
Formerly Utilized Sites Remedial
Action Program (FUSRAP)

Maywood Chemical Company Superfund Site

ADMINISTRATIVE RECORD

Document Number

MISS – 173



**US Army Corps
of Engineers®**

**State of New Jersey**

Department of Environmental Protection

DONALD T. DIFRANCESCO
Acting GovernorRobert C. Shinn, Jr.
CommissionerAllen D Roos, Project Manager
USACE, NY District
CENAN-PL-EA
26 Federal Plaza, Room 2043
New York, NY 10278-0090**AUG 16 2001**RE: FUSRAP Maywood Superfund Site
Engineering Evaluation/Cost Analysis for a Removal Action in Support of
NJDOT Roadway Improvement Projects

Dear Mr. Roos:

The New Jersey Department of Environmental Protection (NJDEP) is in receipt of the Engineering Evaluation/Cost Analysis (EE/CA) for a Removal Action in Support of NJDOT Roadway Improvement Projects at the FUSRAP Maywood Superfund Site dated July 2001.

NJDEP is normally afforded the opportunity to review draft versions of documents that will be presented for public comment. However, USACE has provided the final EE/CA to NJDEP at the same time as it was provided to the general public. NJDEP was advised of the rationale for this approach, but in the future, NJDEP would appreciate draft documents for review. That being said, NJDEP is submitting its comments within the public comment period established for the EE/CA, as follows.

GENERAL COMMENTS

1. Although NJDEP agrees that with the proposal to remediate the properties to "unrestricted use" for radioactive contamination, it does not necessarily agree with the cleanup criteria presented in the EE/CA. As identified in an April 19, 2001 letter from USEPA (enclosed), N.J.A.C. 7:28-12.8 is the site-specific cleanup criteria for the Maywood Site. In accordance with that letter, N.J.A.C. 7:28-12.8 should have been identified as an Applicable or Relevant and Appropriate Requirement (ARAR) in the EE/CA. It must be identified as an ARAR in the subsequent Action Memorandum.

SPECIFIC COMMENTS2. Section 1.3, p. 3

It is stated that The Route 17 Drainage Improvement project includes an area of U.S. Route 46. This is not accurate. It should have been explained that the drainage improvements on Route 46 are part of a different NJDOT project

proposed for the Route 46 and Main Street interchange in Lodi. It also should have been explained that the scheduling of this NJDOT project warranted the inclusion of additional property in the EE/CA.

3. Section 3.0, p. 13

The Remedial Action Objectives (i.e. the soil removal cleanup levels) must include N.J.A.C. 7:28-12.8.

4. Section 3.4, p. 14

a. N.J.A.C. 7:28-12.8 must be included in the list of applicable or relevant and appropriate requirements (ARARs).

b. The New Jersey Ground Water Quality Standards, N.J.A.C. 7:9-6, (NJGWQS) must be included as an ARAR.

5. Section 5.1.2.2, p. 19

This section should have discussed if and how the management of excavation-generated water will impact the environment.

6. Section 5.1.3.1

See Comment No. 4, above.

7. Section 6.0, p. 26

a. In the third paragraph, it is implied, but never directly stated, that the excavation-generated water will be discharged to ground water. Item 12 does not mention discharge to ground water at all. If this is USACE's intent, then it should have been clearly stated.

b. It is NJDEP's policy that the NJGWQS for radionuclides is the waste acceptance criteria for water discharged to a publicly owned treatment works from a contaminated site. The NJGWQS for radionuclides (and all chemical contaminants) also apply to a discharge to ground water.

8. Table 2, p. 36

See Comment No. 4, above.

9. Table 5, p. 39

Table 5 should have included the management of excavation-generated water.

If you have any questions regarding this letter, please contact me at (609) 633-1494.

Sincerely,



Donna L. Gulligan, Case Manager
Bureau of Case Management

Enclosure

C: Jenny Goodman, BER
Nancy Stanley, BER
Greg Rapp, BGWPA
Steven Byrnes, BGWPA
Angela Carpenter, USEPA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1868

August 20, 2001

Allan Roos
Project Manager
U.S. Army Corps of Engineers
Programs and Project
Management Division
26 Federal Plaza - Room 2108
New York, NY 10278-0090

Re: *Engineering Evaluation/Cost Analysis for a Removal Action in Support of NJDOT Roadway Improvement Projects at the FUSRAP Maywood Superfund Site, Maywood, New Jersey (July 2001)*

Dear Mr. Roos:

The Environmental Protection Agency (EPA) is in receipt of the U.S. Army Corps of Engineers (USACE) *Engineering Evaluation/Cost Analysis (EE/CA) for a Removal Action in Support of New Jersey Department of Transportation (NJDOT) Roadway Improvement Projects at the FUSRAP Maywood Superfund Site, Maywood, New Jersey (July 2001)*. The USACE is using its authority provided under Section 104(a)(1)(A) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) to conduct clean up actions at this site. Based on our review of this document, the proposed non-time critical removal action (removal of FUSRAP waste to unrestricted use criteria, transportation and permanent disposal of radiologically contaminated soils and debris on NJDOT affected properties) appears that it should be consistent with the overall strategy for remediation at the Maywood site. We do, however, have the following comments:

1. Page 4, ¶5 - This paragraph implies that the criteria for uranium-238 were developed by the EPA and agreed to by the Department of Energy (DOE). Please note that the uranium criteria were developed by the DOE subsequent to the resolution by EPA and the DOE of the radium-226 and thorium-232 cleanup criteria.
2. Page 4, ¶5 - This paragraph (and elsewhere, as noted in the comments below), states that the USACE proposes to remediate areas to "allow for unrestricted use with a soil cleanup level of an *average* (emphasis added) of 5 picocuries per gram (pCi/g) for thorium-232 and radium-226 combined above background and 50 pCi/g uranium-238 above background."

The EE/CA further states (see for example, Page 5, ¶4) that each area addressed in the removal action would be "subject to a final status survey (FSS)... [that would] follow an approach that is consistent with those presented in the Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM)." Therein lies a problem, if only in semantics. In order to establish that a cleanup criteria has been met using MARSSIM, laboratory tests must show that the average

concentrations for COCs are below the established cleanup criteria. This makes it possible to use a statistical approach to show that a clean up level has been achieved, given agreed upon data quality objectives and decision error probabilities. If the residual contamination levels meet the average clean up numbers cited in the EE/CA, they will not certify the remediated areas as clean under a MARSSIM FSS.

3. Page 4, ¶3 - In the last sentence please clarify what year the Stepan commissioned survey occurred. Additionally, this sentence implies that additional work is to be performed at the property located at 96 Park Way (this property has been addressed through previous removal actions). From information presented in the EE/CA it does not appear that NJDOT will be performing work at this property. Please clarify whether or not the property at 96 Park Way will be impacted by the NJDOT activities.
4. Page 9, ¶5 - See Comment #2.
5. Page 11, ¶5 - See Comment #2.
6. Page 13, last paragraph - See Comment #2.
7. Page 14, Section 3.4 - EPA believes that the substantive requirements of N.J.A.C. 7:28-12.8, New Jersey Remediation Standards for Radioactive Materials, should be considered as a potential "applicable or relevant and appropriate requirement" for this action in addition to those listed in this section.
8. Page 25, ¶2 - See Comment #2.
9. Page 36, Table A-2: See Comment #7.
10. Page 43, Figure 1: From the figure and the text in the EE/CA it is unclear as to whether or not all radioactively contaminated soils on each of the NJDOT impacted properties will be addressed. If portions of properties identified in this EE/CA will remain contaminated (e.g., areas where contamination exists but no NJDOT support activities are planned), EPA expects that the remaining portions of these properties will be addressed through the remaining soil operable unit record of decision.

Please forward the final EE/CA and signed action memorandum to this office, once they are prepared. If you have any questions on these comments please feel free to contact me at (212) 637-4433.

Sincerely,



Angela Carpenter, Project Manager
Federal Facilities Section

cc: D. Gaffigan, NJDEP
E. Simpson, DEPP-RIAB

Heather Broad
275 Eccleston Place
Maywood, NJ 07607
Tel: 201-845-6317

HAND DELIVERED 8/9/01

*REC'D AT 8/9 Public Information
Session*

August 9, 2001

Allen Roos
U.S. Army Corps of Engineers
Maywood Public Library, Trinkka Hall,
459 Maywood Ave
Maywood, NJ 07607

Dear Mr. Roos:

Enclosed is a copy of my letter of July 24, 2001 to acting Governor Donald T. Francesco along with copies of my letters of December 10th and 11th to Mark Godfrey, Bergen County Section Chief, Land Use Regulation Program, NJDEP, which are self-explanatory.

Please advise what action the USACE will take on the issues involved?

Please also place these documents in the Administrative Record.

Thank you.

Sincerely yours,

Heather Broad
Heather Broad

Encls.

Heather Broad
275 Eccleston Place
Maywood, NJ 07607
Tel:201-845-6317

CRR – P-506 340 718

July 24, 2001

Acting Governor Donald T. DiFrancesco
125 West State Street,
PO Box 001
Trenton, NJ 08625

Dear Governor DiFrancesco:

Enclosed are copies of my two letters to Mark Godfrey, Bergen County Section Chief, NJDEP Land Use Regulation Program, dated December 10th and December 11th, 2000.

I believe the contents of my letters are more than self-explanatory.

I have not heard a single word from Mr. Godfrey.

I request that you refer this matter for a complete investigation of NJDEP's activities in this area.

Please advise of your intentions after reading the letters and documentations.

Thank you.

Sincerely Yours,


Heather Broad

Cc USACE

EPA

Concerned Citizens of Maywood (CCM)

Heather Broad
275 Eccleston Place
Maywood, NJ 07607-1112
Tel: 201-845-6317

December 11, 2000

New Jersey Dept of Environmental Protection
Land Use Regulation Program
Box 439
Trenton, NJ 08625

Attn: Mark Godfrey, Bergen County Section Chief – Fax 609-292-8115

Dear Mr. Godfrey:

Re: Block 122, Lots 2, 3, 16, 17, 18, 19, 20 & 21
Borough of Maywood, Bergen County, New Jersey
Lapatka #99-127H --- My Fax dated December 10, 2000 to you.

Enclosed are some additional documents which will add to your knowledge of the conditions in the area of your examination:

1. NJDEP sites within one mile of 275 Eccleston Place (my property) Maywood.
2. NJDEP sites with 0.5 miles of Magnolia Ave. & Eccleston Place, Maywood.
3. Map of Zone X, which includes a good part of the property in the application for your letter of interpretation.
4. Our Town news article copy August 9th 1973 regarding flooding in the area.
5. Shopper News article September 3rd 1997 on drainage/flooding in the area.
6. Our Town article April 27, 2000 on drainage had always been a problem in the area before construction of Senior Center and playground – a problem that apparently still exists.
7. Two photos of the Senior Center corner; Duvier Place and West Magnolia across the street from Zechmeister property Lot 2 at start and during its construction, which should be of concern to you. If photos do not fax clearly, please advise and I will mail photos.

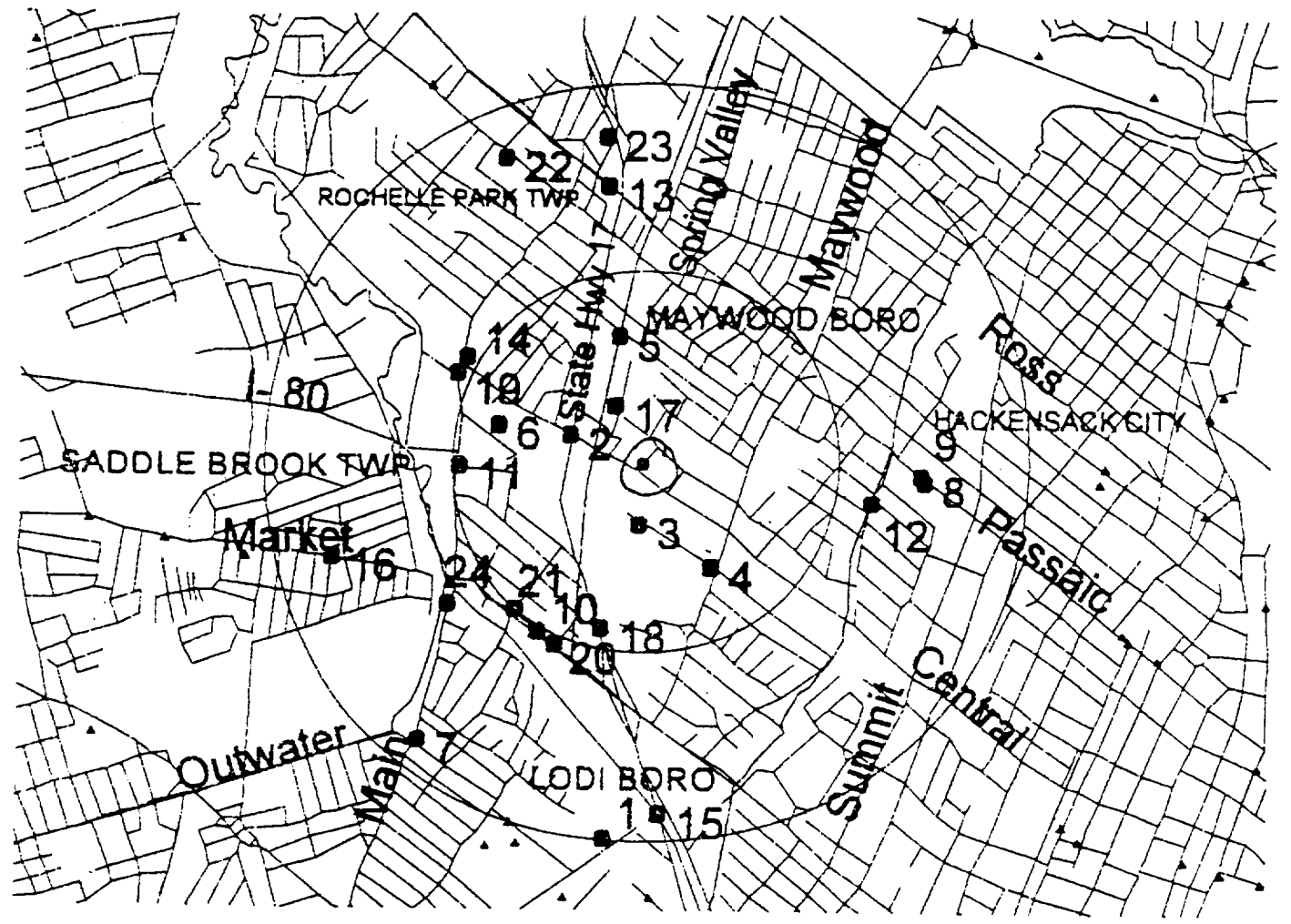
Please advise what action you plan to take on this whole matter.

Sincerely yours,

Heather Broad
HEATHER BROAD

revised 5/20/11
Postmarked 5/19/99

Sites within 1 mile of 275 Eccleston Pl., Maywood Boro



- 275 Eccleston Pl.
- Known Contaminated Sites within 1 mi
- ▲ Known Contaminated Sites
- △ Bergen Roads
- ▭ Municipalities
- ▭ Counties

CAUTION: the NJDEP provides this map for informal informational purposes only and makes no warranties or representations, implied or expressed, regarding its accuracy or completeness.

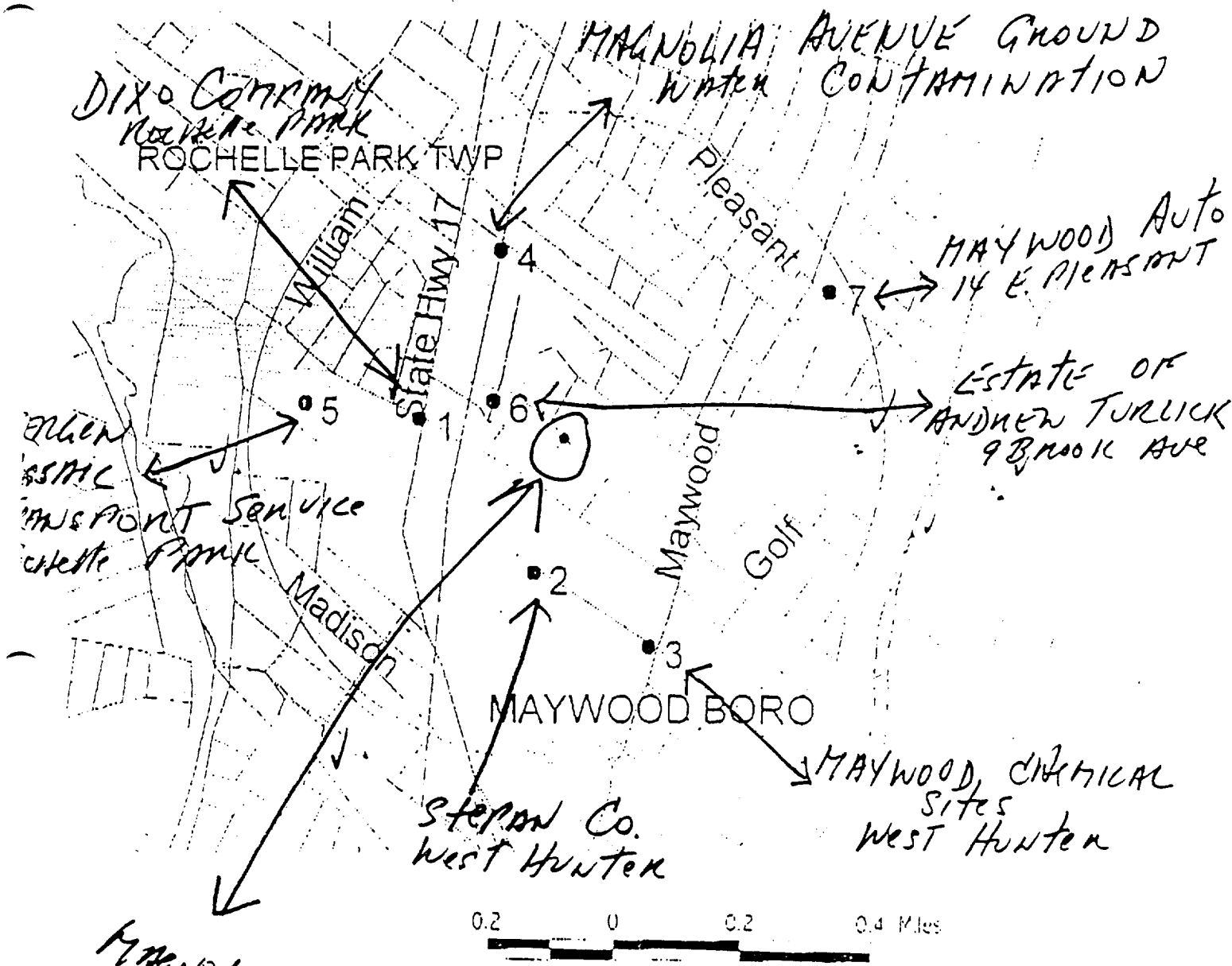
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id", "Case_id", "Status_dt", "Remedial_1"

