century. Prior to the move to Tacony, he wrote of the owner-worker relationship:

> This [company and community of workers] is what I live for. We all ought to live and make each other happy. God knows the greatest desire of my life is to see all that I am connected with happy. And I believe to this day that there is not a happier or more contented family in the world. I say family because I consider you and myself of one and the same family. There has (sic) never been any wants that I could afford to alleviate but that I have endeavored to do so as I would my nearest kin…The object of men and Boss should be mutual, the Boss to give all he can when times will permit, and the men under a close competition to be willing to help meet the market…Whatever money I make is spent in improvements to facilitate us in putting goods into the market at such prices that we will have work as long as any house.[14]

27

After Henry's 1878 death, the Disstons maintained close associations with their workers as most of the male family members apprenticed in the saw works shops and afterward they frequently visited the town and industrial complex. To reinforce worker loyalty, Disston assured religious freedom—not always the case in remote industrial communities—offered limited benefits in times of sickness and death, and established a system of hereditary apprenticeship and job placement. The Disstons believed that contented workers were better workers and their involvement in bettering the lives of their employees through industrial paternalism moved beyond the walls of the factory and the realm of wages. While labor unrest did crop up from time to time, the relatively healthful and lower-density community and its labor force remained comparatively quiet.

Henry Disston did not move his entire saw works to Tacony in one campaign. He opened an experimental saw factory in 1872 and over the next twenty-seven years moved all of the operation's components—including steel making—to the town. Accordingly, Tacony grew in response to increased industrial capacity. In 1876, virtually all development was contained within the original street grid between the railroad and the river; the population at the time was around 200.[15] The blocks west of the railroad were platted by that time, however except

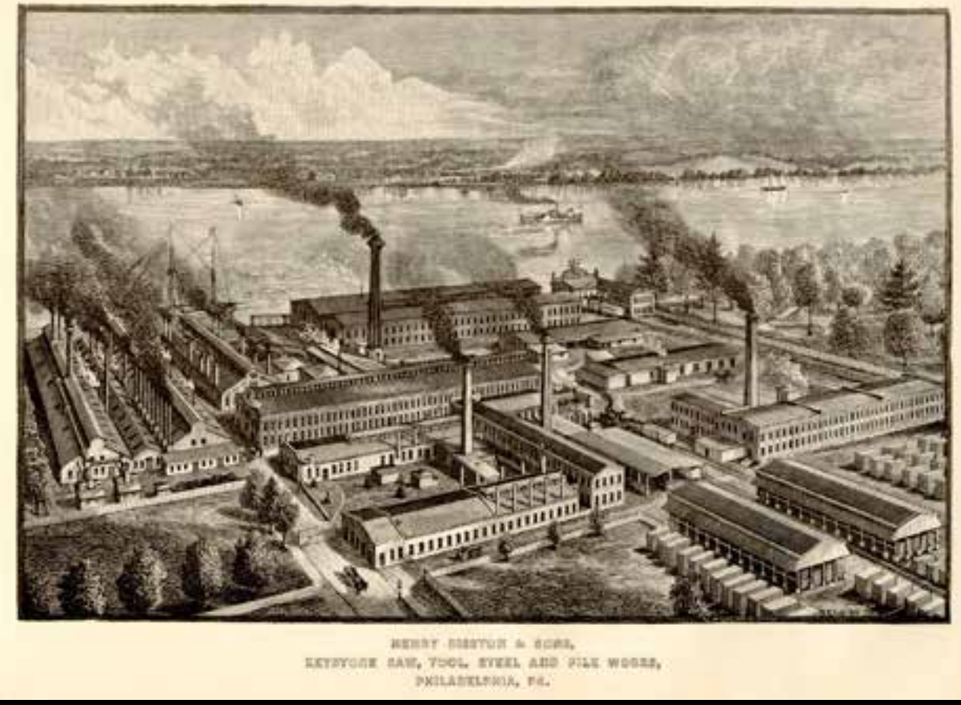
[14] Henry Disston to his "fellow workers," 13 November 1867, as quoted in Silcox, *A Place…*, 15–16.
[15] *City Atlas of Philadelphia by Wards, Complete in 7 Volumes*, vol. 3 (Philadelphia: G. M. Hopkins, 1876); Silcox, "Chapter 1," 4, for population.

p. 4
Historic American Buildings Survey; Works Cited #15

28

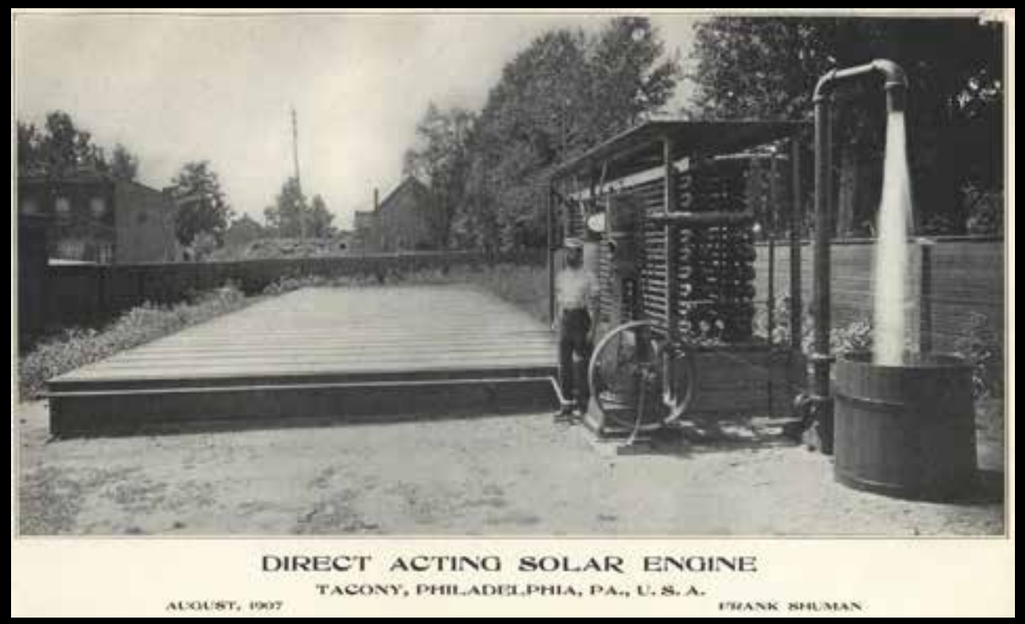
2018 photograph of some remaining Disston Saw Works factory buildings.

29



Etching from *History of Philadelphia*. 1609–1884.

30



Frank Schuman and his 'Sun-boiler', 1907.

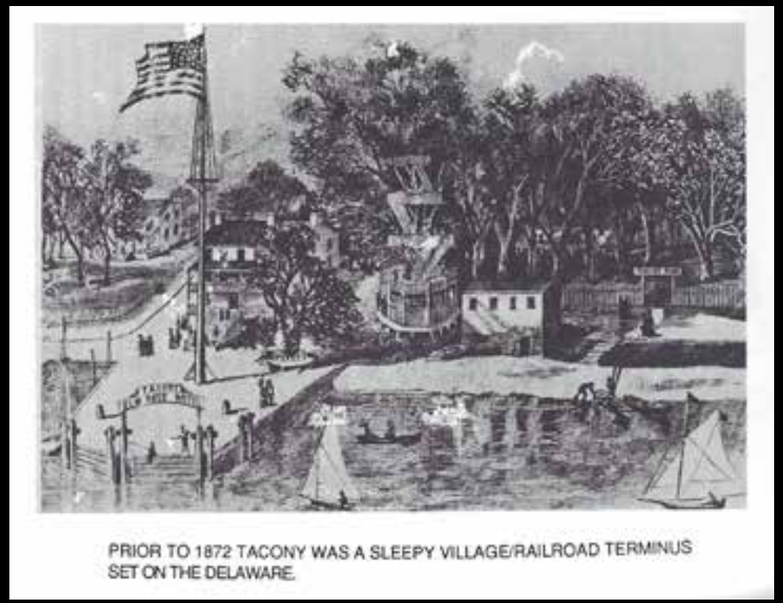
31

Facade of St. Vincent's Orphan Asylum.

32

Map illustrating the boundaries of the land claimed during the 1737 Walking Purchase.

33



Etching depicting Tacony waterfront and the Elm Tree Hotel in the early nineteenth century.

34

Aerial photograph of Disston Saw Works factory buildings, 1939.

AREA DEVELOPMENT

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Area Development

1650

1660s Construction of 'Old Swedes Mill', a grist mill on the northeast bank of Frankford Creek, marks the beginning of neighboring Frankford's industrial history.

1800 Nearby Frankford village incorporates as a borough while small farms continue to operate in what is now Tacony.

1815 The U.S. Army opens Frankford Arsenal in nearby Frankford.

1850 Henry Disston founds Keystone Saw Works.

1861 The Civil War begins. Philadelphia industry, including Disston's Center City-based Saw Works, are essential to the Union's cause to which the city provides troops, medical care, supplies and money throughout the war.

1865 The Civil War ends. Disston renames his company Henry Disston & Son for his son Hamilton who had returned to work after serving in the war.

1871 Disston moves Keystone Saw Works to Tacony and industrializes the area. With money made from the production of weapons and plate steel during the Civil War, he purchases six acres for factory works and 390 acres for worker housing. Only 75 families are recorded as living in the Tacony area at this time.

1876 Disston constructs his first worker housing at the intersection of Knorr and Keystone Sts. The deed restrictions for the housing include the sale or production of alcohol, steam powered businesses, stables, and businesses that would be physically noxious to the community.

1878 Henry Disston dies but the business continues to be operated by his sons.

1881 Tacony Iron Works owned by Francis Shumann opens south of the Disston saw works. It is the inaugural year of *The Tacony New Era*, a paper that served the community for 40 years.

1882 Disston's efforts are a major contribution to growth and development in Tacony. At this time 1,600 men worked in the factory and most lived within walking distance.

1883 Gillinder & Sons, manufacturers of pressed glass, open a window glass plant in Tacony. The facility is named Franklin Window Glass Works which advertises Franklin window, car, and picture glass.

1885 Erben Search Company Worsted Mill moves to Tacony and builds on the river south of the Disston works. The Tacony Music Hall is erected with the assistance of Disston, who feared a town hall would lead to worker uprisings. The building includes commercial space, a library, and music hall.

1887 Franklin Window Glass Works is sold due to competition with imported glass from Belgium using cheap labor and Western Pennsylvania manufacturers using natural gas.

1891 Frank Shuman arrives in Tacony to assist his Uncle Francis at the Tacony Iron Works with the creation of the William Penn Statue that currently sits atop City Hall. Shuman stays on in Tacony and opens both the American Wire Glass Company and the Simplex Concrete Piling Company.

1893 L. Marten's Black Company moves to Milnor Street in Tacony after outgrowing their factory in Germantown. One of the oldest and largest lamp black manufacturers in the United States, they produce lamp black, a key ingredient in ink used by Philadelphia's burgeoning print industry.

1894 Frank Shuman builds a large inventor's compound on Disston St where he constructs the first solar-powered steam engine.

1895 A major fire at the Delaney & Whitaker glue factory caused by spontaneous combustion from oily waste forces them from their home at Jefferson and Mascher Sts in Kensington. Here they produced curled hair and hide glue.

1896 Construction begins at 7301 Milnor St for a new glue manufacturing plant for Delaney & Whitaker.

1899 Whitaker & Delaney's glue factory at 7301 Milnor in Tacony is destroyed by fire on April 17 with an estimated loss of $100,000.

1904 The Harding Textile Company at 25th and Spring Garden Streets merges their operation with the Erben mill in Tacony, officially becoming Erben Harding. The new plant becomes the first industry in Tacony to employ large numbers of female workers, mainly Irish women from Bridesburg and Polish women from Tacony.

1913 Frank Shuman builds the world's first large-scale solar power station in Maadi, Egypt that powers an irrigation system fed by the Nile.

1914 World War I begins, thwarting Shuman's power station in Egypt.

1918 World War I ends. Dodge Steel opens on the former Tacony Iron Works site.

1923 A fire breaks out at Delaney & Co., Inc. in a shed that houses finished glue ready to ship out. The fire spreads to the adjoining L.K. Martin Company, producers of carbon and lamp black.

1929 The Great Depression and major economic downturn follow a stock market crash in October that reverberates worldwide. Industry diminishes in the area except for Disston's Saw Works.

1936 Delaney & Co. still in operation selling glue and fertilizer out of 7301 Milnor St.

1939 World War II begins. With a precedent for changing the course of production since the Civil War, Disston makes its money selling armor plate steel during World War II when Germany invades Poland.

1940 Frankford Arsenal is the sole producer of military ammunition in the U.S.

1940 The government finances the construction of an armor plating plant in Tacony where Disston produces armored plates for gun shields, combat vehicles, tanks, naval crafts and planes to name a few. A *Time* magazine article claimed in 1940 that 75 percent of the hand saws sold in the U.S. were made by Disston.

1945 World War II ends. During the war and for five years after, Disston makes its money selling steel for the military, not saws.

1950s Industry declines in Tacony and population decline follows.

1950

Industry Pre-1950

Natural History

Area Development

7301 Milnor

Environmental

1950

1955 With mounting cash-flow problems and waning interest on the family's part to run the firm, stockholders of Henry Disston & Sons, Inc. vote to sell their assets to H.K. Porter Co. Inc., a Pittsburgh based company known for locomotive manufacturing.

1963 L. Goldstein's Sons buy a tract of land and five industrial buildings formerly occupied by the Henry Disston Division from H.K. Porter Co. on Unruh Ave east of Milnor St.

1968 On December 4 L. Goldstein Sons (Metal Bank of America) sells its business assets to New Jersey-owned Union Corporation. Through the deal the Schorsch brothers become Metal Bank's chief executive officers.

1962 L. Goldsteins Sons buy a seven-acre riverfront tract of land containing 60,000 square feet of industrial building, completing the sale of the unused 16 acre industrial site at Cottman and Milnor Sts.

1972 Harrison M. Newman is named director of industrial pollution control technology at Union Corp.

1971 Ag-Met Inc. and Union Corp. announce agreement towards Ag-Met's acquisition of two Union subsidiaries, Metal Bank of America, Inc. and Jacobson Metal Co., totalling $25 million.

1962—1966 L. Goldstein Sons, a 101 year-old firm co-owned by William and Harry Goldstein, are owners of the Site at 7301 Milnor St where they buy, store, process, and sell scrap metal. Irvin G. Schorsch and John B. Schorsch are L.G.S.'s executive officers and sole shareholders.

1971 Union contracts with Hirtz Brothers to purchase transformers, as well as a contract to collect and recycle transformers on the Site.

1964 A 3-alarm fire breaks out at L. Goldstein's scrap metal yard at 6801 Wissinoming St.

1971 Union negotiates agreement for Metal Bank to acquire the Hirtz Bros. assets.

1972—1982 Union Corp leases the Site property from the Schorsch brothers.

1985 Metal Bank of America, Inc. changes their name to U.C.O.-M.B.A., Inc. Although PAID continues to hold the title to the Site properties, Metal Bank has full possession of the premises and is the owner of the Site under the Installment Sale Agreement.

1971 In January, the FBI investigates Metal Bank on suspicion of receiving stolen metal.

1980 Metal Bank purchases the Site from the Schorsch brothers (title was conveyed in 2001).

1966 L. Goldstein & Sons starts doing business as Metal Bank of America, Inc. They continue to use the Site for scrap metal recycling and storage.

1984 Metal Bank declares bankruptcy and Union negotiates an asset sale to Illinois-based Versatile Metals. Nicholas Schorsch founds Thermal Reduction Corp., a metal product manufacturing business.

1974 In September Irvin G. Schorsch, Jr. is charged in an indictment obtained by Philadelphia Special Prosecutor Walter M. Phillips. He is charged with allegedly trafficking in stolen metals.

1967 Metal Bank is given the U.S. Mint Contract for the reclamation and processing of approximately eight million pounds of new clad-metal used in production of sandwich-type coin.

1980 The Schorsch's sell the Site and the New State Road property to the Philadelphia Authority for Industrial Development (PAID), and the Schorsch's take back the mortgage. PAID and Metal Bank enter into a twenty-year Installment Sale Agreement whereby Metal Bank purchases both the Site and the New State Road property. PAID assigns the rights to payment under this Agreement to the Schorschs. (From Metal-Bank-Preassessment)

1986—1988 The Site is leased to Disposal World, also known as Philadelphia Carting Co., where they run a trash-transfer business.

1994 The Schorsch's sell Thermal Reduction Corp. to Corrpro Co. based out of Ohio. A Remedial Investigation and Feasability Study (RI/FS) is conducted at the Site.

2017 Revolution Recovery, a private recycling center, purchases the Site at 7301 Milnor St. They are in the business of managing construction demolition waste next door at 7333 Milnor Street on 3.5 acres beside the Delaware River.

2020

Industry Post-1950

Natural History

Area Development

7301 Milnor

Environmental

1600

1600s Tacony, originally known as Towacawoninck meaning “woods” or “uninhabited place,” is home to the Lenni-Lenape people.

1638 Swedish and Finnish settlers arrive in Tacony and create settlement farms along the Delaware River.

1676 The earliest land record related to present-day Tacony is from Swedish Governor Sir Edmund Andros to Michael Fredericks for 300 acres between Pinnepakta, now Pennypack, and Towacawoninck, now Tacony.

1679 Tacony is described as a “village of Swedes and Finns.” Swedish Hans Keen purchases land south of modern day Cottman Ave on the Delaware River.

1681 William Penn is granted the Pennsylvania Colony by King Charles II of England.

1682 English settlers begin to settle in the Tacony area shortly after Penn establishes the City of Philadelphia.

1683 Penn and Lenape leader Tamanend sign a treaty that results in several land deeds in Pennsylvania. Penn authorizes Henry Waldy to set up the first post office in Philadelphia in Tacony.

1687 Enock Keene is shown as one of the landowners of Toaconinck Township or present-day Tacony on Thomas Holme's 1687 survey map.

1760 Penn’s brother-in-law Lynford Lardner builds a mansion on the Delaware River that he names Tacony.

1776 Members of the American Congress draft the Declaration of Independence which is signed by Congress on July 4 in Philadelphia.

1790 On December 6, the first Congress votes to designate Philadelphia as the interim capital of the nation until 1800 when it moves to Washington, D.C.

1793 The Yellow Fever outbreak plagues the city of Philadelphia killing at least 5,000 people, roughly ten percent of the city’s population. Portions of the federal government seek refuge in neighboring Frankford Village during the epidemic.

1840 Many protest the building of the railroad by harassing rail workers, tearing up tracks, arson, and rioting. Ultimately, plans for the railroad to be brought into the center of town are halted, making Tacony the last stop.

1849 In spite of public protestation, the railroad eventually extends into Center City Philadelphia.

1849 Tacony remains relatively pastoral until the arrival of Henry Disston in 1871.

1854 The Consolidation Act of 1854 expands Philadelphia’s borders from 2 square miles to nearly 130, making Tacony an official part of the city. This has a positive impact on real estate in the Tacony area.

1855 The Tacony Cottage Association forms and they begin raising funds to build St. Vincent’s Orphan Asylum. The newly chartered St. Vincent's Society, made up of two German Catholic parishes in Philadelphia, purchase 49 acres of land in Tacony. These early land transactions expand Tacony's modest street grid and introduce the Disston family to the locale.

1857 The Catholic Archdiocese of Philadelphia opens the St. Vincent’s Orphan Asylum. The orphanage is situated next door to 7301 Milnor St on 33 acres of land along the Delaware River.

1875 Tacony’s population is less than 200 people.

1903 The No. 58 trolley is completed, allowing laborers flexibility to seek employment outside of the Disston Plant. Likewise, people outside of Tacony are able to travel there more easily for work, diversifying the workforce and community.

1906 A Carnegie library opens at the geographical center of Tacony, the corner of Torresdale Ave and Knorr St, on land given by the Disston family.

1915 On July 10, the Philadelphia Transit Loan is approved awarding $6,000,000 to the Department of City Transit to be divided for the construction of both the Broad Street Subway and the Frankford Elevated Railway.

1922 Tacony-Palmyra Ferry Company is formed and later creates a ferry line that runs from Tacony to Palmyra, New Jersey. The Frankford Elevated Railway finally opens, making trips from Center City to the Northeast in as fast as 30 minutes.

1950

Tacony + Philadelphia

Natural History

Area Development

7301 Milnor

Environmental

7301 MILNOR

Source	Research Excerpt
"Garbage Pops Up Elsewhere"; 1988; Works Cited #21	**01** "Inspectors said they believe that trash that once would have been bound for Tacony has wound up instead in Southwest Philadelphia. That, in turn, has upset the people in the neighborhood, off Lindbergh Boulevard."
"Big Fires in Philadelphia"; 1899; Work Cited #1	**02** "Whitaker & Delaney's glue factory, at Tacony, a suburb of this city, was destroyed by fire to-day. The loss is estimated at over $100,000."
"Fire in a Glue Factory"; 1899; Works Cited #2	**03** "It was not by any means the most dangerous blaze that the firefighters of this city have had to contend with, but they agree that it was just about the worst smelling."
The Philadelphia Inquirer News update; 1962; Works Cited #33	**04** "The purchase of 3,000,000 pounds of used copper cable for more than half a million dollars was announced by L. Goldstein's Sons Inc., Philadelphia. Irvin G. Schorsch, Jr. president, said it was believed to be the largest single cash purchase of scrap cable reported in the East in over a year."
"Name Is Changed After 101 Years"; 1966; Works Cited #3	**05** "L. Goldstein's Sons Inc., 101-year Philadelphia firm dealing in secondary nonferrous metals and scrap, changed its name Thursday to Metal Bank of America, Inc. Ivan Schorsch Jr., president, said the new name reflects present operations of the company more accurately... Since then (1951) the company has expanded into smelting, recovery of nonferrous metals from scrap, and consultation on scrap handling and salvage."
"Petty Cash Pollution Fines Don't Hurt Industrial Giants"; 1970; Works Cited #9	**06** "Petty Cash Pollution Fines Don't Hurt Industrial Giants... Metal Bank of America (a subsidiary of the Union Corporation, of New Jersey) Current Net Assets $10,898,281: Air Pollution Fines $100."
"Scott Helps Clients with Calls, Letters"; 1976; Works Cited #11	**07** "Another client (of former Sen. Hugh Scott-R. PA), a Philadelphia firm called the Metal Bank of America, came under scrutiny of the Federal Bureau of Investigation on suspicion of receiving stolen metals. When agents showed up at the company in January 1971, to make a search, the FBI received a call from Scott's office asking what was going on."
Letter from Philip Levin, to PA Senator H. John Heinz III; 1977; Works Cited #19	**08** "The Metal Bank cannot afford to be a case study for environmentalists. It is unfair to put that burden on us. After all, we too are citizens. As a company, we provide a livelihood for our employees and perform a vital recycling function. We do, directly, service the cause of conservation, although we do not look upon ourselves as conservationists. The overall remedy to the problem is a careful analysis of all so-called anti-pollution laws and a rewriting of them into something that makes sense."
"PUC Auditors To Begin PE Scrap Probe"; 1978; Works Cited #8	**09** "Pennsylvania Public Utility Commissioner W. Wilson Goode has instructed the auditors to look into the open-ended sales contracts, under which Philadelphia Electric Co. sells hundreds of thousands of dollars worth of old cables and equipment to two companies, Metal Bank of America and Gold-Met Inc. The companies resell the metals for profit. Other scrap dealers charge that the sales contracts were awarded on the basis of political favoritism."
Letter from Jack J. Schramm, Regional Administrator of the EPA to PA Senator H. John Heinz III; 1980; Works Cited #28	**10** "In its letter of April 28, Metal Bank asked your (Senator H. John Heinz III) assistance in achieving a 'fair and realistic resolution of this matter.' Please be assured that the EPA's goal is to achieve a fair and realistic resolution of this matter. The allegations of Metal Bank in its letter of April 28 are unfounded. EPA has acted appropriately to try and get the Metal Bank hazardous waste site cleaned up."
Letter from Philip Levin, to PA Senator H. John Heinz III; 1980; Works Cited #20	**11** "Dear Senator Heinz, Your assistance is urgently and desperately needed to right an injustice being levied against the Metal Bank of America by the U.S. Justice Department and the Environmental Protection Agency. You may recall on December 30, 1977 I contacted you to help us with a problem concerning the government's claim we were polluting the Delaware River. The substance of this claim, at the time, appeared to be politically motivated. A review of the background of this case and the near infinitesimal degree of pollution which may be going into the Delaware River makes this case a witch-hunt on the part of the agencies taking action against us. The near hysteria of the City of Philadelphia, brought about by the news media who obtained information on this suit prior to our knowledge it was being instituted against us, has made our position untenable."
"Poisoned and Fired, He Says"; 1983; Works Cited #30	**12** "Cleve Goss, a foreman at a Philadelphia scrap-metal firm, requested a temporary transfer after learning he had contracted lead poisoning at his workplace. Instead, his bosses fired him, according to a suit filed in U.S. district Court here Wednesday by the U.S. Department of Labor."
"OSHA Inspector Testifies on Access to Burlco Plant"; 1984; Works Cited #27	**13** "The federal government has accused Thermal Reduction Corp. in Philadelphia, the parent company of Riverside Metals, of acting in contempt of a court order that gave OSHA permission to conduct a thorough investigation at the Riverside plant. Specifically, OSHA is contending that the company hindered the investigation by hiding machinery, withheld medical records, lied about injuries to workers, and physically intimidated the agency's inspectors."
	14 "OSHA officials testified earlier that samples had been taken this yeear showed that workers were being overexposed to lead particles that are release when lead-sheathed cables are peeled open and the copper inside is removed for reprocessing. Therman Reduction supplies copper to the U.S. Mint. In October, OSHA fined Thermal Reduction $43,050 for failing to protect workers at its Philadelphia plant from overexposure to toxic lead dust and other safety hazards"

SITE TO BE SEEN / Research Dossier

"Landlord Seeking Eviction of Disposal World"; 1988; Works Cited #22

15 "When it agreed in October 1986 to lease the site to Disposal World, Metal Bank insisted that no digging take place without its permission. In March, however, Brown said he saw a six-man work crew using shovels and jackhammers to drill out about 10 cubic yards of asphalt to install a scale to weigh incoming trash."

16 "Metal Bank's action was not related to the city's recent lawsuit seeking to close Disposal World, also known as Philadlephia Carting Co. The city says it wants Disposal World closed unless the premises is properly licensed and wants the place cleared of flies, rats, and debris. State and city inspectors have filed repeated complaints about conditions and odors."

"Rat Invasion Blamed on Trash Company"; 1988; Works Cited #23

17 "The rat invasion is the latest subject in a series of complaints by Malloy (the president of Disston Precision Inc.) and others stemming from the trash business, Disposal World Inc., 6801 State Rd. Among other things, there have been problems with flies, odors, and debris. Disposal World, also known as Philadelphia Carting Co., has had a checkered history since it opened in the fall of 1986. It accepts trash from commercial accounts and ships it to landfills. The company has remained in business even though it does not have a state permit as a trash-transfer station and despite repeated skirishes with city and state agencies. 'It is beyond my comprehension how they can stay open this long,' Malloy said. 'It just seems unfair to the people who live in the Tacony area and the people who work in the area.'"

Letter from Alan Hunter of Urban Strategies; 2003; Works Cited #13

18 "In addition, the Mushroom Farm is no longer in the picture. Thus there is no dealing with the general concerns of the neighborhood, such as offensive odors or not fitting into the Delaware River waterfront Vision."

