

The New York Times/Keith Meyers

The NL Industries factory plant in Pedricktown in the southwestern part of the state

## Ban Lifted on NL Industries Plant Shut for Polluting

Special to The New York Times

PEDRICKTOWN, May 11—

The state's Department of Environmental Protection has agreed to permit an NL Industries plant here to resume operations under certain conditions after shutting it down last Friday, a department official said today.

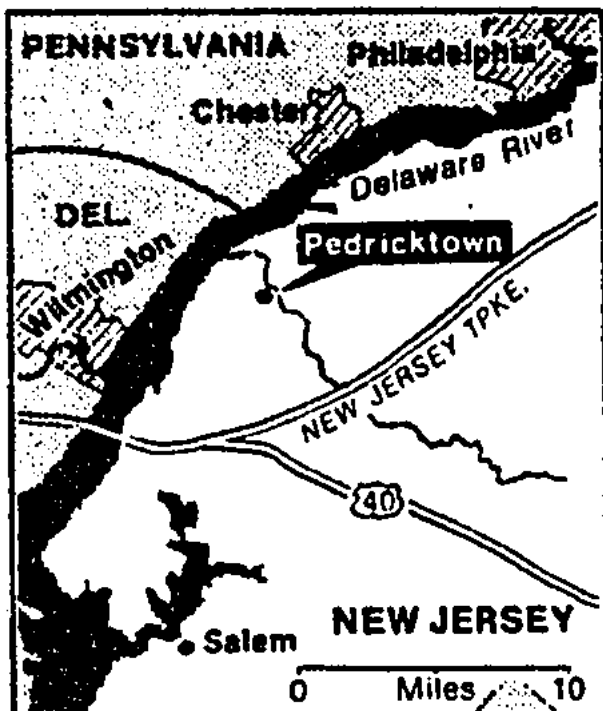
An NL official said the plant, with 92 employees, was expected to reopen Wednesday.

Edward Londres, supervisor of inspections and investigations for the Bureau of Air Pollution, said the department order to revoke the corporation's certificate to operate a reverberatory furnace in its plant here had been "based on a judgment that the furnace may be the cause of the problem" that local residents have complained about to the department for more than two years.

### Problem Described

The problem, as residents have described it, is an "orange fog" or mist that has enveloped various neighborhoods in this Salem County community 15 miles east of Wilmington. The residents say the fog appears at times almost weekly and usually at night.

Residents say they have seen the fog come from the stacks of the NL plant. They say the fog has left a substance that has eaten pin holes into paint on their cars and in the aluminum siding on their houses, has



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etched the windows of their property and has killed some foliage.

Until last week's order by the environmental department, state air pollution enforcement officials had said they could do nothing about the "orange fog" problem because they had to observe it from its source before they could do anything about it. They said they had not been able to view the mist because it usually formed at night for about an hour and a half, and none of their enforcement officials live close enough to the area to observe the fog before it dissipated.

George Tyler, special assistant to the director of the Division of Environmental Quality, said today that until last week inspectors also had difficulty in obtaining certain information from NL about its operations

and also had difficulty in gaining access to certain parts of the plant.

Mr. Tyler said that late last week after a full inspection of the plant, department inspectors had found that chloride materials were being emitted from the plant stacks and that these materials were not listed on the operating certificate for the furnace.

Mr. Londres said the department had not discounted its "speculation" that the orange residue damaging residents' property is a combination of lead oxide and sulfur dioxide, which when mixed with water vapor becomes sulfuric acid, a strong corrosive acid.

Mr. Londres said the department agreed late Monday to grant NL a new temporary operating certificate for the furnace on the condition that the corporation do several things: install an additional pollution control device in its plant, conduct extensive tests in conjunction with the Department of Environmental Protection on its stack emissions and on the efficiency of its pollution control devices and run an analysis of samples of raw materials it uses.

However, a lawyer for NL, a multinational corporation that owns Dutch Boy Paints, said that in granting a new operating certificate the department had "agreed to let us do what we have been trying to do all along" that is conduct tests.

Mr. Londres emphasized that the tests would be conducted "in conjunction with the department, that's the difference."

The lawyer for NL, who asked not to be identified, said the order to revoke the corporation's certificate to operate its furnace was "a drastic measure . . . that resulted in an immediate economic burden on NL and its workers without due process of law." He said it was "not feasible" for NL to operate its Pedricktown plant without the furnace.

The lawyer added that NL representatives "were prepared to obtain an immediate show cause order if the state had responded at our meeting Monday."

The lawyer and department officials said they could not estimate the cost of the additional pollution control device. Mr. Londres said it was not expensive, but that the tests would be expensive. "The attorney said the cost of shutting down the plant was "considerable." He reiterated that "it has not been shown" that NL is the source of the orange fog problem.

### U.S. Aide Comments

On Friday, Michael Pucci, an environmental engineer for the United States Environmental Protection Agency who monitors the state's air pollution enforcement activities for southern New Jersey said state officials had told him the order to revoke NL's furnace operating certificate came from state environmental Commissioner David Bardin. He said the commissioner had "hit the roof" after reading an account of the Pedricktown problems in The New York Times on May 2. Mr. Bardin could not be reached for comment.