- 1, INMONT CORPORATION, 200 GREGG ST, LODI BOROUGH, BERGEN, , BEECRA, LATLONG, N
JDC001288711, E85564, 19900827, D
- 2, DIXO COMPANY INCORPORATED, 158 CENTRAL AVE, ROCHELLE PARK TOWNSHIP, BERG
EN, 07662, BFO-M, ADDMATCH, NJD002009850, 9307184, 19920528, C2
- 3, STEPAN COMPANY, 100 WEST HUNTER AVE, MAYWOOD BOROUGH, BERGEN, , BFCM, ADDMA
TCH, NJD002011294, NJD002011294, 19941212, D
- 4, MAYWOOD CHEMICAL SITES, WEST HUNTER AVE, MAYWOOD BOROUGH, BERGEN, 07607, B
FCM, ADDMATCH, NJD980529762, NJD980529762, 19810924, D
- 5, MAGNOLIA AVENUE GROUND WATER CONTAM, MAGNOLIA AVE, MAYWOOD BOROUGH, BERG
EN, , BSM, LATLONG, NJD982273583, NJD982273583, 19920401, C3
- 6, BERGEN PASSAIC TRANSPORT SERVICE, 53 CENTRAL AVE, ROCHELLE PARK TOWNSHI
P, BERGEN, 07662, BUST, GPS, NJD986582187, 0051996, 19950727, B
- 7, EXXON SERVICE STATION LODI BOROUGH, 460 N MAIN ST, LODI BOROUGH, BERGEN,
07644, BUST, ADDMATCH, NJD986585032, 0089652, 19900604, C2
- 8, CHEVRON SERVICE STATION HACKENSACK CITY, 433 PASSAIC ST, HACKENSACK CIT
Y, BERGEN, , BUST, ADDMATCH, NJD986614634, 0001694, 19950816, C2
- 9, AVALON CONDOMINIUM ASSOCIATION, 446 PASSAIC ST, HACKENSACK CITY, BERGEN,
, BUST, LATLONG, NJL000040154, NJL600187918-001, 19910311, C2
- 10, HESS SERVICE STATION LODI BOROUGH, 110 ESSEX ST, LODI BOROUGH, BERGEN, 0
7644, BUST, ADDMATCH, NJL600043350, 0066891, 19900712, C2
- 11, PARKWAY GARDEN ASSOCIATES, 128 ROCHELLE AVE, ROCHELLE PARK TOWNSHIP, BE
RGEN, , BUST, ADDMATCH, NJL600106595, 0170408, 19910918, C2
- 12, SUBURBAN TERRACE CONDOMINIUM ASSOC INC, 400 ESPLANADE, HACKENSACK CITY
, BERGEN, 07601, BUST, ADDMATCH, NJL600137178, 0211574, 19910221, B
- 13, LAIDLAW TRANSIT INCORPORATED, 15 PLEASANT AVE, PARAMUS BOROUGH, BERGEN,
07652, BUST, ADDMATCH, NJL800004053, 0073181, 19930726, C2
- 14, MOBIL SERVICE STATION ROCHELLE PARK, 230 ROCHELLE AVE, ROCHELLE PARK T
OWNSHIP, BERGEN, , BUST, GPS, NJD986573566, , 19930531, C2
- 15, NJ DEPARTMENT OF TRANSPORTATION LODI TWP, RTE 17 & GREGG ST, LODI BORO
UGH, BERGEN, , BFO-N, ADDMATCH, NJD982184780, , 19940505, C2
- 16, GULF SERVICE STATION SADDLE BROOK TWP, 131 MARKET ST, SADDLE BROOK TOW
NSHIP, BERGEN, 07662, BFCM, GPS, NJL600031876, 9503112, 19930929, C2
- 17, 9 BROOK AVENUE, 9 BROOK AVE, MAYWOOD BOROUGH, BERGEN, 07607, BUST, GPS, NJL
600190045, NJL600190045-001, 19940719, C2
- 18, SUNOCO SERVICE STATION LODI BOROUGH, RTE 17 N, LODI BOROUGH, BERGEN, 076
44, BUST, GPS, NJL600165641, 0261470, 19901001, C2
- 19, NJ BELL TELEPHONE ROCHELLE PARK TOWNSHIP, CENTRAL & ROCHELLE AVES (MA
NHOLE 306), ROCHELLE PARK TOWNSHIP, BERGEN, 07662, BUST, GPS, NJP000302208, NJ
L600194377-001, 19920924, C2
- 20, FRAPPAUL CONSTRUCTION COMPANY, 124 ESSEX ST, ROCHELLE PARK TOWNSHIP, BER
GEN, 07662, BUST, GPS, NJD008913550, NJD008913550-001, 19940706, C2
- 21, CITGO SERVICE STATION ROCHELLE PARK TWP, 88 ESSEX ST, ROCHELLE PARK TO
WNSHIP, BERGEN, 07662, BFCM, GPS, NJL600188924, 940795, 19940719, C1
- 22, AT&T TECHNOLOGIES INCORPORATED, 75 PASSAIC ST, ROCHELLE PARK TOWNSHIP,
BERGEN, 07662, UNK SO, GPS, NJD106795156, , 19921027, C3
- 23, MOBIL SERVICE STATION PARAMUS BOROUGH, RTE 17 S & GERTRUDE AVE, PARAMU
S BOROUGH, BERGEN, 07652, BUST, ADDMATCH, NJD986586857, 0092748, 19911010, C2
- 24, MOBIL SERVICE STATION LODI BOROUGH, 660 MAIN ST, LODI BOROUGH, BERGEN, ,
BUST, MAP~, NJL800281792, , 19970114, B

5/12

KNOWN Contaminated Sites

sites within 0.5 miles of Magnolia Ave. & Eccleston Pl., Maywood Boro



Magnolia Ave.
& Eccleston Pl.

[HENRY BROAD LIVES
ON
Eccleston Place]

EXH-E

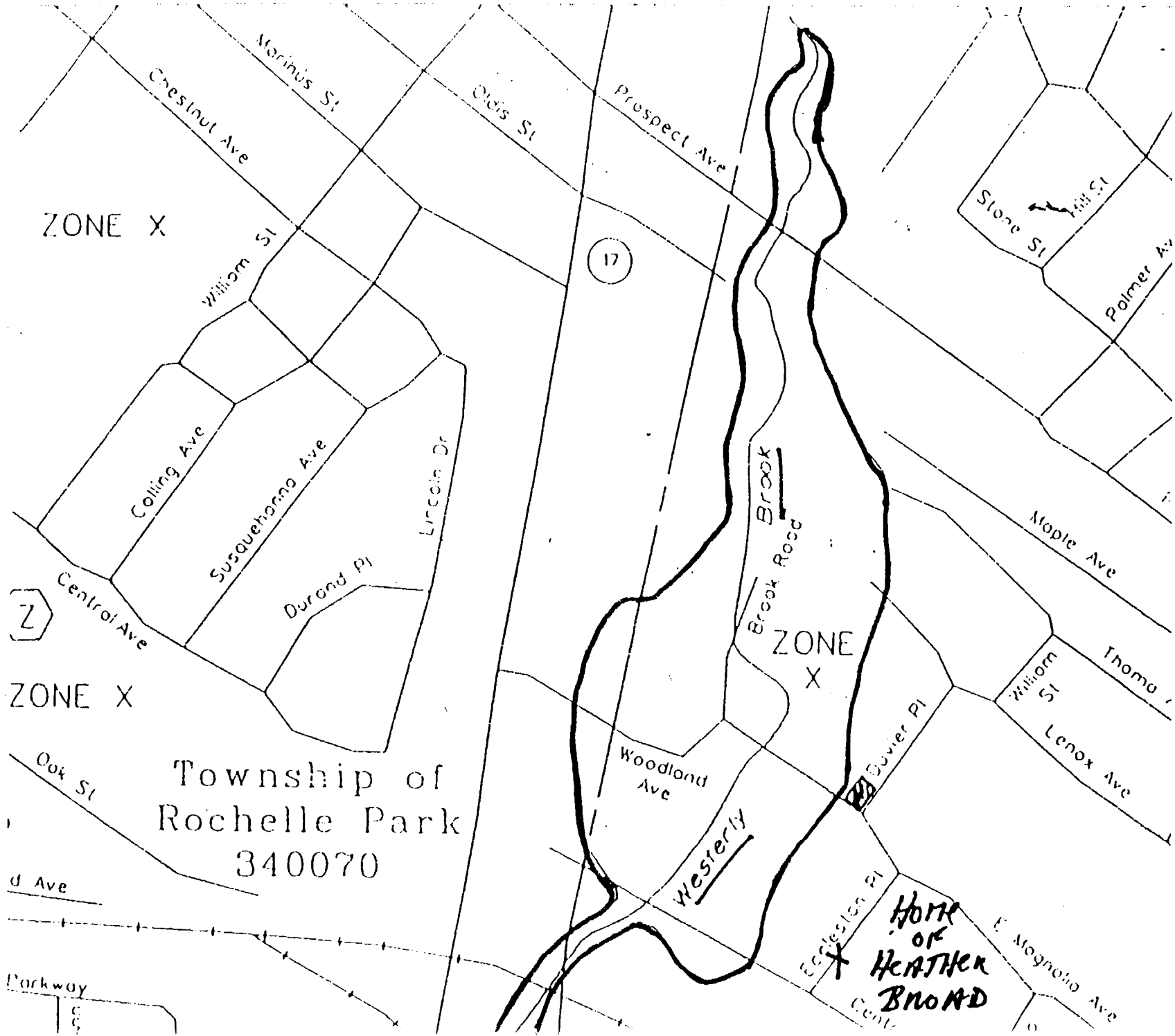
- Magnolia Ave. & Eccleston Pl.
- Known Contaminated Sites within 0.5 mi
- Known Contaminated Sites
- Bergen Roads
- Municipalities
- Counties

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"Number", "Site-id", "Case-id", "Name", "Address", "City", "County", "Zip", "St
atus", "Status-dt", "Lead", "Xyorigin"
1, NJD002009850, 9307184, DIXO COMPANY INCORPORATED, 158 CENTRAL AVE, ROCHEL <
LE PARK TOWNSHIP, BERGEN, 07662, PENDING, 19930809, BFO-M, ADDMATCH
2, NJD002011294, NJD002011294, STEPAN COMPANY, 100 WEST HUNTER AVE, MAYWOOD
BOROUGH, BERGEN, , ACTIVE, 19941212, BFCM, ADDMATCH
3, NJD980529762, NJD980529762, MAYWOOD CHEMICAL SITES, WEST HUNTER AVE, MAYW
OOD BOROUGH, BERGEN, 07607, ACTIVE, , BFCM, ADDMATCH
4, NJD982273583, NJD982273583, MAGNOLIA AVENUE GROUND WATER CONTAM, MAGNOL <
A AVE, MAYWOOD BOROUGH, BERGEN, , ACTIVE, 19920401, BSM, LATLONG
5, NJD986582187, 0051996, BERGEN PASSAIC TRANSPORT SERVICE, 53 CENTRAL AVE,
ROCHELLE PARK TOWNSHIP, BERGEN, 07662, ACTIVE, 19900705, BUST, CPS
6, NJL600190045, NJL600190045-001, THE ESTATE OF ANDREW TURKICK, 9 BROOK AV
E, MAYWOOD BOROUGH, BERGEN, 07607, ACTIVE, 19940509, BUST, ADDMATCH
7, NJL800052136, 0266664, MAYWOOD AUTO, 14 PLEASANT AVE E, MAYWOOD BOROUGH, B
ERGEN, 07607, ACTIVE, 19950208, BUST, ADDMATCH

0187

LOC. 46



Township of
 Rochelle Park
 340070

HOME
 OF
 HEATHER
 BROAD

OUR TOWN

MAYWOOD—N.J.—ROCHELLE PARK
843-5700

1965)

Thursday, August 9, 1973

TEN CENTS

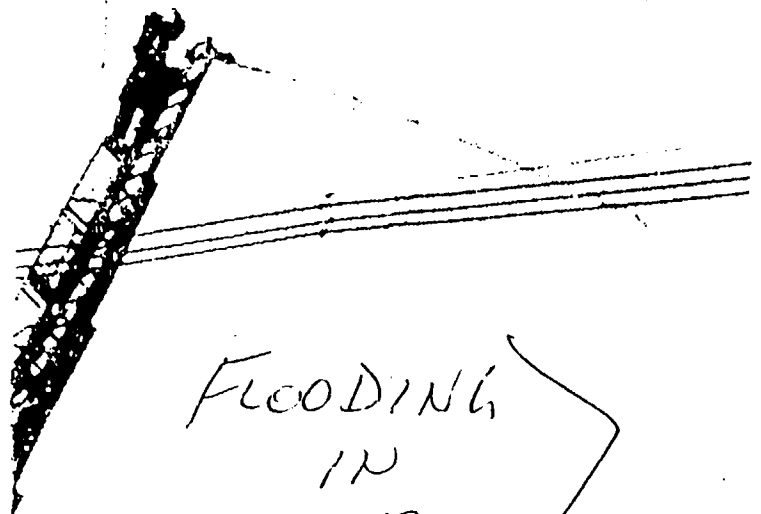
Our Town

Talk of Our Town

page 2
page 3

ROCHELLE PARK NEWS
page 4
pages 5, 6

Finally -- Westerly Brook Begins to Make Waves



FLOODING
IN
1973

AT THE EVER
FLOODED AREA

Maywood's own assemblyman, Ed Hynes (351 Maywood) is a most happy young man.

Hynes, who at 27, is one of the state's youngest legislators, is finishing his first two-year term and is already well into his candidacy for re-election.

But the news which has buoyed his spirits is the official announcement of the NJ Department of Transportation last week that bids will be received on August 23 for "Improvement in the Vicinity of Westerly Brook".

Hynes considers this development a high point in his budding career. He described his feeling at the moment as one of "delight". The official notice that work will start on the Westerly Brook project, he said, is not only the culmination of effort on his part which started in January 1972 -- the first month he was in office -- but the consummation of 21 years of waiting by Maywood homeowners living in the ever-flooded area of the

The project, which it is estimated will cost over a quarter-million dollars, has been a controversial one ever since Hynes entered the picture. Political opponents termed his entry into the continued efforts on the part of Maywood to get relief from the flooding of the Westerly Brook as grandstanding and making predictions that would never materialize.

However, it has been apparent during the intervening 18 months that the young assemblyman has kept abreast of the complicated project and pursued it continually in Trenton. Hynes paid special tribute to Fred DePhillips, deputy commissioner of transportation, for keeping true to his promise of making Westerly Brook a "must" project and to Maywood Councilman Dick Manning for initiating the latest effort and for bringing it to his attention.

The official announcement said that studies for "Improvement in the

Westerly Brook, in the Township of Rochelle Park" will be received by the state Commissioner of Transportation in Trenton on August 23 at 10 a.m.

Hynes said that he hoped work would start soon afterwards and be completed in the near future. The bidding specifications indicate that the work is to be completed on or before July 19, 1974.

The work involved will primarily provide a culvert under Route 17 which will carry away the waters now overflowing the banks of the Westerly Brook every time that heavy rains fall, such as occurred last Thursday. Residents in Maywood's low-lying area near the Brook, about four in number, have frequently been inundated with the water rising several feet in basements and in the living rooms of homes without basements. If no new hitch develops, Westerly Brook's disposition will be

LOW LYING AREA BASEMENTS

the **shopper NEWS**

Zone 3: Lodi ▼ Hasbrouck Heights ▼ Wood-Ridge ▼ Maywood ▼ Rochelle Park

September 3, 1997

LaPietra optimistic on Duvier upgrades

By CHRIS NEIDENBERG

✓ **MAYWOOD** — Vacating part of Duvier Place, near the site of a proposed new senior citizens hall, will help more than just the new building, Democratic Councilwoman Lorraine LaPietra insisted last week.

✓ Council members on Aug. 26 voted 5-0 to back abandoning that portion of the roadway between Lenox Avenue and Magnolia Lane. The lane is at the end of West Magnolia Avenue. Democratic Councilman Dr. Tim Eustace was

absent.

Though LaPietra is optimistic, the council still needs assurances that county funding will be available for at least a portion of the project, a decision which likely will not come until early 1998. The council's vote last week is in line with its efforts to secure a Bergen County Community Development (CD) Program grant next year.

The request seeks to expand the current Duvier Park for children and establish a parking lot for the center. The grant request is a follow-up to the council's receipt of a \$340,086

CD grant this year, to erect a building that can accommodate meetings of up to 200 people.

Building Inspector Joseph Mellone has stated that actual construction of the building will likely not start until next spring.

LaPietra, running for reelection this November, told residents that the planned changes will make the area more attractive and even improve the health of residents by alleviating area flooding.

"I think we really do have an opportunity to make that area a wonderful place for the neigh-

borhood," she said, citing a roadway upon which only "ATV vehicles" can currently maneuver.

"By putting in new land fill, we will change the contour of the land," LaPietra explained. That will relieve drainage problems in the area.

Along with the park expansion, LaPietra said, the council would like to put new playground equipment in an improved recreational facility. Improving park areas has been

PLEASE SEE UPGRADE, PAGE 8

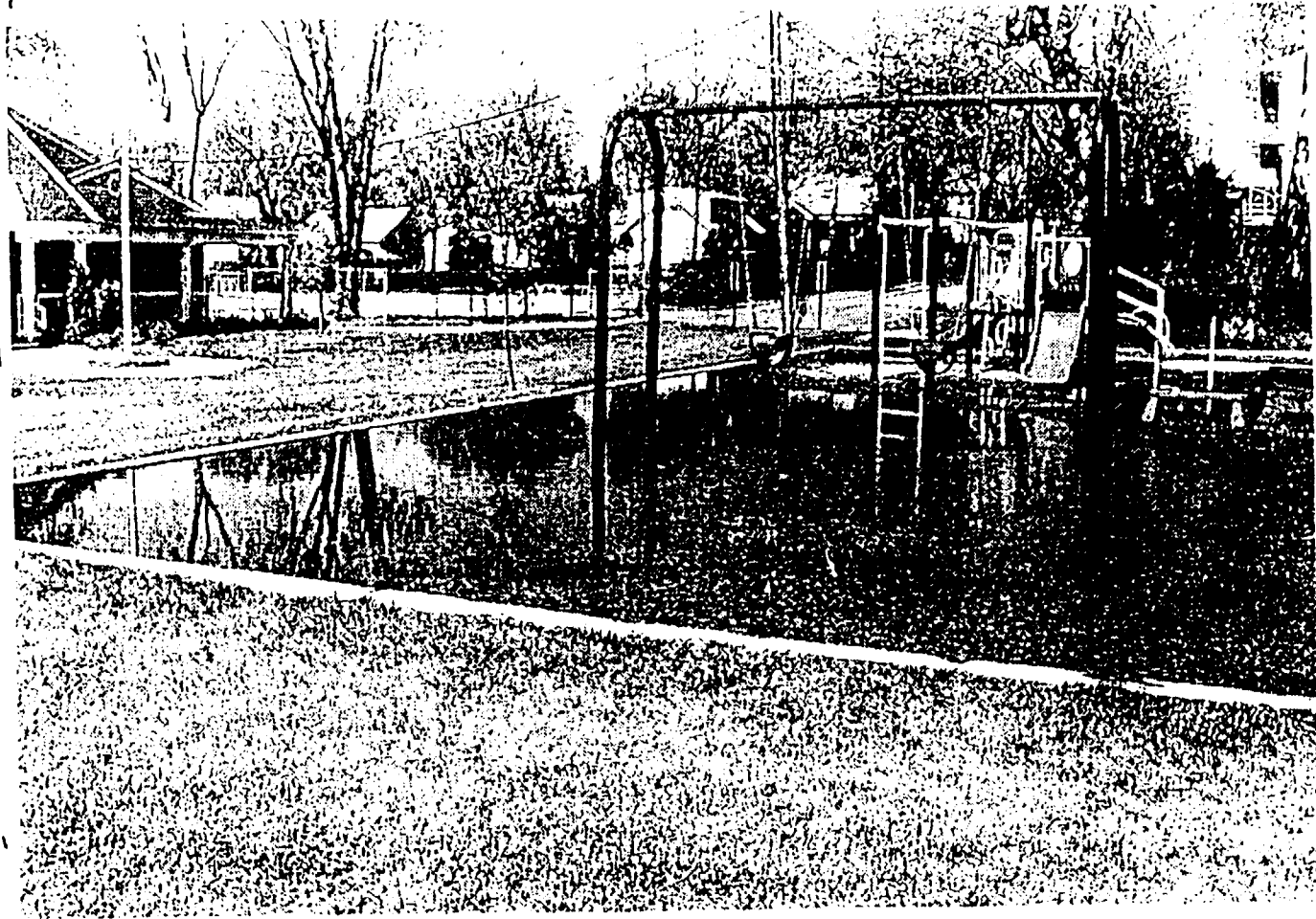
CONTOUR-
DRAINAGE
PROBLEMS

AREA
FLOODING!
IN
1997

THURSDAY, APRIL 27, 2006 CON TOWNSHIP

park scene...

Senior
Center →



WATER WOES

Day after day of persistent rain in the area took its toll on the Arthur Fenniman Children's Park (Duvier Place), putting the new playground under water and saturating the surrounding lawns. Drainage had always been a problem in the area before the construction of the Senior Recreation Center and the playground - a problem that apparently still exists. (Photo by KP/OT)

CORNER OF N. MAGNOLIA AND DUVIER PLACE
SITE OF SENIOR CENTER



RIGHT
ACROSS
STREET
FROM
LOT 2

ZECHMEISTER
PROPERTY



RIGHT ACROSS STREET (CORNER OF W MAGNOLIA AND DUVIER PLACE)
FROM LOT 2 RICHMOND

In September 1980, the NJDEP received a letter from a private citizen reporting that he had found radioactive contamination in an area near Route 17 in Rochelle Park (NRC 1981a). Subsequent surveys and soil sample analyses by NJDEP in October 1980 identified the presence of thorium-232 and radium-226 in the area currently identified as the MISS (NRC 1981a). The gamma readings at 0.9 m (3 ft) above ground level ranged from 16 to 420 $\mu\text{R/h}$ and generally increased in an easterly direction away from Route 17 toward the distribution warehouse (1,000 $\mu\text{R/h} = 1 \text{ mR/h}$). Maximum ground-level gamma readings approached 1,000 $\mu\text{R/h}$. Soil samples collected from this area contained concentrations of thorium-232 ranging from 0.29 to 74 pCi/g and radium-226 ranging from less than 1.0 to 14 pCi/g (NRC 1981a).

Additional surveys conducted by the NRC in November 1980 (NRC 1981a) confirmed the previous reports of contamination. The survey results indicate aboveground gamma radiation levels ranging from 0.02 to 3 mR/h. Soil samples collected from areas where radiation levels were above 1 mR/h had thorium concentrations ranging from 700 to 3,000 pCi/g. The radioactive material appeared to be either a white or yellow clay-like material, quite different from the local brown-sandy dirt (NRC 1981a).