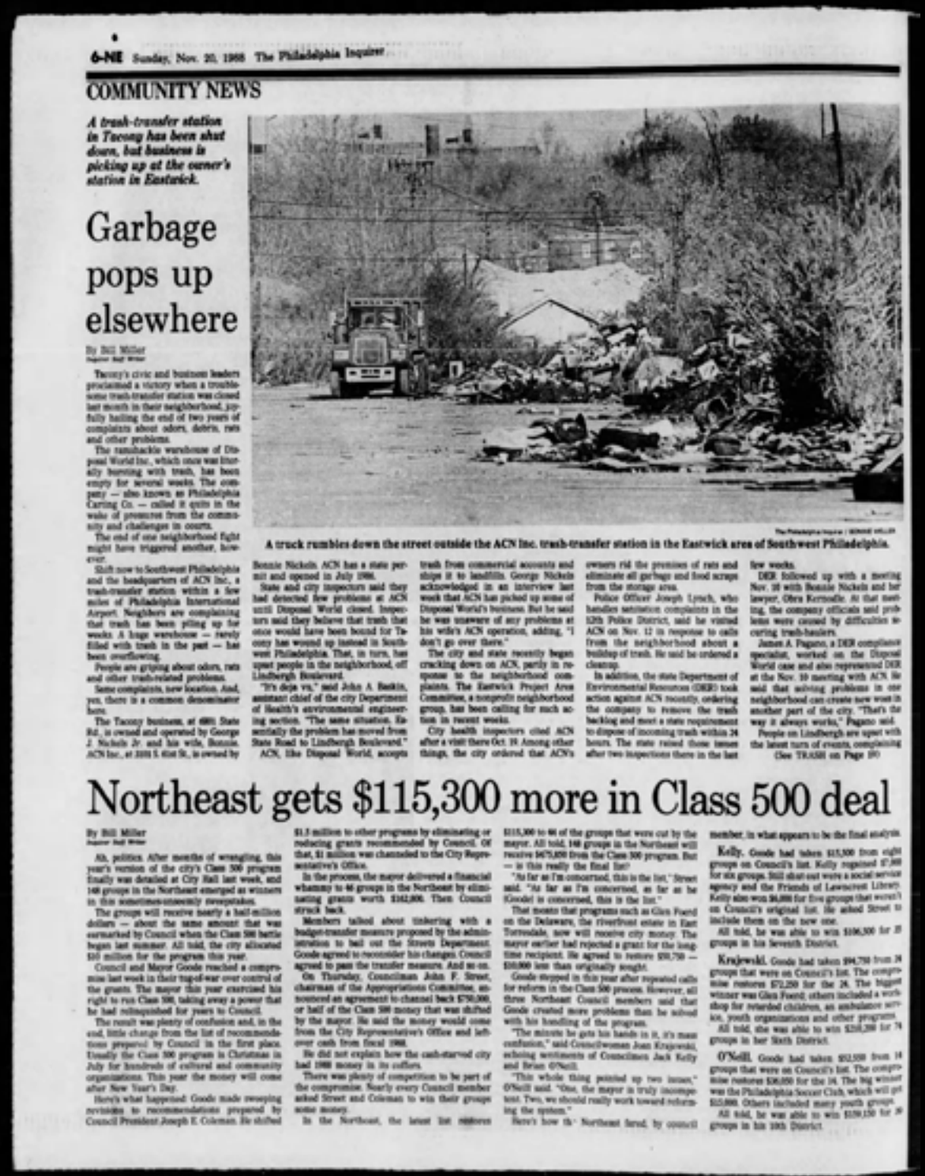
Images

19 *Photo of copper cable spools on the Metal Bank Site. Date unknown. The water tower photographed still stands.*

20 *1890 photograph of Delaney Glue Works in Tacony, Pa.*

21 *Photo of L. Goldstein's Sons, Inc. smelting operation in Greater Philadelphia Magazine, 1959.*

22 *River bank of 7301. Source unknown. Photograph included within a Metal Bank Superfund Site search at Temple University Urban Archives.*



6-NE Sunday, Nov. 20, 1988 The Philadelphia Inquirer

COMMUNITY NEWS

A trash-transfer station in Tacony has been shut down, but business is picking up at the owner's station in Eastwick.

Garbage pops up elsewhere

By Bill Miller
Inquirer Staff Writer

Tacony's civic and business leaders proclaimed a victory when a troublesome trash-transfer station was closed last month in their neighborhood, joyfully hailing the end of two years of complaints about odors, debris, rats and other problems.

The ramshackle warehouse of Disposal World Inc., which once was literally teeming with trash, has been empty for several weeks. The company — also known as Philadelphia Carting Co. — called it quits in the wake of pressures from the community and challenges in courts.

The end of one neighborhood fight might have triggered another, however.

Shift now to Southwest Philadelphia and the headquarters of ACN Inc., a trash-transfer station within a few miles of Philadelphia International Airport. Neighbors are complaining that trash has been piling up for weeks. A huge warehouse — newly filled with trash in the past — has been overflowing.

People are griping about odors, rats and other trash-related problems.

Same complaints, new location. And, yes, there is a common denominator here.

The Tacony business, at 6801 State Rd., is owned and operated by George J. Nichols Jr. and his wife, Bonnie. ACN Inc., at 3101 S. 61st St., is owned by Bonnie Nichols. ACN has a state permit and opened in July 1986.

State and city inspectors said they had detected few problems at ACN until Disposal World closed. Inspectors said they believe that trash that once would have been bound for Tacony has wound up instead in Southwest Philadelphia. That, in turn, has upset people in the neighborhood, off Lindbergh Boulevard.

"It's deja vu," said John A. Baskin, assistant chief of the city Department of Health's environmental engineering section. "The same situation. Essentially the problem has moved from State Road to Lindbergh Boulevard."

ACN, like Disposal World, accepts trash from commercial accounts and ships it to landfills. George Nichols acknowledged in an interview last week that ACN has picked up some of Disposal World's business. But he said he was unaware of any problems at his wife's ACN operation, adding, "I don't go over there."

The city and state recently began cracking down on ACN, partly in response to the neighborhood complaints. The Eastwick Project Area Committee, a nonprofit neighborhood group, has been calling for such action in recent weeks.

City health inspectors cited ACN after a visit there Oct. 19. Among other things, the city ordered that ACN's owners rid the premises of rats and eliminate all garbage and food scraps from the storage area.

Police Officer Joseph Lynch, who handles sanitation complaints in the 12th Police District, said he visited ACN on Nov. 12 in response to calls from the neighborhood about a buildup of trash. He said he ordered a cleanup.

In addition, the state Department of Environmental Resources (DER) took action against ACN recently, ordering the company to remove the trash backlog and meet a state requirement to dispose of incoming trash within 24 hours. The state raised those issues after two inspections there in the last few weeks.

DER followed up with a meeting Nov. 16 with Bonnie Nichols and her lawyer, Obra Kernodle. At that meeting, the company officials said problems were caused by difficulties securing trash-haulers.

James A. Pagano, a DER compliance specialist, worked on the Disposal World case and also represented DER at the Nov. 10 meeting with ACN. He said that solving problems in one neighborhood can create new woes in another part of the city. "That's the way it always works," Pagano said.

People on Lindbergh are upset with the latest turn of events, complaining

(See TRASH on Page B8)

A truck rumbles down the street outside the ACN Inc. trash-transfer station in the Eastwick area of Southwest Philadelphia.

Northeast gets $115,300 more in Class 500 deal

By Bill Miller
Inquirer Staff Writer

Ah, politics. After months of wrangling, this year's version of the city's Class 500 program finally was detailed at City Hall last week, and 140 groups in the Northeast emerged as winners in this sometimes-unseemly sweepstakes.

The groups will receive nearly a half-million dollars — about the same amount that was earmarked by Council when the Class 500 battle began last summer. All told, the city allocated $10 million for the program this year.

Council and Mayor Goode reached a compromise last week in their tug-of-war over control of the grants. The mayor this year exercised his right to run Class 500, taking away a power that he had relinquished for years to Council.

The result was plenty of confusion and, in the end, little change from the list of recommendations prepared by Council in the first place. Usually the Class 500 program is Christmas in July for hundreds of cultural and community organizations. This year the money will come after New Year's Day.

Here's what happened: Goode made sweeping revisions to recommendations prepared by Council President Joseph E. Coleman. He shifted $1.5 million to other programs by eliminating or reducing grants recommended by Council. Of that, $1 million was channeled to the City Representative's Office.

In the process, the mayor delivered a financial whammy to 46 groups in the Northeast by eliminating grants worth $242,900. Then Council struck back.

Members talked about tinkering with a budget-transfer measure proposed by the administration to bail out the Streets Department. Goode agreed to reconsider his changes. Council agreed to pass the transfer measure. And so on.

On Thursday, Councilman John F. Street, chairman of the Appropriations Committee, announced an agreement to channel back $750,000, or half of the Class 500 money that was shifted by the mayor. He said the money would come from the City Representative's Office and left-over cash from fiscal 1988.

He did not explain how the cash-starved city had 1988 money in its coffers.

There was plenty of competition to be part of the compromise. Nearly every Council member asked Street and Coleman to win their groups some money.

In the Northeast, the latest list restores $115,300 to 46 of the groups that were cut by the mayor. All told, 140 groups in the Northeast will receive $675,000 from the Class 500 program. But — is this really the final list?

"As far as I'm concerned, this is the list," Street said. "As far as I'm concerned, as far as he [Goode] is concerned, this is the list."

That means that programs such as Glen Foerd on the Delaware, the riverfront estate in East Torresdale, now will receive city money. The mayor earlier had rejected a grant for the long-time recipient. He agreed to restore $50,750 — $50,000 less than originally sought.

Goode stepped in this year after repeated calls for reform in the Class 500 process. However, all three Northeast Council members said that Goode created more problems than he solved with his handling of the program.

"The minute he gets his hands in it, it's mass confusion," said Councilwoman Joan Krajewski, echoing sentiments of Councilmen Jack Kelly and Brian O'Neill.

"This whole thing pointed up two issues," O'Neill said. "One, the mayor is truly incompetent. Two, we should really work toward reforming the system."

Here's how the Northeast fared, by council member, in what appears to be the final analysis.

Kelly. Goode had taken $15,000 from eight groups on Council's list. Kelly regained $7,000 for six groups. Still shut out were a social services agency and the Friends of Lawncrest Library. Kelly also won $6,000 for five groups that weren't on Council's original list. He asked Street to include them on the new one.

All told, he was able to win $106,300 for 21 groups in his Seventh District.

Krajewski. Goode had taken $94,750 from 24 groups that were on Council's list. The compromise restores $72,250 for the 24. The biggest winner was Glen Foerd; others included a workshop for retarded children, an ambulance service, youth organizations and other programs.

All told, she was able to win $250,200 for 78 groups in her Sixth District.

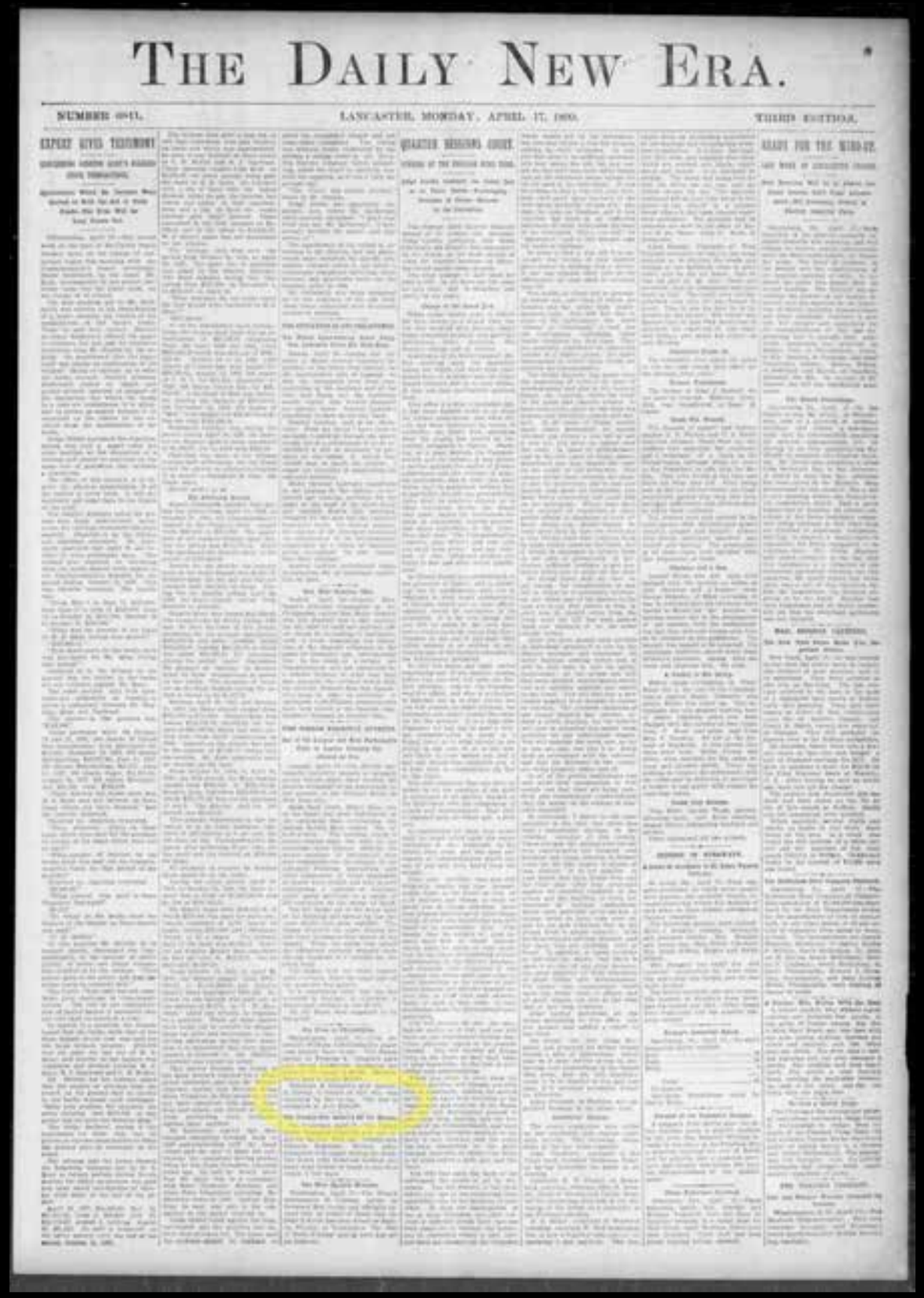
O'Neill. Goode had taken $12,500 from 14 groups that were on Council's list. The compromise restores $36,000 for the 14. The big winner was the Philadelphia Soccer Club, which will get $15,000. Others included many youth groups.

All told, he was able to win $159,150 for 36 groups in his 10th District.

State and city inspectors said they had detected few problems at ACN until Disposal World closed. Inspectors said they believe that trash that once would have been bound for Tacony has wound up instead in Southwest Philadelphia. That, in turn, has upset people in the neighborhood, off Lindbergh Boulevard.

01

"Garbage Pops Up Elsewhere"; 1988; Works Cited #21



THE DAILY NEW ERA.

NUMBER 6841. LANCASTER, MONDAY, APRIL 17, 1899. THIRD EDITION.

EXPERT GIVES TESTIMONY

QUARTER SESSIONS COURT

READY FOR THE WORD-OF.

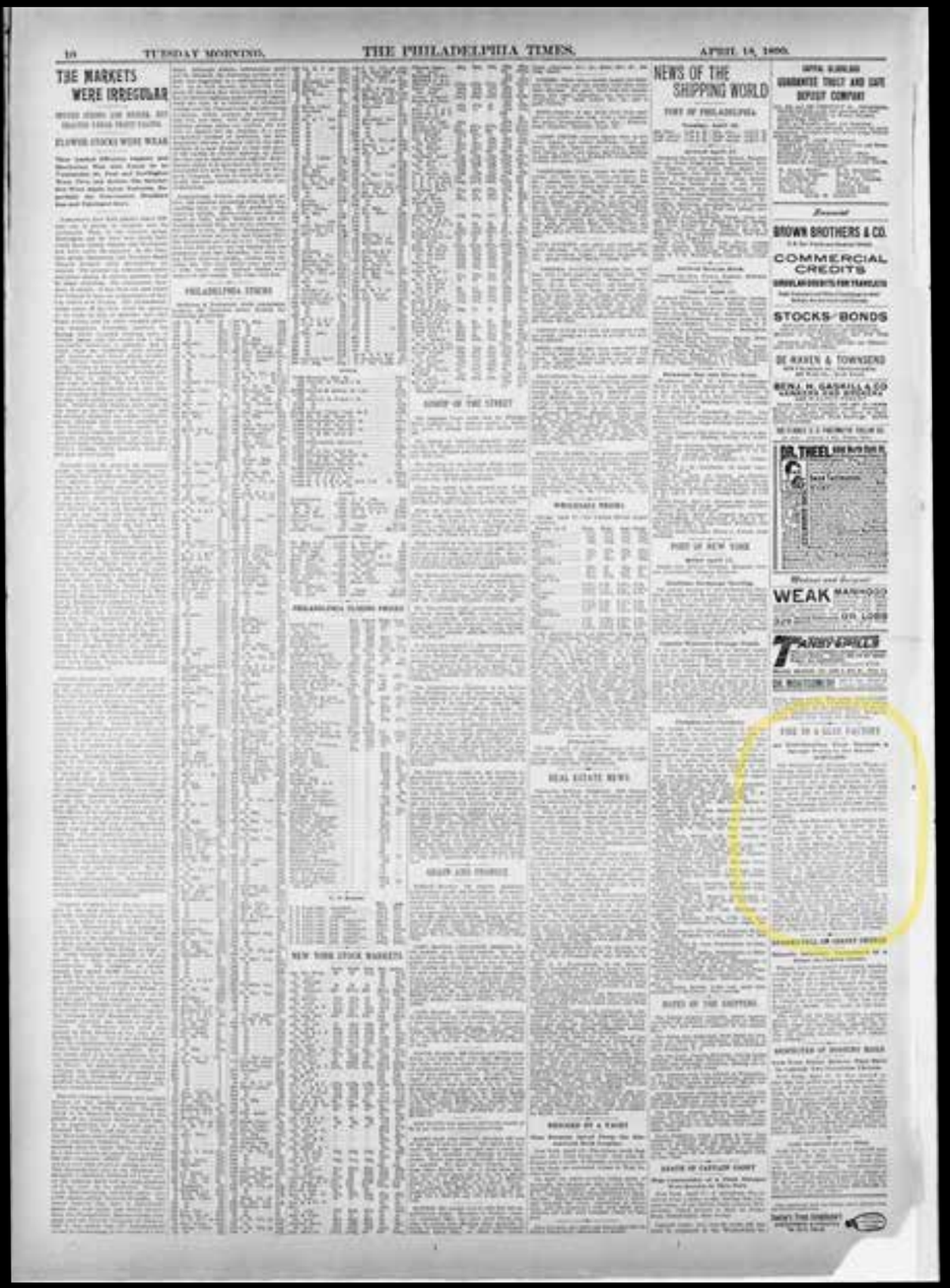
“Big Fires in Philadelphia”; 1899; Work Cited #1

Big Fires in Philadelphia.

Philadelphia, April 17.—Fire destroyed William J. McCausland's paper tube factory here to-day. The flames spread to Fleming & Chapin's yarn and thread storehouse, damaging the place to the extent of $4,000. McCausland's loss is about $25,000.

Whitaker & Delaney's glue factory, at Tacony, a suburb of this city, was destroyed by fire to-day. The loss is estimated at over $100,000.

02


10 TUESDAY MORNING. THE PHILADELPHIA TIMES. APRIL 18, 1899.

THE MARKETS WERE IRREGULAR

NEWS OF THE SHIPPING WORLD

PORT OF PHILADELPHIA

BROWN BROTHERS & CO.

COMMERCIAL CREDITS

STOCKS-BONDS

DE HAVEN & TOWNSEND

DR. THEEL

WEAK

FIRE IN A GLUE FACTORY

HEAL ESTATE NEWS

NEW YORK STOCK MARKETS

DEATH OF CAPTAIN CHOY

“Fire in a Glue Factory”; 1899; Works Cited #2

FIRE IN A GLUE FACTORY

An Evil-Smelling Blaze Damages a Tacony Works to the Extent of $75,000.

The Whitaker and Delaney Glue Works, at Cottman street and Township lane, Tacony, were destroyed by fire early yesterday morning. It was not by any means the most dangerous blaze that the fire fighters of this city have had to contend with, but they agree that it was just about the worst smelling. The damage, placed at $75,000, does not, therefore, include that to the nostrils of the firemen.

The fire was first seen by a watchman employed at the factory. He blew the fire whistle, and before an alarm had been sent in engine No. 38, from Tacony, was hard at work fighting the flames. Before long the chemical and fire engines began to arrive, having been warned of the seriousness of the fire by the two alarms. Half an hour after the blaze broke out an alarm was sounded on the southwest side of the glue factory. It appears that the railroad cars waiting for 1,500 barrels of glue which was to be shipped yesterday had caught fire. An engine was brought, the cars were hauled away and the flames were soon put out.

The fire started in and was confined to the drying and packing room. The cause is supposed to have been the ignition of an electric light fuse. The building was in the shape of an L, and it contained 1,500 barrels and 60,000 pounds of glue. Over 150 hands were employed in the factory, and more than half of these will be thrown out of work.

Inventory Investment Turns Into a Bonanza For Local Company

Auto Parts

'Dream Car' Is Research Lab

Investor Guideposts

Growth Stock Purchasers Given a Second Lesson

Union Fights Rail Merger

Fidelity Starts Dial-a-Loan Plan

Valley Personnel

SALES DEVELOPMENT ENGINEER

BIG CAR COMFORT COMPACT PRICES LARK

New Avenues in Space Technology ... at AVCO/RAD

6,733,340 Common Shares

Philips N. V.

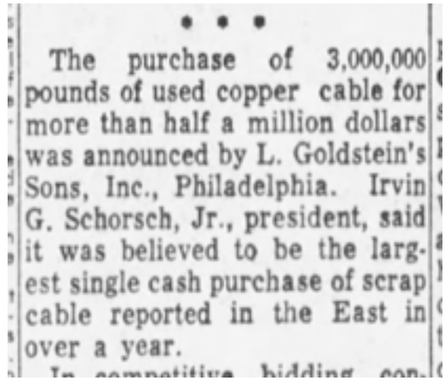
Smith, Barney & Co. Rotterdamsche Bank N.V.

Butzbach and Company

The Philadelphia Inquirer News update; 1962; Works Cited #33

SITE TO BE SEEN / Research Dossier

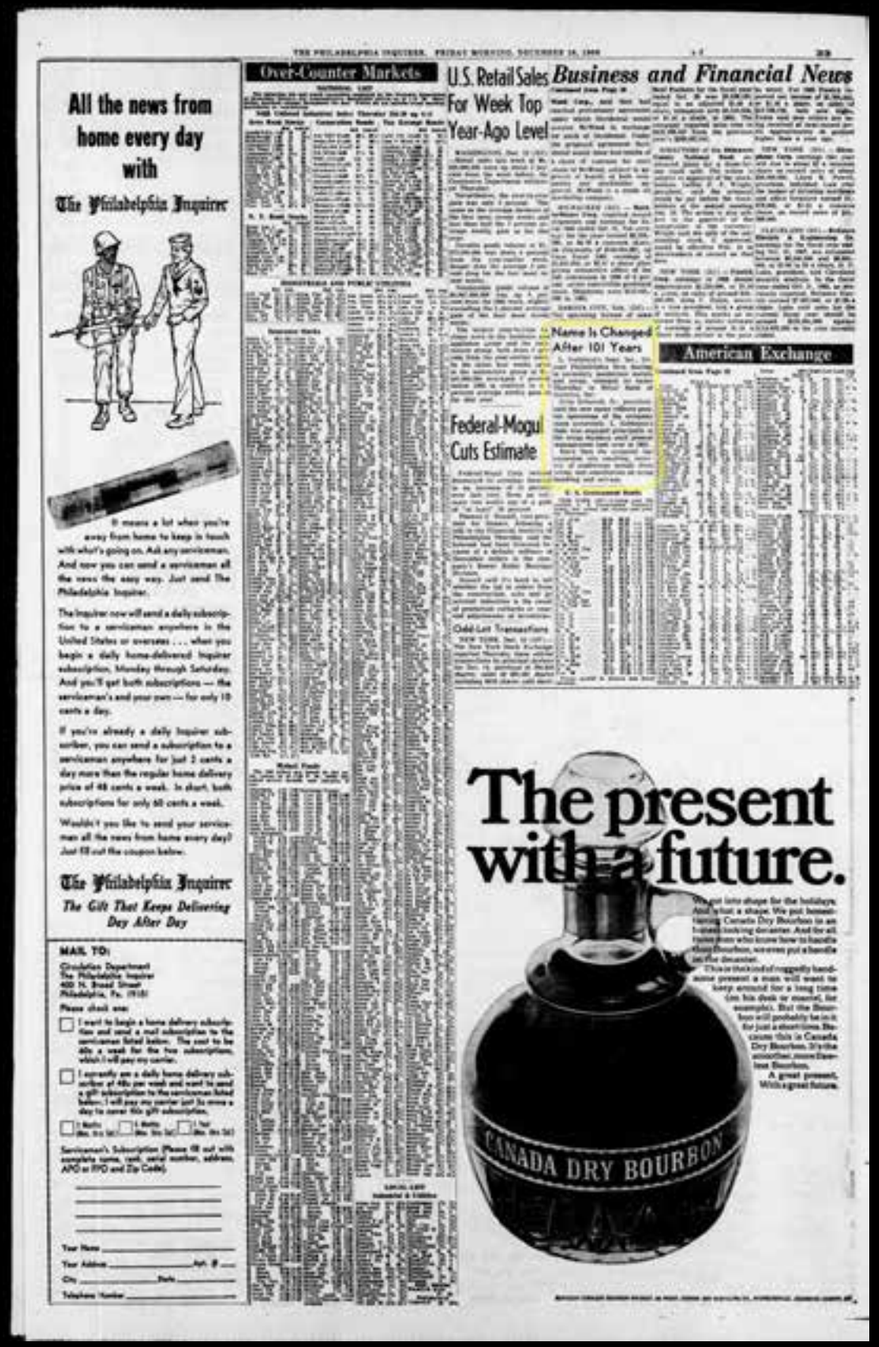
7301 Milnor



• • •

The purchase of 3,000,000 pounds of used copper cable for more than half a million dollars was announced by L. Goldstein's Sons, Inc., Philadelphia. Irvin G. Schorsch, Jr., president, said it was believed to be the largest single cash purchase of scrap cable reported in the East in over a year.

04



All the news from home every day with The Philadelphia Inquirer

Over-Counter Markets

U.S. Retail Sales For Week Top Year-Ago Level

Business and Financial News

Name Is Changed After 101 Years

American Exchange

Federal-Mogul Cuts Estimate

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"Name Is Changed After 101 Years"; 1966; Works Cited #3

Name Is Changed After 101 Years

L. Goldstein's Sons, Inc., 101-year Philadelphia firm dealing in secondary nonferrous metals and scrap, changed its name Thursday to Metal Bank of America, Inc.

Irvin Schorsch, Jr., president, said the new name reflects present operations of the company more accurately. L. Goldstein's Sons was engaged principally in the scrap business until present management took over in 1951.

Since then the company has expanded into smelting, recovery of nonferrous metals from scrap, and consultation on scrap handling and salvage.

05

Petty Cash Pollution Fines Don't Hurt Industrial Giants

Pollution Penalties

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Specially Priced! Men's Long Sleeve BODY SHIRTS 3.99

Specially Priced BOYS NYLON SKI JACKETS 5.99

Specially Priced BOYS CORDUROY DRESS-UP JEANS 3.99

"Petty Cash Pollution Fines Don't Hurt Industrial Giants"; 1970; Works Cited #9

28 2 THE PHILADE

Petty Cash Pollution Fines Don't Hurt Industrial Giants

By MIKE CLARK
Of The Inquirer Staff

If the Gulf Oil Corp. never earned another cent and continued to be fined $2000 a year for air pollution as it has since Jan. 1, the company would go broke in 544,368½ years — or in June of 546,318 A. D.

There's hardly a chance that any firm's assets will remain static. Nonetheless, the startling Gulf Oil statistics point up the fact that the air pollution fines levied against some of Philadelphia's major polluters make barely a ripple in their petty cash boxes.

MEAGER PENALTIES

Since the first of the year, $30,325 in fines has been levied against a cross section of industries, apartment houses and private individuals. In most instances, however, the fines have been meager when compared to the net worth of the violators.

The accompanying chart

Pollution Penalties

Below is a comparison of assets of six Philadelphia companies and the amount of pollution fines they have paid in 1970:

Corporation	Current Net Assets	Air Pollution Fines
Allied Chemical Corp	$289,247,000	$725
Atlantic Richfield Co.	$280,781,000	$3200
Gulf Oil	$1,088,697,000	$2000
George Sall Metals Corp. (A subsidiary of Diversified Industries, Inc. of Delaware)	$32,371,004	$1800
W. T. Grant	$225,930,945	$700
Metal Bank of America (A subsidiary of the Union Corporation, of New Jersey)	$10,898,281	$100

★ ★ ★

The firm has been fined $600 for two pollution violations this year.

The figures tend to support arguments by critics of Philaphia said that customers turn in hundreds of credit cards when the firm is cited for pollution violations.

The return of the credit

Scott Helps Clients With Calls, Letters

By L. STUART HITZEN
Staff Writer, Washington Bureau

Washington — During his long years on Capitol Hill, Sen. Hugh Scott (R-Pa.) sometimes has stepped out of his role as a senator to act as a private attorney.

His legal services have brought him fees from various clients ranging from $1,000 to $2,000 a year each.

Although Scott generally has not acted as attorney of record in such sometimes-appearances for clients, he has assisted them by making personal appearances on their behalf at closed door meetings, by making phone calls on their behalf, and by writing letters of recommendation and personal endorsement for them.

The senator's office staff provides similar services free of charge to his Pennsylvania constituents — but those services normally are rendered almost mechanically and without direct personal involvement by Scott.