An aerial radiological survey to measure terrestrial gamma radiation was performed in January 1981 over a 10-km² (4-mi²) area centered on the Stepan Company property (EG&G 1981). The isoradiation contours for gross exposure rates (derived from gross count rates) are shown in Figure 7. These values include the 6- to 7.5- $\mu\text{R/h}$ average background activity in the area. Areas of higher than normal gamma exposure rates have been observed (1) directly over the Ballod Associates, Stepan Company, and Sears area properties (large central contours), (2) over the Davison Avenue and Latnam Street properties (to the north), and (3) over the Scanel property (to the southeast). In Lodi, south of Essex street, three areas of elevated exposure rates appear in the gross exposure rate readings but do not appear when the thallium-208 emission at 2.614 MeV is isolated (thallium-208 is in the thorium-232 decay series). For the Riverside Cemetery, this is probably due to the presence of uranium in granite tombstones. For the other two areas, these readings may still be associated with contamination along the former Lodi Brook because both areas overlie sites of known contamination (EG&G 1981). Activity due to thorium-232 at 1 m above ground level ranged from 40 to 70 $\mu\text{R/h}$.

In May 1981, NRC inspectors surveyed the interiors of 13 buildings on the Stepan Company property (NRC 1981b). Building 76, which is part of the MISS and adjacent to the former thorium-processing area, was the only building with radiation levels above 0.02 mR/h. Radiation readings ranged from 0.06 to 0.2 mR/h. Smear surveys showed no detectable removable contamination in any of the buildings.

Radiation levels on the lawn in the vicinity of the former thorium-processing area ranged from 0.1 to 0.5 mR/h (NRC 1981b). Thermoluminescent dosimeters were placed at various locations around the MISS from February 19 to March 24, 1981; the measured gamma exposure rates ranged from about 15 to 800 $\mu\text{R/h}$ (NRC 1981b).

Nuclear Safety Associates, Inc., conducted a comprehensive survey of the Stepan property, including the MISS area, in June 1981 (Morton 1982). The survey included measurements in the buildings, on the plant grounds, on the waste burial pits, and on the field at the west end of the site. Gamma exposure rates inside Building 76 ranged from

WP 3/11
100

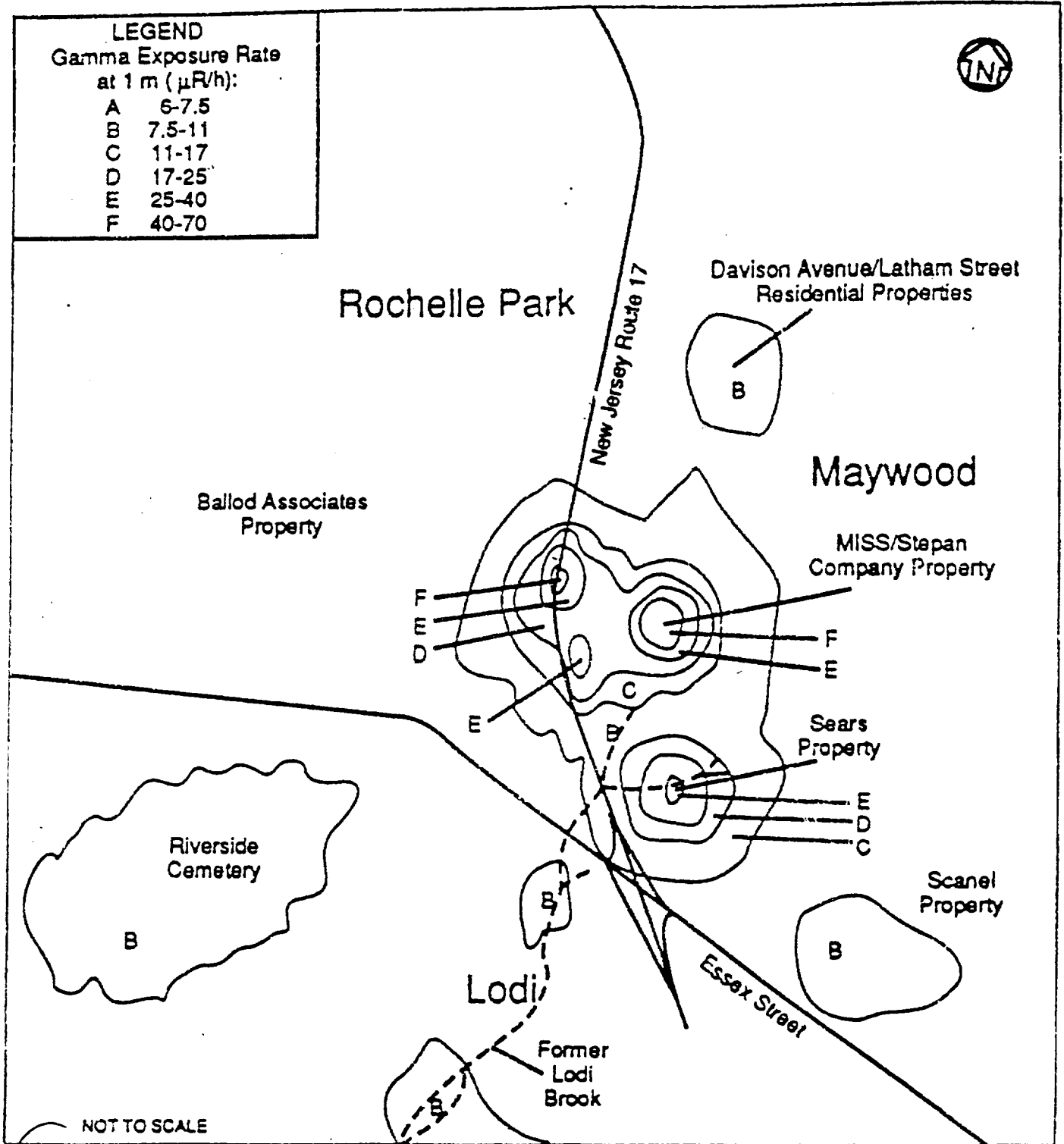
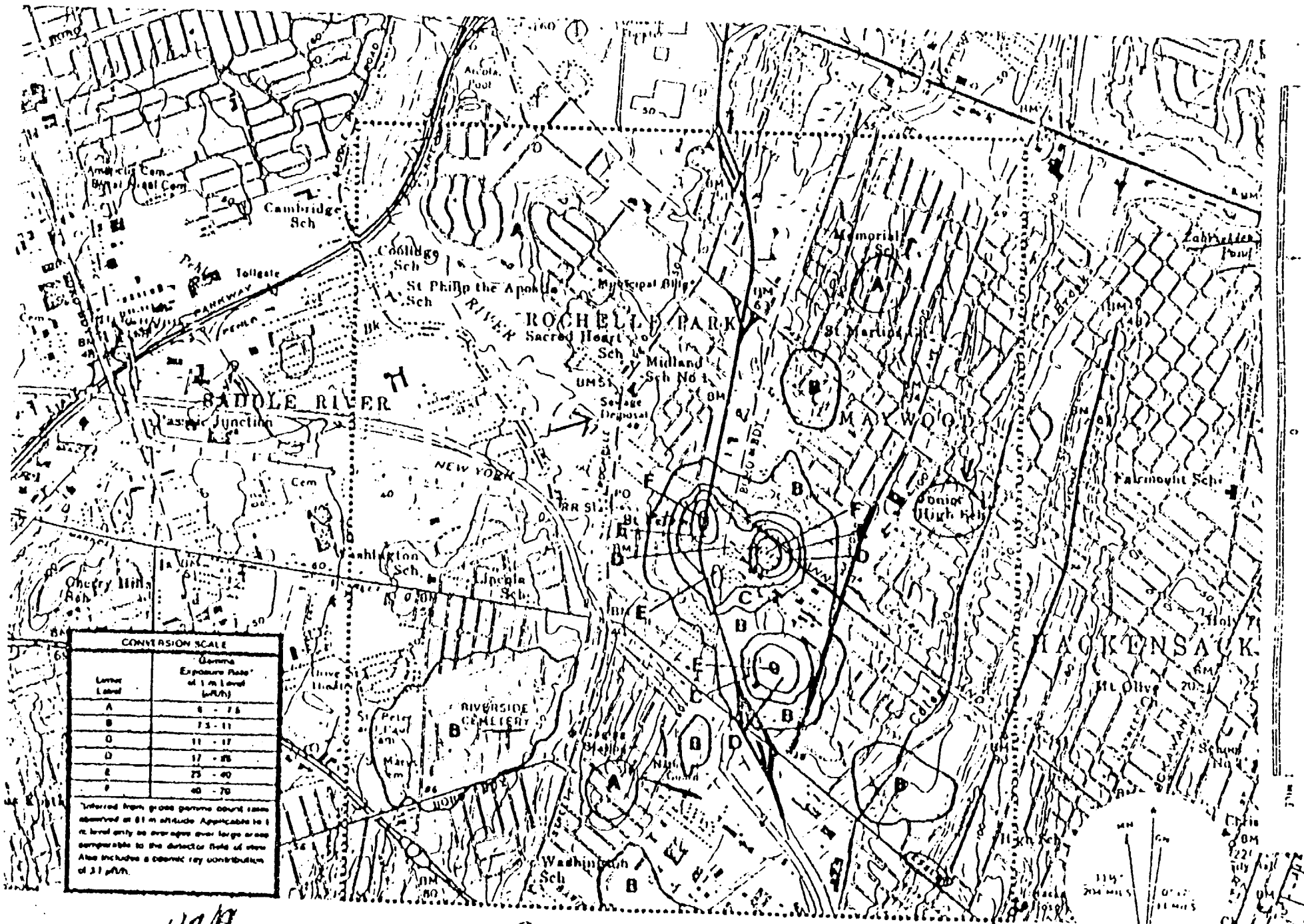


FIGURE 7 Gross Exposure Rate Isoradiation Contours (Source: Modified from EG&G 1981)

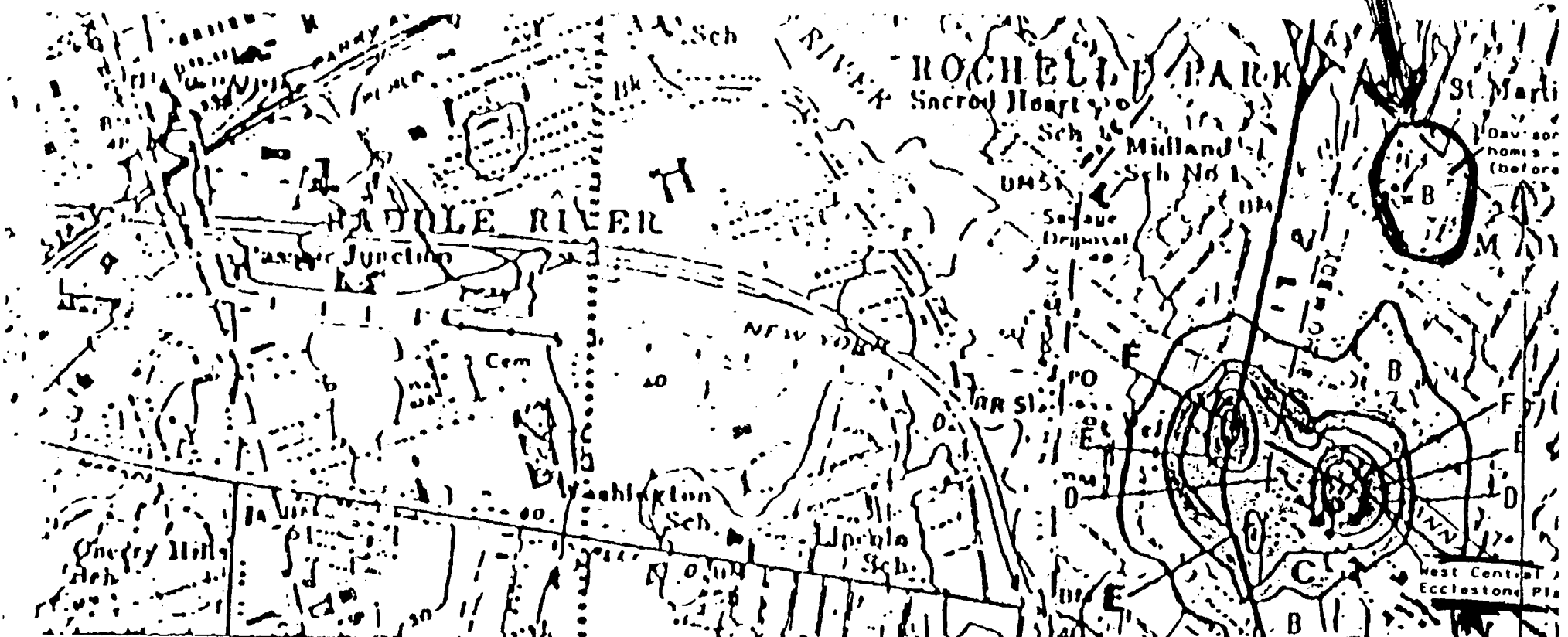
See Previous Page 30



UR/A
6-7.5 FOR THE AREA

Figure 2. EXPOSURE RATE ISORADIATION CONTOURS

MAPS OF DAVIS + LAMM VII
STREETS



CONVERSION SCALE

Letter Label	Gamma Exposure Rate at 1 m Level (μR/h)	Millirems per year
B	7.5 - 11	65.7 - 96.4
C	11.0 - 17.0	96.4 - 148.9
D	17.0 - 25.0	148.9 - 219.0
E	25.0 - 40.0	219.0 - 350.4
F	40.0 - 70.0	350.4 - 613.2

Table 1 (continued)

Location (Fig. 1)	Property/ Address	Range of gamma exposure rates found during scan ($\mu\text{R/h}$)	Average and/or anomalous gamma exposure rates ($\mu\text{R/h}$)
9	Playground & School Parking Lot, Fairmount Ave. (Block 46A-47A, Lot 1-1A)	4-10	Property, including parking lot averaged 4-10; playground ball field averaged 5-10; all readings within typical background for the area
10	Fetzer Park Cedar & Locust Aves. (Block 15, Lot 10)	5-10	Property averaged 5-10; all readings within typical background for the area
11	Grove Avenue Park Grove Ave. (Block 100, Lots 13-19)	5-15	Property averaged 5-11; evidence of coal ashes in 3 locations
✓ 12	Duvier Park - Duvier Place (Block 163, Lots 13-19)	7-11	Property averaged 7-9; all readings within typical background for the area
13	Parking Lot - Albert St. (Block 108, Lots 30, 32, 34)	5-11	Property averaged 5-6; 11 on asphalt patch
14	Parking Lot Maywood Ave. & Passaic St. (Block 117, Lots 1, 5, 6, 7, 61)	5-20	Property averaged 5-6; spots of 20 at coal ashes
15	Vacant Land Thoma Ave. & Maple Lane (Block 150, Lots 1,3,4,5)	7-15	Property averaged 7-15; maximum at coal ashes in several areas
16	Vacant Land Brook Ave. & Magnolia lane (Block 169, Lots 6-9, 12-15)	6-11	Property averaged 6-9; all levels within typical back- ground for the area
✓ 17	Vacant Land Duvier Place & Magnolia Lane (Block 169A, Lots 2-5,5A,5B)	6-14	Property averaged 6-10; one spot of 14
✓ 18	Vacant Land (off Frontage) Central Ave. & Hergesell (Block 174, Lots 13B,14B,15B,16B,17B,18C)	7-17	Property averaged 7-10; several areas at maximum had coal ashes; large areas inaccessible due to trash

Table 1. Results of gamma exposure rate measurements at
20 borough-owned properties in Maywood, New Jersey

Location (Fig. 1)	Property/ Address	Range of gamma exposure rates found during scan ($\mu\text{R/h}$)	Average and/or anomalous gamma exposure rates ($\mu\text{R/h}$)
✓ 1	Pumping Station Spring Valley Ave. (Block 1, Lot 6)	5-15	Property averaged 5-10; maximum of 15 found on steps due to bricks that often show slightly elevated levels from naturally radioactive constituents
2	Memorial School 764 Grant Ave. (Block 43, Lot 1)	5-12	Property averaged 5-10; maximum of 12 on bldg. brick; all readings within typical background for the area
3	Public Library/ Municipal Office 459 Maywood Ave. (Block 144, Lots 5-12, 23-29)	6-12	Property averaged 6-10; maximum of 12 on bldg. brick; all readings within typical background for the area
4	Maywood Avenue School 425 Maywood Ave. (Block 145, Lot 1)	5-15	Property averaged 5-12; 15 on bldg. brick
✓ 5	Municipal Pool-Brook Ave. (Block 160, Lot 1)	5-11	Pool area, including play area outside fence at entrance averaged 5-10; average for parking lot serving pool was 7-10; all readings within typi- cal background for the area
6	Public Safety Bldg. & Parking areas 15 Park Ave. (Block 101, Lots 10-13, 20-22)	5-12	All readings within typical background for the area
7	Dept. of Public Works Garage 205 E. Hunter Ave. (Block 187, Lot 4)	5-10	Property averaged 5-10; all readings within typical background for the area
8	Pistol Range - E. Hunter Ave. (Block 187B, Lot 3)	7-18	Property averaged 7-12; localized coal ashes at maxi- mum gamma



~~Boro Property~~
Property in Question

1997

18

Known Contaminated Sites in New Jersey

Attached is a map and list of the portion of the Known Contaminated Sites in New Jersey report you requested. The list provided is more current and may differ from the map; consequently, you should consult both when determining if a property is near a contaminated site. Copies of the entire report may be purchased from DEP, reviewed at major libraries throughout the state, or accessed on the Site Remediation Program web site located at <http://www.state.nj.us/dep/srp>.

The report lists close to 9,000 sites in the state that have soil and/or ground water contamination present at levels greater than the applicable cleanup criteria or standards where cleanup efforts have either begun or are pending. Additionally, this year's report lists approximately 2,000 cases where remediation was completed between July 1, 1995 and June 30, 1997.

The listing represents a wide variety of remedial activities, from relatively simple cleanups to highly complex remediations at National Priority List (Superfund) sites. Many are small site cleanups, with close to 35% involving underground storage tanks. About 10% of the cases are regulated under the Industrial Site Recovery Act, which applies to the review and cleanup of industrial properties, and 1% are Superfund sites. In addition to listing sites where contamination originates from on-site sources, the report includes sites with unknown sources of contamination. The report serves to identify sites and provide basic locational information. The Contact Listing identifies the unit where more detailed information about a site may be obtained.

The Department recognizes that some inaccuracies pertaining to the inclusion or designation of a particular site may exist. The Department considers the report to be a dynamic document and invites the public to submit corrections or any other relevant information. There may be other sites on the Department's Comprehensive Site List that are not on the list of known contaminated sites provided to you. These other sites would include properties where contamination has not been confirmed or remedial work was completed prior to July 1, 1996.

As the identification of contaminated sites is an on-going process, it should be emphasized that this information is not intended to be either a complete survey of contaminated sites in the area nor is it a warranty that a particular property is fit for any purpose. Only an extensive environmental assessment can identify the risks, if any, involved with the development and use of the property, especially with commercial or industrial property.

Environmental Issues for N.J. Home Buyers

It is important for a prospective homeowner to review the environmental conditions at a property. The buyer may want to examine site-specific conditions, including, but not limited to, assessing the integrity of an underground storage tank and/or a septic system, testing for radon and determining whether a private well is used. If a property relies on a private well for its potable (drinkable) water supply you may want to contact the local Health Department for information concerning any reports of ground water contamination in the area. You should be aware that there are some existing municipal or county ordinances that require testing private drinking water wells and/or underground tanks prior to residential property transfer.

State law requires that municipalities maintain lists identifying the location of certain "off-site conditions" which may affect real estate in the town. This includes items such as known contaminated sites, electric and gas transmission lines, waste water treatment facilities, pumping stations and airport safety zones. These lists should be available from the Clerk of the municipality in which the property is located. You may want to ask your attorney for advice on how to proceed on the various issues described above.

Further Information

For information on specific "active" sites, please contact the unit which is identified in the report. Phone numbers can be found on the attached reference table. Have the Site Name, Site ID# and Case # available when you call. Please call the Bureau of Community Relations at (800) 253-5647 or (609) 633-2325 for information on "pending" sites or general information about the report.

12.97

To: _____
 Fax # _____
 From: _____
 Date: 4/22/98 # of Pages (including cover): _____
 Municipality: _____



PUBLIC NOTICE

BOROUGH OF MAYWOOD
COUNTY OF BERGEN
STATE OF NEW JERSEY

RESOLUTION #32-99
AUTHORIZING SALE OF LOTS 17 TO
21 AND PART OF LOT 16 IN BLOCK
122 IN THE BOROUGH OF
MAYWOOD.

WHEREAS the Borough of Maywood is the Owner of certain real estate located within the Borough of Maywood and known as Lots 16-21, Block 122, on the Tax Map of the Borough of Maywood, and;

WHEREAS, the Mayor and Council has carefully reviewed the needs of the Borough and has determined that Lots 17 to 21 and a part of Lot 16 are not needed for public use and that there is no longer any need to reserve said premises for municipal purposes, and

WHEREAS, the Mayor and Council finds that a need exists in the Borough for senior citizen housing and assisted senior living housing.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Mayor and Council of the Borough of Maywood, as follows:

1. On Tuesday, March 9, 1999, at 7:30 p.m. or as soon thereafter as the matter may be reached, the Mayor and Council of the Borough of Maywood will sell, at public auction, to the highest bidder, the following described premises:

A portion of Lot 16 and all of Lots 17-21, Block 122, more particularly described in Schedule A, annexed hereto.

2. The Mayor and Council, by not later than its second regular meeting following the holding of the aforesaid Open Public Sale by Auction, shall, with respect to the sale of said parcel of land, either accept the highest bid therefor, or reject all bids, and the Mayor and Council hereby expressly reserves the right to reject all bids respecting the sale of said parcel, if such rejection is deemed in the best interests of the Borough of Maywood, and further reserves the right to waive technical deficiencies in the bids provided that no waiver shall be given for any deficiency in the bid that substantially alters the nature and purpose of the public sale.

3. The sale of said parcel of land shall be conducted by the Borough Clerk or her designee, who may adjourn same, at the time and place of said sale or prior thereto, for a period of not more than one week, without readvertising; and the Borough Clerk is hereby authorized and directed to place the required advertisement of sale, to accept deposits, to conduct such sale and to require appropriate proofs of the bidder's ability to comply with the conditions set forth herein.

4. The sale is to be held subject to all of the terms and conditions set forth in "Specifications for the Sealed Bid Action of a Portion of Lot 16 and all of Lots 17 to 21, Block 122, with Conditions for Construction of Senior Citizen Assisted Living in the Borough of Maywood, County of Bergen, State of New Jersey," the primary terms of which are as follows:

A. The minimum price is \$450,000.

B. The property is sold subject to an accurate survey and easements and restrictions of record. Zoning changes may be necessary to comply with the terms of the sale and specifications of sale.

C. The purchaser shall construct and operate within two (2) years of the date of the sale, on the property, a building, to provide for assisted senior living, public areas, garage, and on-site parking. The purchaser shall also demolish the bridge over the stream that borders on the property.

D. All sales are subject to final approval by the Mayor and Council.

E. The successful bidder is required to deposit cash, check, money order, or irrevocable bank letter of credit, in an amount NOT LESS THAN TEN PERCENT (10%) of the bid price up to a maximum of \$20,000 at the time of sale.

bank letter of credit in a form acceptable to the Borough Attorney. All checks must be certified or cashier's checks.

F. The successful bidder shall be required to pay the cost of publication of the legal advertisement of the public auction sale. The advertising cost shall be due and payable at the time of closing.

G. The successful bidder shall be required to pay at closing a \$500.00 fee to cover the cost of preparation of all legal documentation. All conveyances shall be by deed of bargain and sale.

H. Successful bidder shall bear all costs of recording deeds and agree that deeds shall be recorded on behalf of the purchaser by the Municipal Attorney of the Borough of Maywood.

I. Any successful bidder failing to close title as agreed shall forfeit to the Borough of Maywood any and all money deposited with the Borough as liquidated damages.

J. The closing of the sale will be subject to the following conditions:

i. Title to the Property shall be good and marketable, subject to no exceptions that would interfere with the intended use of the Property. The Deed will contain a right of reverter in favor of the Borough if the bidder fails to complete the Project within a specified time and use the buildings built as an assisted senior living residence.

ii. Final approval granted to the developer to permit the construction assisted senior living units (the "Project"), approval by the Maywood Planning Board (and the Bergen County Planning Board, if applicable) of a subdivision, a site plan, and any necessary variances for the construction of the project, and the expiration of all appeal periods therefrom without the imposition of any conditions objectionable to Developer.

iii. The issuance of building permits by the Borough of Maywood permitting the construction of the buildings and improvements comprising the Project.

iv. All of the foregoing conditions except the reverter deed are for the benefit of, and may be waived by, the Developer. Failure by Developer to insist in writing on said conditions in a timely manner shall constitute a waiver by Developer.

K. NO REPRESENTATION OF ANY KIND IS MADE BY THE BOROUGH OF MAYWOOD AS TO THE CONDITION OF THE PROPERTY; SAID PREMISES ARE BEING SOLD IN THEIR PRESENT CONDITION "AS IS" EXCEPT THAT THE FOREGOING ENCUMBRANCES; IF ANY, SHALL NOT PRECLUDE THE CONSTRUCTION OF THE PROJECT SET FORTH IN PARAGRAPH 4 (C) HEREOF.

L. If the title to the property shall prove to be unmarketable for any reason, the liability of the Borough shall be limited to the repayment to the purchaser of the amount of its deposit and any portion of the purchase price paid and shall not extend to any further cost, expenses, damages, or claims. Notice of any alleged defect in title or claim of unmarketability must be served on the Borough in writing no later than thirty (30) days after the sale is approved by the Mayor and Council; failure to give such notice within said time shall be deemed conclusive proof that the purchaser accepts the title in its then present condition.

M. The sale is made subject to all applicable laws and ordinances of the State of New Jersey and the Borough of Maywood. In particular, purchaser agrees to abide by appropriate zoning, subdivision, health and building regulations and codes, and stipulates that the sale will not be used as grounds to support any variance from or relaxation of said regulations, except as herein stated.

N. The purchase price as set at the auction sale, shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any Court as grounds to support a challenge of the existing assessment of the subject property, nor shall the purchase price be used as a comparable sale to challenge the assessment of other properties.

O. All prospective purchasers are

has any authority to waive, modify, or amend any of the conditions of sale.

P. At the time of closing, the purchaser shall pay prorated real estate taxes from said date of closing.

Q. The Mayor and Council reserves the right to withdraw the offer of sale and reject any and all bids.

R-1. No person, who either individually or as a principal in a corporation, the previous owner of an offered property or who is delinquent in the payment of taxes or other municipal charges on any other property shall be permitted to bid for any property to be sold by the Borough of Maywood.

R-2. The highest bidder shall be investigated, and no sale shall be approved by the Mayor and Council if said investigation reveals that a purchaser is such as described in paragraph R-1. In the event a sale is confirmed by the Municipal Council, and it is later discovered that a purchaser is such as described in paragraph R-1, then the purchaser is placed on notice that the said confirmation of the sale shall be rescinded by the Mayor and Council.

R-3. In the event a sale is disallowed due to a state of facts as described in R-1 and R-2 above, the purchaser shall forfeit all deposits held by the municipality as liquidated damages.

S. ALL BIDS MUST BE MADE IN INCREMENTS OF \$10,000.00.

T. Within thirty (30) days of the auction, the successful bidder must establish its financial capability to develop project. The Mayor and Council shall review said capability and is the sole arbiter of bidder's financial capability.

U. If any broker submits a bid on behalf of the successful bidder, the broker will be paid the amount of commission as contracted between the broker and the successful bidder provided that the amount to be paid to such broker shall be added to the purchase price. For example, if the broker bids \$450,000.00 and the agreed upon commission is 10%, and that bid is accepted, the purchase price shall then be \$495,000.00 in determining the highest bid, the Mayor and Council shall consider the net amount it receives after payment of the brokerage fee.

V. The successful bidder must execute an agreement of sale in the form prepared by Borough Attorney within twenty-one (21) days of final approval of sale by Municipal Council, and must submit a performance bond within 10 days of the execution of the contract.

W. The Deed will contain a right of reverter in favor of the Borough that will come into effect if the Bidder fails to complete the project within two years after the closing and/or fails at any time after completion of the project to use the buildings as an assisted senior living residence. Accordingly, all Bidders are required to submit bids under each Option A and Option B as follows:
(1) Option A shall be for the real property, capital improvement or personal property subject to the conditions or restrictions imposed, or interest or estate retained, which the Borough proposes to retain or impose.

(2) Option B shall be for the real property, capital improvements or personal property to be sold free of all such restrictions, conditions, interests or estates on the part of the Borough.

The Borough may award the contract to the highest bidder on either option or may reject the bids on both options. If a bid is made to anything other than the successful bidder, said transferee entity shall accept the "reverter" deed referred to above. Failure to comply herewith shall render any such transfer null and void, nunc pro tunc.

X. The sale contemplated herein, the contract relating thereto and the awarding of the bid shall be subject to the specifications entitled "FOR THE AUCTION OF A PORTION OF LOT 16 AND ALL OF LOTS 17 TO 21, BLOCK 122, WITH CONDITIONS FOR CONSTRUCTION OF SENIOR CITIZEN ASSISTED LIVING IN THE BOROUGH OF MAYWOOD, COUNTY OF BERGEN, STATE OF NEW JERSEY," which specifications are incorporated herein in full.

of land shall not be subject to or contingent upon any other conditions or contingencies.

Z. Pursuant to N.J.S.A. 13:1K-9b (3), the successful bidder agrees to assume responsibility, if required, for the preliminary assessment, site investigation, remedial investigation and remedial action under the Industrial Site Recovery Act (N.J.S.A. 13:1K-6 et seq.). If the preliminary assessment and site investigation indicate the need for a remedial investigation or remedial action, the successful bidder may cancel the contract of sale whereupon the Borough of Maywood shall return any and all deposit monies paid thereunder.

5. The successful bidder shall upon the conclusion of the public auction submit a duly executed proposal form and all of the other documents required by the Specifications.

6. The closing of sale shall take place at the office of the Borough Attorney, 33 Hudson Street, Hackensack, New Jersey, or such other location agreeable to the parties not more than 90 days following the satisfaction of all conditions set forth herein. At the closing the balance of the purchase price shall be paid in full by cash or certified check, and a properly executed deed of bargain and sale with covenants against grantor's act shall be delivered to the purchase, together with a customary affidavit of title. Provided, however, that the Mayor and Council may extend such period, if in its judgment, good cause exists for such extension.

7. The Borough Clerk is authorized and directed to publish this Resolution in full in the official newspaper of the Borough of Maywood in the manner provided by N.J.S.A. 40A:12-13 (a).

SCHEDULE A

DESCRIPTION

BLOCK 122 - PORTION OF LOT 16
BLOCK 122 - LOTS 17-21
BOROUGH OF MAYWOOD, BERGEN
COUNTY, N.J.

Property designated as a portion of Lots 13-18 in Block 13 on a map entitled "Map of Property of Maywood Land Company, Maywood & Roonelle Park, Bergen County, N.J.," filed in the Bergen County Clerk's Office on July 6, 1909 as Map No. 788.
Prepared By:
David A. Hals, PE, LS, PP
NUPE & LS Lic. No. 29994

Beginning at the intersection of the northerly sideline of Lot 16 in Block 122 with the approximate centerline of Westerly Brook, said point being distant 38.00' from the intersection of the easterly sideline of Hergesell Avenue (50' wide) with the northerly sideline of Hergesell Avenue (50' wide) and running thence:

1. S 44°-15'-00"E, 322.59' to a point, thence,

2. S 44°-36'-00"W, 141.76' to a point, thence,

3. N 54°-10'-00"W, 303.55' to a point, thence,

4. N 44°-36'-00"E, 45.00' to a point, thence,

5. N 54°-10'-00"W, 22.80' to the approximate centerline of Westerly Brook, thence,

6. Along the approximate centerline of Westerly Brook N 43°-36'-00"E, 308.83' to the point and place of beginning.

Containing: 53,773 S.F. (1.23 Ac)

ADDENDUM NO. 1 TO
SPECIFICATIONS FOR THE AUCTION
OF A PORTION OF LOT 16 AND ALL
OF LOTS 17-21 IN BLOCK 122 WITH
CONDITIONS FOR CONSTRUCTION
OF ASSISTED SENIOR LIVING IN THE
BOROUGH OF MAYWOOD, COUNTY
OF BERGEN, STATE OF NEW
JERSEY, 1999

Please be advised that the following correction is made on page 8 of the Specifications, paragraph 26, and paragraph 4X of Resolution 32-99 adopted by the Mayor and Council on January 26, 1999: The words "sealed bid" are deleted from the fourth line. The auction will be a public auction, not a sealed bid auction.

Mary Anne Rampola
Borough Clerk

**Heather Broad
275 Eccleston Place
Maywood, NJ 07607-1112
Tel: 201-845-6317**

December 10, 2000

New Jersey Dept of Environmental Protection
Land Use Regulation Program
Box 439
Trenton, NJ 08625

Attn: Mark Godfrey, Bergen County Section Chief

Dear Mr. Godfrey:

Re: Block 122, Lots 2, 3, 16, 17, 18, 19, 20 & 21
Borough of Maywood, Bergen County, New Jersey
Lapatka #99-127H

I moved to the above address July 1982. The properties behind me, owned by Maywood Borough, had previously been leveled in the central area before I moved in. Shortly thereafter grass seed was put down. The tall trees closer to my property remained and there were many dips in the ground that used to fill up with standing water (until I eventually filled them in to cut down on mosquito breeding). When it rained heavily directly behind my property it would flood for a few days.

Over the next few years the town deposited salt and sand before they rerouted their storage lean-to area (it was never taken away), logs from trees that were cut down round town, street sweepings, etc. debris from a dumpsite raising the level of the property some 12 to 15 feet in places. Many neighbors have told me that children ice skated in winter on this property years ago.

On the old Zeichmeister property in the area closer to Magnolia Avenue i.e. Lots 2 and 3 has pools of water whenever it is a rainy day.

In 1987 tests Zeichmeister showed several toxic and cancer causing compounds. Zeichmeister has been on the NJDEP known contaminated list for ground water contamination. An April 14, 1999 newsarticle in the Shopper News details a story of 330 tons of contaminated soil, underground storage tanks, chlorinated solvents, etc. Attached are documents on the above issues.

Enclosed also is a copy of Shopper News article dated September 27, 2000 referring to the Maywood Administrator reference to a list of properties surveyed by ORNL/DOE

showing radiation readings at the park were consistent with normal background levels. The article also refers to a zoned radiation readings map. But what is the normal background level?

Note the following enclosures: As of 8/28/85 my property was surveyed at 13 ur/h vs. normal background of 7-15, by DOE. As of 5/13/88 my property was read as (6-11), (7-11), (10-15) and (15). As of 1/6/92 five streets in the area were surveyed versus a 9 ur/h background level. My street, Eccleston Place; Duvier Place; Magnolia Lane; Hergesell Ave and Ramapo were not included.

Compare the background levels with the 6-7.5 ur/h average background in the area and check the enclosed isoradiation contours for gross exposure rates map and the letter zones. Note number 18 on the list of properties includes lots that are the subject of my comments herein. Also, a 7-17 ur/h reading with large areas inaccessible due to trash (picture enclosed). This reading exceeds the 6-7.5 ur/h average background level.

A NJDEP known contaminated sites page dated 4/22/98 enclosed cites the use of an extensive environmental statement. Note also in the Feb 18, 1999 public notice enclosed regarding sale of Lots 17 thru 21 and part of 16, referencing possible compliance with the State Industrial Site Recovery Act.

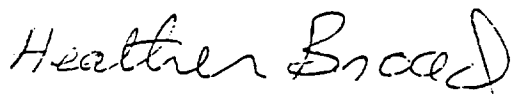
Looking at the lettered isoradiation, map for instance, with in the (B zone 7.5 to 11 ur/h) the Davis and Latham properties were remediated, the Scanel property is to be remediated so why would a property reading 7-17 or 7-11 ur/h be considered within typical background for the area?

The following list of enclosures should convince you of the need for an environmental impact statement for this area:

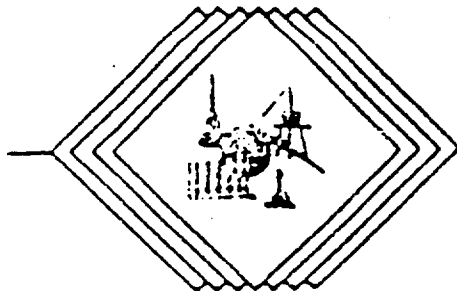
1. A flyer distributed years ago about the isoradiation letter zoned map.
2. A map used in a study by a former member of the Maywood Board of Health indicating flood zone, contaminated wells, brook, etc.
3. Figures 15 and 16 included in the above study citing water table, puddling, chemical and radioactive contamination, flooding.
4. Four pages - 4, 7, 8, 9 responses to application questionnaire for CD funding for Senior Center. Note inked comments on discrepancies. The scope and contents of the environmental review was questioned.

Do you believe a serious environmental review approach should be done in this area as never before?

Sincerely yours,



Heather Broad



AQUA ASSOCIATES I

ENVIRONMENTAL CONSULTANTS & TESTING LABORATORY

1275 BLOOMFIELD AVE., P. O. BOX

FAIRFIELD, N.J.

(201) 228-1111

N.J. DEP. CERTIFIED LABORATORY #07

Zachmeister Bros.
 Ft. of W. Magnolia Ave.
 Maywood NJ 07607

ANALYSIS REPORT:

Date 03/25/87
 Laboratory No. 63
 Date Sampled 03/23/87
 Location Same
 Source Drilled Well

TOXIC AND CANCER CAUSING COMPOUNDS (results in parts per billion)

Parameter	Results	Units
1,1,1 - Trichloroethane * *	1.1	ug/l
Carbon tetrachloride * *	* *	---
1,1 - Dichloroethane * *	* *	---
Methylene Chloride	ND	ug/l
Trichloroethylene	3.3	ug/l
Chloroform (THM)	ND	ug/l
Tetrachloroethylene	88	ug/l
1,2 - Dichloroethane	ND	ug/l
Bromodichloromethane (THM)	ND	ug/l
1,1,2 - Trichloroethane	ND	ug/l
Dibromochloromethane (THM)	ND	ug/l
Bromoform (THM)	ND	ug/l

COMMENTS: NO presence of this compound was not detected

* * Compounds inseparable measured as 1,1,1 - Trichloroethane

< Less Than

THM (total trihalomethanes) limit prescribed by EPA is 100 p

Signature

R. Abula

Lab Manager

*Check out 12
 Confirmed 3/25/87*

FIGURE 4

EXH. H

VII. MUNICIPAL LISTING OF SITES
BERGEN COUNTY

<u>SITE NAME</u>	<u>STREET ADDRESS</u>	<u>IDENTIFIER</u>
<u>MAYWOOD BOROUGH</u>		
<u>A. SITES WITH ON-SITE SOURCE(S) OF CONTAMINATION</u>		
9 BROOK AVENUE STATUS: ACTIVE - 05/09/1994	9 BROOK AVE	NJL600190045 CONTACT: BUST - NJL600190045-001
HUNTER DOUGLAS INCORPORATED STATUS: ACTIVE - 02/28/1991	87 RTE 17 N	NJD982186306 CONTACT: BEECRA - E87838
MAGNOLIA AVENUE GROUND WATER CONTAM STATUS: ACTIVE - 04/01/1992	MAGNOLIA AVE	NJD982273583 CONTACT: BSM - NJD982273583
MAYWOOD CHEMICAL STATUS: ACTIVE - 09/24/1981	WEST HUNTER AVE	NJD980529762 CONTACT: BFCM - NJD980529762
SEARS REPAIR CENTER #8154 STATUS: ACTIVE - 02/13/1997	200 RTE 17 S	NJL300266249 CONTACT: BUST - 0027056
STEPAN COMPANY STATUS: ACTIVE - 12/12/1994	100 WEST HUNTER AVE	NJD002011294 CONTACT: BFCM - WJ0002011294
SUNOCO SERVICE STATION MAYWOOD BOROUGH STATUS: ACTIVE - 07/22/1992	147 J PASSAIC ST	NJD986568350 CONTACT: BUST - 0015400

7 Site(s) with On-Site Contamination in MAYWOOD BOROUGH

B. SITES WITH UNKNOWN SOURCE(S) OF CONTAMINATION

9 BROOK AVENUE	9 BROOK AVE	NJL600190045
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1 Unknown Source Contaminated Site(s) in MAYWOOD BOROUGH

C. SITES WITH CASE(S) THAT WERE CLOSED BETWEEN 07/01/1996 - 06/30/1997

150 LENOX AVENUE STATUS: NFA - 09/20/1996	150 LENOX AVE	NJL800190027 CONTACT: BFO-N - 951204160102
ZECHMEISTER GREENHOUSE STATUS: NFA-A - 02/18/1997	100 MAGNOLIA AVE	NJL800268963 CONTACT: BFO-IN - 0133797

2 Site(s) with Cases that were Closed Between 07/01/1996 and 06/30/1997 in MAYWOOD BOROUGH

(GW)
* ONLY FOR UNDERGROUND TANKS NOT FOR THE REST OF THE PROPERTY.
NOTE: RESIDENT ZECHMEISTER PROPERTY AS AN ACTIVE CASE MARCH 10, 1999

Study of groundwater contamination begun by DEP

Tons of contaminated soil discovered during excavation of tanks

BY CHRIS NEIDENBERG
Staff Writer

MAYWOOD — Over a year after a state Department of Environmental Protection (DEP) spokeswoman reported the site was cleaned up, the DEP has reopened the file on the former Zechmeister Brothers Greenhouses tract, as the site's former operator initiates a study of area groundwater contamination.