One senator's client was the Philadelphia Electric Co., which hired him to help get a permit from a Pennsylvania state agency for a large dam in Lancaster County, Pa. Scott's action put him in direct conflict with the Pennsylvania Federation of Sportsmen's Clubs, which opposed the dam.

Another client, a Philadelphia firm, called the Metal Bank of America, came under scrutiny of the Federal Bureau of Investigation on suspicion of receiving stolen metals. When agents showed up at the company in January, 1971, to make a search, the FBI received a call from Scott's office asking what was going on.

A third client, United Student Mortgage Co., of Philadelphia, was convicted in 1972 of 20 counts of fraud in dealings with the Federal Housing Administration. Scott had been on an annual retainer to the firm a few years earlier.

AUG 15 1975 -6

Scott turned down a Sunday Inquirer request to answer questions about his activities as a lawyer. He said through his press secretary that his practice has been "minimal" in recent years.

There is nothing illegal in a senator maintaining a private law practice as long as he does not represent clients before federal agencies. Not many senators have law practices anymore.

Benjamin R. Civiletti, chief counsel to the Senate Ethics Committee, said: "There are very, very few senators left who have any law firm connections, whereas 10 years ago there were quite a few."

Scott carries the title "of counsel" to the Philadelphia law firm of Obermayer, Rebmann, Maxwell and Hippel.

The term "of counsel" normally means the person who holds that title is not a full-fledged partner in a law firm and does not share in partnership profits.

In Scott's case, the title creates a technical separation between the senator and the firm, allowing the firm to represent clients before the Federal Government while maintaining the affiliation with Scott.

Sen. Hugh Scott
Inside personal appearances

The Observer has prominently seen Scott's name on its letterhead and, in exchange, given Scott an opening here on the 24th floor of the Packard Building from which to practice law.

William J. Fuchs, managing partner in the firm, declined to discuss what income Scott derives or any other aspect of the relationship. Fuchs said it all is "confidential."

There is very little of public records to reflect the kind of work Scott does as private attorney.

An example of this is the Philadelphia Electric case. PE hired Scott in 1965, during the administration of Republican Gov. William Scranton, to assist in obtaining a permit from the state Water Power and Resources Board for a 104-foot-high dam on Muddy Run Creek in Lancaster County.

Nowhere in the public record is there any indication that Scott was PE's lawyer. The attorney of record was Vincent P. McDevitt, former PE general counsel.

Even Secretary of Environmental Resources Maurice E. Goddard says he did not know Scott was acting as PE's attorney. Goddard, former chairman of the now defunct Water Board, recalls a meeting with Scott in Harrisburg about the dam.

Goddard told The Bulletin he assumed Scott was present at that meeting as a senator, not as PE's attorney.

The attorney in the Water Board, Wanda P. Chenelle, who handled the application for the dam permit, says she assumed the same thing. Prior to conservation law jobs in Philadelphia with the U.S. Department of Health Education and Welfare, Miss Chenelle said:

"I took some of my law classes about why Vince was there. He was an expert in water law. My impression was that he was there because he was a senator and a Republican senator in a Republican (Scranton) administration. He was there because of the influence of his office. That's what I always assumed."

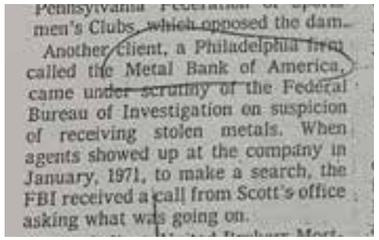
According to a PE statement, the electric company paid Scott $1,000 in two installments in 1965 and 1966. The spokesman confirmed that Scott was hired to help obtain the permit.

There was a number of disputes over the Muddy Run dam permit. One was a question of how long PE would be allowed to operate the dam before applying for renewal of its permit. Another involved opposition to the dam by sportsmen and conservationists. A third was a contention by PE that the state, by imposing certain requirements, was taking powers of the Federal Power Commission.

Negotiations between PE and the Water Board bogged down to the summer of 1969. By November, Scott had been brought in. At least one private conference between Scott, McDevitt, Goddard and Miss Chenelle was held

Please Turn to Page 13, Col. 1

07



men's Clubs, which opposed the dam.
Another client, a Philadelphia firm, called the Metal Bank of America, came under scrutiny of the Federal Bureau of Investigation on suspicion of receiving stolen metals. When agents showed up at the company in January, 1971, to make a search, the FBI received a call from Scott's office asking what was going on.

"Scott Helps Clients with Calls, Letters"; 1976; Works Cited #11

Page Nine - Senator H. John Heintz III
December 30, 1977

In addition, there have been repeated inspections by OSHA and EPA (Air Quality) with sample taking in an effort to find something wrong with the company's operations.

It is not clear what the state's involvement at this site is, if any.

The City of Philadelphia has been involved in respect of water and sewer operations. It has undertaken various inspections, the result of which are not clear and of which we have not been advised.

As a result of those activities, we have taken a number of steps to change our operations to satisfy inspecting personnel although there is serious doubt of their need or efficiency.

The major problem at present is Cottman Avenue and the patently concerted effect by all possible agencies in descending, like conspirators, on our plant and operations. We have in the recent past had to divert substantial time and energy to these multiple incursions, with what appears to be little or no reason.

The Remedy

We have turned to you in near desperation. A small company is not in a position to withstand the rigors of the onslaught of federal, state and local regulators. They act in seeming disregard of the cost in terms of time, man hours and monetary outlay. They act in contradictory ways even when under the umbrella of a so-called Regional Response Team.

The Metal Bank cannot afford to be a case study for environmentalists. It is unfair to put that burden on us. After all, we too are citizens. As a company, we provide a livelihood for our employees and perform a vital recycling function. We do, directly, service the cause of conservation, although we do not look upon ourselves as conservationists.

AR500021

Letter from Philip Levin, to PA Senator H. John Heinz III; 1977; Works Cited #19

08
(cont.)

7301 Milnor

Page Ten - Senator H. John Heintz III
December 30, 1977

The overall remedy to the problem is a careful analysis of all so-called anti-pollution laws and a rewriting of them into something that makes sense. From our limited experience, we now know the various laws and regulations of the federal, state and local governments and of their various agencies are numerous, burdensome, contradictory and oft times impossible to reconcile. That is a long range job, but one which should be done to eliminate the kind of confusion we have seen at work here.

More particularly as to our specific problem, what we really need is some way to avoid the multiplicity of actions taken by different people at the same time. If you will compare the state's PIPP Order and the Work Scopes written by its own geologist and by EPA's geologist, you will see they bear no resemblance one to the other even though they address the exact same problem.

How can we contend with this kind of situation? The state merely makes an Order; it does not disclose the basis for the Order. We then are forced to appeal even though, in a sense, we do not know what or why the appeal needs be taken other than to know we cannot comply with the Order--it doesn't make sense. Parenthetically, it should be noted neither EPA's chemist nor DER's or EPA's geologist could offer an actual solution, mainly because they said, in effect, existing technology offers none.

In the final analysis, what we ask is for some way to avoid the periodic crisis atmosphere in a specific situation which does not fall into that category.

Very truly yours,

THE METAL BANK OF AMERICA INC.

Philip Levin

PL/mm
attachments

AR500022

Letter from Philip Levin, to PA Senator H. John Heinz III; 1977; Works Cited #19

PUC Auditors To Begin PE Scrap Probe

JAN 23 1978 -D

By THOMAS M. BURTON
Of The Bulletin Staff

Pennsylvania Public Utility Commission auditors will soon begin to examine Philadelphia Electric Co.'s scrap metal sales to see whether the public is losing money through the present nonbid contracts.

PUC Commissioner W. Wilson Goode has instructed the auditors to look into the open-ended sales contracts, under which PE sells hundreds of thousands of dollars worth of old cables and equipment to two companies, Metal Bank of America and Gold-Met Inc. The companies resell the metals for profit.

Other scrap dealers charge that the sales contracts were awarded on the basis of political favoritism.

Utility lawyers and electric company officials agree that electric rates would be slightly higher if the company is getting a relatively bad deal on its metal sales. That's because ratepayers would be making up for the lost revenue.

The Bulletin reported in May that former U.S. Sen. Hugh D. Scott (R-Pa) once did legal work for Metal Bank, and that Kenneth Shapiro, who is associated with Gold-Met, once made a payment of $30,000 to the then chairman of the Philadelphia Democratic City Committee, Peter J. Camiel.

Camiel said that the payment was a loan and that he repaid it. The former political power was an officer of Delta Metals, another c[illegible]

In addition, Goode requested that the auditors make "spot checks on what was sold," to be sure that relatively expensive metals weren't sold by PE for relatively low prices. The auditors' work will be part of a general audit of the electric company's operations which is already under way and is expected to last several months.

Goode explained that the commission will not be able to examine whether the contracts were awarded on a political basis, but only whether the prices are proper.

Several other metal dealers said they feel the contracts are political because they have tried to get PE's business several times but have been turned down.

Three companies with which Shapiro was associated — Delta Metals, Ken Shapiro Enterprises and Gold-Met — have held the PE contract at different times during the 1970s.

Shapiro was indicted for perjury by a Philadelphia grand jury in 1975 in connection with an investigation into possible kickbacks paid by principals of another metal firm, H&L Metals Inc., to Augustine A. Salvitti, then the executive director of the Philadelphia Redevelopment Authority. Shapiro's indictment and a perjury indictment of Salvitti were thrown out on a technicality. Salvitti subsequently was convicted on federal charges of mail fraud and extortion in an unrelated case.

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Other scrap dealers charge that the sales contracts were awarded on the basis of political favoritism.

09

"PUC Auditors To Begin PE Scrap Probe"; 1978; Works Cited #8

ENF (Draught)
Pe: Le
ORIGINAL (Red)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
6TH AND WALNUT STREETS
PHILADELPHIA, PENNSYLVANIA 19106

115120

Honorable H. John Heinz III
United States Senator
9456 Federal Building
600 Arch Street
Philadelphia, Pennsylvania 19109

Dear Senator Heinz:

Thank you for your inquiry of April 29, 1980 concerning the Metal Bank of America, Inc., of Philadelphia.

As Mr. Philip Levin of Metal Bank indicated in his letter to you, the United States Department of Justice and the Environmental Protection Agency (EPA) have recently sued the Metal Bank of America for pollution of the Delaware River.

The lawsuit also names the Union Corporation of New Jersey and the owners of the involved property, Irvin G. Schorsch, Jr. and John B. Schorsch. The lawsuit alleges that polychlorinated biphenyls (PCBs) and oil are leaching from Delaware River waterfront property used by Metal Bank since 1968. A copy of the complaint has been enclosed for your information.

In its letter of April 28, Metal Bank asked your assistance in achieving a "fair and realistic resolution of this matter."

Please be assured that EPA's goal is to achieve a fair and realistic resolution of this matter. The allegations of Metal Bank in its letter of April 28 are unfounded. EPA has acted appropriately to try to get the Metal Bank hazardous waste site cleaned up.

First, the lawsuit against Metal Bank is not politically motivated. As the Wall Street Journal article indicated, over fifteen hazardous waste cases have recently been filed by the Department of Justice on behalf of the EPA. These suits are being filed in order to secure cleanup of hazardous waste situations which endanger the public health and the environment. The motivation behind the cases is to protect the public and not to politically embarrass the defendants. As I am sure you know, in 1976 the United States Congress declared PCBs to be a hazardous substance. In the Toxic Substances Control Act of 1976, Congress banned the manufacture of PCBs and directed the EPA to take effective measures to control the distribution, storage, and disposal of PCBs.

AR500001

Letter from Jack J. Schramm, Regional Administrator of the EPA to PA Senator H. John Heinz III; 1980; Works Cited #28

APR

THE METAL BANK OF AMERICA

April 28, 1980

Senator H. John Heinz, III
4327 Dirkson Senate Office Building
Washington, DC 20510

Dear Senator Heinz:

Your assistance is urgently and desperately needed to right an injustice being levied against The Metal Bank of America by the U. S. Justice Department and the Environmental Protection Agency.

You may recall on December 30, 1977 I contacted you to help us with a problem concerning the government's claim we were polluting the Delaware River.

The substance of this claim, at that time, appeared to be politically motivated. A review of the background of this case and the near infinitesimal degree of pollution which may be going into the Delaware River makes this case a witch-hunt on the part of the agencies taking action against us.

The near hysteria of the City of Philadelphia, brought about by the news media who obtained information on this suit prior to our knowledge it was being instituted against us, has made our position untenable.

As you may well appreciate, it takes a Herculean effort for business to keep its head above water in order to survive in the face of obstacles such as inflation, depressed economy, energy costs, labor problems, foreign competition, ever-increasing taxes and a multitude of other hindrances.

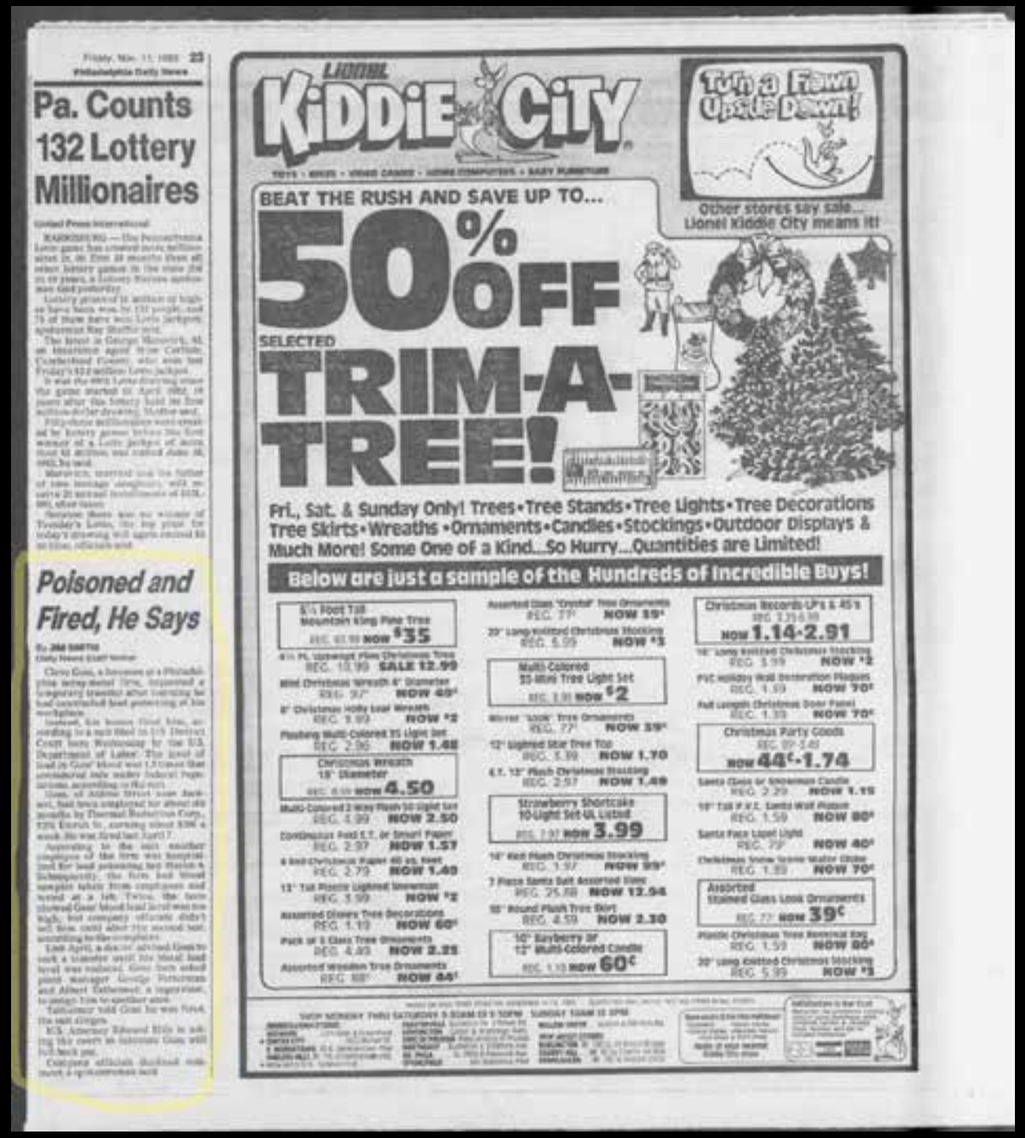
If there was an imminent danger of our polluting the Delaware River, certainly we would take every action to remedy this matter.

The facts, as you may readily ascertain, are exaggerated, distorted, misfepresented and are self-serving for the agencies now involved.

AR500010

PHILADELPHIA, PENNSYLVANIA

Letter from Philip Levin, to PA Senator H. John Heinz III; 1980; Works Cited #20



Friday, Nov. 11, 1983 23
Philadelphia Daily News

Pa. Counts 132 Lottery Millionaires

United Press International

HARRISBURG — The Pennsylvania Lottery game has created more millionaires in its first 18 months than all other lottery games in the state did in 10 years, a Lottery Bureau spokesman said yesterday.

Lottery players in million or high-er have been won by 132 people, and 75 of those have won Lotto jackpots, spokesman Ray Shaffer said.

The latest is George Warwick, 45, an insurance agent from Carlisle, Cumberland County, who won last Friday's $2.2 million Lotto jackpot.

In what the PPSL (the drawing since the game started in April 1982, 18 years after the lottery held its first million-dollar drawing, Shaffer said.

Fifty-three millionaires were created by lottery games before the first winner of a Lotto jackpot of more than $1 million was called Aug. 26, 1982, he said.

Warwick, married and the father of two teenage daughters, will receive 21 annual installments of $105,000, after taxes.

Sergeant Bono was an winner of Tuesday's Lotto, the big prize for today's drawing will again exceed $1 million, officials said.

Poisoned and Fired, He Says

By JIM SMITH
Daily News Staff Writer

Cleve Goss, a foreman at a Philadelphia scrap-metal firm, requested a temporary transfer after learning he had contracted lead poisoning at his workplace.

Instead, his bosses fired him, according to a suit filed in U.S. District Court here Wednesday by the U.S. Department of Labor. The level of lead in Goss' blood was 1.5 times that considered safe under federal regulations, according to the suit.

Goss, of Aldine Street near Jackson, had been employed for about six months by Thermal Industries Corp., 920 Ewrich St., earning about $300 a week. He was fired last April 7.

According to the suit, another employee of the firm was hospitalized for lead poisoning last March 6. Subsequently, the firm had blood samples taken from employees and tested at a lab. Twice, the tests showed Goss' blood lead level was too high, but company officials didn't tell him until after the second test, according to the complaint.

Last April, a doctor advised Goss to seek a transfer until his blood lead level was reduced. Goss then asked plant manager George Petersen and Albert Catherwell, a supervisor, to assign him to another area.

Catherwell told Goss he was fired. He quit Gregg.

U.S. Attorney Edward Rendell is asking the court to reinstate Goss with full back pay.

Company officials declined comment a spokeswoman said

"Poisoned and Fired, He Says"; 1983; Works Cited #30

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29-F

OSHA inspector testifies on access to Burlco plant

K-9 squad's problems persist, Pa. panel told

Washington Twp. agrees to double school payment

"OSHA Inspector Testifies on Access to Burlco Plant"; 1984; Works Cited #27

13

questions about the firm's operations.

The federal government has accused Thermal Reduction Corp. in Philadelphia, the parent company of Riverside Metals, of acting in contempt of a court order that gave OSHA permission to conduct a thorough investigation at the Riverside plant.

Specifically, OSHA is contending that the company hindered the investigation by hiding machinery, withheld medical records, lied about injuries to workers and physically intimidated the agency's inspectors. OSHA has asked that U.S. marshals be assigned to accompany OSHA inspectors and that company officials be jailed if they try to interfere with the agency's investigation.

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per processing, was dangerous.

OSHA officials testified earlier that samples taken this year showed that workers were being overexposed to lead particles that are released when lead-sheathed cables are peeled open and the copper inside is removed for reprocessing. Thermal Reduction supplies copper to the U.S. Mint.

In October, OSHA fined Thermal Reduction $43,050 for failing to protect workers at its Philadelphia plant from overexposure to toxic lead dust and other safety hazards. OSHA contends that the company later moved

24-NE Thursday, Sept. 8, 1988 The Philadelphia Inquirer

COMMUNITY NEWS

Holy Family will block drive, at least for now

By Lisa Ellis
Inquirer Staff Writer

Holy Family College will block off a disputed driveway to most traffic — at least temporarily — and will lengthen an existing landscape buffer under terms of a pact with the East Torresdale Civic Association.

The agreement, couched in principle during a two-night negotiating session Aug. 22, was signed Friday by representatives of the college and the civic group, spokesmen for both sides said Tuesday. It settles a lawsuit filed by the civic group.

Under the settlement, East Torresdale Civic Association will obtain part of what it was seeking when it filed the suit in July, contending that a December 1987 expansion of a college parking lot violated a 1978 written agreement between the college and the civic group.

"There was compromise on both sides," said Dennis Cook, first vice president of the civic group. "We gave up some things, and the college gave up some things."

Of the two disputed matters — the driveway and the landscape buffer — the driveway was the more important, Cook said. The two parties have not fully resolved the issue, but they have agreed to a temporary solution, he said.

The civic group had contended that the Frankford Avenue driveway, built as part of the parking lot expansion, violated the college's agreement to allow access to the lot only by way of Stevenson Lane.

The lot was expanded as part of a $9.5 million project that included construction of the College Center building, dedicated this spring.

Under the agreement, a locked gate will be installed across the Frankford Avenue entrance, at least until the end of this year, said Patrick T. Ryan, the college's attorney. It may be opened only for commercial and emergency vehicles.

During the coming semester, the college will conduct a traffic study to determine the potential effect of limiting access to the lot, Ryan said.

"If it causes a giant traffic jam," he said, "then we'll go back to the court and say, 'We want you to resolve this issue.'"

East Torresdale also contended in its suit that the parking lot expansion violated another provision of the 1978 agreement, which required the college to maintain a 20-foot-wide, landscaped buffer between the lot's northern border and the back yards of adjacent homes on Cartaret Drive.

The new paving reduced the landscaped buffer, to about eight feet wide on average, the civic group contended.

But the college's position is that the old agreement covered only the former boundaries of the parking lot, Ryan said.

Holy Family, therefore, did not agree to reinstate the wider buffer, but instead will extend the buffer for the length of the expanded parking lot, Ryan said.

An existing guardrail also will be extended, he said.

Cook said he was not greatly disturbed by the civic group's failure to get the buffer restored to its former width.

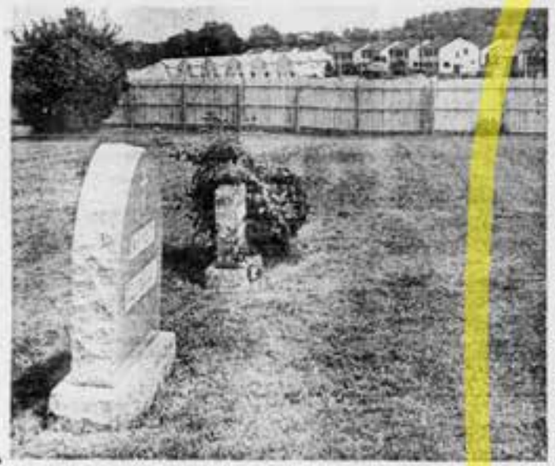
"I'm a realist," he said. "I believe that the moment they put down paving, the buffer was gone."

The college has pledged to install the locked gate on the Frankford Avenue driveway within seven days of the agreement date, Ryan said. The entrance has been blocked temporarily for the last month, under an interim consent decree.

"Within 60 days, we will set up the guardrail and the foliage," Ryan said.

The traffic study will be completed and furnished to the civic group by the end of the year, he said.

"The civic association is looking forward to the future, when relations will return to normal," Cook said of the dispute. "The college has always been a good neighbor."



The Bentley subdivision is on the eastern edge of Forest Hills Cemetery, north of Byberry Road.

Somerton civic group seeks review of developer's permits

SUBDIVISION, from Page 3

The permits issued to Frederid Builders cover foundation work on the 19 houses along Philmont, city aides said.

Work on other parts of the subdivision would be at the builder's risk, they said.

L & I has an inspector on the site daily, checking construction detail, according to David McCarron, L & I district supervisor.

More than 40 houses have footers and foundations in place and some are being framed in. Roofing is in place on two houses and workers are preparing to start on interior detailing.

According to Water Department officials, Frederid Builders has dropped plans for a private system of storm sewer lines and on-site water retention, opting for a standard city system.

Frederid has agreed to build to city specifications and turn over the lines to the city when they are complete.

The Somerton Civic Association has monitored work on the development throughout the spring and summer, Hamill said.

"We've got no quarrel with the builder," she said. "We just want to be sure that everything is done according to Hoyle.

"If permits aren't needed to do that work, then we ought to know that," she said. "And we ought to know when they're required and when they're not.

"The law should be equal for all."

Disposal World seeks to fend off eviction

TRASH, from Page 3

court Tuesday.

According to the court papers, the Metal Bank property is contaminated with polychlorinated biphenyls (PCBs) from businesses that operated years ago on the property. In 1982, the Environmental Protection Agency identified it as being among the nation's 418 most hazardous chemical-waste sites.

The court papers said that Metal Bank had spent more than $1.5 million during 1985 and 1986 to clean the site and to cover soil there with a protective asphalt cap.

When it agreed in October 1986 to lease the site to Disposal World, Metal Bank insisted that no digging take place without its permission. In March, however, Brown said he saw a six-man work crew using shovels and jackhammers to drill out about 10 cubic yards of asphalt to install a scale to weigh incoming trash.

The court papers filed by Metal Bank contended that the break-up of the asphalt cover and the excavation of soil could result in the release of cancer-causing PCBs, "endangering public health and welfare." They also contended that the workers, who were digging without protective clothing, could face contamination.

After a hearing in April, Common Pleas Judge Victor J. DiNubile Jr. ordered Disposal World to stop digging and to repair the asphalt. His order also required the company to remove and test the excavated soil, notify the workers of potential health problems and make arrangements for medical tests. The order also called for the hiring of an environmental consultant to aid in this process.

Metal Bank's lawyers said in court on Tuesday that those actions had not been completed. They asked DiNubile to find the company in contempt of court, urging that he order Disposal World to pay $200,000 to Metal Bank unless remedies are taken and to evict the company within 30 days.

"Unless there are some real teeth involved, we will have only a repeat of the problems," Metal Bank's lawyer, John Mattioni, told the judge.

DiNubile gave the company extra time to meet his order, setting a follow-up hearing for Oct. 7. "I don't want to have any further difficulties, because if I do, it's going to result in substantial sanctions," he said.

Ravitsky, the lawyer for Disposal World, said that workers were tested and that the asphalt was repaired. He said that an environmental consultant would coordinate further clean-up efforts within the next month.

Ravitsky made similar promises in another Common Pleas courtroom last week. He assured Judge Samuel H. Lehrer that Disposal World would make repairs, remove huge stockpiles of trash, and seek all necessary permits to resolve its longstanding dispute with the state and settle the lawsuit filed by the city.

Lehrer set a follow-up hearing on the city's lawsuit for Sept. 26.

Neighbors News from down the street.

"Landlord Seeking Eviction of Disposal World"; 1988; Works Cited #22

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SITE TO BE SEEN / Research Dossier

7301 Milnor

Landlord seeking eviction of Disposal World

By Bill Miller
Inquirer Staff Writer

They've been fighting the city and state for nearly two years over troubles stemming from their trash-transfer station. Now, the owners of Disposal World Inc. have a new opponent: their landlord, who wants them evicted.

Lawyers for Metal Bank of America Inc. went to Common Pleas Court on Tuesday seeking $200,000 in penalties and an order to evict Disposal World from the property at 6801 State Road within 90 days. The reason, they say: Disposal World is endangering the environment and is a hazard to public health.

Metal Bank's action was not related to the city's recent lawsuit seeking to close Disposal World, also known as Philadelphia Carting Co. The city says it wants Disposal World closed unless the premises is properly licensed and wants the place cleared of flies, rats and debris. State and city inspectors have filed repeated complaints about conditions and odors.

So far, Disposal World president George Nickels Jr. has been able to stave off both court challenges by promising corrective action. He continues to operate without a state permit and without city zoning approval and to pay rent to a landlord who wants him out.

In addition, neighboring businesses are signing petitions against his company.

Nickels has contended that the opponents are exaggerating conditions at the company, which accepts trash from commercial accounts and ships it to landfills. He vowed on Tuesday to win both court fights and stay in business.

The owner also said that Metal Bank continues to accept his $7,700 monthly rent.

Added Nickels' lawyer, Otra Kernodle: "I think we'll have it resolved."

A five-minute videotape that was shown in court on Tuesday demonstrated how relations between landlord and tenant have become strained. The tape featured an agitated, cursing Nickels ordering John R. Brown, a private investigator from Metal Bank, off the property on Aug. 26.

The rift appears to explain some of Nickels' difficulty in seeking permits. Officials said Nickels would need Metal Bank's blessing to win permits from the state's Department of Environmental Resources and the city's Zoning Board of Adjustment.

He has operated without the state permit since opening in the fall of 1986; his zoning permit expired last year.

Metal Bank sued to evict Disposal World in January, saying Nickels and others had refused to leave the site since last fall. The suit said that Disposal World had failed to maintain and keep the premises in good repair. That case still is pending.

Metal Bank then filed a secondary action that sought swift removal of Disposal World to safeguard the public. That was the legal challenge that brought Nickels and his firm to

(See TRASH on Page 2E)

Synagogue fire fails to extinguish temple's spirit

By Tom Infield
Inquirer Staff Writer

One sunny Sunday in 1941, Shirley Sheinson and her husband-to-be went for a ride in the country. Heading out Roosevelt Boulevard, she recalls, "we saw a big sign that said, 'Sample house.'" Before the day was out, the couple had put down a $50 deposit.

"We weren't in the neighborhood three days," she remembers, "when someone rang my doorbell and asked us to join the synagogue."

Forty-seven years later, the area has changed some.

It is no longer almost exclusively Jewish. The two-story rowhouse the Sheinsons bought for $5,250 was sold by them two years ago for $57,000.

But now, as ever, Temple Sholom remains the centerpiece of its neighborhood at Large Street and the Boulevard.

"Temple Sholom will be here for a long time to come," said David Sheinson, the synagogue president.

Last winter, nothing seemed less certain. Shortly after 8 p.m. on Feb. 2, a custodian found flames leaping up a wall of the sanctuary. Before the night was out, Temple Sholom was in near ruins.

But now the stink of smoke is gone. It has been replaced by the sweet odor of fresh plaster and paint. The crackle of flames has been forgotten. Ripsaws and hammers drown out conversations.

This Sunday night, for the first time in eight months, a worship service will be held in the sanctuary. Rented folding chairs will have to be used, and there will be no carpet. But reconstruction work is far enough along to permit use of the great hall for the Rosh Hashana service.

"From the moment the fire started, we were determined to stay here and rebuild," said Louis Kramer, the financial secretary.

The sanctuary work has been racing against a deadline of sorts. Until now, the chapel has been big enough to house services. But with the high holy days coming next week, nothing but the sanctuary will do.

Outside and inside, there is much work yet to be done. The job should be finished by winter, officials said. Thankfully, they say, insurance is picking up the $1.5 million price tag. Christian churches in the area and neighborhood organizations also have made donations.

(See SYNAGOGUE on Page 2E)

A Sunday service is set in the Temple Sholom sanctuary.

Somerton group calls for review of building

By Burr Van Atta
Inquirer Staff Writer

The Somerton Civic Association has asked for a review of building permits for Bentley, a 54-home subdivision on Philmont Avenue.

Association President Mary Jane Hasell asked the city solicitor's office for an evaluation after association members became concerned about whether the builder had valid building permits for work in progress.

The Zoning Board of Adjustment last November granted the builder, Fredavid Builders & Developers of 10050 Roosevelt Blvd., permission to proceed with the project on the eastern edge of Forest Hills Cemetery, just north of Byberry Road. The approval was on condition of acceptance by the Water Department.

"If what he's doing is legal, fine. We've got no gripe," Hasell said. "But if it isn't, then something should be done."

Initially, the storm sewers and streets in the development were designed as private facilities, but the Water Department rejected the plans.

Nevertheless, permits were issued for 19 houses on the basis of earlier zoning regulations.

Construction began in late May. Heavy equipment was moved onto the site and grading begun. Detailed work followed and excavations were begun for footers and foundations along Philmont Avenue.

Plans for the sewer lines were modified by Alon Engineering Associates, a Warminster firm retained by Fredavid, but they failed to win Water Department approval.

By late July and early August, foundations and basements were being poured. Neighbors who knew the development was supposed to have Water Department approval expressed concern to officials of Licenses and Inspections. They were told the builder was within his rights.

(See SUBDIVISION on Page 2E)

Parents take a stand against Clayton

By Lini S. Kadaba
Inquirer Staff Writer

Calling for her resignation, angry parents denounced Superintendent Constance E. Clayton during a somewhat stormy Board of Education meeting Tuesday for her controversial Aug. 23 statement about "the historically privileged."

One parent called Clayton's remark "truly racist tripe," and another accused the superintendent of pitting neighborhoods against one another.

Board member Thomas A. Mills sided with the three parents, saying Clayton's decision to close six child-care centers, including four in the Northeast, to trim her budget and keep open other centers in poorer sections of the city amounted to discrimination.

"By appearing, [these parents] made us aware of their anger, frustration, fear, but most of all their disappointment, ... their disappointment in being treated differently," Mills said.

Ralph Smith, Clayton's chief of staff, called Mills' remarks "disappointing" and defended Clayton's budget cuts.

The parents' tough speeches came in response to Clayton's remarks at an earlier board meeting, in which she criticized Common Pleas Court Judge Samuel M. Lehrer's ruling to keep the six centers open for another year. Clayton also defended her decision to continue to operate the 18 centers in areas with "at-risk" students, those most likely to fail for socioeconomic reasons.

"From time to time, that special obligation [to at-risk children] will require care, extra attention and even extra resources," she had said. "Because resources are finite, that obligation will require difficult decisions and tough choices.

"There are those among us who will always choose in favor of the historically privileged," she had said, apparently referring to those who use the six threatened centers, five of them in predominantly white neighborhoods. "That is a luxury that the school district, this city and our society can ill afford."

At Tuesday's meeting, parent Alan McHale, a spokesman for the six centers, said Clayton's statement was "obscenely racist" and "truly racist

(See CLAYTON on 2E)

"Landlord Seeking Eviction of Disposal World"; 1988; Works Cited #22

SITE TO BE SEEN / Research Dossier

7301 Milnor

Metal Bank's action was not related to the city's recent lawsuit seeking to close Disposal World, also known as Philadelphia Carting Co. The city says it wants Disposal World closed unless the premises is properly licensed and wants the place cleared of flies, rats and debris. State and city inspectors have filed repeated complaints about conditions and odors.

7301 Milnor

ENVIRONMENT

Malloy arms himself against what he says is an invasion of rats from a nearby company that is operating without a state permit as a trash-transfer station.

Rat invasion blamed on trash company

By Bill Miller
Inquirer Staff Writer

You can't blame John M. Malloy for smelling a rat when it comes to the way the city and state have responded to repeated complaints about a trash-transfer operation next door to Malloy's steel manufacturing plant in Tacony.

You can't blame Malloy for seeing a rat, either. Lots of them.

Within the last few weeks, Malloy and his 25 employees have captured seven rodents inside the steel plant. He says the rats are trooping to his company en masse after breeding and feasting at the trash-transfer business.

"We are infested with rats," said Malloy, the president of Disston Precision Inc. "They aren't like little mice either — they're 8½ to 10 inches long. The people on third shift are scared to death in the shop."

The rat invasion is the latest subject in a series of complaints by Malloy and others stemming from the trash business, Disposal World Inc., 6801 State Rd. Among other things, there have been problems with flies, odors and debris.

Disposal World, also known as Philadelphia Carting Co., has had a checkered history since it opened in the fall of 1986. It accepts trash from commercial accounts and ships it to landfills. The company has remained in business even though it does not have a state permit as a trash-transfer station and despite repeated skirmishes with city and state agencies.

"It's beyond my comprehension how they can stay open this long," Malloy said. "It just seems very unfair to the people who live in the Tacony area and the people who work in the area."

Nearly seven weeks ago, Councilwoman Joan Krajewski led the Tacony Civic Association and city inspectors in a surprise visit to Disposal World. She ordered the firm's president, George J. Nickels Jr., to "clean up your act."

At the time, the company's ramshackle warehouse — which holds up to 800 tons — was crammed with huge piles of trash. State rules require trash-transfer operations to clear their premises of trash at the end of each working day.

Nickels said in an interview last week that he had corrected problems since Krajewski's visit. "The rat problem is gone. The fly problem is gone. We're doing everything we can. ... We're keeping everybody 100 percent happy."

Nickels said he believed that Malloy's rats were from another area business.

He said that trash now was being removed within 24 to 36 hours of its arrival and that his warehouse lately had no more than 300 tons at a time. "Take a look at the building," he said. "You'll see, nobody has tried harder than me."

Since Krajewski's visit, much trash has been cleared from the site and carted to landfills. Malloy, who observes goingson from his office next door, said he believes that the rats were uprooted when this trash was removed.

Peter Roffe, who manages the Shipside Inc. warehouse behind the trash-transfer station, said he, too, has noticed a surge in the rat population. "We've got a saddle ordered for one of them," he said. "It's a good size."

Both Malloy and Roffe said their firms have telephoned city officials over the last year with complaints. Except for Krajewski's action, they said, nothing has seemed to bring about bona fide results.

"We're not condemning anybody," Roffe said. "He has to do it in a sanitary, safe and sane manner. ... We don't want to see anybody out of business, but he has got to comply with the law. If you don't keep after him, he's going to backslide."

Cornelius F. Pancoast, a leader of the Tacony Civic Association, expressed similar frustrations. "It seems the only way to get things done is to hire your own lawyer," Pancoast said. "We say to ourselves, 'Just what do we do?' "

Pancoast and William Harden, the civic association's president, visited the premises Tuesday and said conditions again were getting worse. They said the trash piles were building and debris still was swirling about the place.

"And it's still cool yet," Pancoast said. "Let's make an appointment to come back in the summertime, with all the flies and vermin."

The state and city have had little long-term success in their crackdowns.

The state's Department of Environmental Resources advised the company in December 1986 that a permit was required under the state's Solid Waste Management Act. DER has pressed that matter several times in correspondence with the company. But to date, no application for a permit has been filed.

The city's Department of Public Health repeatedly has cited Disposal World for a variety of troubles, including problems with birds, odor-causing liquid, rat feces and a gaping hole in the trash warehouse's wall. The hole was repaired shortly after Krajewski's visit.

In addition, the city's Department of Licenses and Inspections has cited the company for zoning and fire code violations.

Meanwhile, the company remains in business.

Nickels said that his lawyers were working to obtain the state permit. He maintained that he has done everything possible to answer the various complaints.

"We want to do everything the right way," he said. "The attorneys have met and talked, and I told them, 'Whatever you have to do, do it right.' "

Four years ago, Nickels pleaded guilty to bribing workers at the city's Northwest Incinerator in Roxborough so he could illegally dump commercial trash there, court records show. He was ordered to pay $90,000 in restitution and served two months in prison.

The city and state have pointed to each other when asked who is responsible for regulating Disposal World and other trash-transfer stations. The state recently enacted tough new rules for the industry, and vowed to enforce them.

But Tom Forewalt, a DER spokesman, said recently that the troubles with Disposal World could better be addressed by the city. He said DER's resources are "limited."

"We're kind of hoping the city is going to take this over," Forewalt said. "That [city enforcement] is going to happen. We're very interested observers."

John A. Baskin, an assistant chief in the city's Public Health Department, said the violations have been referred to the city solicitor for follow-up legal action. Lawyers in that office said they still were preparing the case.

Meanwhile, Baskin said he was not surprised that rats have become a problem in the immediate neighborhood.

"There will be a problem for some time," he said. "We kicked them out of their nice, cozy comfortable living quarters and pushed them out into peripheral areas. It had been perfectly warm for them under that pile. There was food and a pool. It was like living in the Hilton."

"Rat Invasion Blamed on Trash Company"; 1988; Works Cited #23

The people on third shift are scared to death in the shop."

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Nearly seven weeks ago, Council-

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7301 Milnor

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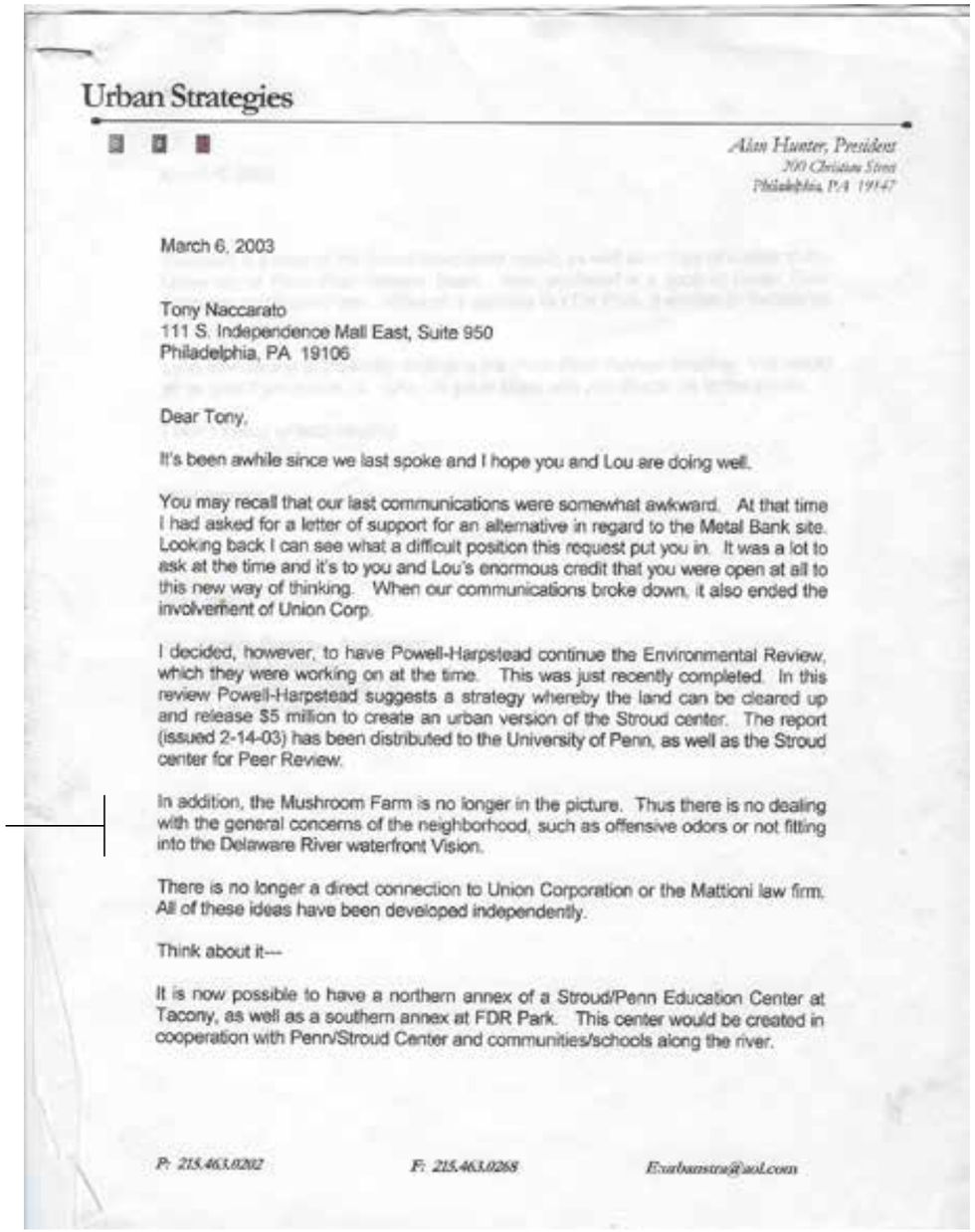


Urban Strategies

Alan Hunter, President
200 Christian Street
Philadelphia, PA 19147

March 6, 2003

Tony Naccarato
111 S. Independence Mall East, Suite 950
Philadelphia, PA 19106

Dear Tony,

It's been awhile since we last spoke and I hope you and Lou are doing well.

You may recall that our last communications were somewhat awkward. At that time I had asked for a letter of support for an alternative in regard to the Metal Bank site. Looking back I can see what a difficult position this request put you in. It was a lot to ask at the time and it's to you and Lou's enormous credit that you were open at all to this new way of thinking. When our communications broke down, it also ended the involvement of Union Corp.

I decided, however, to have Powell-Harpstead continue the Environmental Review, which they were working on at the time. This was just recently completed. In this review Powell-Harpstead suggests a strategy whereby the land can be cleared up and release $5 million to create an urban version of the Stroud center. The report (issued 2-14-03) has been distributed to the University of Penn, as well as the Stroud center for Peer Review.

In addition, the Mushroom Farm is no longer in the picture. Thus there is no dealing with the general concerns of the neighborhood, such as offensive odors or not fitting into the Delaware River waterfront Vision.

There is no longer a direct connection to Union Corporation or the Mattioni law firm. All of these ideas have been developed independently.

Think about it---

It is now possible to have a northern annex of a Stroud/Penn Education Center at Tacony, as well as a southern annex at FDR Park. This center would be created in cooperation with Penn/Stroud Center and communities/schools along the river.

P: 215.463.0202 F: 215.463.0268 E:urbanstra@aol.com

Letter from Alan Hunter of Urban Strategies; 2003; Works Cited #13

19

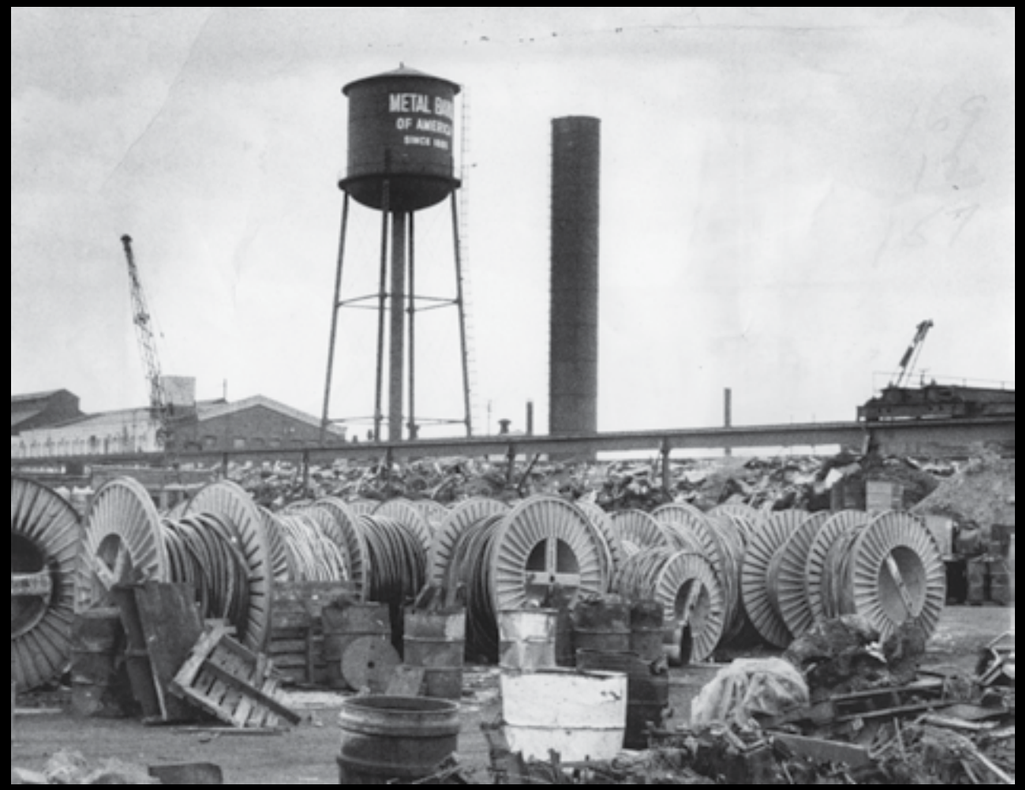


Photo of copper cable spools on the Metal Bank Site. Date unknown. The water tower photographed still stands.

SITE TO BE SEEN / Research Dossier

7301 Milnor

20

1890 photograph of Delaney Glue Works in Tacony, Pa.

21

OVERHEAD CRANE stacks reels of cable which firm is reclaiming for a large copper mill. Goldstein truck, in background, will be unloaded by another crane. Piles of tin ingots, at left, are finished products of smelting process.

FEB 1959

L. GOLDSTEIN'S SONS, Inc.

Metal Bank of America, Inc

A NEW ERA IN SCRAP

In what is often a freebooting industry, a local scrap processor and secondary smelter has earned a position of industry leadership by offering customers a gamut of services, a sound cash position and a wide-awake engineering system for stepping up their profits from salvage.

THE MAIN DIFFERENCE, a cynic has said, between dealing in the scrap metals market and playing with professional card sharks is that, once in a while, a gambler will let you win.

This, of course, is not true.

But it is true that the scrap metal business is less known for its vital role in the economy (the car you drive is 60% reconverted scrap) than for the fast shuffles it has spawned.

Yet in this freebooting industry, the local firm of L. Goldstein's Sons, Inc. has dealt itself a position of industry leadership by keeping its cards out of its sleeve and on the table.

Part of the reason can be traced to the inherent stability of an old family business—it is now 94—and part of it to the fresh, vigorous policies of the young men who run it.

But most of the reason is found in the quartet of management tenets the firm rigorously adheres to: Service, integrity, reliability, economic stability and profit. Old hat as these principles may seem to the average executive, they are unusual in the world of scrap.

The red and the black. And oddly enough, it's a world few businessmen know as well as they should. Some learned about it last year as the '58 profit squeeze sent them combing their operations for fat to trim. (In many instances, the way a manufacturer handles his salvage operations can mean the difference between red ink and black.) Others learned of it the hard way—on the short end of salvage deals—have washed their hands of plant scrap recovery plans, left them to be formulated and negotiated by second-string supervisors.

"The manufacturer who neglects to get the most dollars out of his plant's salvage operations is often the same man who goes over other operating costs with the sharpest pencil and strongest glass," points out Irvin Schorsch Jr., at 31 one of the most adept minds in the business.

Schorsch, who pilots L. Goldstein's Sons Inc., bears no more resemblance to the traditional wheeler-dealer than, say, Admiral Halsey bears to Captain Kidd. Yet this firm is a leader in a business so highly competitive that penny differentials can win five figure contracts.

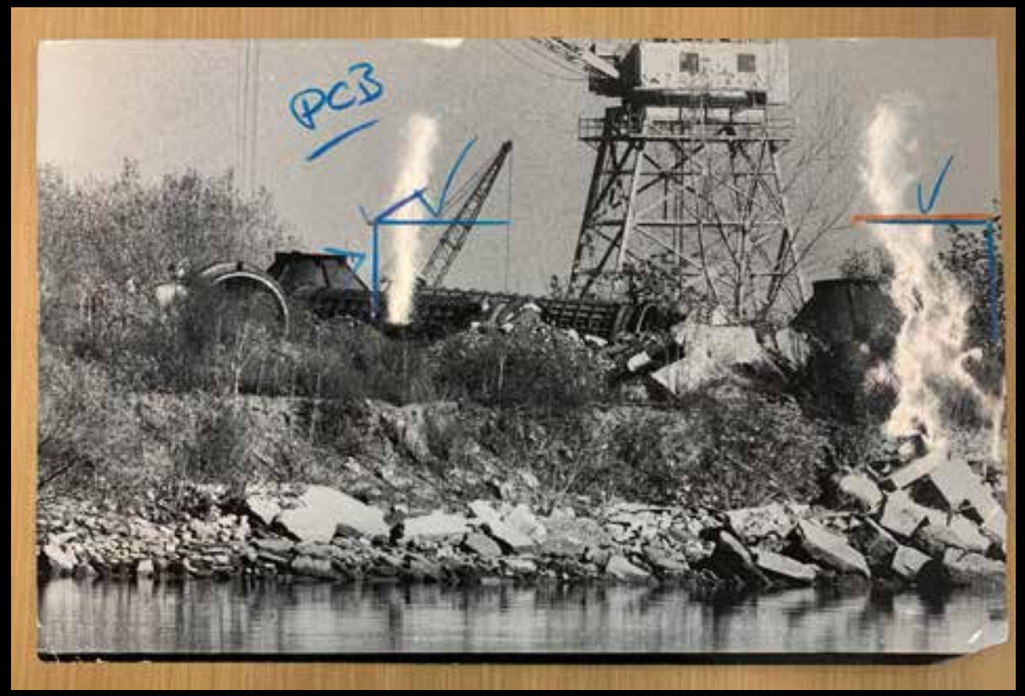
Neither Schorsch nor his brother John, head of the Thermal Reduction Corporation, rare metals affiliate of the company, can afford to ignore the industry's frantic price wars, but they do manage to steer clear of its short-range aspects.

The war itself is an unusual one, since it is within a price structure that the scrap dealers have no part in making. The price per pound of metals is set by Anaconda Copper, U.S.

24 GREATER PHILADELPHIA MAGAZINE

Photo of L. Goldstein's Sons, Inc. smelting operation in Greater Philadelphia Magazine, 1959.

22



River bank of 7301. Source unknown. Photograph included within a Metal Bank Superfund Site search at Temple University Urban Archives.

7301 MILNOR

MORE RESEARCH DOCUMENTS

Click through to access

1950

1950s—1960s The southern portion of the Site is created by gradually filling in the Delaware river.

1955 The Air Pollution Control Act of 1955 is the first legislation passed to research the scope and sources of air pollution.

1963 The Clean Air Act is passed to research and address air pollution on a national level.

1968—1969 Metal Bank begins recycling electrical transformers at the Milnor St property. Used transformers are stripped for copper recycling and the reclaimed oil is then stored in underground tanks. The electrical transformers frequently contain PCBs, polycyclic aromatic hyrdrocarbons ("PAHs") and other semi-volatile organic compounds ("SVOCs"), volatile organic compounds ("VOCs"), metals, and other hazardous substances.

1970 Metal Bank is cited five times for air pollution and issued fines by the City of Philadelphia. On December 31, President Richard Nixon signs the Clean Air Act into law, granting the EPA the power to take action against air pollution.

1972 Congress passes the Clean Water Act with broad bipartisan support. President Richard Nixon vetos the bill, but within a day Congress overturns the veto, and the bill becomes law.

1972—1973 USCG collects soil and oil spill samples that at first do not detect PCBs.

1972 On August 3, the U.S. Coast Guard and Pennsylvania Environmental Inspectors respond to an oil leak in the Delaware River near the Quaker City Yacht Club. Four days later an inspection begins that traces the source of the oil to the Site at 7301 Milnor St.

1972—1973 Metal Bank ceases reclamation operations on the Site and conducts surficial remediation. They do not make an effort to clean up anything subsurface and do not do anything to prevent oil from reaching the river.

1973—1977 Further sampling and analysis is performed by the EPA at the Site.

1976 Congress passes section 6(e) of the Toxic Substances Control Act which essentially bans the use of PCB's.

1977 USCG re-analyzes oil samples using new technology and detects PCBs in concentrations over 800 parts per million while soils and liquids detect PCB levels at 1,579 ppm.

Mid 1970s Metal Bank installs the lower rip rap in response to USCG request that they armor the shore. The lower riprap is composed of rubble, bricks, and concrete, and is designed to protect the upper riprap and act as a buffer to oil flowing towards the river.

1978 Roy F. Weston is hired by the EPA to investigate the extent of contamination at the Site. Weston's report shows that approximately 21,000 gallons of PCB-contaminated oil had pooled in the subsurface of the Site.

1980 In a letter, Philip Levin seeks support from Senator John Heinz pleading that the government and EPA have unfairly accused Metal Bank of polluting. The EPA sends Heinz a letter in response.

1980 The EPA files a civil suit against the Union Corporation and two of the property's former owners; Irvin G. Schorsch, Jr. and his brother John B. Schorsch (also Metal Bank). The government sues under two statutes; the Resource Conservation and Recovery Act ("RCRA"), the Toxic Substances Control Act ("TSCA"), which regulates PCBs, and also sought injunctive relief as well as costs of the suit.

1980—1981 Dr. Edward W. Kleppinger, Metal Bank's environmental consultant, observes scrap capacitors on the mudflat adjacent to the Site. The scrap capacitors contained extremely concentrated mixtures of PCBs.

1982 On December 30, Metal Bank, Inc. is proposed to the National Priorities List.

1983 EPA settles the suit with Metal Bank after they agree to remediate the Site's contamination by constructing an oil recovery system to pump out and remove the oil. The Site is formally listed as an EPA National Priority on September 8.

1985—1986 Metal Bank of America does its own initial 'clean up.' They hire Dr. Kleppinger to implement a system consisting of three recovery wells, several oil separation units, and several 55-gallon drums containing activated carbon to treat groundwater.

1987 EPA sends letters to individuals and companies identified through invoices made to Metal Bank notifying them that they are Potentially Responsible Parties (PRP) under CERCLA.

1989 In January, Metal Bank petitions the court to stop the oil recovery operation because it believes that all the oil has been recovered. However, in March the EPA collects samples from the monitoring wells on the Site and finds that PCB-contaminated oil is still floating on the aquifer.

1989 EPA conducts soil sampling at adjacent St. Vincent's school revealing no health risks.

1991 The EPA signs an Administrative Order of Consent with ten utility companies that sent used transformers or arranged for used transformers to the Site for disposal and/or treatment. These companies became the nucleus of the Cottman Avenue Potentially Responsible Parties (PRP) Group (the "Utility Group"), which was actively involved in litigation related to the selection and implementation of remedial actions for the Site.