The property is on the state's Known Contaminated Sites List. In addition, DEP spokeswoman Loretta O'Donnell reported last week that, in the process of removing two underground fuel storage tanks going back over two years, the former floral nursery excavated about 330 tons (or 660,000 pounds) of contaminated soil, tainted by products from the tanks. These tanks were carted away from a residential area encompassing West Magnolia, Hergesell and West Central Avenues as well as Duvier Place and adjacent to the new Maywood Senior Citizens and Recreation Center due to open this Sunday (April 18) during ceremonies to be attended by elected officials.

CHLORINATED SOLVENTS

the storage tank issue. The DEP's Fred Mumford said Zechmeister is voluntarily financing the work.

Yet O'Donnell had stated in early 1998 that the Zechmeister site received a separate "no further action (NFA)" declaration (higher than NFA-A) as early as early 1997 because one 8,000 gallon fuel tank had been removed as early as December 1996. A second tank, at 5,000 gallons, was also eventually removed in 1997, when tests discovered unrelated.

Mumford said Zechmeister actually received an "NFA-A" declaration for the first tank and is close to receiving the same letter for the second.

"At that time, I did not know about the other tank, which was being handled separately," O'Donnell said in a faxed statement, issued April 6.

"Zechmeister's Greenhouses signed a memorandum of agreement in March 1999 to investigate chlorinated solvents in the groundwater," explained O'Donnell, adding that the case was assigned to the Northern

Branch of the DEP's Bureau of Field Operations in West Orange.

She said the chlorinated solvents come from "an unknown source" and were not found in samples taken on the 5,000 gallon tank.

O'Donnell added that Zechmeister paid \$77,000 for the tank remediation project.

Mayor Thomas Murphy said he hoped that final action will be completed on the Zechmeister tract cleanup so the borough can proceed with Weidner's senior-assisted living project.

"I had not been previously aware that there was a groundwater issue at the site," said the mayor. "But this sounds to me as a routine-type of cleanup that is being undertaken at sites throughout the state. There are mandates that these fuel storage tanks be removed and that is being done here. Contamination from the tanks got into the soil, which was removed, and I'm sure the state transported the soils to an approved disposal site."

[The mayor said he was cer-

tain that the board of health monitored the situation. He also insisted that contaminated groundwater in Maywood is not an unusual situation.

"Groundwater is contaminated throughout New Jersey," the mayor said. "Not just in Maywood."

As to the potential for polluted groundwater to plague the new senior site, O'Donnell reiterated the county's position that "slab-on-grade" construction guarantees that there is no risk since the building is not in contact with the ground. She did

not respond to a question as to if the state would test the senior site property. Yet critics assert that there is always the chance that pollutants could volatilize and bring vapors to the surface, rendering cleanup necessary. O'Donnell also insisted that the Zechmeister groundwater pollution poses no threat to the new senior site.

"The levels of contamination in the area near the senior center are in the parts per billion not million," said Mumford, with DEP's community relations unit. "The levels are so low, there's no threat of vaporization."

ZECHMEISTER
GROUNDWATER
POLLUTION

William Zechmeister had a looking to transfer the property to Frank Weidner of Sons Realty in Saddle River. Weidner could eventually find a "senior citizens assisted living" facility atop the site once tract was remediated to suitable DEP criteria. Weidner, Tom Dibiasi, said February his client anticipated receiving a "no further action" letter from the state so can acquire the land for his project.

Instead, according to state records, the tract was reclassified "an active site" with "contaminated" on March 10. The reclassification came the day after Dibiasi's client declined to bid on a borrowed parcel adjacent to Zechmeister's which it had contemplated buying for use as an addition to anything built on old Zechmeister tract.

Currently, the site carries designation, "NFA-A," indicating that "no further action" is needed in an "area of concern" that being the first underground storage tank site. DEP is looking for Zechmeister and his testing firm, site Inc., to try to trace the source of contamination in the groundwater cited as chlorinated solvents and not related to

September 27, 2000 The Shopper News

AUDIT
FROM PAGE 1

part of the governor's effort to protect open space throughout New Jersey.

Whitman at the time offered an unqualified statement indicating that the funds were definitely in the borough's hands as of the July 1, 1999, visit. Subsequently, however, Wells acknowledged that the check was only "ceremonial" and not binding.

Wells said the municipality, as of the governor's visit, did not have the monies then because it did not follow all the procedures it needed to take before the loan could be secured.

Borough Administrator John Perkins attributed the situation to an oversight of the governing body, since it was preoccupied with other issues it considered more pressing. A required public hearing commenced last Febru-

ary.

A spokesman in the governor's press office, Gene Herman, earlier said it is a routine practice of the governor to dole out "ceremonial" checks announcing awards to municipalities, even when some of them might not have yet completed all the steps to acquire funds.

Sapp and Wells had earlier stated that the municipality would have to follow the dictates of regulations contained in Green Acres' *New Environmental Audit Procedure* governing the performance of "preliminary environmental assessments" on projects funded by the division prior to authorizing funding. At the same time, both said they foresaw no problems in awarding the monies once those steps were taken.

"If Maywood wants to hire an environmental consultant, we can still look at possibly providing the loan retroactively to help with projects costs," Wells

said in a February interview. "That would all depend on the outcome of the review of site conditions."

Herman stated in March that Green Acres was preparing "paperwork and forwarding it to the town so the environmental assessment can be initiated."

But the administration's position changed during 2000.

"Green Acres recently issued the borough a letter indicating that their request for the loan would be granted without having to do the preliminary assessment," said Kathy Elliott Shaw, the division's technical manager for all Bergen County projects, speaking about two weeks ago.

Mike McCann, who evaluates preliminary environmental assessments for Green Acres, said his division eventually decided to waive the requirement earlier outlined by Sapp and Wells, following the submission of a letter from Perkins.

The administrator requested

that the borough not be required to engage in a formal study of environmental conditions.

The decision means the municipality will simply receive the loan without such a string attached. The Duvier Place parcel is a short distance away from the West Magnolia Avenue Wellfield and Zechmeister's Greenhouses properties that have been designated on the state's Known Contaminated Sites list.

Additionally, a map provided by the federal government shows the tract is in a "B Zone" for area radiation readings, meaning that it receives gamma radiation at between 7.5 to 11 millirems per hour, at the lower end of the scale (on a range of B through F) for exceeding normal background radiation (considered to be 7.5).

The site is within close proximity to an area of thorium-tainted soil, including the grounds of the nearby Stepan Company Superfund site.

"The regulations related to doing preliminary environmental assessments are part of what we [Green Acres] consider the normal 'tech requirements,'" explained McCann. "We do on occasion grant waivers to those requirements, which we have the authority to do, and we felt that it was an appropriate decision in the Maywood case."

McCann added that the state has granted waivers to such requirements in the past to municipalities when the projects relate to "existing municipal facilities."

"In this case, you're talking about improving a facility that is already there," said McCann. "It has been used by the town for years, so we concluded that waiving the requirement was appropriate."

McCann only indicated that Perkins' letter persuaded the state to drop the environmental assessment requirement. Perkins earlier stated that he would ask the state to consider using an environmental impact survey performed by the Bergen County Community Development Program before it awarded funding for a separate Maywood Senior Citizens and Recreation Center built last year across the street from the park, formerly called Duvier Park.

Some residents complained that the survey contained false statements and unsuccessfully tried to persuade the federal Department of Housing and Urban Development to nullify the award pending testing of soil for possible contamination, which county CD and the borough rejected. Wells said the CD documents could be considered

PLEASE SEE AUDIT, PAGE 21

Environmental audit to be waived

BY CHRIS NEIDENBERG
Staff Writer

9/27/00

MAYWOOD — The state Department of Environmental Protection (DEP) Green Acres Program at press time was expected to finally approve a request by the borough for a waiver from normal regulations requiring it to do a full environ-

mental audit, so it can receive a \$128,000 low-interest loan to help finance drainage upgrades done at Arthur Fenniman Children's Park, DEP officials reported.

The DEP's decision to waive the regulations represents a softening of a position Administrator Thomas Wells had taken for much of 2000, and as had

been earlier outlined by the program's principal planner, Martha Sapp.

It comes 15 months after Gov. Christie Todd Whitman visited the site and presented then-Mayor Thomas Murphy a check authorizing the release of funds during a photo opportunity, as

PLEASE SEE AUDIT, PAGE 6

LOCAL NEWS

3

AUDIT

FROM PAGE 6

only if they met the "exact requirements" of the environmental audit.

Wells said he had earlier cited the need to do the assessment because he was unaware of some of the facts Perkins subsequently provided, and which persuaded McCann to waive the normal mandate.

"He [Perkins] showed us information indicating that the borough owned the land as a park site since 1925," said Wells. "Mr. Perkins also showed that,

in putting in the improvements, there were no major changes in the contour of the land that required movement of large amounts of soil. It was factors such as these that persuaded Mr. McCann to conclude spending money for the separate assessment was unnecessary."

Wells added that Perkins provided a list of properties, including the Duvier Place park site, surveyed by Oak Ridge National Laboratories and operated by the U.S. Department of Energy (DOE).

He said the list showed that radiation readings at the park "were consistent with normal

background levels."

The program administrator said he did not know whether there was a regulation specifically allowing Green Acres to waive the audit requirement.

"Sometimes we simply waive the regulations to enable us to make common sense decisions in seeking to save the taxpayers money," he said, citing as other examples improvements to a cemetery in Trenton and work on a Jersey shore sand dune.

Though one resident vociferously questioned the wisdom of the loan during the mandated public hearing before the council, Wells said the required sum-

mary of minutes supplied by the borough showed there were "no objections" to the loan request.

At the same time, Wells said the purpose of the public hearing is not necessarily to allow residents to change a Green Acres award decision, though, he said, it might influence a local governing body as to how to act.

Perkins said Friday that he expected the transaction to be completed soon.

"The state called me and requested that I submit additional information relative to all parkland in the community," he said, adding that while the loan

only applies to the Fenniman tract improvements, the state still needed the additional information.

no clearing before hearing

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8/28/85

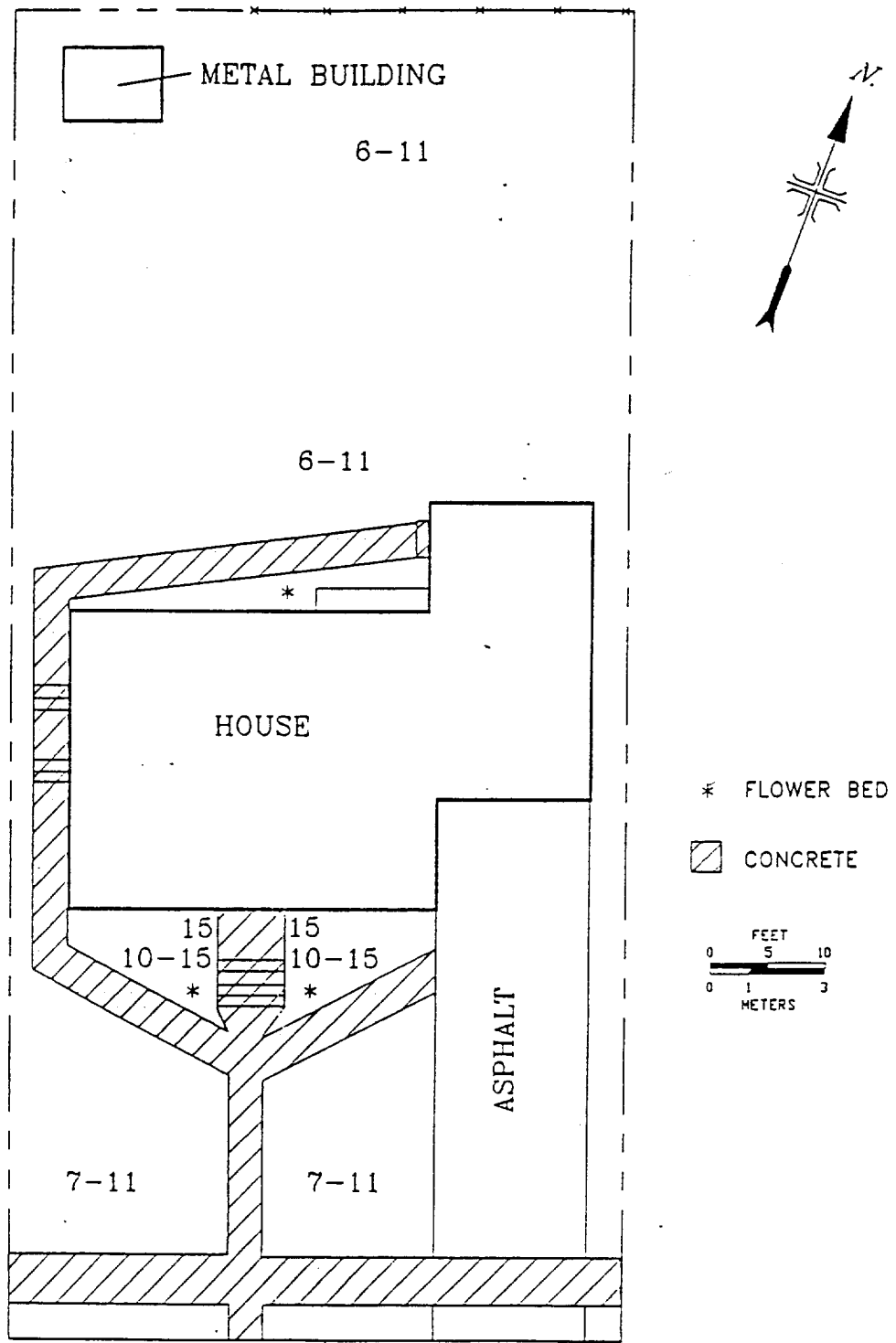
RADIATION SURVEY RESULTS AT 275 ECCLESTON PLACE

MAYWOOD, NEW JERSEY

Type of Measurement	Units	Number of Measurements	Result	DOE Guideline	Normal Background Range
Gamma survey	microroentgens per hour	Continuous scan of surfaces	13 *	20**	7-15
Indoor air sample for radon	picocuries per liter	1	0.6	3.0	0.10-0.90

*Highest measurement found on property.

**Above the normal background values.



275 ECCLESTON PLACE

Fig. 1. Gamma radiation levels ($\mu\text{R/h}$) measured on the surface at 275 Eccleston Place, Maywood, New Jersey (MJ045).

METHODOLOGY:

Five streets were designated for inclusion in this survey. These streets, northeast of the Maywood Interim Storage Site (MISS), run parallel with the eastern boundary of the MISS. The streets surveyed, beginning with the street closest to the MISS, were: West Central Avenue, Lenox Avenue, West Magnolia Avenue, Thoma Avenue, and Taplin Avenue. West Central Avenue was surveyed from Ramapo Avenue as far as 207 West Central Avenue. The remaining four streets were surveyed from their origin at Maywood Avenue to their end point.

The area surveyed on all five streets was of sufficient size to provide exposure rate data from properties that are immediately adjacent to or in near proximity to the MISS pile as well as those properties "in line" with the pile from West Central Avenue to Taplin Avenue (which is the first street past the Maywood Town Hall/Public Library). The area surveyed did not include additional side streets between each of the streets designated for this survey. ✓

Gamma exposure rate measurements were obtained using a pressurized ionization chamber (PIC) at 50 ft intervals along both sides of each street surveyed. This resulted in a measurement being taken in front of approximately every other residence along both sides of the street in a zigzag pattern so that no two measurements were obtained from opposing locations. The PIC instrument has a response to gamma radiation that is proportional to exposure in roentgens.

Data obtained from these measurements is provided in the attached tables.

DATA INTERPRETATION:

2 ✓ The average background gamma exposure rate measurement for this area is 9 μ R/h (Levin 1968). It is important to note that this is an average background rate, and that actual background can vary within a range that may be higher or lower than the average for that location. The DOE limit for gamma radiation to members of the general public is 100 millirem per year (mrem/yr) above background, where 1000 microrem (μ R) is equivalent to 1 mrem of total exposure. The DOE limit of 100 mrem/yr is equivalent to being subjected to an additional exposure rate of 11 μ R/h above background, 24 hours per day for 365 days. As such, any measurement above 20 μ R/h (11 μ R/h plus 9 μ R/h background) may result in an annual exposure rate above DOE's limit. ✓

Measurements obtained during these surveys ranged from 7.0 to 15.9 μ R/h with the highest measurements being recorded at the intersections of West Magnolia Avenue/Ramapo Avenue and West Magnolia Avenue/Eccleston. Subtracting average background for the area (9 μ R/h) from the highest measurement obtained (15.9 μ R/h), the gamma exposure rate at this location would be ✓

Letter from S. CRAIG DOE TO: J. KENNERICK, Pres.
MAYWOOD, BOH President 2 JAN 6 1992 RESULTS
OF SURVEY OF 5 STREETS IN MAYWOOD

6.9 $\mu\text{R/h}$ which is less than 65 percent of the maximum sustained exposure rate of 11 $\mu\text{R/h}$ above background necessary to exceed the DOE limit of 100 mrem/yr.

If the MISS were contributing significantly to gamma radiation exposure rates, measurements obtained along West Central Avenue, which is the street closest to the MISS, would be expected to exceed the average background rate (9 $\mu\text{R/h}$) and sustained exposure rate (11 $\mu\text{R/h}$ above background) significantly. It should be noted that the majority of the measurements did not exceed 10 $\mu\text{R/h}$ (including average background of 9 $\mu\text{R/h}$) and that the highest measurements were at distance from the MISS suggesting a source of background radiation other than the MISS.

None of the measurements obtained in this survey were significantly above background and all were less than 20 $\mu\text{R/h}$ which would be approximately equal to DOE's limit of 100 mrem/yr for the general public. Review of this data indicates that there is no significant contribution to background gamma radiation exposure from the MISS.

CONCERNED CITIZENS OF MAYWOOD

69 Lenox Avenue,
Maywood, NJ 07607

HAND DELIVERED

August 22, 2001

Allen Roos
U.S. Army Corps of Engineers
75A West Pleasant Ave,
Maywood, NJ 07607

RE: EE/CA July 2001 Comments

Dear Mr. Roos,

I furnished you a letter of April 20th, ²⁰⁰⁰ at Borough Hall Meeting re Phase II cleanup. I asked that you include it in the administrative record. I ask that you similarly include in the ADM record this letter of comments, questions and attachments.

Final two enclosures, Page 2 of CGG Meeting of 5-5-97 Mr. Japp will include their comments early in process for feasibility study. Also page from corps reports indicate Maywood should not have been FUSRAP site.

In July 2000, Congressman Rothman asked USACE Col. Pearce if Corps could prioritize the phase II schedule to accommodate the light rail plan with a fast track cleanup of the Sears warehouse property and two adjacent gasoline station properties which could be in path of proposed project. Pearce told Rothman that no further work can be done locally without issuance of the ROD (Shopper News 7/12/2000).

Maywood residents have always asserted that local sites must be addressed with a proposed plan and ROD, but Allen Roos (USACE) has repeatedly stated that the Corps has found no basis to agree with those claims and has rejected them. (Shopper News 7/21/2001).

Roos and Mr. Cahill say the EE/CA must be employed to address the highway project. And so an EE/CA is forced upon the public and no public official will insist on compliance with the superfund law. Is this why Pearce is gone from Maywood?

In September 1999 USACE provided radiological support to NJDOT Project on Route 17 and Essex St. The Corps said - "No radioactive contamination above the limits established to protect workers was found in soil." Only Radiological levels were measured? Corps does not tell what limits? Tell us now!

By the way, a Corps report said no RODS had been issued for any of the 22 remaining sites currently in the FUSRAP. It seems after so many removals like EE/CA's they declare that is the ROD.

Enclosed is copy of Dr. Resnikoff's letters to Angela Carpenter, EPA and Susan Cange (DOE) ((May 1st 1996) which challenges your position of avoiding a pp-ROD.

I herewith enclose letter of Elliot P. Laws, Adm. Assist. USEPA (Sept. 6th 1995) in which he agrees with Thos Grumbly, Assist. Secy. U.S. DOE to consider deferring specific ROD decisions, upon request.....

Then EM Progress - Spring 1996 Lawrence Livermore Laboratory teamed with regulatory agencies, DOE and stakeholders to resort to removal actions rather than required RI/FS PP-ROD procedure just like in Maywood. Enough Already!

Then Maywood site plan 10/03/91 they plan on removal actions and will conduct them each year of 5 year plan?

Then, work plan/implementation plan 11/92 page 3-26, read carefully - do you deny these requirements as well? Then RODS vs EE/Cas Dec 6, 1994 bi monthly managers meeting and more carving out removal actions. And finally, page 17 (NEPA 42 U.S.C.4231 ET Seq.). Corps states DOE's cleanup standards are known as "DOE Orders" and are internal DOE documents not formally promulgated federal regulations published in the Code of Federal Regulations.

Let us look at the map in your EE/CA book: it does not show 149-151 Maywood Ave. as affected by NJDOT project but it mentions it in Book along with 96 Parkway, Rochelle Park - both of which would be addressed by removal action proposed in this EE/CA. 96 Parkway is Ballod Property, including part that was not cleaned to 5 pci/g residential level. Were any of Nursing Home residents affected?