1994 The Remedial Investigation (RI) Final Report documents widespread contamination by PCBs, TPH, PAHs, and other hazardous substances at the Site.

1995 Based on the results of the RI Final Report, the EPA prepares a proposed plan for remediation at the Site.

2000 Dr. John D. Schell, the Defendants' expert on environmental risk assessment, observes capacitors or parts of capacitors in the lower rip-rap and on the mudflat adjacent to the property during his work at the Site.

2001 In April, the Commonwealth of Pennsylvania advises the public to eat no more than one meal of fish caught in the state's waterways per week. A stricter advisory is issued for the approximately 20 miles north of the Site asking the public to limit or avoid consumption of white perch, striped bass, carp channel catfish, and American eel due to PCB contamination and smallmouth bass due to mercury contamination.

2002 Phase One of the CERCLA and RCRA case is tried over the course of seven weeks starting on August 19 to determine whether the defendants are liable. Judge Giles presides over the 16 day Phase One trial, between August 19 and September 24 with the government presenting 12 witnesses and hundreds of trial exhibits on the Site history and defendants' liability. The Utility Group submits a Final Design Report for cleanup of the Site, however, due to new evidence from the RI/FS, a revised Remedial Design was necessary.

2003 The EPA approves the utility group design plan. Union Corporation and U.C.C. -Metal Bank file a consolidated bankruptcy. As part of the settlement they establish the Union Trust, a mechanism for managing the Metal Bank Site property and three other properties in order to provide substantial funding for future remedial actions.

2003 On January 21, Judge Giles rules that the defendants are liable for the cleanup and the government incurred response costs in connection with the contamination. The court finds that the reclamation operations at the Metal Bank Site are "very sloppy... the Site operators did not regard the oil as posing any health risks and were not careful about transformer draining and storage procedures," resulting in oil spills and soil contamination.

2006 The revised remedy for the Site is documented.

2008 A revised RI/FS is approved by the EPA in February and remedial actions begin in July. Remedial actions included, but were not limited to, the selected excavation and backfilling of soil, the installation of a soil cap on the entire southern portion of the Site, and the selected excavation and capping of approximately 4.6 acres of sediments in the Delaware River.

2008—2010 Remedial construction takes place which includes, but is not limited to, building a sheet pile wall, the excavation and disposal of contaminated soil, and the removal and disposal of the underground storage tank.

2010 Remedial actions wrap up at the Site and the EPA signs preliminary closeout report.

2012 Sheet pile wall cracks appear.

2013 Five-year review construction is completed in accordance with the requirement of revised Remedial Plan and consent decree. Available data suggests that the remedy is protective in the short-term.

2016 Cottman Ave PROP Group sues AMEC Foster Wheeler Environmental Infrastructure Inc. (whose predecessors built the wall) after they were forced to fix the wall themselves.

2020

Environmental

Natural History

Area Development

7301 Milnor

Environmental

ENVIRONMENTAL IMPACT

Source		Research Excerpt
"U.S. Sues Firm in Chemical Leakage Periling City Water"; 1980; Works Cited #29	**01**	"The Justice Deparment has sued a Philadelphia waterfront firm to force it to remove highly toxic and cancer-causing chemicals that have been leaking into the Delaware River near Cottman Ave. and 'could contaminate' half the city's water supply."
"Hopes Buried in Fund"; 1983; Works Cited #32	**02**	"Their disgust with the program and its administrator, the Environmental Protection Agency, was heightened with each new allegation several months ago that the fund has been used as a political tool by EPA officials and the Republican administration."
"Toxic Cleanup in Tacony in Danger"; 1995; Works Cited #12	**03**	"For 15 years residents of Tacony have been waiting patiently for the federal government to clean up a piece of their neighborhood that happens to be one of the worst toxic waste sites in the nation."
	04	"'I'm really upset,' said Jim Labenz, president of the Tacony Civic Association. 'We are exposing city residents to carcinogens.'"
	05	"Republican-backed bills in the House of Representatives and the Senate would make it difficult to get offenders to pay for cleanups, and also shift more of the cost to federal taxpayers, Borski and McCabe said."
"Superfund Update"; 1997; Works Cited #31	**06**	"What's happening at the Metal Bank, an industry-turned-Superfund-site in Tacony? 'Not a damn thing,' said Jerry Prior, of the Tacony Civic Association. 'It's been about 18 years now,' Jim Labenz, the association's president... The site, idle since the 1970s, was named to the Environmental Protection Agency's list of priority Superfund sites 15 years ago."
Court notes: USA v Union Corp; 2003; Works Cited #16	**07**	"In its May 8, 1979 report, EEA estimated that the extent of the oil spill from the ruptured UST affected an area of approximately 75,000 square feet and contained about 11,700 to 46,750 gallons of oil, and involved 115 to 460 pounds of PCBs."
	08	"All Government (EPA) witnesses present during the January 2002 sampling event described a strong, oily, petroleum smell coming from the shallow holes dug to gather sediment samples."
	09	"'We are unwilling to hold that merely by splitting off the particular part of its operations that resulted in its environmental problems and shifting the remainder of its assets, employees, management, customers accounts and production, methods to another corporation, an otherwise responsible corporation could all but completely wash its hands of its environmental liability."); see also Board of Trustees of Teamsters Local 863 Pension Fund v. Foodtown, Inc., 296 F.3d 164, 171 (3d Cir.2002) (purpose of alter ego liability doctrine is, *inter alia*, to prevent an independent corporation from being used 'to defeat the ends of justice' or 'otherwise to evade the law.')"
	10	"The record shows that by the end of 1971, approximately 2516 transformers had been shipped to Metal Bank from PSE & G under the first Hirtz Brothers transaction. Between June of 1972 and October of 1973, 31 transformers were shipped from LILCO and approximately 6,844 transformer were shipped from PSE & G to the Site."
	11	"For the foregoing reasons, the court finds that defendants John B. and Irvin G. Schorsch, Metal Bank, and Union Corporation are responsible parties within the meaning of CERCLA and RCRA for contamination of the Cottman Avenue Site. The court also finds that the Government has incurred response costs in connection with the contamination."
"PCBs in the Delaware: A Thirty-One-Year Technical and Legal Odyssey"; 2005; Works Cited #4	**12**	"EPA monitoring in 1989 showed that despite eight years of groundwater pump and treat operations at the Site, a layer of PCB-contaminated oil at least three inches thick was still floating on the groundwater at some portions of the Site. PCB concentrations measured in the oil layer were 1,539 ppm in 1977 prior to the oil recovery operation and almost the same, 1,540 ppm, in 1989 when the oil recovery operation was being terminated."
	13	"On January 21, 2003, in an 84-page opinion Chief Judge James T. Giles ruled on Phase One of the trial that the former and current site owners—Union Corporation, Metal Bank of America Inc., and former Metal Bank owners and officers Irvin G. Schorsch, Jr. and John Schorsch—are liable for EPA's costs related to the cleanup of the Site. He also rejected each and every one of the Defendants' theories and arguments."
	14	"Furthermore, based on a risk analysis of these contaminants, EPA also found that recreational fishermen may be at risk from eating contaminated fish; future construction workers may be at risk from the PCBs in the oil beneath the site; as well as impacts on fish, bivalves, and animals feeding in the mud flats."
	15	"The consultant's system consisted of three recovery wells, several oil separation units, and several 55-gallon drums containing activated carbon to treat groundwater—which an EPA remediation engineer called a 'Rube Goldbergish' contraption. The system removed most, but not all, of the subsurface oil at the Site. Metal Bank's consultant argued that it was physically impossible to extract any more oil. He analogized the Site to an oil field, where, he asserted, only 33% of the oil was recoverable. However, this analogy is faulty at best. First, in oil fields the

SITE TO BE SEEN / Research Dossier

porosity is relatively uniform, whereas at the Site the fill's porosity is very heterogeneous. Second, the consultant did not consider that in oil field extraction operations, companies use secondary and tertiary recovery after primary recovery dwindles to a drip."

Note that the EPA cleanup action level is 25 ppm. See Figure 4: Remedial Investigation locations of soil borings/ test pits (Dossier p. 131 and 145). And see Figure 5: Uncovering the UST during the 1999 Pre-Design Investigation, note the oily (dark) quality of the subsurface soil (Dossier p. 132).

16 "The highest concentration, 680ppm, was found in a soil sample taken from near the UST (underground storage tank)"

17 "'The presence of chunks of concrete, bricks, wire, pipe and other material in the heterogeneous fill may offer preferential pathways for the migration of contaminants... The court finds that the oil has found, and continues to find, pathways from the ground and groundwater through the rip rap, upper and lower and into the beach and mudflat areas. Defendants have failed to show that the pollution in the mudflats was caused exclusively by a source other than the Cottman Avenue Site.' (Court Opinion at 15). The defendants argued that an upgradient lampblack factory was responsible for the TPH, PAHs, and other contaminants."

18 "Historical aerial photos show that most of this area is located in what was once part of the Delaware River and was gradually filled in beginning in approximately 1950. Heterogeneous urban-fill material, most of which was placed before 1968, is about 15 feet thick. Its origin is unknown, but it contains construction debris, including chunks of concrete, brick, lumber, cloth and metal."

19 "The operation called for dismantling the used electrical transformers, emptying them of their oily liquid, and pulling their copper cores. The reclamation operations were very sloppy."

20 "The levels in the tank also rose when the tide was in, even if the tank was capped (Court Opinion)."

21 "The 1978 Report showed that as many as 21,000 gallons of PCB-contaminated oil had pooled in the subsurface of the Metal Bank Site. The report concluded that this oil was releasing PCBs to the underlying groundwater and that PCBs from the Property were contaminating the Delaware River through oil and groundwater discharges. The 1980 report roposed a remediation plan."

22 "In its May 8, 1979 report, EEA estimated that the extent of the oil spill from the ruptured UST (underground storage tank) affected an area of approximately 75,000 square feet and contained about 11,700 to 46,750 gallons of oil, and involved 115 to 469 pounds of PCBs."

"The Death of the Delaware River"; 2019; Works Cited #7

23 "In 1972, Congress passed the Clean Water Act with broad bipartisan support. President Richard Nixon vetoed the bill, but within a day Congress overturned the veto, and the bill became law."

24 "The law made it illegal to dump any pollutant into waterways without a permit from the EPA and set wastewater standards for industry. It also offered up billions of dollars to cities and states to upgrade their sewage treatment plants, requiring municipalities to use biological science to treat their waste before discharging it into the river."

25 "In 1964, the bacteria count at Philadelphia's water intake at Torresdale was 39,300 per 100 mL."

26 "Once plentiful caviar and sturgeon also disappeared. Combined with losses of shad and other fisheries, that spelled the death of a regional industry once worth hundreds of millions of dollars."

Images

27 *Site image of Metal Bank: 1995, 2001, 2005, 2010; from 2014 EPA Preassessment Screen Determination.*

28 *Site Plan of Metal Bank Site which illustrates areas of concern; from EPA 1997 Record of Decision.*

29 *Illustration of Soil Boring/Test Pit Locations with Total PCBs > 25 ppm; from EPA 1997 Record of Decision.*

30 *Map illustrating Site proximity to Public Water Intakes and Floodplain; from EPA 1997 Record of Decision.*

31 *EPA consultant photograph showing color and consistency of contaminated oil infused soil samples.*

32 *Site photos of sheetpile wall repair 2016; from EPA second five-year review of Metal Bank Site.*

Thursday, April 21, 1960 Philadelphia Daily News 7

U.S. Sues Firm in Chemical Leakage Periling City Water

By JIM SMITH

The Justice Department has sued a Philadelphia waterfront firm to force it to remove highly toxic and cancer-causing chemicals that have been leaking into the Delaware River near Cottman Ave. and "could contaminate" half the city's water supply.

Environmental Protection Agency officials say the contamination is a slight possibility because the firm is near the Torresdale Water Treatment Plant.

They acknowledge, however, that "routine testing" by the Philadelphia Water Department has not detected the toxic chemical in recent months.

THE CLEANUP effort could cost as much as $1.4 million.

The suit was filed in U.S. District Court yesterday against Metal Bank of America, owners of the Delaware and Cottman Aves. site; Union Corp. of New Jersey, Metal Bank's parent firm, and two Metal Bank officials.

Metal Bank ran a metal recycling operation at the site from 1968 through 1972, during which oil was drained from electrical transformers into an underground tank for storage until off-site disposal could be arranged.

The oil was contaminated by polychlorinated biphenyls, known as PCBs, one of the most toxic substances existing. PCBs also are known to cause cancer at very low concentrations, a spokesman said.

Leaks developed in the storage tank, and one or more pools of the contaminated oil formed underground and has been leaching into the river.

IT IS estimated that some 21,000 gallons of oil contaminated with about 213 pounds of PCBs are now under the Metal Bank site. EPA became aware of the problem in 1977. Since then the EPA and Coast Guard have spent $67,000 studying the problem.

In addition to the fear that the city's drinking water may be contaminated, EPA also is concerned about possible effects on fish life and boaters who use a nearby yacht club.

Environmental Impact

01

The Justice Department has sued a Philadelphia waterfront firm to force it to remove highly toxic and cancer-causing chemicals that have been leaking into the Delaware River near Cottman Ave. and "could contaminate" half the city's water supply.

Environmental Protection Agency

"U.S. Sues Firm in Chemical Leakage Periling City Water"; 1980; Works Cited #29

8 Tuesday, Aug. 16, 1983 Philadelphia Daily News

Hopes Buried In Fund

Philadelphia Inquirer

"Superfund? There is no Superfund. If there is, why aren't they using it?"

— Thomas O'Leary, a neighbor of Moyer's Landfill.

First of Two Articles

By MARILYN W. THOMPSON
Daily News Correspondent

Few federal programs have generated more hope or disappointment than the "Superfund" program, passed by Congress in 1980 to finance cleanup of dangerous chemical dumps across the country.

In Pennsylvania, the program brought a rash of short-lived relief to residents near 30 toxic waste disposal sites considered so threatening to human health and the environment that they earned a place on a 1982 national listing of the country's worst chemical dumps.

But three years after the program was set up, bitterness and disillusionment have clouded the high expectations the public once had for the $1.6-billion program, designed to bring quick remedies to toxic dangers.

People who live near chemical dumps in or around Philadelphia now regard the Superfund a dismal failure, emphasized each time they pour a glass of tainted water or open their windows to the stench of chemical fumes.

They say the Superfund has done little, if anything, to clean up dangerous dumps in Pennsylvania.

Their disgust with the program and its administrator, the Environmental Protection Agency, was heightened with each new allegation several months ago that the fund has been used as a political tool by EPA officials and the Republican administration.

Although the storm of controversy surrounding the EPA in Washington has abated considerably with the resignations of key officials and promises of reform, critics believe the program's record of performance speaks louder than words.

They say that record is disturbing:

• Although Pennsylvania has the third-highest number of toxic waste dumps on the Superfund list, it has received only about $11 million so far for "remedial" or long-term, cleanup of toxic dumps — far too little to address the problem, critics say. Yet the EPA counters that only New Jersey, with 45 sites, has received more money, about $16.9 million. Michigan, which ranks number two, has received only $1.8 million. The disparities, critics say, highlight the subjective judgments used by EPA officials in distributing money.

• None of that federal money has been allocated yet for cleanup of the 10 Superfund sites in Philadelphia and its suburbs. Although preliminary studies are set to begin soon at several sites in eastern Pennsylvania, the EPA has given no clear indication when cleanup will begin at most dumps on the list.

• Rankings assigned to Pennsylvania's Superfund sites appear arbitrary, and state environmental officials take issue with the priorities given to some Pennsylvania sites.

• It can take years to plow through the red tape surrounding the Superfund program. The EPA says a three-year wait would not be unusual before a dump becomes eligible and receives remedial-cleanup money.

New EPA administrator William Ruckelshaus, who replaced the embattled Anne Burford, acknowledged during a Philadelphia visit last week that the Superfund program has had serious problems.

He said it is apparent that $1.6 billion will not be enough money to clean up the nation's toxic mess. And he pleaded for patience.

He said the EPA should make significant progress within the next year and that within "the next two, three or four years" the agency hopes to complete cleanup at all Pennsylvania sites on the list.

Ruckelshaus and EPA officials in Philadelphia believe the Superfund program, funded by a tax on the chemical industry, is only now reaching the point when it can be effective.

"It's not unlike building a house or building a bridge," explained Tom Voltaggio, who supervises the program in the mid-Atlantic region. "People don't have experience with how long it takes to build things. A problem to them is a problem they want solved now."

•

Irene Bartowitz cites the calculation from memory. *If she drinks two liters of her well water every day for the next 20 years, there's a one in a million chance she will develop cancer. That's what the thick environmental report tells her about the small concentration of trichloroethylene, an industrial degreaser which has filtered into her drinking water from Blosenski's Landfill, a Superfund site in West Caln Township, Chester County.*

But the report has not eased her anger. Two years ago, she and a neighbor suffered miscarriages. Her sink is equipped with an expensive filter. She takes showers instead of baths. ("You're not soaking in it, I guess, so it would be fair.")

"This is the American dream and somebody spurred it," she says, surveying her country home. "A nice judgment would be to have him (Blosenski, the site's owner) sit down and drink a glass of TCE. . ."

•

Not long after Congress created the Superfund, it became obvious the $1.6 billion cleanup pool was not nearly adequate. With 419 sites on the list, and an average cleanup cost of $5 to $7 million for each, the EPA says it was forced to be selective.

The Superfund list, zeroed in December 1982 and scheduled to be updated with about 100 new sites late this month, was the EPA's controversial method of assigning priorities.

In the mid-Atlantic region, the agency started with a list of about 1,400 potential hazardous waste sites, compiled from information from state agencies and a congressional study committee.

Pennsylvania had more than 400 potential sites. EPA investigated "as many of those sites as we could," said Voltaggio, and "targeted the worst actors first."

But just because a site made it onto the Superfund list did not mean it was guaranteed a quick infusion of

See SUPERFUND Page 14

Must Judges Swim with the Political Current, or Drown?

By CHRISTOPHER HEPP
Daily News Staff Writer

Since late July, a group of Philadelphia judges has wrestled with a difficult decision.

It has nothing to do with legal cases before them. But in their minds, it is just as important.

They have been trying to decide if each should pay the Democratic City Committee $2,000. And, if they do, should they pay the Republicans the same?

The group in question is made up of the 24 Common Pleas judges who are up for retention this year. After a judge serves 10 years, he faces a retention election. If he survives that test, he gets another term.

Normally, the retention vote is fairly routine. Although about 30 percent of the voters will pull the "no" lever whether they know of a judge or not, enough pull the "yes" lever to keep the judge on the bench.

This year, however, judges fear the climate is so negative toward judges that a great many more voters will look for the "no" lever.

They point to the recent inquiry into the conduct of Supreme Court Justice Rolf Larsen and the controversy that has accompanied Common Pleas Judge Bernard Snyder's handling of a recent libel case.

As a result, several judges felt vulnerable when they were approached by local Democratic Party officials and asked to contribute $2,000 to the party as a way of defraying the party's costs.

Although the group has not formally decided what to do, Richard E. McDevitt, executive director of the state's Judicial Inquiry and Review Board, has made a ruling that might help.

McDevitt, who had been approached by the judges, said yesterday he was sending a letter to the 56 judges across the state running for retention, recommending how they handle such requests for donations.

McDevitt said the review board found no problem with legitimate requests for donations to offset the costs incurred by political parties in helping the judges run for retention.

However, the board recommended that the judges donate no more than $1,000 each to any party, and that if they donate money to one major party, they donate money to the other.

McDevitt explained that since judges running for retention are not running as party candidates, they should not rely on one party or the other.

"The thought is that once you are a sitting judge, you don't belong to a political party," McDevitt said. "I know there are going to be a lot of questions that are going to be asked about this. In some counties, there is only one party of any consequence. But this was the only way we can figure out so it would be fair."

McDevitt said the board had considered the "climate" of this year's retention race and decided it was only fair that the judges be able to help fund party efforts on their behalf. The $1,000 limit was set to prevent the judges from "being bled to death," he said.

The "climate" largely was created by two incidents.

After a lengthy investigation, Larsen was cleared of charges of racism and improper political activities in May by the Judicial Inquiry and Review Board, which sealed the record

See JUDGES Page 15

Laid-Off Workers Zap Atari in Suit

United Press International

SAN JOSE, Calif. — Workers laid off en masse by Atari Inc. when it announced it was transferring most of its manufacturing to Hong Kong and Taiwan filed a $134-million class-action suit yesterday against the video-game giant.

The lawsuit, filed in Santa Clara County Superior Court, charged that Atari violated state fraud law by assuring its workers they had job security when the company, whose headquarters are in in Sunnyvale, knew layoffs were imminent.

The suit asks $3 million in lost wages and $50 million in punitive damages.

Atari had no comment on the suit.

Attorneys said the suit was filed on behalf of 600 workers laid off Feb. 22 — the day Atari announced it would be laying off 1,700 workers in its video-game and home-computer manufacturing divisions.

Environmental Impact

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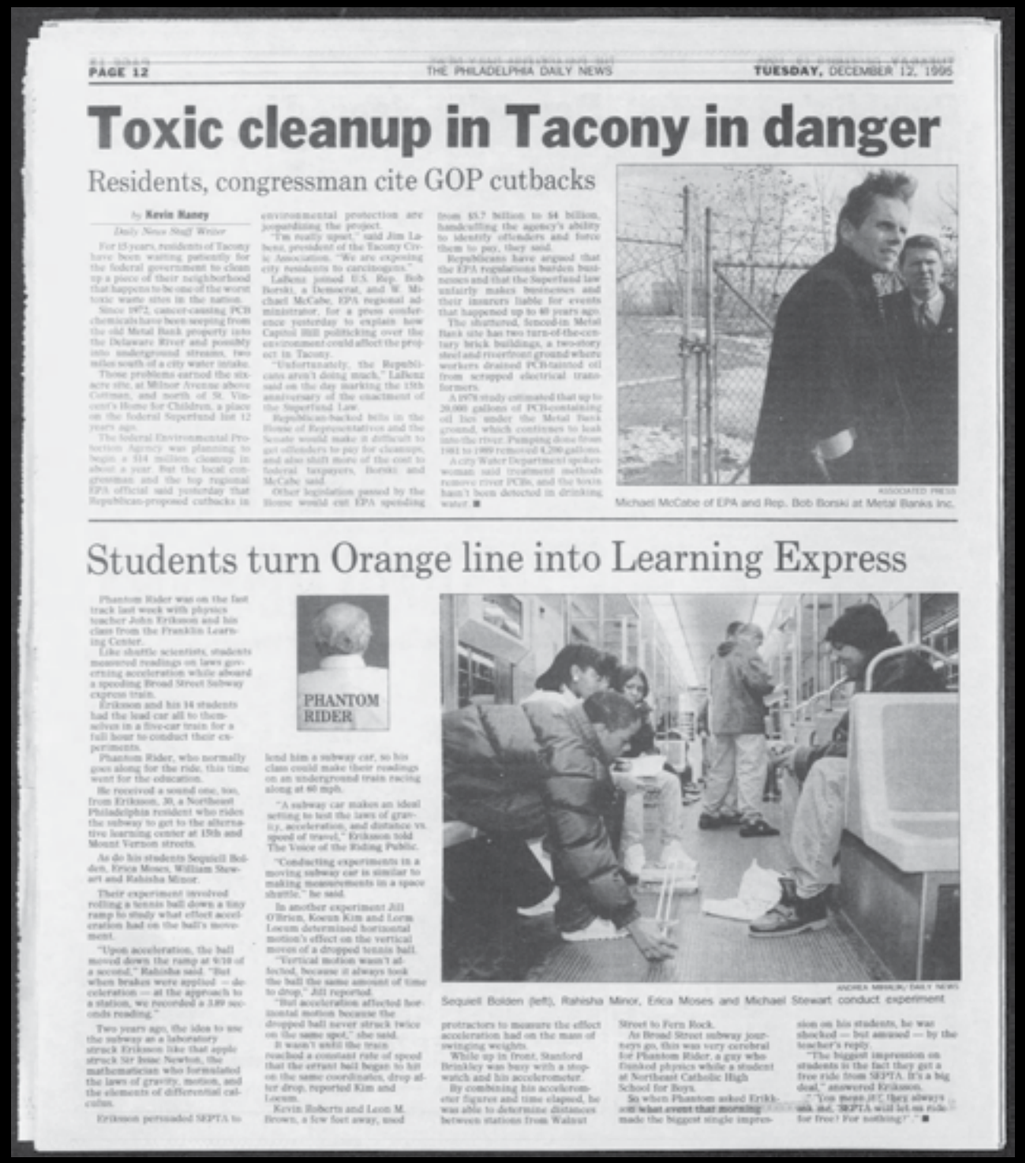
Their disgust with the program and its administrator, the Environmental Protection Agency, was heightened with each new allegation several months ago that the fund has been used as a political tool by EPA officials and the Republican administration.

"Hopes Buried in Fund"; 1983; Works Cited #32



PAGE 12 THE PHILADELPHIA DAILY NEWS TUESDAY, DECEMBER 12, 1995

Toxic cleanup in Tacony in danger

Residents, congressman cite GOP cutbacks

By Kevin Raney
Daily News Staff Writer

For 15 years, residents of Tacony have been waiting patiently for the federal government to clean up a piece of their neighborhood that happens to be one of the worst toxic waste sites in the nation.

Since 1972, cancer-causing PCB chemicals have been seeping from the old Metal Bank property into the Delaware River and possibly into underground streams, two miles south of a city water intake.

Those problems earned the 80-acre site, at Milnor Avenue above Cottman, and north of St. Vincent's Home for Children, a place on the federal Superfund list 12 years ago.

The federal Environmental Protection Agency was planning to begin a $14 million cleanup in about a year. But the local congressman and the top regional EPA official said yesterday that Republican-proposed cutbacks in environmental protection are jeopardizing the project.

"I'm really upset," said Jim Labenz, president of the Tacony Civic Association. "We are exposing city residents to carcinogens."

LaBenz joined U.S. Rep. Bob Borski, a Democrat, and W. Michael McCabe, EPA regional administrator, for a press conference yesterday to explain how Capitol Hill politicking over the environment could affect the project in Tacony.

"Unfortunately, the Republicans aren't doing much," LaBenz said on the day marking the 15th anniversary of the enactment of the Superfund Law.

Republican-backed bills in the House of Representatives and the Senate would make it difficult to get offenders to pay for cleanups, and also shift more of the cost to federal taxpayers, Borski and McCabe said.

Other legislation passed by the House would cut EPA spending from $5.7 billion to $4 billion, handcuffing the agency's ability to identify offenders and force them to pay, they said.

Republicans have argued that the EPA regulations burden businesses and that the Superfund law unfairly makes businesses and their insurers liable for events that happened up to 40 years ago.

The shuttered, fenced-in Metal Bank site has two turn-of-the-century brick buildings, a two-story steel and riverfront ground where workers drained PCB-tainted oil from scrapped electrical transformers.

A 1978 study estimated that up to 20,000 gallons of PCB-containing oil lies under the Metal Bank ground, which continues to leak into the river. Pumping done from 1983 to 1989 removed 4,200 gallons.

A city Water Department spokeswoman said treatment methods remove river PCBs, and the toxin hasn't been detected in drinking water. ■

ASSOCIATED PRESS

Michael McCabe of EPA and Rep. Bob Borski at Metal Banks Inc.

Students turn Orange line into Learning Express

Phantom Rider was on the fast track last week with physics teacher John Eriksson and his class from the Franklin Learning Center.

Like shuttle scientists, students mastered readings on laws governing acceleration while aboard a speeding Broad Street Subway express train.

Eriksson and his 14 students had the lead car all to themselves in a five-car train for a full hour to conduct their experiments.

Phantom Rider, who normally goes along for the ride, this time went for the education.

He received a sound one, too, from Eriksson, 30, a Northeast Philadelphia resident who rides the subway to get to the alternative learning center at 15th and Mount Vernon streets.

As do his students Sequell Bolden, Erica Moses, William Stewart and Rahisha Minor.

Their experiment involved rolling a tennis ball down a tiny ramp to study what effect acceleration had on the ball's movement.

"Upon acceleration, the ball moved down the ramp at 9/10 of a second," Rahisha said. "But when brakes were applied — deceleration — at the approach to a station, we recorded a 3.89 seconds reading."

Two years ago, the idea to use the subway as a laboratory struck Eriksson like that apple struck Sir Isaac Newton, the mathematician who formulated the laws of gravity, motion, and the elements of differential calculus.

Eriksson persuaded SEPTA to lend him a subway car, so his class could make their readings on an underground train racing along at 60 mph.

"A subway car makes an ideal setting to test the laws of gravity, acceleration, and distance vs. speed of travel," Eriksson told The Voice of the Riding Public.

"Conducting experiments in a moving subway car is similar to making measurements in a space shuttle," he said.

In another experiment Jill O'Brien, Koesm Kim and Lorn Locum determined horizontal motion's effect on the vertical moves of a dropped tennis ball.

"Vertical motion wasn't affected, because it always took the ball the same amount of time to drop," Jill reported.

"But acceleration affected horizontal motion because the dropped ball never struck twice on the same spot," she said.

It wasn't until the train reached a constant rate of speed that the errant ball began to hit on the same coordinates, drop after drop, reported Kim and Locum.

Kevin Roberts and Leon M. Brown, a few feet away, used protractors to measure the effect acceleration had on the mass of swinging weights.

While up in front, Stanford Brinkley was busy with a stopwatch and his accelerometer.

By combining his accelerometer figures and time elapsed, he was able to determine distances between stations from Walnut Street to Fern Rock.

ANDRES MINOR, DAILY NEWS

Sequell Bolden (left), Rahisha Minor, Erica Moses and Michael Stewart conduct experiment

As Broad Street subway journeys go, this was very cerebral for Phantom Rider, a guy who flunked physics while a student at Northeast Catholic High School for Boys.

So when Phantom asked Eriksson what event that morning made the biggest single impression on his students, he was shocked — but amused — by the teacher's reply.

"The biggest impression on students is the fact they got a free ride from SEPTA. It's a big deal," answered Eriksson.

"You mean it's not always like that, SEPTA will let us ride for free? For nothing?" ■

"Toxic Cleanup in Tacony in Danger"; 1995; Works Cited #12

SITE TO BE SEEN / Research Dossier

For 15 years, residents of Tacony have been waiting patiently for the federal government to clean up a piece of their neighborhood that happens to be one of the worst toxic waste sites in the nation.

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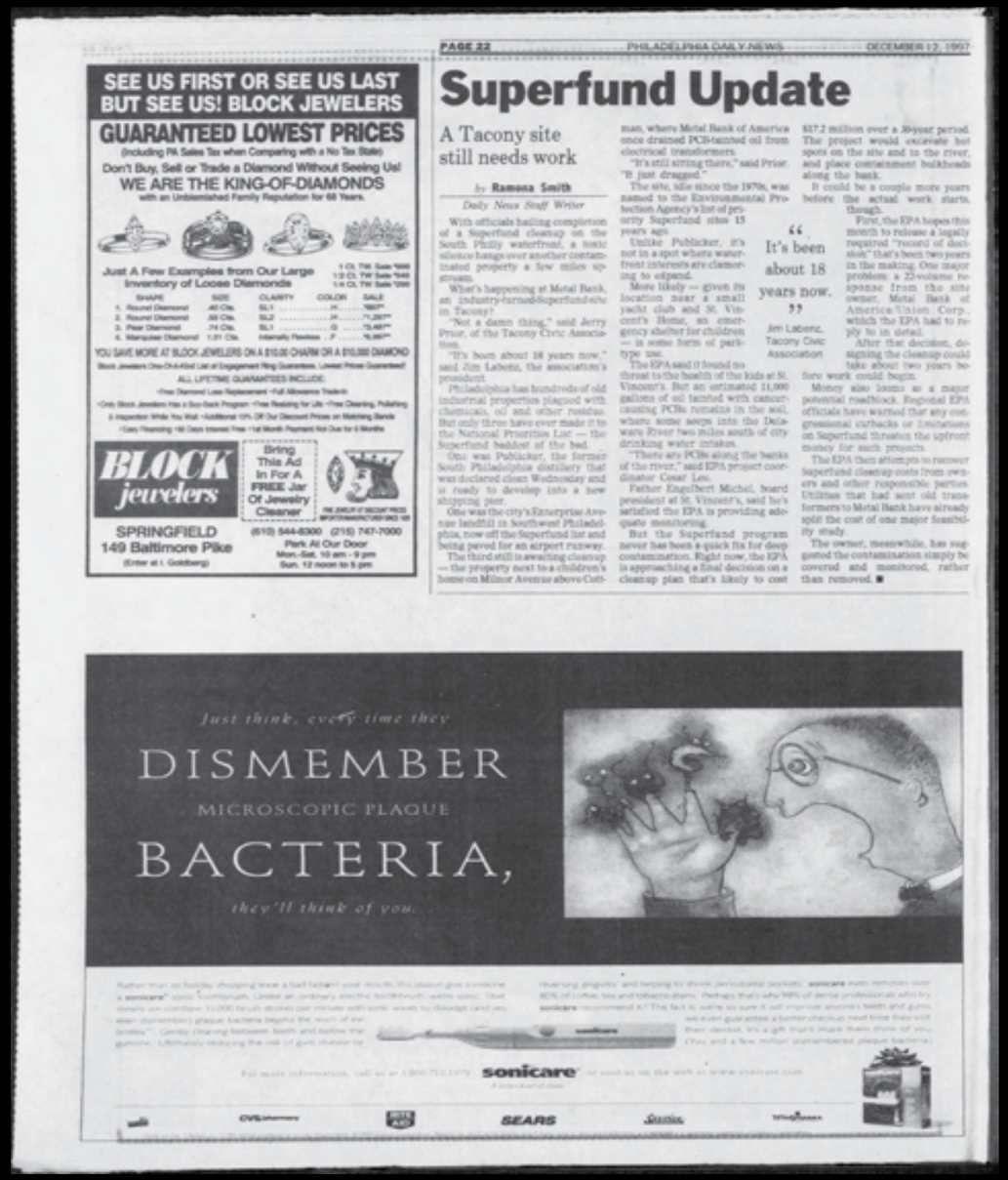
Environmental Impact



PAGE 22 PHILADELPHIA DAILY NEWS DECEMBER 12, 1997

Superfund Update

A Tacony site still needs work

by **Ramona Smith**
Daily News Staff Writer

With officials hailing completion of a Superfund cleanup on the South Philly waterfront, a toxic silence hangs over another contaminated property a few miles upstream.

What's happening at Metal Bank, an industry-turned-Superfund-site in Tacony?

"Not a damn thing," said Jerry Prior, of the Tacony Civic Association.

"It's been about 18 years now," said Jim Labenz, the association's president.

Philadelphia has hundreds of old industrial properties plagued with chemicals, oil and other residue. But only three have ever made it to the National Priorities List — the Superfund baddest of the bad.

One was Publicker, the former South Philadelphia distillery that was declared clean Wednesday and is ready to develop into a new shipping pier.

One was the city's Enterprise Avenue landfill in Southwest Philadelphia, now off the Superfund list and being paved for an airport runway.

The third still is awaiting cleanup — the property next to a children's home on Milnor Avenue above Cottman, where Metal Bank of America once drained PCB-tainted oil from electrical transformers.

"It's still sitting there," said Prior. "It just dragged."

The site, idle since the 1970s, was named to the Environmental Protection Agency's list of priority Superfund sites 15 years ago.

> "It's been about 18 years now."
> Jim Labenz, Tacony Civic Association

Unlike Publicker, it's not in a spot where waterfront interests are clamoring to expand.

More likely — given its location near a small yacht club and St. Vincent's Home, an emergency shelter for children — is some form of park-type use.

The EPA said it found no threat to the health of the kids at St. Vincent's. But an estimated 11,000 gallons of oil tainted with cancer-causing PCBs remains in the soil, where some seeps into the Delaware River two miles south of city drinking water intakes.

"There are PCBs along the banks of the river," said EPA project coordinator Cesar Lee.

Father Engelbert Michel, board president at St. Vincent's, said he's satisfied the EPA is providing adequate monitoring.

But the Superfund program never has been a quick fix for deep contamination. Right now, the EPA is approaching a final decision on a cleanup plan that's likely to cost $17.2 million over a 30-year period. The project would excavate hot spots on the site and in the river, and place containment bulkheads along the bank.

It could be a couple more years before the actual work starts, though.

First, the EPA hopes this month to release a legally required "record of decision" that's been two years in the making. One major problem: a 22-volume response from the site owner, Metal Bank of America/Union Corp., which the EPA had to reply to in detail.

After that decision, designing the cleanup could take about two years before work could begin.

Money also looms as a major potential roadblock. Regional EPA officials have warned that any congressional cutbacks or limitations on Superfund threaten the upfront money for such projects.

The EPA then attempts to recover Superfund cleanup costs from owners and other responsible parties. Utilities that had sent old transformers to Metal Bank have already split the cost of one major feasibility study.

The owner, meanwhile, has suggested the contamination simply be covered and monitored, rather than removed. ■

What's happening at Metal Bank, an industry-turned-Superfund-site in Tacony?
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"It's been about 18 years now," said Jim Labenz, the association's president.
The site, idle since the 1970s, was named to the Environmental Protection Agency's list of priority Superfund sites 15 years ago.

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"Superfund Update"; 1997; Works Cited #31

defendants' spills became commingled with all of the other oil, making any responsible defendant responsible for the entire clean up.

During 1972 and 1973, the USCG collected samples from the Site, including samples of the soil and of the oil spill. Initially, the USCG did not detect PCBs in the oil samples. In late 1972 and 1973, in response to recommendations made by the USCG, Metal Bank took limited actions to clean up its property. It performed some surficial clean up of the southern portion of the property where the concrete pad was located, placed "booms" out to contain and collect oil in the river and along the shoreline, installed cylindrical caissons to capture the oil as requested by the USCG, and covered the ground with clean soil. However, Metal Bank did not undertake any efforts at that time to clean up subsurface contamination or to prevent subsurface oil from migrating into the river. *(See* Gov. Ex. 62 at 4).

In the mid-1970s, in response to a USCG request that Metal Bank armor the shore, Metal Bank installed the lower rip rap, consisting of smaller pieces of rubble, broken bricks and concrete. (T. Tr. at IX-126). The lower rip rap was designed to stabilize the lower portion of the upper rip rap and to act as a buffer both for oil spills coming from the land toward the water and for oil that might come from the River toward the land. Thus, the lower rip rap likely was placed on top of oil that had not been recovered by the methodologies utilized by Metal Bank. At trial, although defense expert Dr. Kirk Brown did not agree that oil or oil residue is currently seeping from the Property through the lower rip rap, he opined that some oil could have been trapped by the lower rip rap installation and that the perceived oil sheens could be extractions of the oil deposit that are coming to the surface rather than seepage of oil trapped in subsurface areas of the Property bordered by the upper rip rap. (T. Tr. at IX-141).

In September 1977, in response to continuing concerns, the USCG and other government agencies re-analyzed the 1972 samples using more sophisticated analytical technology and detected the presence of PCBs in concentrations over 800 parts per million ("ppm"). *(See* Def. Ex. 53 at 1-4; Gov. Ex. 62 at 5; *see also* T. Tr. at I67). Analyses of soils and liquids samples at the Site detected the presence of PCBs at levels up to 1579 ppm. (See Def. Ex. 53 at 1-1-1-44). Based on these findings, EPA hired Roy F. Weston, Inc. ("Weston"), to define more fully the nature and extent of PCB contamination at the *371 Site. Weston conducted an investigation and documented its findings in two reports dated October 1978 and March 1980. (Def. Exs. 53 and 63). The 1978 Report showed that as many as 21,000 gallons of PCB-contaminated oil had pooled in the subsurface of the Cottman Avenue Property. The report concluded that this oil was releasing PCBs to the underlying groundwater and that PCBs from the Property were contaminating the Delaware River through oil and groundwater discharges. *(See* Def. Ex. 53 at 4-1).

07 At Metal Bank's request, Energy and Environmental Analysis, Inc. ("EEA") also investigated conditions at the Property. In its May 8, 1979 report, EEA estimated that the extent of the oil spill from the ruptured UST affected an area of approximately 75,000 square feet and

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Court notes: USA v Union Corp; 2003; Works Cited #16

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contained about 11,700 to 46,750 gallons of oil, and involved 115 to 460 pounds of PCBs. The EEA report also estimated that groundwater transporting oil to the Delaware River moved at the rate of 17,053 gallons per day. *(See* Gov. Ex. 151 at 6-7, 11, 23). On April 23, 1980, the United States filed suit seeking injunctive relief and costs. Based on a Hazard Ranking System score of 33.23, EPA listed the Site on the Superfund National Priorities List ("NPL") in 1983. *See* 48 Fed.Reg. 40669, 40673 (Sept. 8,1983).

07 (cont.)

D. Unsuccessful Remediation Attempt

On December 13, 1983, the court approved a Stipulation between the United States and Defendants that required Metal Bank to install and operate an oil recovery system until all recoverable oil was removed from the subsurface of the Site. Defendants hired Dr. Kleppinger to implement the system. The system consisted of three recovery wells, several oil separation units, and several 55-gallon drums containing activated carbon to treat groundwater. (T. Tr. at IV-40-48). The system removed most, but not all, of the subsurface oil at the Site. (T. Tr. at V-8, 260-261). In the late 1980s, defendants shut down the system and dismantled it, placing approximately one to two feet of clean fill material over the surface of the Southern Area. (T. Tr. at 1-91; IV-109). After eight years of remedial efforts, defendants took the position that all feasible remediation had occurred and that the clean-up had been successful in that all remaining oil was permanently trapped and posed no risk of migration to the Delaware River or to the area of the embayment.

However, the Government did not agree that the Site no longer posed a substantial hazard to human health or the environment. EPA monitoring in 1989 showed that despite eight years of groundwater pump and treat operations at the Site, a layer of PCB-contaminated oil at least three inches thick was still floating on the groundwater at some portions of the Site. (Gov. Ex. 644 at 9; Gov. Ex. 494 at X-XX-X-XX; Gov. Ex. 488 at 9). PCB concentrations measured in the oil layer were 1,539 ppm in 1977 prior to the oil recovery operation and almost the same, 1,540 ppm, in 1989 when the oil recovery operation was being terminated. (Gov. Ex. 488 at 17). On May 1991, EPA signed an Administrative Order by Consent with ten utilities, which had sent transformers to the Site and organized themselves as the Cottman Avenue PRP Group ("PRP Group"). Pursuant to the Administrative Order, the PRP Group conducted a Remedial Investigation/Feasibility Study ("RI") to define the nature, extent, and sources of contamination at the Site and to estimate the health and environmental risks associated with the contaminants at the Site.

The RI Final Report, dated October 14, 1994, documented widespread contamination by PCBs, TPH, PAHs and other hazardous substances at the Site. (Gov. Ex. *372 494). Pockets or layers of oil beneath the ground surface were found to contain PCBs at concentrations in the range of 520 ppm to 1,090 ppm. Courtyard Area soils at the ground surface and to a depth of approximately two feet were found during the RI to contain PCBs at concentrations

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they found measurable oil in 10 of the wells and piezometers, with the thickest measurement being 15 inches of oil in one of the piezometers. *(Id.* at Table 1). Defendants also excavated five trenches using a trackhoe and observed oil in all of the trenches except for Trench # 3, which was not fully excavated due to the presence of a gas line. *(Id.* at 36-43). A layer of oil approximately four inches thick was found floating on the groundwater in one of the trenches. *(Id.* at 38). In addition to measuring the oil thickness, Defendants tested for PCBs in the groundwater and oil underneath the property, as well as in a groundwater "seep" discharging at the base of the upper rip-rap into the mudflat area. *(Id.* at 6, 34-35). PCBs in groundwater were measured at levels up to 7.2 ppm; PCBs in oil were measured at levels up to 530 ppm; and PCBs in the groundwater seep were measured at a concentration of 0.22 ppb. *(Id.* at Tables 2 and 3).

In January 2002, EPA's consultants returned to the Site to sample mudflat sediments in the area on the western edge of the Site. Sediment samples yielded PCB concentrations up to 22.1 ppm, and samples of oily liquid that pooled in small holes excavated in the mudflat yielded PCB concentrations up to 360 ppb. (Gov. Ex. 499 at 10 (Table 3), 12 (Table 5)). Both the sediment and groundwater samples also showed significant levels of PAHs. *(Id.* at 11 (Table 4) and at 13 (Table 6); *see also* T. Tr. at 1-102-04). All Government (EPA) witnesses present during the January 2002 sampling event described a strong, oily, petroleum smell coming from the shallow holes dug to gather sediment samples. (Gov. Ex. 499 at 6; T. Tr. at I-105, 106-07).

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EPA's consultants again sampled mudflat sediments and groundwater on June 19, 2002. Analysis of these samples indicated the presence of dioxin-like PCB congeners, PAHs, volatile organic compounds ("VOCs"), semivolatile organic compounds ("SVOCs"), dioxins, and furans. (Gov. Exs. 688 and 642A; T. Tr. at I-116-24).

E. Nature of the Contamination

The Metal Bank Site is contaminated with PCBs, PAHs, SVOCs, VOCs, petroleum hydrocarbons ("TPH"), metals, dioxins, furans, pesticides and other hazardous substances. (Gov. Ex. 494 at Table 6-1; Gov. Ex. 488 at 14-27; T. Tr. at 163-65). The levels and scope of contamination have been documented in the RI/FS, the ROD, the PDI, the 2000 Trench Study and the mudflat data collected during 2002. (Gov. Ex. 717; T. Tr. at I-52-66).

1. PCBs

PCBs are a group of synthetic organic chemicals which were widely used in the United States because of their chemical stability and low reactivity. (Gov. Ex. 725 *375 at 1; Gov. Ex. 644 at 19). Each PCB molecule consists of a chlorinated biphenyltwo hexagonal rings of carbon atoms connected by a carbon-carbon bondcontaining from one to ten chlorine atoms attached in various locations. (Gov. Ex. 725 at 1). There are 209 different types or

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not require that all of the elements be satisfied, but rather, that under a totality of the circumstances, the evidence demonstrate that the parent exercised such pervasive control over the subsidiary that the subsidiary was merely the alter ego of the parent. *See Atlantic Richfield,* 847 F.Supp. at 1280-81; *see also Tonolli* 4 F.3d at 1222.

In addition, the test requires an element of "injustice or fundamental unfairness."

DeWitt

Truck Brokers, Inc. v. W. Ray Flemming Fruit Co., 540 F.2d 681, 687 (4th Cir.1976); *Atlantic Richfield,* 847 F.Supp. at 1280. A number of these factors can be sufficient to show such unfairness. *United States v. Pisani* 646 F.2d 83, 88 (3d Cir. 1981) (citing *DeWitt,* 540 F.2d at 687) (holding that "undercapitalization, coupled with disregard of corporate formalities, lack of participation on the part of the other stockholders, and the failure to pay dividends while paying substantial sums, whether by way of salary or otherwise, to the dominant stockholder, all fitting into a picture of basic unfairness, has been regarded fairly uniformly to constitute a basis for an imposition of individual liability under the doctrine.")).

The court finds that the control exercised by Union Corporation over the affairs of its subsidiary, Metal Bank, is sufficiently pervasive to justify piercing the corporate veil. Moreover, it would be fundamentally unfair to allow Union to circumvent liability for the environmental contamination that it helped to create, merely by shutting down its subsidiary. *See United States v. Carolina Transformer Co.*, 978 F.2d 832, 840 (4th Cir.1992) ("We are unwilling to hold that merely by splitting off the particular part of its operations that resulted in its environmental problems and shifting the remainder of its assets, employees, management, customers accounts and production methods to another corporation, an otherwise responsible corporation could all but completely wash its hands of its environmental liability."); *see also Board of Trustees of Teamsters Local 863 Pension Fund v. Foodtown, Inc.*, 296 F.3d 164, 171 (3d Cir.2002) (purpose of alter ego liability doctrine is, *inter alia,* to prevent an independent corporation from being used "to defeat the ends of justice" or "otherwise to evade the law.").

09

When Union bought Metal Bank's nonrealty business assets in 1968, Union knew the nature of Metal Bank's metal recycling operations and business. Union purchased the assets, correctly anticipating that Metal Bank would be a profitable company. Union systematically transferred funds from Metal Bank for the benefit of Union, through corporate charges and asset sale, ultimately weakening the subsidiary to the point where Union shut down its active operations, sold off its valuable assets, and paid off its creditors. In 1970 and 1971, Metal Bank contributed 55.39% and 78.58% respectively of Union's total net income.

Although it was Union's policy to own the properties on which its subsidiaries *390 operated, (Dep. of Robert Sabel, Feb. 15, 2002 at 15 (policy of Union to own properties)), in

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subsidiary's incorporation in 1968, Union's officers were also officers of Metal Bank. In addition, Union officers made weekly visits to the Cottman Site (T. Tr. at XII-38) to assess Metal Bank's operations and make recommendations. (Dep. of Robert Sabel, Feb. 19, 2002 at 23). Thus, Union knew that Metal Bank's operations were dependent upon the reclamation of copper cores from scrap electrical transformers and knew the manner in which this was done.

When, in two separate transactions in 1971 and 1972, Union purchased the assets of Hirtz Brothers, those assets included contracts for the Public Service Electric & Gas Company ("PSE & G") and with the Long Island Lighting Company ("LILCO") for the collection and recycling of scrap transformers and certain inventories at the Hirtz Brothers New Jersey facilities. Throughout the negotiations for the purchase of Hirtz Brothers, Mr. Sabel and Union intended that the Hirtz transformers would be shipped to the Cottman Site, where they would be recycled. (See Robert H. Sabel deposition transcript at 91-92 (June 7, 2002), U.S. Sum. J. Mem. Ex. 55). At trial, defendant Irvin Schorsch testified that obtaining the contracts with the two utilities "was really the heart of why this transaction was entered *392 into, ... [since it gave Metal Bank] access to these two providers of source material that [Metal Bank] didn't already have contracts with...." (T. Tr. at XII-79; Dep. of John B. Schorsch (Nov. 15, 2001) at 211).

Some of the transformers acquired from the two utilities contained dielectric fluids when employees of Hirtz Brothers and later, employees of Metal Bank, collected them for processing at the Site. (T. Tr. at IV-52-53). Dr. Edward W. Kleppinger, expert for the defense, admitted that the dielectric fluid would have contained hazardous substances, including chlorinated benzenes. (Expert Report of Edward W. Kleppinger, April 9, 2002, at 5). Chlorinated benzenes and PCBs are hazardous substances under CERCLA. *See* 40 C.F.R. § 302.4. These substances were released into the environment when Metal Bank employees spilled the contents of the transformers while processing them as previously described. The record shows that by the end of 1971, approximately 2516 transformers had been shipped to Metal Bank from PSE & G under the first Hirtz Brothers transaction. Between June of 1972 and October of 1973, 31 transformers were shipped from LILCO and approximately 6,844 transformer were shipped from PSE & G to the Site.

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c-1. Legal Analysis

Section 107(a)(3) of CERCLA imposes liability upon "any person who by contract, agreement, or otherwise, arranged for disposal or treatment ... of hazardous substances owned or possessed by such person...." 42 U.S.C. § 9607(a)(3). As with other provisions of the Act, § 107(a)(3) must be construed liberally to effectuate the "overwhelmingly remedial" purpose of the statute. *Florida Power & Light Co. v. Allis Chalmers Corp.*, 893 F.2d 1313 (11th Cir.1990); *see United States v. Northeastern Pharmaceutical & Chemical Co.*

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Fed.Reg. 39646, 39650 (July 30, 1996), T. Tr. at XII122, Federal Register notice introduced by the Government at trial). The "Notice of *406 Availability for Administrative Records of CERCLA Actions" cited the EPA identification number in connection with Metal Bank's Operable Unit 01 RI which began in 1991. *See id.* The State Road property was never the focus of an EPA-supervised clean-up. Therefore, the reference could only have been to the Cottman Site.

Federal courts have imposed penalties directly against corporate decisionmakers based on broad interpretations of RCRA provisions pertaining to owners or operators. *See NEPACCO*, 810 F.2d at 745 (reasoning that absolving those who actually make corporate decisions would be inconsistent with Congress intent to impose liability upon persons involved in the handling and disposal of hazardous substances). The court finds that Union, as an entity involved in and directly responsible for the corporate acts of its subsidiary, Metal Bank, is directly liable under RCRA. The court also finds that Union contributed to the endangerment posed by the contamination of the Site both in its capacity as owner and in its capacity as a corporate decisionmaker.

IV. CONCLUSION

For the foregoing reasons, the court finds that defendants John B. and Irvin G. Schorsch, Metal Bank, and Union Corporation are responsible parties within the meaning of CERCLA and RCRA for contamination of the Cottman Avenue Site. The court also finds that the Government has incurred response costs in connection with the contamination.

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NOTES

[1] Analysis under Pennsylvania law would be quite similar. *See Ashley v. Ashley*, 482 Pa. 228, 393 A.2d 637, 641 (1978) ("Th[e] legal fiction of a separate corporate entity was designed to serve convenience and justice ... and will be disregarded whenever justice or public policy demand and where rights of innocent parties are not prejudiced nor the theory of the corporate entity rendered useless.... We have said that whenever one in control of a corporation uses that control, or uses the corporate assets, to further his or her own personal interests, the fiction of the separate corporate entity may properly be disregarded.").

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At Metal Bank's request, Energy and Environmental Analysis, Inc. ("EEA") also investigated conditions at the Property. In its May 8, 1979 report, EEA estimated that the extent of the oil spill from the ruptured UST affected an area of approximately 75,000 square feet and contained about 11,700 to 46,750 gallons of oil, and involved 115 to 460 pounds of PCBs. The EEA report also estimated that groundwater transporting oil to the Delaware River moved at the rate of 17,053 gallons per day.

"Although these estimates assume that all of the oil came from Metal Bank's operations, even if a substantial portion came from upgradient sources as [the Metal Bank] defendants contend, the defendants' spills became commingled with all of the other oil, making any responsible defendant responsible for the entire clean up [under CERCLA's statutory scheme]." (Court Opinion at p. 8).

4. LEGAL HISTORY

On April 23, 1980, the United States, on behalf of the EPA, filed a civil suit against The Union Corporation, a New York Stock Exchange listed company, and two of the property's former owners, Irvin G. Schorsch, Jr. and his brother John B. Schorsch (collectively hereinafter "Metal Bank"). The Government sued under two statutes. The Resource Conservation and Recovery Act ("RCRA"), the Toxic Substances control Act ("TSCA"), which regulates PCBs, and also sought injunctive relief as well as costs of suit.

The case was assigned to Judge James T. Giles, who has presided over this case ever since. And in the interim has assumed the position of Chief Judge of the Federal District Court for the Eastern District of Pennsylvania.

In 1983, the EPA entered into a consent decree or Stipulation in which Metal Bank agreed to attempt to remediate the Site's contamination by constructing an oil recovery system to pump out and remove the oil.

On January 1989, pursuant to the Stipulation, Metal Bank petitioned the court to stop the oil recovery operation because it believed *that all* the oil had been recovered. In March of 1989 EPA collected samples from the monitoring wells on the Site. That sampling effort apparently showed that PCB-contaminated oil was still floating on the aquifer. (UEPA 1997 at p. 9). However, the Government did not agree that the Site no longer posed a Substantial hazard to human health or the environment. EPA monitoring in 1989 showed that despite eight years of groundwater pump and treat operations at the Site, a layer of PCB-contaminated oil at least three inches thick was still floating on the groundwater at some portions of the Site. (Court Opinion at p. 9). PCB concentrations measured in the oil layer were

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PCBs in the Delaware: A Thirty-One-Year Technical and Legal Odyssey; 2005;
Works Cited #4

12 (cont.)

1,539 ppm in 1977 prior to the oil recovery operation and almost the same, 1,540 ppm, in 1989 when the oil recovery operation was being terminated. On May 1991, EPA signed an Administrative Order by Consent with ten utilities, which had sent transformers to the Site and organized themselves as the Cottman Avenue PRP Group ("PRP Group"). Pursuant to the Administrative Order, the PRP Group conducted a Remedial Investigation/Feasibility Study ("RI") to define the nature, extent, and sources of contamination at the Site and to estimate the health and environmental risks associated with the contaminants at the Site. The RI Final Report, dated October 14, 1994, documented widespread contamination by PCBs, TPH, PAHs and other hazardous substances at the Site.

On June 12, 1989, the United States sought the Court's intervention in preventing a permanent shutdown of the recovery system. The Court denied that motion as moot, especially since the Government agreed with Metal Bank on a proposed order which extended the time in which EPA could conduct a final sampling effort until August 15. Those samples yielded an oil layer some 3 inches thick sitting on the groundwater in some portions of the Site. Curiously, the Government failed to pursue its displeasure with that ruling through the Court. Moreover, EPA ignored its remedies under the administrative process, which by 1989 was in full force, *e.g.*, EPA was initiating negotiations with the PRP group for performance of the RI.

Consequently, Metal Bank, believing that it had fulfilled the terms of the Stipulation and had settled the case, dismantled the oil recovery system, and under the Stipulation's terms negotiated with EPA to cover the Southern Area with fill and vegetated it. Additionally, Metal Bank repaired the fences around the Site and agreed to maintain them. Finally, the case remained on the suspense list until May 1998 when, after 28 years, the matter "was restored to the court's active trial docket in 1998, upon the Government's claim that remediation had failed or had not addressed all contamination concerns." (Court Opinion at 3).