As for 149-151 Sears property Corps FUSRAP update April 2001 shows (only portion of Sears fronting NJ Rt. 17) and map

included in Jan 17, 2001 Corps handout shows only a 15 foot wide NJ DOT roadway improvement strip along the properties fronting on east side of Rt. 17.

This is hardly an impact and any talk about the Corps needing To clean up before DOT starts, to avoid any need to possibly have to return later is an insult to the residents of Maywood, Lodi and Rochelle Park.

Corps has already avoided the ROD, the FUSRAP sites are not using the ROD so neither should the Maywood site. All that is necessary is to start an UP and Out cleanup of the remaining Phase II properties and NJDOT will be free of any concern their project would impact any contaminated properties. Corps can start tomorrow!

But there are other questions about the EE/CA like the note on the EE/CA map that would permit numerous options for the Corps. It is an open end!

On Page vii - removal is consistent with the overall cleanup Strategy for the site. Tell us the cleanup strategy since we do not need a ROD. Why does Corps not sign the FFA as required at NPL site?

Isn't the EE/CA involved with mixed waste? I will enclose documentation on Sears and some area properties.

No time schedule was spelled out. Nor the specific NJDOT actions on which parts of the properties that might be affected. Have you obtained a copy of the 1993 feasibility studies and proposed plan brochures shown you at the public session?

What is onsite treatment and other management of water. What is in the water? Back filling of impacted areas with what kind of fill from where? Please describe clearly DOT's planned action now?

- Who owned Ballod property before 1st and last removal action?
- What is cleanup criteria for Phase II? Is it the same as last removal of commercial zoned Ballod?
- What about chemical and groundwater?
- How many more Ee/CA's?

- NJDOT data and information is consistent with USACE data information. Please divulge to public now?
- Which elected officials support this non scheduled EE/CA work.
- Disposal site for EE/CA contaminated soil was not identified. Please identify.
- Where are the results of soil separation test?

Clearly, the EE/CA seems like a rerun of the light rail and ten story buildings on Sears property and a Hotel on Sears on West site of Route 17.

Phase II cleanup - UP and Out -- indicates no need for a non-scheduled EE/CA.

Michael J. Nolan
Michael J. Nolan

Cc: Cong. Rothman
Assemblywoman Weinberg
Senator Byron Back
NJDOT
Acting Governor DiFrancesco

Received by *William Kollar* Date 08/23/01

Print name WILLIAM KOLLAR

Shopper News
2/21/2000

But at this point, the corps plans to set up in Maywood a study of a machine-driven "gravel separation" soil treatment system to see if it can save money. That move has alarmed some residents, since the corps has conceded in documents that it is an "unproven" technology which failed to attain the sought-after radiological cleanup levels the agency desired at another corps site in

July 1999
Rothman
to Pearce
Shopper News

TENTATIVE PLAN

within Maywood, before proposed plan is commented on. When pressed on those points, Young said he would try to get responses to those questions this week.

At a recent council meeting, Michael Nolan, environmental chairman of The Concerned Citizens of Maywood, pleaded with members of the governing body to help their own community get answers as to the corps' conduct and the agency's stalling on signing a Federal Facility Agreement (FFA) with the EPA.

A signed FFA will establish a schedule for the cleanup of the Phase II sites (roughly 300,000 cubic yards), under EPA rules. The EPA has already asserted in a letter that the corps has needlessly delayed finalizing the FFA for at least a year. "I think you should demand an investigation as to how the corps can do what they're doing," said Nolan. In addition, Nolan noted that the EPA must still provide a separate proposed plan for dealing with chemical groundwater contamination.

Sue Hopkins, spokeswoman for the corps' New York office, recently said the agency is proactively addressing the cleanup. "The program has been implemented within the appropriate regulatory and statutory framework," she said. "We are responding to community concerns in that we are cleaning up these sites. If Mr. Nolan wants to meet personally with officials of the corps to discuss his concerns, we will be happy to discuss these issues with him."

Nolan also questioned why it is requiring a ROD to clean up Maywood now since it already admitted in a 1997 Congressional report doing cleanup work without the document at many

preceded by a feasibility study that analyzes all the alternatives before a cleanup is implemented. Though Maywood residents in the past have submitted documents asserting that the local sites must be addressed with a proposed plan and ROD, Roos has repeatedly stated that the corps has found no basis to agree with those claims and has always rejected them in pursuing the work.

Before the latest work starts, the corps will have to release an "action memorandum" spelling out its specific plans.

Previously, the DOE, corps and EPA used the EE/CA as a rationale for addressing the cleanup of residential sites primarily in Lodi and the Ballou Associates commercial tract in Rochelle Park, through the EE/CA. In defending the need to clean up the residences, EPA and the corps asserted that the contamination was under homes and posed a risk.

Now, Cahill and Roos say the EE/CA must be employed to address the highway project. In justifying the corps' actions, the EPA again cited presidential Executive Order 12580, that Cahill insisted, gives the corps "unilateral authority" to undertake removal actions for whatever reason.

"This is a very important project for the DOT and the communities within the affected area said Roos. "The communities and county have already agreed on a time frame

for closing the bridge so the work can proceed. We feel it is very important to start the work now so we can meet those objectives."

Despite the concerns of Maywood residents over how their community is ultimately cleaned up, Cahill and Roos insisted that the state's needs to start the project outweigh those concerns. Roos said the corps cannot force the state to delay the project to address the community's concerns.

The army corps is in charge of this site," said Cahill. John Dourgarian, spokesman for the DOT in Trenton, could not provide any details on the department's position at press time. Dourgarian had stated that he was trying to get information from DOT personnel familiar with the project.

Roos cited as one benefit in having the corps do the work before the ROD is so the DOT will not have to come back again and clean up to standards that could be established in the ROD. He added that removal actions assure the safety of bridge project workers and employees in commercial establishments by removing potential exposure hazards. Briefing materials sent to the governing body cite the corps' "radiological safety expertise" as an asset.

Cahill, in citing the federal National Contingency Plan (NCP), said the corps can undertake removal actions for



RADIOACTIVE WASTE MANAGEMENT ASSOCIATES

May 1, 1996

Angela Carpenter, Project Manager
Federal Facilities Section
U.S. EPA - Region 2
290 Broadway
New York, NY 10007-1866

Dear Ms. Carpenter:

The enclosed letter to Ms. Cange discusses the need for a rigorous RI/FS process, including a Feasibility Study, Proposed Plan and public hearings, for remediation of Maywood contamination. Since it is our understanding that EPA has already reviewed and sent comments to the DOE on the FS and Proposed Plan, it should be issued and hearings should be held. We note your letter of January 13, 1996 expressing similar sentiments. We welcome your comments.

✓Cc: M Nolan

Sincerely,

A handwritten signature in black ink, appearing to read "Marvin Resnikoff", is written over a printed name. The signature is fluid and cursive.

Marvin Resnikoff

Marvin Resnikoff, Ph.D. ♦ Senior Associate

~~306 West 38th Street, Room 1601 ♦ New York, NY 10018 ♦ Telephone (212) 629-5612 ♦ Fax (212) 239-8373~~



RADIOACTIVE WASTE MANAGEMENT ASSOCIATES

May 1, 1996

Susan M Cange, Site Manager
Former Sites Restoration Division
Department of Energy
PO Box 2001
Oak Ridge, TN 37831-8723

Re: CERCLA requirements at Maywood

Dear Ms. Cange:

On behalf of Concerned Citizens of Maywood, we are requesting that the Department of Energy produce a comprehensive draft Feasibility Study and Proposed Plan for remediation of residential, commercial and government properties in the Maywood area and hold public hearings on the Proposed Plan. This has been a consistent position of Concerned Citizens of Maywood for several years and until recently a consistent position of the Department of Energy as well. In our opinion the brief EE/CA reports which the Department is producing do not substitute for a rigorous RI/FS process and do not adhere to CERCLA requirements to which the Department was until recently committed.

The issuance of these EE/CA's, rather than a Feasibility Study and Proposed Plan together with public hearings, is inconsistent with the Department's previous assertions. Prior to 1995, the Department and the Environmental Protection Agency consistently maintained that no work would proceed until a Record of Decision was signed.

- In an April 28, 1994 letter to William P Schuber, Bergen County Executive, Jeanne M Fox, EPA Regional Administrator, stated that "Once the Record of Decision is signed for the site, DOE will develop a comprehensive schedule for remediation of the commercial and residential properties."
- At a meeting Wayne, November 6, 1991, Mr. Wagoner, DOE, stated regarding Wayne clean-up that "The cleanup will not start before the Record of Decision and currently the Record of Decision is currently in 1994."
- In a written response document dated December 20, 1993, DOE stated (p. 1-24) that "Permanent cleanup actions cannot be initiated without an approved plan known as the record of decision." Further, public hearings on the proposed cleanup plan were to be scheduled mid-1994. "A 60-day public comment period concerning DOE's proposed cleanup plan will be held in mid-1994. During this time, a public meeting will be held to accept verbal comments on the cleanup plan. After public comments have been incorporated into the decision-making process and a final remedy has been selected, DOE will produce an engineering design of the remedy."

100 WEST 38th STREET, ROOM 1601, NEW YORK, NY 10018
TEL. 212 629-0528 FAX 212 629-0510

Marvin Resnikoff, Ph.D. ♦ Senior Associate

- In SAIC Responses to Issues Raised at Wayne Meeting, SAIC stated "Residential vicinity properties at Maywood and Lodi not yet remediated will be included in the feasibility study - environmental impact statement for the Maywood site." SAIC further stated that the ROD for Maywood would be signed the first quarter of 1995. In response to the question, "Can DOE sign a contract for disposal of waste for the Maywood site before the ROD is signed?" The response was "No. Such an action, if taken specifically for waste at the Maywood site, would prejudice the outcome of evaluation of disposal options in the FS-EIS." Also at the Wayne meeting, you laid out the full RI/FS process (transcript, p. 18-20) which describes the Feasibility Study, Preferred Alternative, Record of Decision and design of remedy.

Ms. Cange, as you are well aware, none of this has taken place. No Feasibility Study has been issued. No preferred alternative has been designated. No public hearing has taken place. And no Record of Decision has been issued. Yet the Department is engaged in Phase I and Phase II of its cleanup of Maywood contamination. ✓

While the Department of Energy continues to release these EE/CA reports ("Engineering Evaluation/Cost Analysis for the Maywood Site Storage Pile, Maywood, New Jersey," September 1994; "Engineering Evaluation/Cost Analysis for the Cleanup of Residential and Municipal Vicinity Properties at the Maywood Site, Bergen County, New Jersey," September 1995), you are apparently sitting on the Feasibility Study and Proposed Plan. According to timelines for Maywood remediation in the EMAB briefing book ("EMAB Briefing on New Jersey FUSRAP Sites," October 31, 1995), the draft Feasibility Study was given to the EPA on April 20, 1993; following a process of dispute resolution with the EPA, a new Proposed Plan was issued to the EPA May 14, 1994 and EPA comments were received on September 15, 1995. But the Proposed Plan has not yet been released to the public and hearings have not yet been scheduled. Why?

A complete RI/FS process would serve to resolve important issues and serve an important community function. The following non-inclusive list of issues must be resolved:

- cleanup criteria (5/15 pCi/g vs. State of New Jersey and State of New York requirements)
- groundwater monitoring data for radium-228 and air monitoring for thoron. We encourage involvement of the Tri-Borough Thorium Coalition on these technical issues.
- soil washing as a preferred alternative - the feasibility and effectiveness of soil washing. The mini EE/CA reports do not have the level of detail and support to be meaningfully evaluated.
- economics of soil washing alternative v. direct disposal

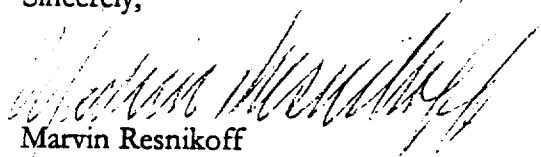
- the timing and funding of cleanup alternatives and the need for responsible parties to pay their fair share

A public hearing process, while perhaps painful for the Department to endure, allows the Maywood community to move towards consensus. The process is entirely different from these EE/CA mini-reports where DOE receives and responds to individual comments. A public hearing allows the public to hear their neighbors and make decisions as a community. I don't wish to downplay the use of consensus groups, such as the one you are instituting with the Center for Environmental Communication at Rutgers. After all, who could argue against more communication rather than less? If these meetings are open to the public and the news media, include the major actors, such as Concerned Citizens of Maywood, and contribute to a greater understanding, they are a wonderful addition to, but cannot substitute for, the democratic process and CERCLA law which requires public hearings.

Concerned Citizens of Maywood and I are ready and willing to meet with you, the Center for Environmental Communication and the Tri-Borough and County Thorium Coalition to discuss the issues mentioned above and also the need for a full RI/FS process, including a public hearing. Feel free to call me so that we can set up these meetings.

Cc: T Grumbly, DOE
 A Carpenter, USEPA
 Maywood Mayor and Council
 A Strobel, Bergen County
 N Marton, NJDEP
 BJ Hance, Ctr for Envl Ed
 M Guarino, Thorium Coalition
 ✓ M Nolan, Concerned Citizens of Maywood

Sincerely,



Marvin Resnikoff
 Technical Consultant to
 Concerned Citizens of Maywood

P.S. Please send me a copy of the Community Relations Plan mentioned in your January 3, 1996 letter to Ms. Billie Jo Hance.

1503 W 369

George, [unclear] 105-10750-120



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 6 1995

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Mr. Thomas P. Grumbly
Assistant Secretary for Environmental Management
U.S. Department of Energy
1000 Independence Avenue, S.W. (EM1)
Room 5A014
Washington, D.C. 20585

Dear Tom:

I am writing to express this office's commitment to move forward swiftly to accomplish the Superfund and RCRA Administrative Reforms we reached agreement on last week. I will count on you to provide promised resources. I look forward to working together cooperatively and constructively to achieve our mutual goals of improving the efficiency and cost-effectiveness of cleanup activities. Our recent meetings in Washington, D.C., and with regional managers in July in Kansas City have laid the foundation for the successful resolution to some of the critical issues confronting our programs.

I understand the particular importance you place on the development of summary sheets on Records of Decisions (RODs) and cost-effectiveness "rules of thumb" in time to affect the maximum number of future remedy selection decisions. We are willing to consider deferring specific ROD decisions, upon request, until these new tools are available, if 1) delaying a decision can be demonstrated to be legal, reasonable, and appropriate, and 2) delaying a decision is done in full cooperation with all appropriate stakeholders (States). I will work with you to address these situations as they arise on a site-specific basis.

It is both because of, and in spite of, the multiple uncertainties in our current climate that I believe it is important to continue our efforts to improve the Superfund program under the existing statutory and regulatory framework. We will work hard to accomplish the new reforms within the aggressive timeframes established to the best of our abilities.

Sincerely,

Elliott P. Davis
Assistant Administrator

Site Success Stories...Site Success Stories...Site

FUSRAP Finishes Two Cleanups

The Formerly Utilized Remedial Action Program finished its 21st cleanup, the Chapman Valve Site in Indian Orchard, MA, in September 1995. Cleanup consisted of scrubbing and vacuuming portions of structural areas, walls, trusses, and equipment; and removing scrap and building material such as wood-block flooring at one end of Building 23. The facility is located on a 200-acre industrial complex owned by the Crane Company. Cost savings for the program were approximately \$2.2 million.

The program completed its 22nd cleanup, the Baker Brothers Site, in early 1996. Thus far, 22 of the program's 46 sites have been remediated.

Approximately 400 cubic yards of contaminated materials were removed from the Baker Brothers Site in Toledo, OH, and shipped offsite for disposal. Remediation was completed for \$2.5 million, 20 percent less than preliminary estimates.



For more information contact Melyssa Noe at 423-241-3315 or access the program's home page at <<http://www.fusrap.doe.gov>>.

Workers remediate the Chapman Valve Site in Indian Orchard, MA.



The Baker Brothers Site, Toledo, OH.

Workers remediate the Chapman Valve Site in Indian Orchard, MA.

Lawrence Livermore "Accelerates" Cleanup of Three Operable Units

Lawrence Livermore National Laboratory has teamed with regulatory agencies, the Department of Energy's (DOE) Oakland Operations Office, and area stakeholders to streamline remediation of its Site 300 Experimental Test Site.

In 1994 the laboratory completed the remedial investigation for the 7,000-acre site, located about 60 miles east of San Francisco, CA. Typically, the laboratory would have been required to complete feasibility studies, proposed plans, and records of decision before it would be allowed to begin cleaning up contaminated ground water at three of the site's operable units. Instead, the laboratory is permitted to begin removal actions such as capping landfills, removing buried drums, controlling surface drainage, installing interception ditches, and undertaking other measures as needed. Regulators will allow DOE and the laboratory to substitute concise engineering evaluation and cost analysis documents for the more substantial conventional documentation. The laboratory will ultimately produce a single sitewide record of decision documenting removal actions, ground water monitoring plans, and contingency plans. These actions will save taxpayers millions of dollars, expedite site cleanup, and bring the entire remediation process to closure years sooner than originally anticipated.

For more information contact Albert L. Lamarre at 510-422-0757.

MAYWOOD Site Plan

Site: Maywood
WBS: 138
Date: 10/03/91

1. 1984 Removal Action

In 1984, nine vicinity properties on Grove Avenue and Parkway, a portion of the Ballod Associates property in Rochelle Park, and eight properties on Davison and Latham in Maywood were decontaminated and restored. A total of 4,700 yd³ of material was transported to MISS for interim storage.

2. 1985 Removal Action

In 1985, eight residences in Lodi and the major portion of the Ballod property were decontaminated and restored. This work resulted in 30,200 yd³ of contaminated material being added to the interim storage pile at MISS. In addition, site preparation for a stockpile to accept additional material was completed, including installation of the bottom liner and leachate collection system.

3. Future Removal Actions: If expedited cleanup is required on other designated properties, removal actions will be undertaken by DOE. Excavated waste would be added to the MISS storage pile.

For budgeting and planning purposes, this plan assumes removal actions on commercial, municipal, and residential properties will be conducted each year of the five-year plan.

4. Remedial Action: Following completion of the RI/FS-EIS, proposed plan, and ROD, the remedial action alternative selected for the site will be implemented. For budgeting/planning purposes, it is assumed that the selected alternative will be excavation of the waste and disposal within New Jersey at a site to be determined.

G. Waste Transportation

If excavation followed by off-site disposal is the selected alternative, transportation of the waste will be required. As shown in Table IV-1, volume estimates for the Maywood site are 375,000 yd³. For

3.4.4 On-site Treatment with On-site Disposal

On-site treatment with on-site disposal would reduce the mobility and could reduce the toxicity and/or volume of contaminated materials. This alternative would involve issues similar to those identified for the on-site disposal alternative (Section 3.4.2), in addition to issues related to the design, construction, and operation of various treatment systems to accommodate the site's contaminated materials. On-site treatment and disposal could be conducted in situ (e.g., using vitrification or cementation and capping/grouting technologies). Conversely, treatment could be conducted in an engineered facility following removal of the contaminated materials. Either method would require the implementation of institutional controls during treatment operations. With extensive treatment, it is estimated that the total waste volume could be reduced significantly.

3.4.5 On-site Treatment with Off-site Disposal

On-site treatment with off-site disposal would reduce the mobility and could reduce the toxicity and/or volume of contaminated materials. This alternative would involve issues related to on-site treatment following excavation (similar to those identified in Section 3.4.4) and issues related to off-site disposal (similar to those identified in Section 3.4.3).

3.4.6 Off-site Treatment with Off-site Disposal

Off-site treatment with off-site disposal would reduce the mobility and could reduce the toxicity and/or volume of the contaminated materials. This alternative would involve general issues related to treatment (similar to those identified in Section 3.4.4) and issues related to off-site disposal (similar to those identified in Section 3.4.3). Siting, design, construction, and operation of off-site treatment systems would be required if existing facilities were unavailable to treat all of the site's contaminated materials (e.g., radioactive and mixed wastes).

3.5 OPERABLE UNITS AND REMOVAL ACTIONS

Under the FFA executed with EPA Region II, DOE is to identify operable units in this work plan. Hence, the Maywood site has been divided into four operable units, as follows: (1) MISS, (2) the Stepan Company property, (3) commercial and governmental vicinity properties, and (4) residential vicinity properties. This grouping enables DOE to address similar problems that likely have similar solutions. It may be necessary, however, to modify these operable units sometime in the future to better manage the cleanup activities. Although portions of or complete operable units may be addressed through removal actions under the jurisdiction of DOE, operable units generally will be addressed through a record of decision (ROD). Single or multiple operable units may be addressed in each ROD. One RI/FS-EIS will be prepared to address cleanup and management of the resultant wastes from all areas of the Maywood site for which DOE has responsibility.

— See Jeffrey Gantz, Project MGR. (USEPA) to MICHAEL J. NOLAN MAYWOOD RESIDENT, dated 3/26/92.