In 1999, following reactivation of the case by its placement on the active trial list, the Government amended its complaint as follows: it dropped the TSCA claim; added a CERCLA count under that statute's §§ 107 and 113(b) to recover its cleanup costs, and under section 7003 of RCRA, 42 U.S.C. § 7003, which alleged that the Site posed an imminent and substantial endangerment to human health and the environment, and requested injunctive relief.

The case began to move. "Following extensive discovery and pre-trial proceedings, trial was phased as follows: Phase One would determine whether [the] defendants were liable and whether response costs were incurred by the Government; Phase Two would determine whether the

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Government's response costs, if any, were reasonable and recoverable, as well as the scope of any further remedial action; and Phase Three would determine the liability of the third party defendants [including the utilities that contracted with MBA to purchase the transformers, capacitors, and other scrap metal and the City of Philadelphia]. Trial of Phase One commenced August 19, 2002" and lasted six weeks. On January 21, 2003, in an 84-page opinion Chief Judge James T. Giles ruled on Phase One of the trial that the former and current site owners — Union Corporation, Metal Bank of America Inc., and former Metal Bank owners and officers Irvin G. Schorsch, Jr. and John Schorsch — are liable for EPA's costs related to the cleanup of the Site. He also rejected each and every one of the Defendants' theories and arguments.

4.1 The Court Action

Notwithstanding, on December 30, 1982, EPA initiated an administrative action under its Superfund authority, proposing for listing on the National Priorities List ("NPL") and a Remedial Project Manager was assigned. The Site was formally added to the list on September 8, 1983, with a Hazard Ranking Score ("HRS") of 33.23. (Federal Register 1983).

To the author's best information this is the first Government CERCLA case where two parallel tracks, an administrative action and a lawsuit, moved forward at the same time.

Under the administrative powers in 1987 EPA identified another 10 potentially responsible parties (PRPs) - in addition to the four defendants - all of which were utility companies who supplied transformers to Metal Bank. Under the leadership of one PRP company, the PRPs formed a steering committee, which they named the "Cottman Avenue PRP Group", and signed an agreement with EPA in 1991 on how to investigate the site. Metal Bank declined to join this group. (EPA 2003). Thereafter, beginning in 1991, the PRP group conducted a Remedial Investigation and a Feasibility Study.

5. NATURE OF THE CONTAMINATION

The Metal Bank Site is contaminated with PCBs, PAHs, SVOCs, VOCs, petroleum hydrocarbons ("TPH"), metals, dioxins, furans, pesticides and other hazardous substances. The contamination extends across the surface and subsurface soils on the Site, in Delaware River sediment and in an adjacent embayment, known as the mud flat. Additionally, PCB-laden oil has been identified in the Site's groundwater, which may be seeping into the

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Delaware River as a result of tidal wave movements underneath the Site. The levels and scope of contamination have been documented in the Remedial Investigation and Feasibility Study ("RI/FS"), the Record of Decision ("ROD"), the pre-design investigation ("PDI"), a Trench Study performed by the Metal Bank defendants in 2000, and mudflat data collected during 2002 by the Government's experts. (Court Opinion and ROD).

Furthermore, based on a risk analysis of these contaminants, EPA also found that recreational fishermen may be at risk from eating contaminated fish; future construction workers may be at risk from the PCBs in the oil beneath the site; as well as impacts on fish, bivalves and animals feeding in the mud flats.

In 1991, during the RI, a sample was collected from the southernmost – closest to the Delaware River – monitoring well, MW-6. Although EPA characterized the sample as located in the oil layer which was floating on the groundwater, that characterization may be incorrect. Nevertheless, the oil sample had a PCB concentration of 1,090 ppm. (ROD at p. 17). This sample, however, could not be replicated in the following years. In fact, EPA admits in the ROD that "[d]uring the 1992 sampling of MW6, the sampling technique used is likely to have disrupted any oil layer that may have been present. Only 7 ppb was detected in the oil layer while EPA's split detected 183 ppb. A bailer rather than a tube and low-yielding pump was used to purge the wells. Use of the bailer is likely to have dispersed any oil layer that may have been present and may have resulted in lowering the PCB levels in the oil. Previous PCB concentrations measured in the oil layer present at the Site are 1,539 ppm in 1977 prior to the oil recovery operation and 1,540 ppm in 1989 when the oil recovery operation was being terminated." (ROD at p. 17).

This author believes that even if *the bailer* disrupted or dispersed the oil layer, it is inconceivable that an oil sample would yield a result which is millions of percentage points lower, *i.e.*, 1539 ppm (1977) 1540 ppm (1989) 1,090 ppm (1991) 7 ppb and 183 ppb (EPA split) (1992). One inference which may be drawn from the precipitous drop in the concentration of PCBs over the course of the one year from 1991-92 is that the oil layer may have dissipated over the course of that year because the well was allowed to equilibrate. Alternatively, the decrease may be due to a lowering of the water table and the movement of oil through the porous urban fill that MW-6 is drilled through.

During the Remedial Investigation ("RI") in 1991, the PRP group's contractor drilled and installed 15 new monitoring wells as part of a hydrologic investigation. Of the 15 wells 7 were sampled in 1991 and all 15 were sampled in 1992.

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6. UNSUCCESSFUL REMEDIATION ATTEMPT

As noted previously, on December 13, 1983, the Court approved a Stipulation between the United States and Defendants that required Metal Bank to install and operate an oil recovery system until all recoverable oil was removed from the subsurface of the Site. As part of the consent decree the United States and the defendants agreed that the matter was settled, and that Metal Bank's remaining obligation was to complete the pump and recovery operation. Since the progress and/or completion of the remediation was a technical matter, the Court placed the matter in suspense, *i.e.*, no court action would be taken until the remediation was concluded. (Court Opinion at p. 9).

The Metal Bank Defendants hired an environmental consultant, who has a Ph.D. in chemistry education, to implement the system outlined by Weston in its 1980 report. However, he testified that the Weston plan was too costly and complicated. The consultant's system consisted of three recovery wells, several oil separation units, and several 55-gallon drums containing activated carbon to treat groundwater - which an EPA remediation engineer called a "Rube Goldbergish" contraption. The system removed most, but not all, of the subsurface oil at the Site. (Court Opinion at p. 9). Metal Bank's consultant argued that it was physically impossible to extract any more oil. He analogized the Site to an oil field, where, he asserted, only 33% of the oil was recoverable. However, this analogy is faulty at best. First, in oil fields the porosity is relatively uniform, whereas at the Site the fill's porosity is very heterogeneous. Second, the consultant did not consider that in oil field extraction operations, companies use secondary and tertiary recovery after primary recovery dwindles to a drip.

In the late 1980s, the Metal Bank Defendants shut down the system and dismantled it, placing approximately one to two feet of clean fill material over the surface of the Southern Area. (Court Opinion). After eight years of remedial efforts, the Defendants took the position that all feasible remediation had occurred and that the clean-up had been successful in that all remaining oil was permanently trapped and posed no risk of migration to the Delaware River or to the area of the embayment.

Pockets or layers of oil beneath the ground surface were found to contain PCBs at concentrations in the range of 520 ppm to 1,090 ppm. Courtyard Area soils at the ground surface and to a depth of approximately two feet were found during the RI to contain PCBs at concentrations up to 140 ppm.

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6.1 Samples Collected During the Remedial Investigation, 1991 - 1993

Moreover, surface, subsurface sediments and groundwater were still contaminated. In its Opinion, the Court highlighted contamination that was found both on and off the Site. For example, during the RI, Southern Area surface soils were found to contain metals, PCBs and SVOCs. The levels are shown in Table 1.

Table 1. Southern Area surface soils hazardous substances found during the RI to contain

•arsenic at concentrations up to 6.8 ppm
•copper at concentrations up to 149 ppm;
•lead at concentrations up to 220 ppm;
•PCBs at concentrations up to 4.7 ppm;
•total SVOCs at concentrations up to 11.8 ppm.

Similarly, during the RI Southern Area subsurface soils were found to contain PCBs, pesticides, VOCs, SVOCs and metals. Table 2 shows the levels of these hazardous substances.

Table 2. Southern area subsurface soils haza rdous substances found during the RI

•PCBs at concentrations up to 42 ppm;
•the pesticide 4,4'-DDD at concentrations up to 11 ppm;
•total VOCs at concentrations up to 907 ppm;
•total SVOCs at concentrations up to 2,008 ppm;
•arsenic at concentrations up to 21.1 ppm;
•lead at concentrations up to 227,000 ppm (or 22.7% of the sample)
•Mercury at concentrations up to 10.5 ppm.

Southern Area subsurface soils were also found to contain PCBs at concentrations up to 680 ppm, during the Pre-Design Investigation ("PDI"). Twenty-one sample locations contained PCBs in excess of 25 ppm; fifteen sample locations contained PCBs in excess of 50 ppm; and seven locations contained PCBs in excess of 100 ppm. A majority of the samples in excess of 100 ppm were located near the UST in the southwest corner of the Site.

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In addition, PCBs, VOCs, SVOCs, metals and other hazardous substances found in Groundwater at the Site during the RI are shown in Table 3.

Table 3. Hazardous substances in Groundwater at the Site found during the RI

•PCBs at concentrations in water up to 25.6 parts per bil lion ("ppb"), and at a concentration in a floating oil sample of 1,090 ppm
•total VOCs at concentrations up to 5.6 ppm
•total SVOCs at concentrations up to 22.7 ppm
•total pesticides at concentrations up to 61 .3 ppb
•arsenic at concentrations up to 369 ppb in unfiltered samples,
• arsenic at concentrations up to 67 ppb in filtered samples
•chromium at concentrations up to 288 ppb in unfiltered samples
• chromium at concentrations up to 102 ppb in filtered samples
•lead at concentrations up to 1,382 ppb in unfiltered samples
• lead at concentrations up to 7.6 ppb in filtered samples
•mercury at concentrations up to 22.2 ppb in unfiltered samples
• mercury at concentrations up to 0.9 ppb in filtered samples

Table 4 shows the levels of PCBs, SVOCs and lead (Pb), found during the RI in Sediments in the Delaware River adjacent to the Site.

Table 4. Hazardous substanc es found in Sediments in the Delaware River adjacent to the Site during the RI

•PCBs at concentrations up to 6.8 ppm;
•total SVOCs at concentrations up to 244 ppm;
•lead at concentrations up to 2,030 ppm.

6.2 Samples Collected During the Pre-Design Investigation in 1999

On June 26, 1998, the EPA issued an Administrative Order for Remedial Design and Remedial Action to the Defendants and the members of the PRP Group. In accordance with the Administrative Order, the PRP Group conducted a Pre-Design Investigation ("PDI") to collect engineering data in support of the design for the remedy and to further determine the scope of contamination. (Court Opinion). The PDI final report, issued on January 21, 2000, confirmed the existence of a layer of oil floating on the groundwater

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table beneath the Southern Area and further delineated the extent of PCB contamination at the Site. (Court Opinion). A measurable layer of oil ranging in thickness from 0.125 inches to 5.75 inches was detected in the southwest corner of the property.

Sediments in the mudflat and Delaware River were found to contain PCBs at concentrations of up to 6.1 ppm during the PDI. Out of a total of 45 samples, 11 contained PCBs at concentrations exceeding 1 ppm. Sediments in the mudflat area were also found during a January 2002 sampling event to contain PCBs at concentrations up to 22.1 ppm.

In the Courtyard Area, PCBs were detected in two of eleven samples, one of them at a concentration of 8.2 ppm and the other at 190 ppm. In the three areas of concern delineated within the Southern Area, PCBs at concentrations above the EPA cleanup action level of 25 ppm were detected in 38 out of 231 subsurface borings .(Court Opinion at p. 11). *See* Figure 4.

Figure 4. Remedial Investigation locations of soil borings/ test pits

The highest concentration, 680 ppm, was found in a soil sample taken from near the UST. Figure 5. shows the uncovered UST. Sediment samples taken from 45 locations in the River Sediments Area, including the mudflats had total PCB concentrations ranging from non-detect to 6.1 ppm.

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Figure 5. Uncovering the UST during the 1999 Pre -Design Investigation, note the oily (dark) quality of the subsurface soil

As part of the PDI, the combined sewer system located underneath Cottman Avenue was inspected and seven sediment samples were collected from inlet pipes leading into the sewer. Only one of them had a PCB concentration higher than the EPA cleanup action level of 1 ppm for sediments, and that concentration was 1.3 ppm.

During the summer of 2000, Defendants conducted a field study to look for the presence of Light Non-Aqueous Phase Liquids ("LNAPL") at the Site, issuing a report in September, 2000, entitled "Data Report, Cottman Site Investigation, July 2000" ("2000 Trench Study"). (Court Opinion at p. 11).

Based on the results obtained in the RI, EPA prepared a Proposed Plan for remediation at the Site, which it circulated for public comment in 1995. Following review of the comments received, EPA issued a Record of Decision ("ROD") in December, 1997. The ROD established PCB cleanup action levels at the Site and documented selection of the remedial action to be implemented. The PCB cleanup levels are shown in Table 5.

Table 5. ROD established PCB cleanup action levels at the Site

10 ppm in surface soils
25 ppm in subsurface soils
1 ppm in mudflat sediments

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is constructed on artificial fill, the specific flow pathways for the groundwater and oil flow are difficult to characterize. "The presence of chunks of concrete, bricks, wire, pipe and other material in the heterogeneous fill may offer preferential pathways for the migration of contaminants . . . The court finds that the oil has found, and continues to find, pathways from the ground and groundwater through the rip rap, upper and lower and into the beach and mudflat areas. Defendants have failed to show that the pollution in the mudflats was caused exclusively by a source other than the Cottman Avenue Site." (Court Opinion at 15). The defendants argued that an upgradient lampblack factory was responsible for the TPH, PAHs, and other contaminants.

The Court addressed this argument in the following way. "A lampblack factory was in operation on a neighboring property from 1849 until 1970. Lampblack is a fine powdery material produced by burning low grade oils, creosote, coal tar, anthracene oil and crude oil. During operations, coal tar and crude oils were stored in tanks on the property. Due to the absence of waste product controls, discharges of lampblack and raw materials used to manufacture it, possibly may have occurred into the area surrounding the factory, although there are no records of spills. However, the court finds that this possibility does not account for the PCBs, PAHs, and petroleum hydrocarbons at the Site and in the adjacent mudflat and river sediments. The topography of the area makes it improbable that contaminants from the lampblack factory migrated to the Site. An historic channel running southeast past the lampblack property would have provided a natural pathway to the Delaware River for any discharges from the factory and would not account for contamination of the southwest portion of the Site or for groundwater contamination there under . . . ." (Court Opinion at 15 - 16).

With regards to the City of Philadelphia's combined storm and sewage outfall at the foot of Cottman Avenue, the Court made the following finding: "Similarly, the court finds that the CSSO is not a significant source of contamination to the mudflats . . . If it were, the PCBs and other contaminants would be distributed across the mudflats and would not be concentrated in the area adjacent to the southwest corner of the property . . . Given the overwhelming evidence tracing the contamination of the Metal Bank Site to its own operations, the court is unpersuaded by Defendants' argument that background chemicals (naturally occurring or other non-site related chemicals) account for the contamination at the Site." (Court Opinion at 16).

Moreover, Judge Giles noted that the Aroclor testing does not account for the likely presence of dioxin-like PCB congeners at the Site. For instance, limited sampling in the mudflat sediments adjacent to the Site in

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2.1 The Courtyard Area

The Courtyard Area consists of an open area at the northern section of the property near Milnor Street. The buildings near the Courtyard Area were demolished in 1998.

2.2 The Southern Area

The Southern Area is an open area bordering the Delaware River where transformer-processing operations once took place. Historical aerial photos show that most of this area is located in what was once part of the Delaware River and was gradually filled in beginning in approximately 1950. Heterogeneous urban-fill material, most of which was placed before 1968, is about 15 feet thick. Its origin is unknown, but it contains construction debris, including chunks of concrete, brick, lumber, cloth and metal. (Court Opinion, 2003).

The Southern Area sits approximately 10 feet above Mean Sea Level, and most of it is located within the 100-year old floodplain. The outer edge of the Southern Area is steeply sloped, with large concrete blocks of material apparently placed for erosion control along approximately 550 feet of shoreline of the present-day Delaware River. This is the area known as the "upper rip rap." There is also a "lower rip rap" area sometimes referred to as the "beach." It consists of small heterogeneous fill material placed there as part of a clean-up response ordered by the United States Coast Guard following an "oil spill" in that area that occurred in 1972. (USEPA Record of Decision ("ROD"), December 1997).

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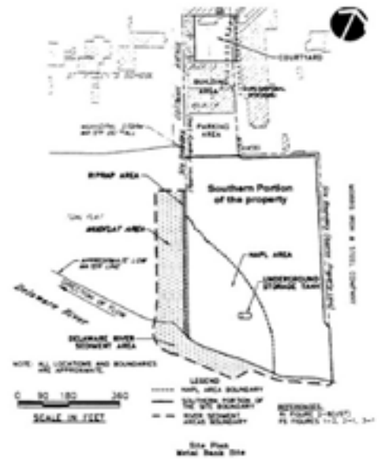

Figure 3. Plan View of the Metal bank Site, showing each of the Site's respective areas of concern

2.3 The Mud Flat and River Sediments Area

The River Sediments Area, located adjacent to the southern and western boundaries of the Property, includes both mudflat and river bottom. The Delaware River is tidal in the vicinity of the Site, with six to seven foot tides that reach maximum and minimum water levels every twelve hours. To the immediate west of the Property, the River forms a shallow embayment, which is completely submerged at high tide and which forms an exposed mudflat of five to seven acres in size at low tide. The mudflat consists primarily of fine silts and clays, with some occasional gravel in the subsurface, with the amount of gravel increasing closer to the border with the Metal Bank Site. The river bottom is composed of gravelly and sandy material, and it slopes gradually away from the Property. (Court Opinion, 2003).

The embayment is bordered to the north by St. Vincent's School - a former orphanage currently serving as a day-care center and an emergency shelter for at-risk children from the City of Philadelphia -- and to the west by the Quaker City Yacht Club, which serves as a boat launch for recreational boaters. A municipal combined stormwater/sewer outfall ("CSSO") owned

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by the City of Philadelphia is located at the foot of Cottman Avenue and empties into the northeastern corner of the embayment during and following periods of heavy rain. Groundwater underneath the Site flows into the Delaware River, generally from north to south. Depth of groundwater varies from seven to sixteen feet.

Recreational and subsistence fishing takes place in the Delaware River, approximately 200 yards south of the Site from a public access ramp that was formerly used for boat access but is now open only for fishing. On April 11, 2001, the Commonwealth of Pennsylvania issued a general statewide fish advisory for recreationally caught sport fish which advises the public to eat no more than one meal (approximately one half pound) of sport fish caught in the state's waterways per week. In addition, the Commonwealth has issued a more protective advisory for the Delaware River south of Yardley – approximately 20 miles north of the Site - advising the public to limit or avoid consumption of white perch, striped bass, carp, channel catfish, and American eel due to PCB contamination and to limit consumption of smallmouth bass due to mercury contamination. (Court Opinion, 2003).

3. SITE HISTORY

From 1968 to 1972, Metal Bank of America, Inc. ("MBA") recycled electrical transformers[6] purchased from utilities along the eastern seaboard for the reclamation of their copper cores and the recycling of their iron cases. As part of its recycling process Metal Bank drained oil from the used transformers on a concrete pad. The pad was angled towards the center and emptied into a 6,000 gallon underground storage tank ("UST"). The oil was periodically pumped out of the UST by a private contractor and was hauled from the Site and sold for industrial fuel purposes.

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The operation called for dismantling the used electrical transformers, emptying them of their oily liquid, and pulling their copper cores. The reclamation operations were very sloppy. Moreover, the Site operators did not regard the oil as posing any health risks and were not careful about the

[6]An electrical transformer generally has an iron or steel casin g, within which a core of wound copper wire is immersed in a dielectric fluid or oil that is used for insulation and cooling purposes. Dielectric fluids used included mineral oil, as well as fluids consisting primarily of polychlorinated biphenyls ("PCBs "). From 1968 or 1969 until 1973, the scrap electrical transformers processed by Metal Bank frequently contained PCBs, polyecylic aromatic hydrocarbons ("PAHs") and other semi-volatile organic compounds ("SVOCs"), volatile organic compounds ("VOCs "), metals and other hazardous substances.

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transformer draining and storage procedures. (Court Opinion). Oil dripped or spilled from leaking transformers as they were first unloaded at the Property. "Clam buckets" used to unload the transformers from the trucks, several at a time, sometimes ruptured transformers filled with oil that splashed onto the ground. The recycling operations led to oil releases in various locations on the property with the majority of the contamination in the vicinity of an underground storage tank which was used by Metal Bank to store the used transformer oil.

On the morning of August 3, 1972, the U. S. Coast Guard ("USCG") and inspectors from the Pennsylvania Department of Environmental Regulation ("PADER") responded to an oil spill in the Delaware River, approximately one-half mile to the west of the Metal Bank Site, in the vicinity of the Quaker City Yacht Club and traced its origin to the Cottman Avenue Property. (USEPA 1997). Numerous dead fish were reported. An inspection four days later revealed that the entire area near the bank of the Delaware River was saturated with oil, and areas were visible where oil had seeped through and poured over the bank of the Site into the river. (Court Opinion).

A Metal Bank employee observed oil floating in the river near the tank. He noticed that the level of oil in the tank would change at times when oil had neither been added nor pumped out. For example, if employees ceased work on Friday and capped the tank, they would return on Monday to find the tank overflowing if it had rained over the weekend.

When they then lowered a pump hose deep into the tank, they would pump water out of the bottom. The levels in the tank also rose when the tide was in, even if the tank was capped. (Court Opinion). The volume of oil observed entering the river at the Property indicated to the United States Coast Guard ("USCG") and to Pennsylvania Environmental inspectors that oil was flowing from the Site into the river, principally as a result of a leaking UST.

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Following the Coast Guard's identification of the UST as the source of the oil spill into the Delaware River in August of 1972, Metal Bank had the tank inspected. There is no documentation of a leak being found or repaired. However, Metal Bank admitted in subsequent litigation with its insurance company, that the tank was ruptured and leaking if it had not been convinced by its own investigation that this was so. The Court reasoned that MBA would not have made such an admission if it was not true.

MBA maintained that the spill was composed of bunker "C" oil, and that its source was either from an upstream facility or from an oil barge. (USEAPA 1997 at p. 8). However, in Phase I of the litigation the Court found that "[b]y inference [and] by a preponderance of the evidence … the

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tank did leak and was repaired during the tank inspection process." (Court Opinion at p. 7).

Subsequently, the USCG ordered Metal bank to perform numerous remedial measures, including laying booms along the river, cleaning up the spill and improving its housekeeping. Metal Bank also advised the USCG that it discontinued its transformer salvage operations. (USEPA 1997 at p. 8).

Following the oil spill the USCG collected samples from the Site, including samples of the soil and of the oil spill. The Coast Guard tested the oil using the best available technology of the time. Initially, it did not detect PCBs in the oil samples. In late 1972 and 1973, in response to recommendations made by the USCG, Metal Bank took limited actions to clean up its property. (Trial Court Opinion). It performed some surficial clean up of the southern portion of the property where the concrete pad was located, placed "booms" out to contain and collect oil in the river and along the shoreline, installed cylindrical caissons to capture the oil as requested by the USCG, and covered the ground with clean soil. However, Metal Bank did not undertake any efforts at that time to clean up subsurface contamination or to prevent subsurface oil from migrating into the river.

In the mid-1970s, in response to a USCG request that Metal Bank armor the shore, MBA installed the lower rip rap, consisting of smaller pieces of rubble, broken bricks and concrete. The lower rip rap was designed to stabilize the lower portion of the upper rip rap and to act as a buffer both for oil spills coming from the land toward the water and for oil that might come from the River toward the land. Thus, the lower rip rap likely was placed on top of oil that had not been recovered by the methodologies utilized by Metal Bank.

In September 1977, in response to continuing concerns, the USCG and other government agencies re-analyzed the 1972 samples using more recent and innovative analytical technology and detected the presence of PCBs in concentrations over 800 parts per million ("ppm"). Analyses of soils and liquids samples at the Site detected the presence of PCBs at levels up to 1579 ppm. Based on these findings, the USCG and EPA hired Roy F. Weston, Inc. ("Weston"), to define more fully the nature and extent of PCB contamination at the Site. Weston conducted an investigation and documented its findings in two reports dated October 1978 and March 1980. The 1978 Report showed that as many as 21,000 gallons of PCB-contaminated oil had pooled in the subsurface of the Metal Bank Site. The report concluded that this oil was releasing PCBs to the underlying groundwater and that PCBs from the Property were contaminating the Delaware River through oil and groundwater discharges. The 1980 report proposed a remediation plan.

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At Metal Bank's request, Energy and Environmental Analysis, Inc. ("EEA") also investigated conditions at the Property. In its May 8, 1979 report, EEA estimated that the extent of the oil spill from the ruptured UST affected an area of approximately 75,000 square feet and contained about 11,700 to 46,750 gallons of oil, and involved 115 to 460 pounds of PCBs. The EEA report also estimated that groundwater transporting oil to the Delaware River moved at the rate of 17,053 gallons per day.

"Although these estimates assume that all of the oil came from Metal Bank's operations, even if a substantial portion came from upgradient sources as [the Metal Bank] defendants contend, the defendants' spills became commingled with all of the other oil, making any responsible defendant responsible for the entire clean up [under CERCLA's statutory scheme]." (Court Opinion at p. 8).

4. LEGAL HISTORY

On April 23, 1980, the United States, on behalf of the EPA, filed a civil suit against The Union Corporation, a New York Stock Exchange listed company, and two of the property's former owners, Irvin G. Schorsch, Jr. and his brother John B. Schorsch (collectively hereinafter "Metal Bank"). The Government sued under two statutes. The Resource Conservation and Recovery Act ("RCRA"), the Toxic Substances control Act ("TSCA"), which regulates PCBs, and also sought injunctive relief as well as costs of suit.

The case was assigned to Judge James T. Giles, who has presided over this case ever since. And in the interim has assumed the position of Chief Judge of the Federal District Court for the Eastern District of Pennsylvania.

In 1983, the EPA entered into a consent decree or Stipulation in which Metal Bank agreed to attempt to remediate the Site's contamination by constructing an oil recovery system to pump out and remove the oil.

On January 1989, pursuant to the Stipulation, Metal Bank petitioned the court to stop the oil recovery operation because it believed *that all* the oil had been recovered. In March of 1989 EPA collected samples from the monitoring wells on the Site. That sampling effort apparently showed that PCB-contaminated oil was still floating on the aquifer. (UEPA 1997 at p. 9). However, the Government did not agree that the Site no longer posed a Substantial hazard to human health or the environment. EPA monitoring in 1989 showed that despite eight years of groundwater pump and treat operations at the Site, a layer of PCB-contaminated oil at least three inches thick was still floating on the groundwater at some portions of the Site. (Court Opinion at p. 9). PCB concentrations measured in the oil layer were

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23 In 1972, Congress passed the Clean Water Act with broad bipartisan support. President Richard Nixon vetoed the bill, but within a day Congress overturned the veto, and the bill became law.

24 The law made it illegal to dump any pollutant into waterways without a permit from the EPA and set wastewater standards for industry. It also offered up billions of dollars to cities and states to upgrade their sewage treatment plants, requiring municipalities to use biological science to treat their waste before discharging it into the river.

As an avid fisherman, Joe Newton says even a decade in, he could see a change.

"By '80, '82, there was a huge difference," he said. "Absolute huge difference."

Today the Delaware is popular for recreation. Here a member of the Delaware River Fishermen's Association fishes for catfish in Bucks County. (Kimberly Paynter/WHYY)

The water started looking cleaner, and the fish slowly started to return — shad, herring, all sorts of bass. These days, you can catch striped bass that are nearly 40 pounds.

"In this river, that's amazing," he said. "In the ocean? Common. But not out here. We had the best shad run I think I've ever seen this past season on the Delaware River."

But the law wasn't an overnight success. It took decades of work, more than a trillion dollars, and lots of trial and error before the Clean Water Act lived up to its name.

p. 10
"The Death of the Delaware River"; 2019; Works Cited #7

A photo from 1966 showing hot, smelly liquid pouring into the Delaware River from a nearby factory. (Temple Archives)

Sewage breeds bacteria in the water, and that bacteria effectively gobbles up all the oxygen, leaving little to none for the fish and other aquatic life in the river.

"With more and more and more people, over time it became an increasing problem," Kreeger said, "until something had to be done because everything was dying because of lack of oxygen."

By 1964, about a million pounds of waste was going into the river every day, and more than 60 percent of that was coming from sewage treatment plants, with cities like Philadelphia, Camden and Wilmington contributing the most. In 1964, the bacteria count at Philadelphia's water intake at Torresdale was 39,300 per 100 mL.

25

But it wasn't just sewage. There was also blood from slaughterhouses, oil from refineries like Gulf Oil and Sun Oil, and toxic waste from chemical companies like Rohm and Haas and Dupont. Acidic industrial waste lowered the pH of the river for several miles above and below the Pa.-Del. state line.

Almost none of the waste entering the river was disinfected, so it contained high levels of bacteria — again, eating up all of the oxygen.

p. 5
"The Death of the Delaware River"; 2019; Works Cited #7

In 1925, waste from the March Packing Co., a slaughterhouse, spilled into the Bridgeport Canal, which flowed into the Schuylkill River. Organic waste like this ends up depleting oxygen, leading to what is referred to as a "dead river" where fish can no longer survive. (PWD archival photo)

Former regional EPA manager Richard Pepino was studying biology in college in the 1960s. He remembers one of his professors sending his class onto the river to measure the oxygen levels.

"We were getting no readings," he said. "And so they said, 'Somebody's got to tell the professor the machine is broken.' The machine wasn't broken. There was no oxygen. How can you support an ecosystem where the amount of oxygen was too low to measure?"

The answer was: you couldn't. The dead zone on the river ran from Philadelphia to about 25 miles down river in Marcus Hook, Pa. That made it impossible for migratory fish like shad to breed. They would die on their journey upstream before they could lay their eggs in the upper Delaware.

26 Once plentiful caviar and sturgeon also disappeared. Combined with losses of shad and other fisheries, that spelled the death of a regional industry once worth hundreds of millions of dollars.

But even for people who didn't fish, Pepino said for decades, the river just wasn't a place people wanted to be.

p. 6
"The Death of the Delaware River"; 2019; Works Cited #7

Figure 4. Site Images of the Metal Bank
Upper Left – 03/24/1995
Upper Right – 12/31/2001
Lower Left – 08/24/2005
Lower Right – 04/11/2010

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Site image of Metal Bank: 1995, 2001, 2005, 2010; from 2014 EPA Preassessment Screen Determination.

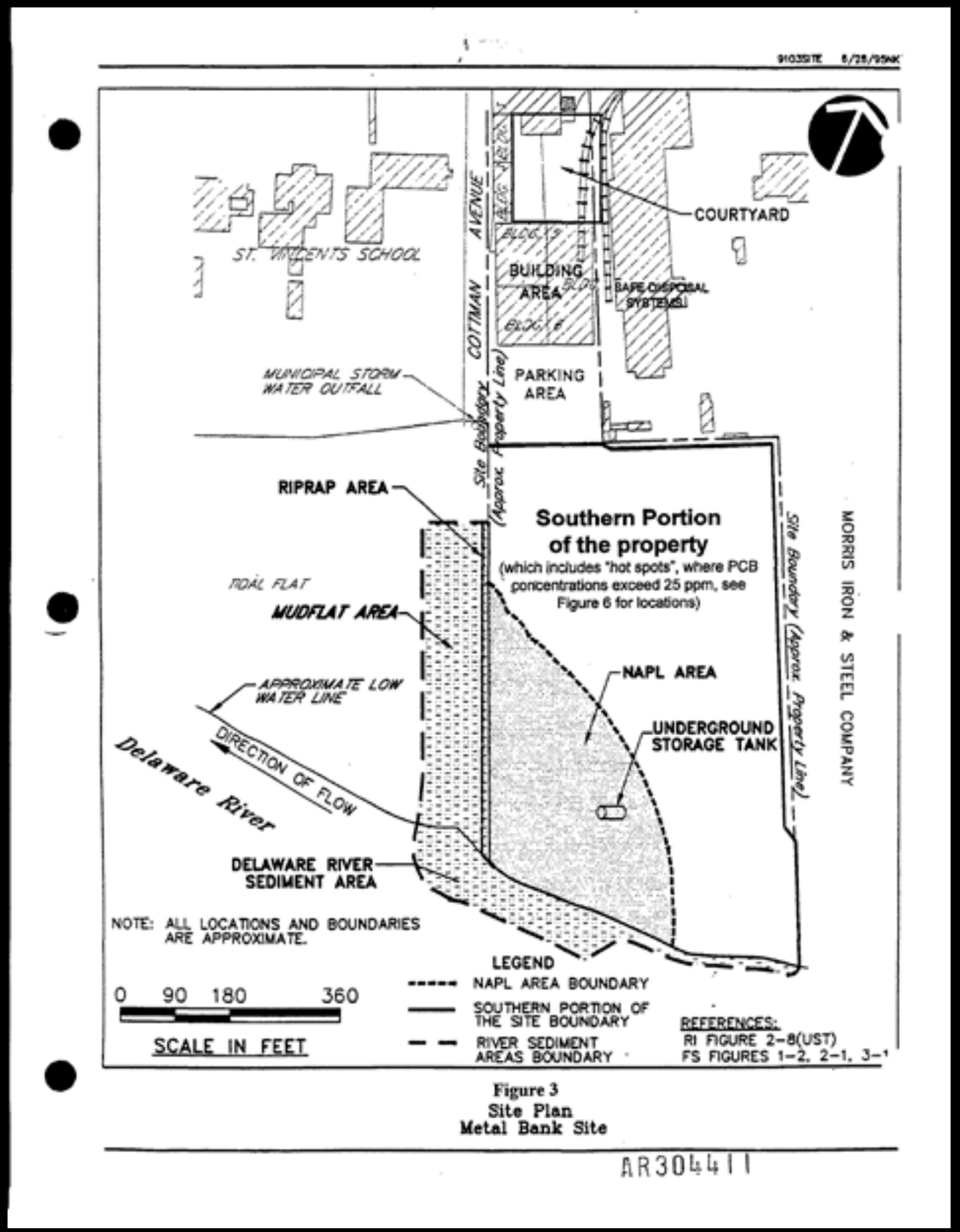


Figure 3
Site Plan
Metal Bank Site

AR304411

Site Plan of Metal Bank Site which illustrates areas of concern; from EPA 1997 Record of Decision.

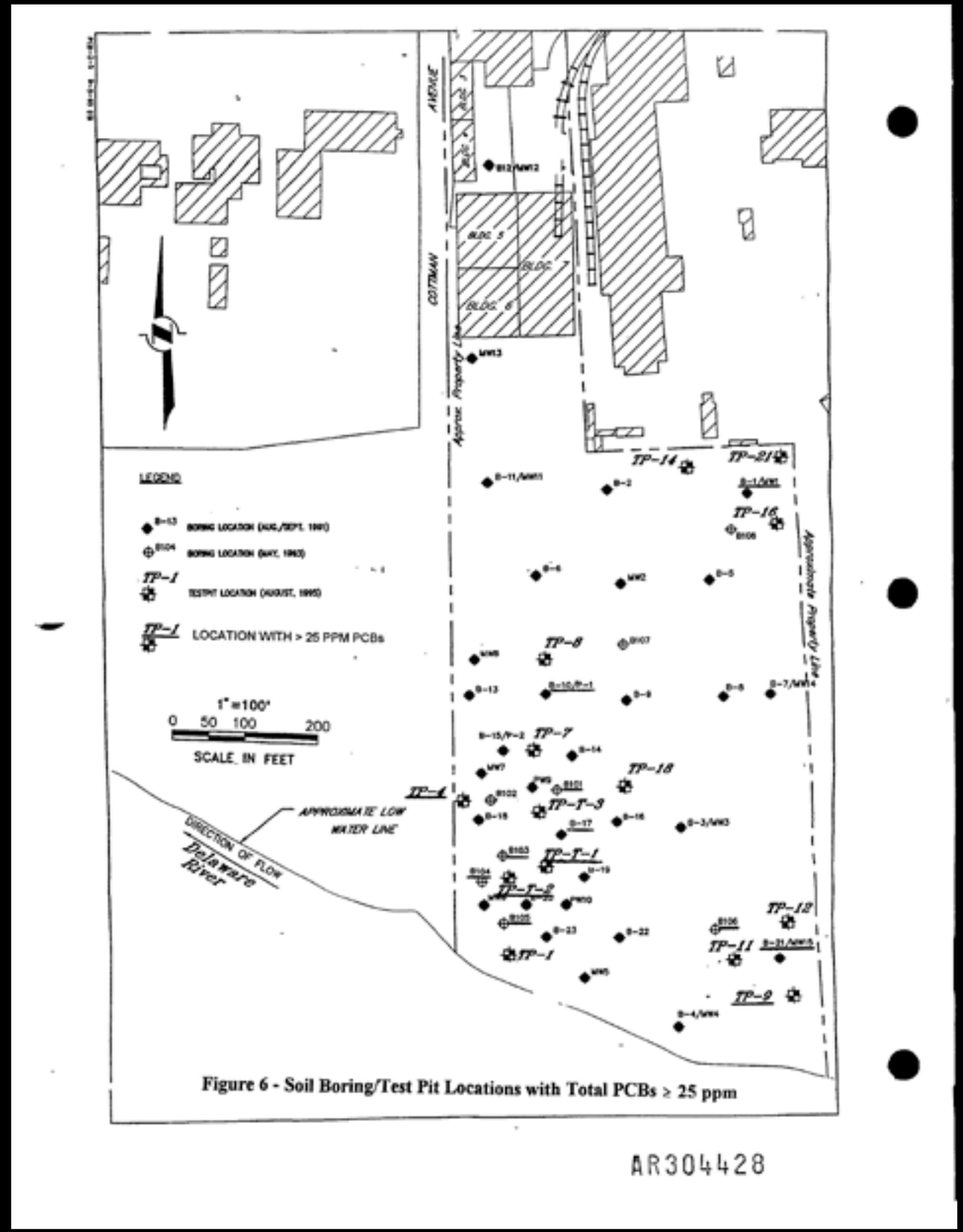
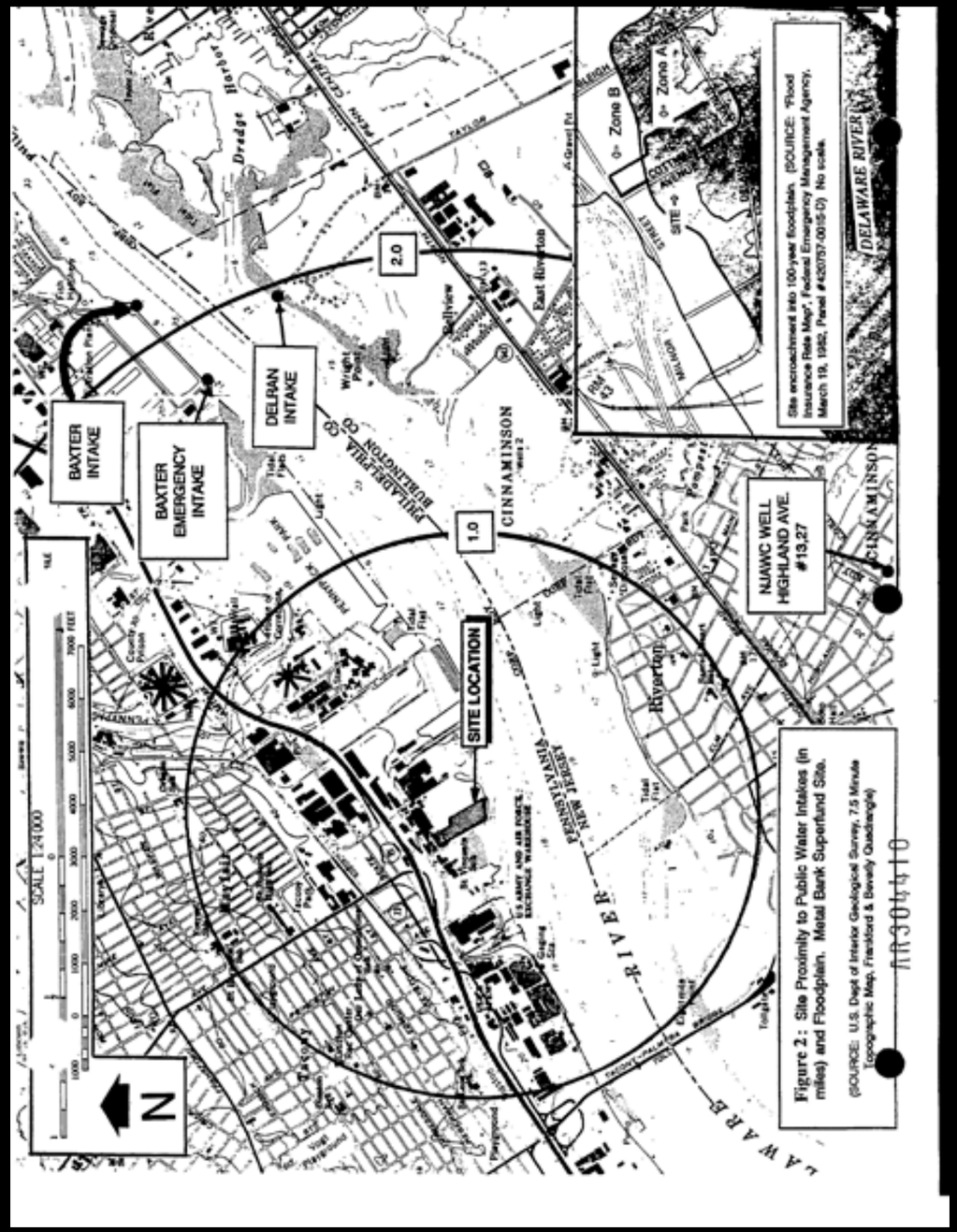


Figure 6 - Soil Boring/Test Pit Locations with Total PCBs ≥ 25 ppm

AR304428

Illustration of Soil Boring/Test Pit Locations with Total PCBs > 25 ppm; from EPA 1997 Record of Decision.

30



Map illustrating Site proximity to Public Water Intakes and Floodplain; from EPA 1997 Record of Decision.

31

EPA consultant photograph showing color and consistency of contaminated oil infused soil samples.

Photo 3: R6 material stockpile on top of crushed stone pad at end of site access road, facing northeast.

Photo 4: R6 material placement via long-reach excavator, facing west.

RAMBOLL ENVIRON

Site Photographs
Metal Bank NPL Site – Sheetpile Repair
7301 Minor St., Philadelphia, PA 19136
May – July, 2016

Page 2 of 10

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Site photos of sheetpile wall repair 2016; from EPA second five-year review of Metal Bank Site.

ENVIRONMENTAL IMPACT

MORE RESEARCH DOCUMENTS

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GLOSSARY

Alter Ego Liability Doctine
Legal doctrine whereby the court finds a corporation lacks a separate identity from an individual or corporate shareholder, resulting in injustice to the corporation's debtors.

Benzine
Any of various volatile flammable petroleum distillates used especially as solvents or as motor fuels.

Bunker "C" Oil
A residual fuel oil. Residual means the material remaining after the more valuable cuts of crude oil have boiled off. It is possible for this oil to spill during the process of 'bunkering' which is the supplying of fuel for use by ships.

Capacitors
A capacitor is a device that stores electrical energy in an electric field. It is a passive electronic component with two terminals.

CERCLA
Comprehensive Environmental Response, Compensation, and Liability Act. A federal law (commonly known as "Superfund") passed in 1980 and modified in 1986 by the Superfund Amendments and Reauthorization Act (SARA). The law gives EPA the authority to investigate sites where there is a suspected threat to public health or the environment caused by the release or potential release of hazardous substances. The law also created a special tax on the chemical and petroleum industries. Money was collected under the tax until 1995 and deposited into a trust fund to be used to clean up abandoned or uncontrolled waste sites. Under the law, EPA can pay for the site cleanup when the parties responsible for contamination cannot be located or are unwilling or unable to perform the cleanup. EPA can also take legal action to require parties responsible for site contamination to clean up the site or pay back the federal government for the cost of the cleanup.

CIP
A Community Involvement Plan is a document that assesses a community's concerns about a site, recommends activities that EPA may conduct to address these concerns, and suggests means to foster communication between EPA and the community.

Cleanup
An action taken to deal with a release or threatened release of hazardous substances that could adversely affect public health and/or the environment. The word cleanup is used to refer to both short-term removal actions and long-term remedial response actions at Superfund sites.

Cobalt
A chemical element with the symbol Co and atomic number 27. Like nickel, cobalt is found in the Earth's crust only in chemically-combined form, save for small deposits found in alloys of natural meteoric iron. The free element, produced by reductive smelting, is a hard, lustrous, silver-gray metal.

Consent Decrees
Legal documents, approved by a judge, that formalize agreements reached between EPA and potentially responsible parties (PRPs) through which PRPs will conduct all or part of a cleanup action at a Superfund site; cease or correct actions or processes that are polluting the environment; or otherwise comply with EPA-initiated regulatory enforcement actions to resolve the contamination at the Superfund site involved. The consent decree describes the actions PRPs will take and may be subject to a public comment period.

CSSO
Combined stormwater sewer outfall. Combined sewer systems are sewers that are designed to collect rainwater runoff, domestic sewage, and industrial wastewater in the same pipe. Combined sewer systems are designed to overflow occasionally and discharge excess wastewater directly to nearby streams, rivers, or other water bodies. They are a major water pollution concern for the approximately 772 cities in the U.S.

CWA
Clean Water Act. The law (also called the Federal Water Pollution Control Act) that established the programmatic and regulatory framework for restoring and maintaining the chemical, physical, and biological integrity of the nation's waters. The CWA generally prohibits discharges of oil and hazardous substances into coastal or ocean waters.

DARRP
Damage Assessment, Remediation, and Restoration Program. A multi-office program within NOAA involving the National Ocean Service, the National Marine Fisheries Service, and the Office of General Counsel. Formed in 1992 in the aftermath of the Exxon Valdez oil spill. Scientists, economists, and attorneys conduct natural resource damage assessments of and restoration projects for coastal and marine resources injured by oil and hazardous material releases.

Dielectirc Fluid
A fluid intended to be used in medium to extra high voltage applications, e.g. transformers, capacitors, high voltage cables, and switchgear (namely high voltage switchgear) and whose function is to provide electrical insulation, suppress arcing, and to serve as a coolant in such electrical application. PCBs were widely used as a dielectric fluid until they were banned.

Dioxins
A group of highly toxic chemical compounds that are harmful to health. They can cause problems with reproduction, development, and the immune system. They can also disrupt hormones and lead to cancer. Known as persistent environmental pollutants (POPs), dioxins can remain in the environment for many years.

Dissolved Oxygen
The level of free, non-compound oxygen present in water or other liquids. It is an important parameter in assessing water quality because of its influence on the organisms living within a body of water.

DNAPL
Dense Non-Aqueous Phase Liquid. A liquid that is both denser than water and is immiscible in or does not dissolve in water. The term DNAPL is used primarily by environmental engineers and hydrogeologists to describe contaminants in groundwater, surface water and sediments. DNAPLs tend to sink below the water table when spilled in significant quantities and only stop when they reach impermeable bedrock. Their penetration into an aquifer makes them difficult to locate and remediate.

DRBC

Delaware River Basin Commission. A federal-interstate agency created in 1961 by compact legislation signed into law by President John F. Kennedy and the governors of Delaware, New Jersey, Pennsylvania, and New York (the four basin states with land draining to the Delaware River). The Commission was formed in response to major water resource challenges requiring regional solutions: water supply shortages and disputes over the apportionment of the basin's waters, poor water quality, and devastating flooding. There was a lack of coordination and cooperation amongst state, interstate, and federal agencies, and it was realized that a regional organization was needed to properly and effectively manage the basin's water resources.

Electrical Transformers

A transformer is a passive electrical device that transfers electrical energy from one electrical circuit to another, or multiple circuits. An electrical transformer generally has an iron or steel casing, within which a core of wound copper wire is immersed in a dielectric fluid or oil that is used for insulation and cooling purposes.

Environment

CERCLA section 101(8) defines "environment" as "(A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Fishery Conservation and Management Act of 1976, and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States."

EPA

Environmental Protection Agency. A federal agency with the mission to protect human health and safeguard the environment. It has the responsibility of maintaining and enforcing national standards under a variety of environmental laws, in consultation with state, tribal, and local governments. It delegates some permitting, monitoring, and enforcement responsibility to U.S. states and the federally recognized tribes. President Richard Nixon proposed the establishment of EPA on July 9, 1970.

Exposure Pathways

Route or way in which humans or the environment may come into contact with contaminants.

Feasibility Study

A study that examines information provided by the remedial investigation activities and evaluates possible cleanup methods that can be used to remove or reduce contamination at a site.

Furans

Furan is a colorless, flammable, highly volatile liquid with a boiling point close to room temperature. It is soluble in common organic solvents, including alcohol, ether, and acetone, and is slightly soluble in water. [2] Its odor is "strong, ethereal; chloroform-like". [3] It is toxic and may be carcinogenic in humans. Furan is used as a starting point to other specialty chemicals.

Groundwater

The supply of fresh water found beneath the Earth's surface and in empty areas between rocks and soil particles. Groundwater is a major source of drinking water.

Hazardous Waste

A solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

HRS

Hazardous Ranking System. A measurement tool used to evaluate the risks to public health and the environment posed by a hazardous waste site. The HRS calculates a score based on the potential of a hazardous substance moving from the site through the air, water, or soil. EPA places sites with a HRS score of 28.50 or higher on the National Priorities List (NPL).

HSWA

Hazardous and Solid Waste Amendments. An Amendment to the RCRA that focused on waste minimization and land disposal of hazardous waste, making the enforcement standards more stringent.

Lamp Black

A finely powdered black soot deposited in incomplete combustion of carbonaceous materials and used chiefly as a pigment (as in paints, enamels, and printing inks) as well as a reinforcing filler in tires and other rubber products. It is dissimilar to soot in its much higher surface-area-to-volume ratio and significantly lower (negligible and non-bioavailable) polycyclic aromatic hydrocarbon (PAH) content.

LNAPL

Light Non-Aqueous Phase Liquids. A groundwater contaminant that is not soluble in water and has lower density than water, in contrast to a DNAPL which has higher density than water. Once a LNAPL infiltrates the ground, it will stop at the height of the water table because the LNAPL is less dense than water. Efforts to locate and remove LNAPLs is relatively less expensive and easier than for DNAPLs because LNAPLs float on top of the water in the underground water table.

Marine Mattresses

Rock-filled containers constructed of high-strength geogrid material. A common application for marine mattresses is bank protection for rivers and shorelines of protected bays and lakes.

Metal Bank

1962–1985, Metal Bank of America Inc. owned and operated a salvage yard adjacent to the Delaware River. The facility recycled scrap metal and electrical transformers from various utility companies.

Mudflat

A level tract lying at little depth below the surface of water or alternately covered and left bare by the tide.

NAPL

Non-Aqueous Phase Liquid. liquid solution contaminants that do not dissolve in or easily mix with water (hydrophobic), like oil, gasoline, and petroleum products. NAPLs tend to contaminate soil and groundwaters.

NCP

National Contingency Plan. A 1973 amendment to the Clean Water Act which would "provide for efficient, coordinated, and effective action to minimize damage from oil and hazardous substances discharges, including containment, dispersal, and removal of oil and hazardous substances." The NCP governs the actions of all federal agencies involved in responding to oil and hazardous material releases.

NOAA	The National Oceanic and Atmospheric Administration is an American scientific agency within the United States Department of Commerce that focuses on the conditions of the oceans, major waterways, and the atmosphere. They act on behalf of the public to protect and restore natural resources harmed by oil spills, releases of hazardous waste, and, in some instances, vessel groundings.
NPL	National Priorities List. The list of sites of national priority among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States and its territories. The NPL is intended primarily to guide the EPA in determining which sites warrant further investigation.
OLEM	Office of Land and Emergency Management. Provides guidance for the EPA's emergency response and waste programs.
OSRTI	Office of Superfund Remediation and Technology Innovation. Implements CERCLA.
PA DEP	The Pennsylvania Department of Environmental Protection (DEP) is the agency in Pennsylvania responsible for protecting and preserving the land, air, water, and public health through enforcement of the state's environmental laws. The Department is responsible for all aspects of environmental protection, and the regulation of mining operations.
PAH	Polycyclic aromatic hydrocarbons. PAHs are a class of chemicals that occur naturally in coal, crude oil, and gasoline. They also are produced when coal, oil, gas, wood, garbage, and tobacco are burned. PAHs generated from these sources can bind to or form small particles in the air. Naphthalene, phenanthrene, and 2-methylnaphthalene are among the PAHs that have been found in the soils and sediments at the (7301 Milnor St Superfund) Site.
PCB	Polychlorinated biphenyl, a class of chemicals previously used in manufacturing that remain in the environment for many decades, accumulate in living creatures, and pose health hazards to humans, wildlife, and fish. An oil used in the cooling process within electrical transformers. Its use was banned in the U.S. in 1979.
PPB	Parts per billion. A unit of measurement for PCB concentration levels.
PPM	Parts per million. A unit of measurement for PCB concentration levels.
RCRA	The Resource Conservation and Recovery Act (RCRA) gives EPA the authority to control hazardous waste from cradle to grave. This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also set forth a framework for the management of non-hazardous solid wastes. The 1986 amendments to RCRA enabled EPA to address environmental problems that could result from underground tanks storing petroleum and other hazardous substances.
Reclamation	[A] The act or process of reclaiming. Restoration to use. [B] The cultivation of waste land or land formerly under water.

Remediation	The action of remedying something, in particular of reversing or stopping environmental damage.
RI	Remedial Investigation; Remedial Investigation/Feasibility Study ("RI") to define the nature, extent, and sources of contamination at a contaminated site and to estimate the health and environmental risks associated with the contaminants at the site.
Riprap	Also known as rip rap, rip-rap, shot rock, rock armor, or rubble, is man-placed rock or other material used to armor shorelines, streambeds, bridge abutments, pilings, and other shoreline structures against scour and water, wave, or ice erosion.
RODs	Records of Decision. Issued by the EPA to explain which cleanup methods will be used at Superfund Sites.
SARA	Superfund Amendments and Reauthorization Act. An amendment to CERCLA after six years of implementation. SARA increases the trust fund capacity, reinforces standards and requirements, encourages liability and community feedback, and provides additional support and structure to the initial CERCLA policy.
Sheet Pile Wall	Steel sheet piles are long structural sections with a vertical interlocking system that create a continuous wall. The walls are often used to retain either soil or water. The ability of a sheet pile section to perform is dependent upon its geometry and the soils it is driven into. The pile transfers pressure from the high side of the wall to the soil in front of the wall.
Solid waste	Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities.
Superfund	A fund that can be used to finance cleanup actions at hazardous waste sites. The fund was established under the legislative authority of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) with funds received largely from a tax levied on the chemical and petroleum industries. EPA's authority to collect the tax expired in 1995 and fund monies are being depleted. Fund monies can be used by EPA to respond directly to releases or threatened releases of hazardous substances that may endanger public health, welfare, or the environment. The term "Superfund" also may refer to the EPA programs which conduct cleanups using these fund monies.
Superfund Site	An uncontrolled or abandoned place where hazardous waste is located, possibly affecting local ecosystems or people. Sites are listed on the National Priorities List for evaluation and cleanup by the U.S. Environmental Protection Agency.
SVOCs	Semi-volatile organic compounds (SVOCs) are a subgroup of VOCs that tend to have a higher molecular weight and higher boiling point temperature than other VOCs.

TEF	Toxic equivalency factor expresses the toxicity of dioxins, furans, and PCBs in terms of the most toxic form of dioxin. The toxicity of the individual congeners may vary by orders of magnitude. With the TEFs, the toxicity of a mixture of dioxins and dioxin-like compounds can be expressed in a single number: the toxic equivalency (TEQ).
Toxic Substance	The Toxic Substances Control Act of 1976 provides EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics, and pesticides.
TPH	Total petroleum hydrocarbons. A term used to describe a large family of several hundred chemical compounds that originally come from crude oil. Crude oil is used to make petroleum products, which can contaminate the environment.
TSCA	Toxic Substances Control Act. The Toxic Substances Control Act of 1976 provides EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics and pesticides.
UST	Underground storage tank. In the case of the Metal Bank Superfund Site, the UST was a 6,000 gallon underground storage tank meant to hold oil which was drained from used transformers.
VOCs	Volatile organic compounds (VOCs) are compounds that easily become vapors or gases. VOCs are released from burning fuel such as gasoline, wood, coal, or natural gas. They are also released from many consumer products like cigarettes and solvents.

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SITE TO BE SEEN / Research Dossier

This Research Dossier is presented by RAIR in 2020 as part of *Site to be Seen: Concepts for and from the Superfund* supported by The Pew Center for Arts & Heritage.

This is a public living document that begins to catalogue histories of the Superfund Site at 7301 Milnor. It is not meant to be a finished or final collection but rather one that can be added to, modified, and reinvented as needed by the future user.

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The Dossier Editors thank the following project collaborators and supporters:

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Site to be Seen Advisors: **Kate Kraczon**, **Kaitlin Pomerantz**, **Legacy Russell**, **Mierle Laderman Ukeles**, and **Patti Phillips**
Louis Iatarola and **The Tacony Historical Society Riverfront North**
John Pettit and the **Temple University Urban Archives**

Site to be Seen has been supported by The Pew Center for Arts & Heritage.

The views expressed are those of the author(s) and do not necessarily reflect the views of The Pew Center for Arts & Heritage or The Pew Charitable Trusts.

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