United States Government

Department of Energy

Oak Ridge Operations

memorandum

DATE: December 6, 1994

REPLY TO
ATTN OF: EW-93:Cange

SUBJECT: MAYWOOD AND WAYNE SITES - OCTOBER BI-MONTHLY PROJECT MANAGERS' MEETING

TO: File

The purpose of this memorandum is to document the Bi-monthly Project Managers' meeting that was held between Angela Carpenter and myself on October 3, 1994. Angela and I spoke via telephone on the following topics:

1. FY95 plans for Maywood and Wayne

? > a. RODs vs. EE/CAs - I explained DOE's preference to write RODs for both of the sites this fiscal year rather than carving out removal actions and writing EE/CAs.

? > b. Moving forward with remedial design work - I explained that DOE is moving ahead with preparation of the RAIP and the RD for the residential properties that comprise the Maywood site. Later this fiscal year we will begin similar activities for removal of the Wayne pile. Our assumption is that we can move forward with these activities (regardless of the environmental documentation that is prepared) because there are no outstanding issues to be resolved between EPA, DOE, and NJDEP.

c. Conference call - We discussed getting all the players on a conference call to discuss our strategy for moving forward and getting RODs signed.

2. VORCE update

a. Clean soil tests - I provided an update on the clean soils test, describing why we are performing these tests before testing Maywood or Wayne soils.

b. Hot tests - I explained that we are still planning to test Maywood and Wayne soils and hope to do the testing here in Oak Ridge during the winter. I explained that we do not yet have regulator buy-in to bring the soils to Tennessee, but we have initiated informal discussions with the state.

File

-2-

December 6, 1994

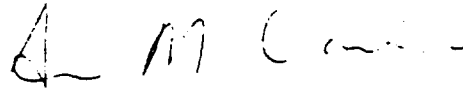
3. Maywood Pile Removal Activities

- a. Status - I provided a status of pile removal activities, including the planned media event at the site (planned for October 10) and the current schedule for removal activities.

CONF
- Public
ON
TV

4. Meetings

- a. Status - I described the meetings that were held in Maywood during the week of September 26 (September 26 open house to answer questions on health risks, September 28 information session on pile removal activities, and September 29 meeting with the Maywood women's club).



Susan M. Cange, Site Manager
Former Sites Restoration Division

DOE orders

(NEPA, 42 U.S. C. 4231 et seq.).

At many sites, DOE conducted a series of CERCLA removal actions as documented in EE/CA reports and Action Memoranda, to remove above-surface waste materials in storage piles or inside buildings. None of the FUSRAP sites have a final CERCLA ROD selecting a final remedy for the site. Some of the Tonawanda, NY sites were the subject of a proposed plan, and anticipated ROD. However, neither a ROD nor the CERCLA process required to issue a final ROD has been accomplished at any other site. At many of these sites, the National Oil and Hazardous Substances Contingency Plan (NCP) (40 CFR Part 300) Remedial Investigation (RI) and Feasibility Study (FS) process is not adequately completed to characterize all wastes present or document the analysis of alternatives. In recent years, DOE conducted environmental response actions at most of the FUSRAP sites in accordance with CERCLA and the NCP. DOE also continued to conduct evaluations of certain site activities under NEPA. DOE also conducted some cleanup activities under the AEA decision-making authorities to include the management of interim storage or disposal sites and the cleanup of building interiors. Pursuant to the AEA, DOE also established cleanup standards and requirements to apply to its own missions and contractors. These requirements are specified in documents that are commonly known as "DOE Orders," and are internal DOE documents not formally promulgated Federal regulations published in the Code of Federal Regulations.

5.4 DOE CLEANUP OBJECTIVES AND CRITERIA

A major challenge that DOE faced, and indeed one that USACE will face as well, is the determination of an appropriate approach to establish general site cleanup criteria. DOE, the Nuclear Regulatory Commission (NRC), and EPA all have standards for the cleanup of the radioactive materials. Each applies its standards in a somewhat different manner. The ultimate radiation dose is a function of the type and extent of radioactive contamination at a particular site coupled with the site's anticipated land use. The different approaches used by these agencies and the variability in potential land uses (which are determined by the site owner and the local community) results in the need to negotiate these issues for each specific cleanup.

In selecting a remedy at a FUSRAP site under CERCLA, the NCP requires that nine CERCLA criteria be met. The first two threshold criteria state that the cleanup must be protective of human health and the environment, and that it must meet applicable or relevant and appropriate requirements (ARARs). ARARs vary from site to site, particularly for the types of contaminants at these sites. In some cases, there are no promulgated state standards, and the default position of the states is often to demand cleanup to levels that are near or below background, below detection limits, or below standards of exposure accepted for industrial sites with similar contamination.

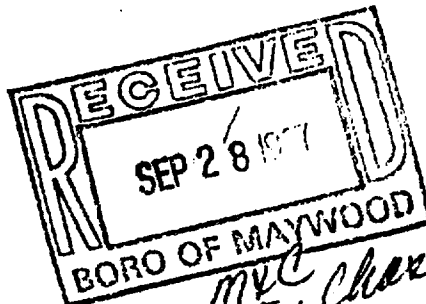
To compound this problem, DOE often had difficulty gaining acceptance of the determination from regulatory agencies and stakeholders of the appropriate ARARs and cleanup criteria. The DOE site manager had primary responsibility for developing and recommending ARARs for approval at DOE Headquarters. This delegation of authority to the field provided flexibility. However, it also placed a large burden upon the DOE site manager to develop the appropriate cleanup criteria. Site managers followed legal requirements and considered a variety of factors

WESLEY R. VAN PELT ASSOCIATES, INCORPORATED

WESLEY R. VAN PELT, PH.D.
President
CERTIFIED INDUSTRIAL HYGIENIST
CERTIFIED HEALTH PHYSICIST

773 PARAMUS ROAD
PARAMUS, NEW JERSEY 07652
(201) 445-5124

27 September 1987



Mrs. Patricia Allison
Borough Clerk
Borough of Maywood
459 Maywood Avenue
Maywood, N.J. 07607

Subject: CHARACTERIZATION REPORT FOR THE SEARS PROPERTY - MAYWOOD,
NEW JERSEY - MAY 1987

Dear Mrs. Allison:

At your request, I have reviewed the above subject report which was sent to Mayor Panos by Mr. S. W. Ahrends, Director Technical Services Division, Oak Ridge Operations Office, U.S. Department of Energy.

This report describes the radiological and chemical characterization of the property owned by Sears, Roebuck and Co. in Maywood. Site sampling and surveying work was done during May through August 1986.

The purpose of the radiological characterization is to determine the extent and volume of radioactive contaminated soil on the Sears site. This information will be used in planning for any required remedial action. The chemical characterization, described as "limited", will be used in developing health and safety requirements to protect workers during any required remedial action.

The basic approach was to drill 100 boreholes, nine of which were inside the Sears warehouse building. The concentration of radioactivity was measured in the holes to determine the concentration and volume of sub-surface radiological contamination. Also, measurements of surface radiation levels were made to determine the shallow radioactive contamination near the ground surface. In addition, direct gamma radiation levels and radon concentration levels were measured in the Sears warehouse.

The results of the radiation measurements show that 940,000 square feet (104,000 square yards) of the surface of the Sears property is contaminated with thorium at a level which would need remediation according to the DOE guidelines. I estimate that this is about 85 percent of the Sears property, including the ground beneath the Sears warehouse.

The DOE has not yet evaluated the borehole radiation data to estimate the sub-surface volume of contaminated soil which would need to be removed, but it appears to me to be quite extensive. For example, my analysis shows 68 of the 100 boreholes to be contaminated. Thus, if the Sears property were to be remediated according to the guidelines of the DOE, soil from almost the entire Sears site would have to be dug up and removed, including soil from below the warehouse.

The gamma radiation levels inside the Sears warehouse averaged 13 microcentgens per hour. This is only slightly above the normal ambient average background radiation level for this part of the country of about 10 microcentgens per hour. Thus, there is no significant radiation exposure to Sears employees due to the radioactive thorium below the warehouse floor.

Measurements of the radioactive gasses radon and thoron inside the warehouse prior to drilling were below 2.2 pCi/l. This is in the normal range for any building or home. However, after boreholes were drilled in the warehouse floor, radioactive radon and thoron escaped from the ground, and levels inside the warehouse increased to 300 pCi/l. This level of radon and thoron gas, if continuously present, would be classed as a significant health hazard to persons working in the warehouse. However, radon and thoron levels returned to safe background levels after the boreholes were sealed up. This experience leads me to recommend that the management of the Sears warehouse take care to not penetrate the concrete floor of the warehouse, or if penetration is necessary, the holes should be completely sealed as soon as possible.

Chemical analysis of soil samples identified the presence of low concentrations of methylene chloride and acetone. However, since exactly these two chemicals were used by the sampling personnel to "decontaminate" the borehole drilling apparatus, it is very likely that these results are false.

On two occasions, the drilling team drilled through buried metal drums or barrels. Analysis of the material from these drill holes revealed the presence of toluene, benzene and xylene. These chemicals are common constituents of petroleum based products such as gasoline and oil-based paint.

Chemical analysis of the soil in other boreholes revealed a variety of chemicals in low concentrations. The general conclusion is that there is chemical contamination in the soil on the Sears property.

Also, trace amounts of these metals were found in the borehole soil samples: cadmium, lead, copper, thallium, zinc, and antimony. However, when compared against the Environmental Protection

Mrs. Patricia Allison, Borough of Maywood
27 September 1987

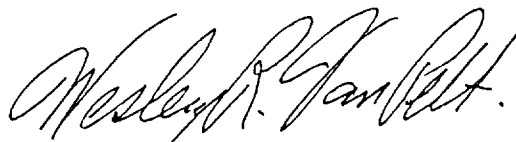
Agency's "EP toxicity" test criteria, all metals were well below the level which would have classified the soil as hazardous waste.

The most significant fact revealed in this report is that the surface and sub-surface thorium contamination on the Sears property, including the soil beneath the warehouse, is quite extensive, covering most of the Sears property.

Other general conclusions which may be drawn from the data presented in the report are: 1) that thorium is the main radioactive contaminant on the site (along with radium and uranium), and 2) that there is some chemical contamination mixed in with the radioactive contamination.

I would be happy to answer any specific questions from the Mayor and Council.

Very truly yours,
WESLEY R. VAN PELT ASSOCIATES, INC.



Wesley R. Van Pelt, Ph.D.
President

WRVP/bd

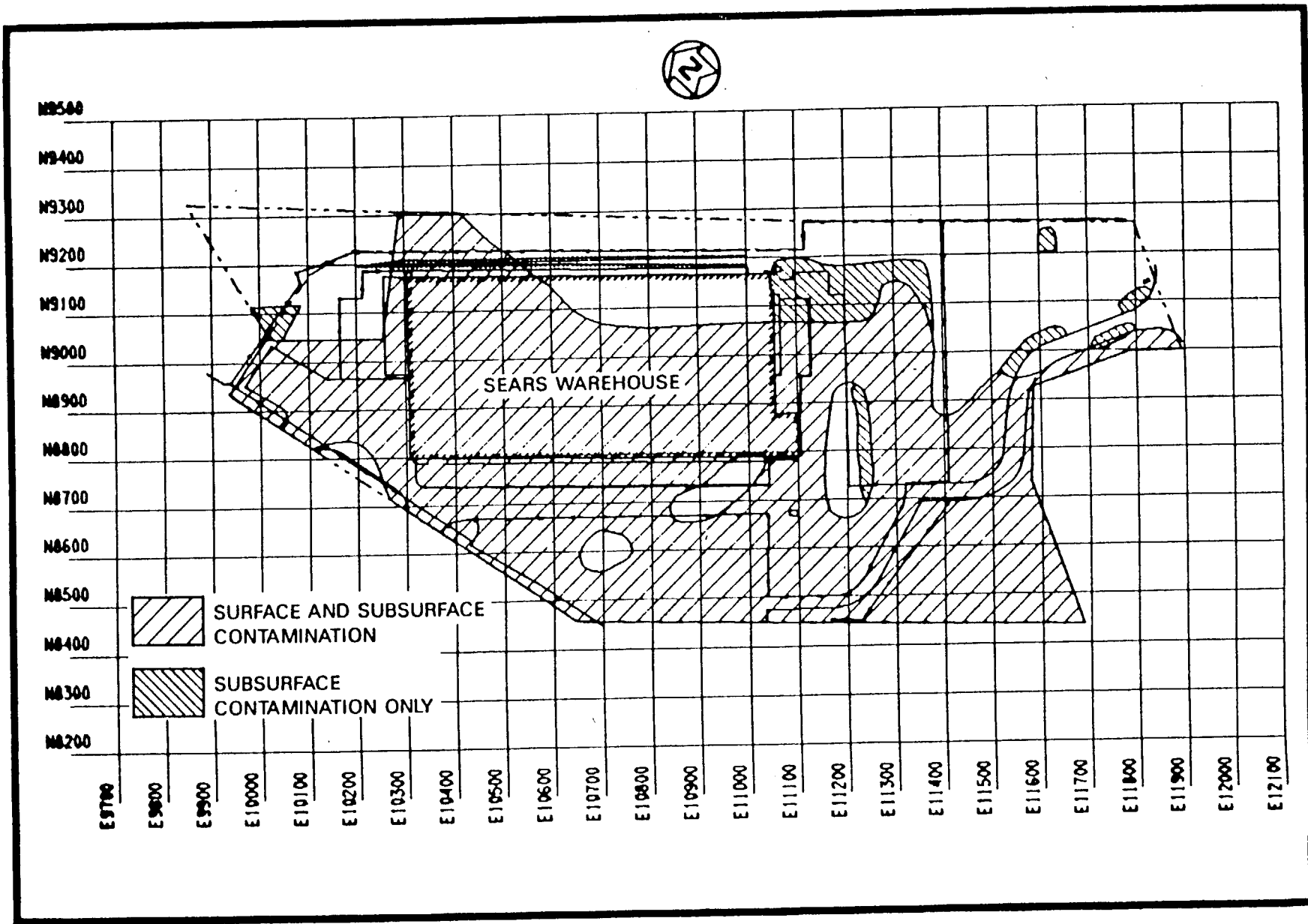


FIGURE 5-1 AREAS OF CONTAMINATION AT THE SEARS PROPERTY

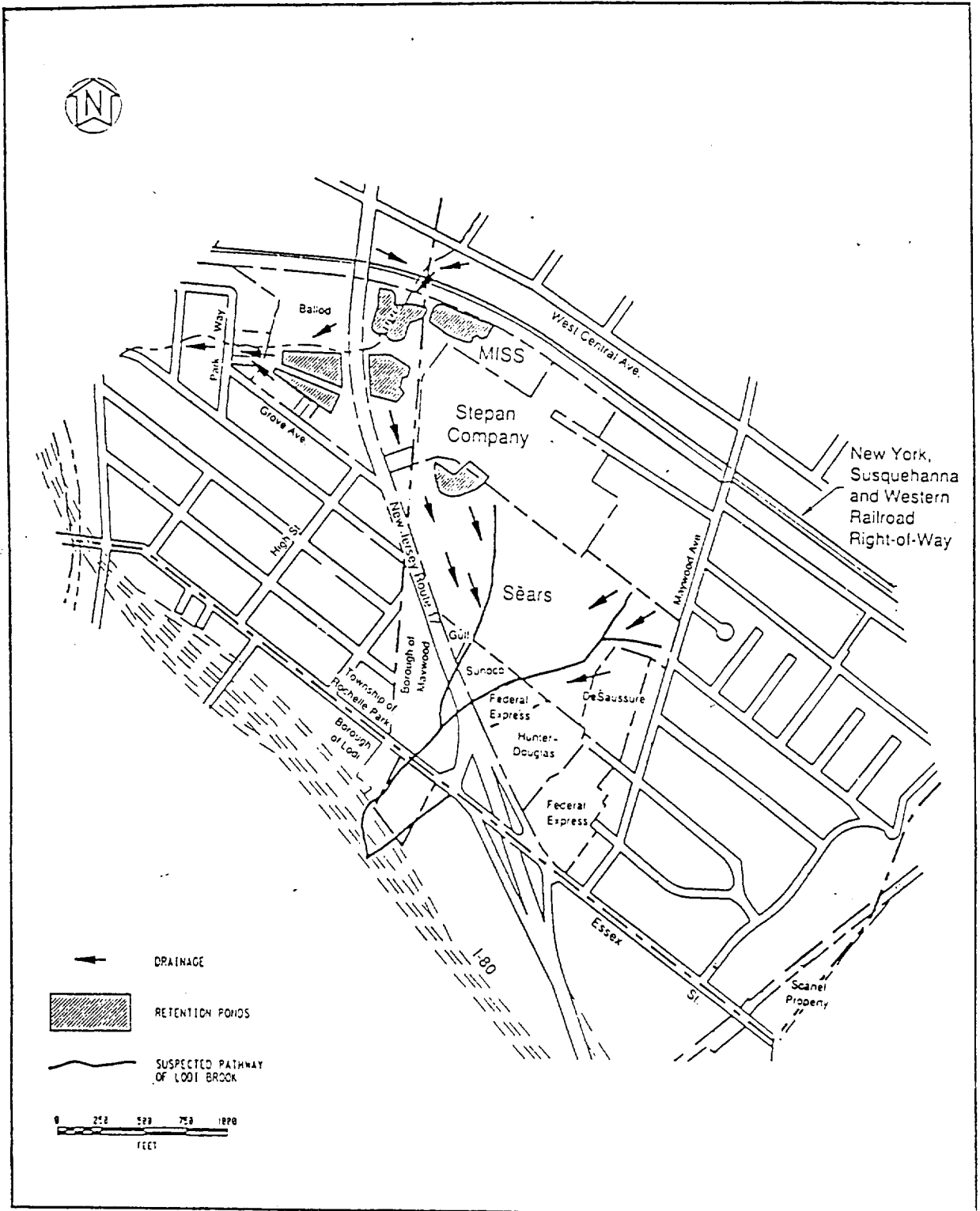


FIGURE 6 Retention Ponds and Drainage Pathways at the Maywood Site

FROM: ERASCO REPORT

value for borehole B7. It should be noted that these three compounds are typically utilized within the food/fragrance industry and are not generally seen in environmental matrices.

High concentrations of 14 base/neutral extractables in the unsaturated soil borings were detected in the 1986 site investigations at the Maywood/Sears Site (see Table 2 and Appendix D). Ten additional base/neutral compounds (fluorathene, benzyl alcohol, benzoic acid, 1,2,4-trichlorobenzene, phenol, 2-methyl phenol, 4-methyl phenol, 2,4-dimethyl phenol, di-n-butyl phthalate and diethyl phthalate) typically occurred at less than 2 ppm and thus, were not included in Appendix D. Most of these additional base/neutral compounds were always associated with the 14 compounds typically showing high concentration levels (up to 50 ppm), therefore only the elevated compounds were analyzed further. Of these compounds selected for further analysis, three general classes of compounds were present: 1) non-naphthenic, polyaromatic hydrocarbons (indeno(1,2,3-c,d)pyrene), benzo(a)anthracene, chrysene, benzo(b)fluoranthene, benzo(a)pyrene, dibenzo(a,h)anthracene, and benzo(g,h,i)perylene); 2) phthalates (n-octyl and bis(2-ethylhexyl)); and 3) naphthenics (naphthalene and 2-methyl naphthalene). The polyaromatic hydrocarbons were surficial phenomena that typically exhibited their greatest concentration levels in boreholes B1 and B11. Chrysene and benzo(a)anthracene also showed high concentrations in borehole B5, (0.4 and 0.5 ppm, respectively), whereas benzo(b)fluoranthene had high concentration levels in borehole B3 (17 ppm). Phthalate contamination also tended to be a surficial phenomenon of the central grassy area although increasing concentration levels with increasing depth were seen at boreholes B9 and B12 for bis(2-ethylhexyl) phthalate (See Appendix D). Naphthalene and 2-methyl naphthalene contamination was also a surficial phenomenon at borehole locations B4 and B12. Considering that these two compounds are normal constituents of No. 2 fuel oil (diesel), it is not anomalous or unexpected to see these two compounds at the locations where other fuel oil contaminants have been found (see previous discussion of volatile organics). Therefore, it is assumed that the naphthalene and 2-methyl naphthalene present at these site locations may have originated from spillage/leakage associated with the underground storage tanks.

All soil boring samples at the Maywood/Sears Site were subjected to pesticide/PCB analysis, and these analytical results are presented in Table 2 and Appendix D. Nine pesticides detected on-site and listed with their maximum on-site concentration levels are as follows: alpha-BHC-7 ppb; Dieldrin-50 ppb; Lindane-12 ppb; Endosulfan I-58 ppb; Endosulfan sulfate-230 ppb; Aldrin-3 ppb; DDE-94 ppb; DDD-190 ppb; and DDT-240 ppb. All of these pesticides were surficial phenomena and generally were restricted to the grassy area of site adjacent to the Sears and Desaussure buildings.

FROM EBASCO REPORT

Downhole radiation measurements (see Appendix A) identified beta/gamma activity up to 15 times background and not an occupational exposure hazard for trained field workers. Further information on the radiological characterization will be published by DOE (1987).

✓ 4.2 Chemical Results

✓ Saturated and unsaturated soils were sampled at the Maywood/Sears Site. Groundwater beneath the site and surface water/runoff samples were not obtained for analysis. All unsaturated soil samples were analyzed for hazardous substance list (HSL) organics and inorganics plus cyanide. In addition, a 10/10/10 computer library search of a National Institute of Health/Bureau of Standards (NIH/NBS) ion spectra library for unknown GC/MS chromatographic peaks was performed for the volatile, acid and base/neutral fractions, respectively. Quantification of these tentatively identified compounds in each fraction is based upon the response of the closest internal standard. Therefore, all quantifications are scaled equally in relation to one compound (the internal standard) and may not accurately reflect the actual concentration of the tentatively identified compound within the sample. All data generated by the laboratory was performed in accordance to the most current Contract Lab Program, Information for Bidders, Statement of Work (CLP IFB SOW; 7/85 for organics, 9/85 for inorganics). A current CLP deliverables package was obtained from the Laboratory for review.

✓ All Laboratory data were validated by Ebasco following current EPA data validation guidelines for HSL organic, pesticides/PCBs and inorganic compounds. Upon completion of the data validation, several analytical fractions and/or individual compounds were rejected and/or qualified. Within the volatile fraction, five soil boring analyses (B2-3, B10-1, B12-2, B14-3, B14-1) were rejected for technical reasons (poor surrogate recoveries) while several analytes were qualified. Analytes present at low levels within field and lab blanks were not rejected as per SOP HW-4, but instead qualified. This was deemed the most logical approach since these compounds (acetone, methyl ethyl ketone (MEK), and methylene chloride) were detected on-site in some instances greater than two orders of magnitude above those concentrations detected in the blanks. Thus, rather than lose some pertinent site data, these compound concentrations were qualified in lieu of rejection. Within the base/neutral acid fraction, six soil boring analyses (B2-2, B4-2, B7-1, B10-1, B16-1, B16-3) were rejected for technical reasons (poor chromatography due to running the GC/MS at too low an EM voltage) while 21 soil boring analyses (B1-1, B3-1, B3-2, B5-1, B5-2, B5-3, B8-1, B8-2, B14-1, B14-2, B14-3, B15-1, B15-2, B13-1, B13-2, B13-4, B6-1, B6-2, B6-3, B2-1, B2-3) were rejected as per SOP HW-4 for exceeding hold time requirements. While technically rejected soil boring samples were not included in the report, those soil borings rejected for exceeding holding time requirements were included in the document. The rationale

for this was that although holding times were exceeded, the affected soil boring samples typically contained high concentrations of numerous chemical compounds. Exceeding the holding time requirement for samples with high concentration levels equates to a condition whereby the actual quantity present within the sample may be a lower bound estimate of the actual concentration found on-site. Thus, exceeding holding times for samples containing high concentrations of contaminants is less severe than for samples containing low contaminant levels. Therefore, the 21 soil borings affected by holding times have been appropriately footnoted and included in the report. Within the pesticide/PCB fraction, eleven soil boring analyses were rejected as per EPA SOP HW-4 for exceeding holding times. By similar arguments presented for exceeding holding times in the base/neutral acid fraction, the 21 soil samples analytical results are included and footnoted appropriately within the report. In one soil boring, B16-1, all DDT and its associated degradation products (DDD and DDE) results were rejected for technical reasons (not linear on the column used for quantitation) and were not included in the report. For inorganic analytes, five metals (Pb, Cr, Ni, Zn and As) results were either rejected and/or qualified. Principally, rejection for metals was due to the presence of these analytes in field and/or laboratory preparation blanks. However, for lead, 23 soil borings (B15-1, B15-2, B14-3, B14-2, B14-1, B3-2, B3-1, B13-4, B13-2, B13-1, B6-3, B6-2, B6-1, B2-3, B2-2, B2-1, B8-2, B8-1, B5-3, B5-2, B5-1, B1-2, B1-1) were rejected due to duplicate results exceeding criteria levels. Considering the high lead levels found on-site, the high variability seen within the duplicates are not anomalous or unexpected. In addition, the high concentration levels present in the soil samples in relation to the levels found within the blanks (generally several orders of magnitude difference), negates the severity of violating these criteria set forth in EPA SOP HW-2. Therefore, rather than lose some pertinent site data, these data have been appropriately footnoted and included within the report. This was also the case for Zn, Cr, and Ni. Arsenic values were qualified for eleven soil borings (B16-1, B16-3, B16-5, B10-1, B10-2, B11-1, B11-2, B4-1, B4-2, B4-3, B4-4) due to variable matrix spike recoveries. All cyanide results were rejected for excessive holding time problems and thus, have not been incorporated into the report. All data qualifiers have been listed next to the reported value in Table 2.

✓ Chemical analysis results for the soil borings sampled at the Maywood/Sears Site in 1986 are presented in Table 2. As the table illustrates, the soils analyzed in 1986 exhibited high concentrations of volatile organics (methylene chloride, acetone, methyl ethyl ketone (MEK), benzene, toluene, and ethylbenzene in the ppm range), base/neutral acid extractables (24 compounds with some concentration levels at the ppm level - see Table 2), and six metals (As, Cd, Cr, Pb, Be and Ni varying

concentration value for carcinogens to on-site concentrations, an exposure factor (see Table 3 and Appendix C) which incorporates an acceptable risk level was developed to account for each viable exposure pathway. For the Maywood/Sears Site, an assumed acceptable risk level of 1×10^{-5} was utilized. A 1×10^{-5} risk level was deemed appropriate since the purpose of the risk assessment was a qualitative screening of on-site contaminants. The factor, incorporating the 1×10^{-5} risk level, when applied to the reciprocal of the cancer potency slope, would define the upper bound value of the acceptable screening concentration range for the carcinogen in question. Thus, if the on-site concentration exceeds the upper bound acceptable concentration level, then a potential human health risk may exist via the exposure pathway.

It should be noted that the exposure factors developed for both non-carcinogens and carcinogens were formulated from conservative assumptions (i.e., estimates of the frequency of on-site intruders and time spent on site, etc.) and as such, were utilized solely as a screening device in the qualitative risk assessment to estimate those chemical constituents and/or exposure pathways that may pose a health threat. These methods were developed to qualitatively assess potential health impacts and recommend a proposed focus of future work at the site. The exposure factors developed were never intended to provide a quantitative value of any potential health risks.

Concurrently, dissociation constants (Kd's) for soil to water matrices were qualitatively evaluated for carcinogenic and non-carcinogenic chemical constituents. Qualitative analysis of Kd values would allow for an assessment of the potential mobility of a chemical contaminant between soil and water matrices, and thus the potential for exerting a health impact among several exposure pathways.

After the qualitative health risk assessment was completed, any actions required to alleviate immediate potential health risks associated with the Maywood/Sears Site were recommended. These recommendations along with a proposed focus for future work at the site are put forth in Sections 5.3, and 6.0, respectively.

5.2 Potential Exposure Pathways

Based on the environmental features and location of the Maywood/Sears Site, along with possible activities of receptor populations, the following exposure pathways were initially considered to be of potential significance:

- o Ingestion of soil
- o Ingestion of surface water/runoff
- o Ingestion of groundwater
- o Inhalation of soil

- o Inhalation of airborne volatile chemicals
- o Direct contact with soil
- o Direct contact with surface water/runoff

The rationale for selecting the evaluated pathways is presented below.

✓ o Ingestion of Soil

The site is only partially surrounded by a chain link fence. Therefore, the possibility exists that people may gain access to portions of the site (principally the grassy areas adjacent to the Sears and Desaussure buildings). While intentional ingestion is unlikely, contaminated soil may inadvertently be ingested by these persons when they are on-site. Since there is a potential for this matrix to be ingested by this segment of the population, the ingestion of site soil was evaluated as a possible exposure pathway.

✓ o Ingestion of Surface Water/Runoff

As mentioned previously, a poor drainage area with an associated drainage ditch is present on-site. Since the potential exists for the inadvertent ingestion by on-site intruders of any surface water/runoff that may collect in these areas, the ingestion of surface water/runoff was considered a potential exposure pathway. Although no chemical analyses were performed on this specific site matrix, the possibility exists that contaminants present in other on-site matrices may, by their water solubility, also be present within the surface water/runoff via dissolving/leaching. Thus, a qualitative evaluation in the absence of actual site specific data of the ingestion of surface water/runoff was deemed appropriate for inclusion in the risk assessment.

o Ingestion of Groundwater

✓ Groundwater (deep aquifer) within the Maywood/Sears Site area is utilized as a source of potable water. However, the area's potable water is principally supplied via municipal water purveyors. No chemical analyses were performed on groundwater beneath the site. However, considering the fact that contaminants were found to be present in the on-site soil and that these chemical constituents may be transferred to groundwater via percolation and/or leaching, the ingestion of contaminated groundwater was evaluated as a possible exposure pathway in the qualitative risk assessment.

o Inhalation of Soil

During windy days, surface soil particles can become easily entrained and transported for great distances in the air

column. These suspended soil particles may have contaminants absorbed to them and have the potential of being inhaled on-site or off-site. At present, it is highly improbable that the inhalation of soil pathway would cause any health impact. This is due to the fact that the site is covered by asphalt or dense grass. In addition, the low, poor drainage conditions within the vegetated areas of the site are not conducive to generation of airborne particulates. Therefore, an evaluation of the inhalation of soil was not performed in the risk assessment.

o Inhalation of Airborne Volatile Chemicals

Numerous volatile organic compounds were detected within the on-site soils at the Maywood/Sears Site. While there is a potential for these compounds to volatilize into interstitial soil spaces and eventually reach the atmosphere, the probability of this occurrence significantly affecting the ambient air is minimal considering the asphalt and dense grass cover across the site. The volatile organic compounds present on-site would also exhibit a greater likelihood of entering the aqueous phase (i.e., low Kd values) than the gaseous state due to the highly saturated nature of most of the on-site surficial soils. In addition, in view of the site's close proximity to a major highway (Rt. 17), any potential impact of site contaminants on air quality is expected to be very small when compared with the overall impact on air quality caused by the highway adjacent to the Maywood/Sears Site.

o Direct Contact with Soil

As stated earlier, the possibility presently exists for intruders to gain access to the Maywood/Sears Site. It has been reported that area residents (children, teenagers) utilize the large grassy portions of the site as recreation areas. Since the possibility exists for these people to come into contact with contaminated site soil, a direct contact exposure route was evaluated in the risk assessment.

o Direct Contact with Surface Water/Runoff

Since the possibility exists that contaminants present in the soil matrix may, by their water solubility, also be present within the surface water/runoff via dissolving/leaching, there is a potential for site intruders to come into contact with contaminated surface water/runoff. Thus, it is probable that local residents playing within the grassy area or around the drainage ditch on-site will be directly exposed to surface water/runoff. Hence, the direct contact with surface water/runoff exposure route was qualitatively evaluated in the risk assessment.

In summary, only the following exposure pathways were considered viable and will be addressed further in Section 5.3:

- o Ingestion of Soil;
- o Ingestion of Surface Water/Runoff;
- o Ingestion of Groundwater;
- o Direct Contact with Soil; and
- o Direct Contact with Surface Water/Runoff.

5.3 Chemical Contaminants of Concern

A number of chemical constituents detected on-site were selected to be evaluated in the qualitative risk assessment. In general, these "indicator" contaminants were selected on the basis of having elevated concentrations relative to natural background levels and/or the availability of existing toxicological, physical and chemical characteristics data. Where existing toxicological, physical and chemical data was lacking for a chemical compound found on-site (i.e., for specific base/neutral compounds), an indicator compound within the same chemical class that had existing toxicological, physical and chemical data was utilized for this compound. This indicator compound for a chemical class was selected by the following criteria in order of importance: 1) toxicity; 2) ability to bioaccumulate; and 3) environmental mobility (i.e., Kd, water solubility, vapor pressure, etc.).

Eight volatile organic compounds were selected as indicators because they were detected at elevated levels on-site (ppb to 120 ppm levels). These compounds were methylene chloride, acetone, methyl ethyl ketone (MEK), benzene, toluene, ethylbenzene, xylene and chlorobenzene. Four volatile organic compounds, trichloroethylene, tetrachloroethylene, 1,2-dichloroethylene and 1,1,1-trichloroethane, were not addressed in the qualitative risk assessment due to the fact that these compounds are associated with laboratory contamination and thus are not necessarily indicative of on-site contamination. Although utilized to decontaminate field equipment, acetone was considered as an indicator contaminant since the concentrations present on-site were several orders of magnitude above acetone levels (when present) in the field blank.

Among the base/neutral compounds detected in the Maywood Sears site soils, twelve compounds were selected as indicators. These compounds were fluoranthene, phenol, bis(2-ethylhexyl) phthalate, di-n-butyl phthalate, diethyl phthalate and seven carcinogenic polycyclic aromatic hydrocarbons (PAHs). These seven PAHs were indeno (1,2,3-c,d) pyrene, benzo(a)anthracene, chrysene, benzo(b)fluoranthene, dibenzo(a,h)anthracene, benzo(g,h,i)-perylene and benzo(a)pyrene. It should be noted that the cancer potency slope for benzo(a)pyrene (BaP) was utilized for each of these compounds for the qualitative risk assessment comparisons in subsequent sections. Phenanthrene, anthracene, pyrene, naphthalene, 2-methylnaphthalene, benzyl alcohol, benzoic acid, 1,2,4-trichlorobenzene, 2-methyl phenol, 4-methyl phenol, 2,4-dimethyl phenol and di-n-octyl phthalate were not considered in the qualitative risk assessment due to the paucity of toxicological and chemical data on these compounds.

All pesticide compounds detected on-site were evaluated in the qualitative risk assessment except Endosulfan sulfate and DDE. Both of these compounds were excluded due to a paucity of toxicological data. However, the reader should note that although criteria are presently lacking for DDE and Endosulfan sulfate, both of these compounds were on-site at elevated levels (up to 94 and 230 ppb, respectively) and as a general rule, belong to a class of compounds that exhibits a high toxicity to humans. Thus, the pesticide compounds considered were: Dieldrin, Lindane, Endosulfan I, Aldrin, alpha-BHC, DDD and DDT. ✓

Finally, six metals were selected as indicators of metal contamination at the Maywood Sears site. Only those metals whose concentrations exceeded natural background levels in at least one on-site matrix were considered as indicator contaminants (see Table 2). Although nickel was present only slightly above normal background concentrations, it was considered for evaluation since: 1) nickel concentrations typically decreased with depth on-site to below detection limits; 2) the highest levels occurred in areas that also exhibited elevated levels of organic contaminants; and, 3) nickel is widely employed as a catalyst throughout the chemical industry. The metals chosen for consideration in the qualitative risk assessment were arsenic, cadmium, chromium, lead, mercury and nickel.

Therefore, the chemical contaminants of concern to be addressed in the qualitative risk assessment for the Maywood Sears site by chemical class are listed below:

o Volatile Organics

- methylene chloride
- acetone
- methyl ethyl ketone
- benzene
- toluene
- ethylbenzene
- xylenes
- chlorobenzene

o Acid Base Neutral Extractables

- indeno (1,2,3-c,d) pyrene
- benzo(a)anthracene
- chrysene
- benzo(b)fluoranthene
- benzo(a)pyrene
- benzo(g,h,i)perylene
- dibenzo(a,h)anthracene
- fluoranthene
- bis(2-ethylhexyl)phthalate

o Ingestion of Surface Water/Runoff

For the inadvertent ingestion of surface water/runoff, the on-site soil concentrations for three chemicals exceeded qualitatively estimated acceptable screening level concentrations. Among the non-carcinogens, only mercury appears to exert a health impact via the ingestion of surface water/runoff (see Table 4). Methyl ethyl ketone (MEK) was marginal in the qualitative screening due to the on-site concentration exceeding the qualitatively determined acceptable screening level concentration by only 1 ppm. Again, considering the conservatism employed within the exposure factor (see Appendix B), MEK may not pose an immediate health impact. Carcinogens exceeding estimated acceptable screening level concentrations based upon a 10^{-5} risk level were arsenic and cadmium with bis(2-ethylhexyl)phthalate being marginal. By analogy to the argument put forth for MEK concerning conservatism employed during the qualitative screening step in conjunction with the default value of one utilized in estimating the K_d for bis(2-ethylhexyl)phthalate, this plasticizer is presumed not to pose a health threat.

o Ingestion of Groundwater

✓ In the absence of groundwater data, the potential health impact of the ingestion of groundwater pathway was qualitatively evaluated by comparing on-site screening level concentrations with K_d values while considering the apparent geology of the site based upon the on-site borings. As stated by the geological results (see Section 4.1), the site geology is principally fill material above bedrock with no apparent confining clay layers. In addition, groundwater in the Maywood area is generally between seven and ten feet below ground surface. Considering the probable interconnection of groundwater with the potable aquifer utilized in the area (see Section 4.1), any water percolating through the contaminated site soils has the potential of intermixing with a sole source aquifer. Since many toxic contaminants detected on-site have low K_d values which would equate to a high potential for leaching into water percolating through these contaminated soils, the ingestion of groundwater downgradient of the site (i.e., a sole source potable aquifer) was deemed a potential health threat. While it may be argued that some compounds with a high K_d (i.e., high adsorption/ chelation with a concomitant low leaching potential) may not readily leach into water passing through contaminated site soils, there is a sufficient number of compounds with K_d 's less than 500 (23 compounds, see Table 3) present in high concentrations (up to 120 ppm) to warrant concern. Nine of these chemical constituents are known carcinogens. In addition there are additional compounds lacking toxicological data (i.e., gasoline, fuel oil components, methylated benzenes, etc.). As a result, the ingestion of groundwater is viewed as a potential health threat.

6.0 PROPOSED FOCUS FOR FUTURE WORK

Based on results of chemical analyses from Ebasco's field investigation, information from radiological characterizations of the site (Bechtel, 1987; NUS, 1983), and the qualitative risk assessment, it is recommended that a remedial investigation/feasibility study (RI/FS) be initiated for the Maywood/Sears Site. This RI/FS should focus on further delineation of on-site soil contaminants, particularly within the northwest quadrant and the grassy area of the site, where off-site sources of contaminants should be investigated.

- o Since the geohydrology of the site is inadequately characterized and a potential public health risk is indicated via a groundwater pathway, it is also recommended that a monitoring well and soil boring program be incorporated into the RI/FS.
- o In addition to concentrating future investigations in high contaminant concentration areas, future site work should focus on ascertaining the integrity of the on-site underground storage tanks and their probable impact on groundwater.
- o Caffeine, alpha-pinene and d-limonene should be added as analytes of concern for future site work and principal potential responsible parties should be investigated as sources for these chemicals. These are not indigenous compounds, nor are they associated with thorium processing activities at the Maywood/Sears Site.
- o It is recommended that, as an interim measure, incidentally exposed populations should be discouraged from utilizing the grassy areas of the site where inadvertent exposures to site soil and/or surface water/runoff are possible. This measure will mitigate potential health effects until more information on the chemical and radiological levels is available. Securing the grassy area adjacent to the Sears parking lot and Desaussure building would accomplish this goal.

the following VOCs were identified in the sludge material taken from the boreholes: benzene, 120 ppm; toluene, 240 ppm; and xylene, 1,200 ppm.

The semivolatile compounds identified on the Sears property were phenol, 190 ppb; 2-chlorophenol, 170 ppb; 1,4-dichlorobenzene, 74 ppb; N-nitroso-di-n-propylamine, 92 ppb; 1,2,4-trichlorobenzene, 80 ppb; 4-chloro-3-methylphenol, 210 ppb; acenaphthene, 97 ppb; 4-nitrophenol, 420 ppb; 2,4-dinitrotoluene, 89 ppb; pentachlorophenol, 260 ppb; pyrene, 90 ppb; naphthalene, 80 ppb; 2-methylnaphthalene, 88 ppb; benzoic acid, 8,000 ppb; and bis(2-ethylhexyl) phthalate, 27 ppb. The majority of these compounds were in samples collected adjacent to the DeSaussure building. No PCBs were detected in any of the 10 samples. The pesticides hexachlorocyclohexane and dichlorophenyldichloroethane (DDT) were measured in one sample at concentrations commonly found in agricultural soils. The following metals exceeded the range for published background soil concentrations (Braunstein 1981) and are also listed by the NJDEP as hazardous constituents: antimony, cadmium, copper, lead, thallium, and zinc. However, these samples did not exhibit the RCRA characteristics of corrosivity, reactivity, ignitability, or EP toxicity as specified in 40 CFR 261.21, 261.22, 261.23, and 261.24 at the time of analysis.

Subsurface soil composites obtained from the Scanel and Sunoco station properties were analyzed for VOCs and semivolatile compounds; PCBs and pesticides; metals; and the hazardous waste characteristics of corrosivity, reactivity, ignitability, and EP toxicity. With the exception of several semivolatile compounds detected at low concentrations (potentially consistent with anthropogenic levels in the area), no VOCs, PCBs, pesticides, metals, or hazardous waste characteristics were detected in the Scanel soil sample. The sample from the Sunoco station property yielded metal concentrations consistent with background soil levels (Braunstein 1981); no semivolatile compounds, PCBs, pesticides, or RCRA characteristics were detected in this sample. Although methylene chloride was detected, the result is invalid due to failure to meet the holding time for VOC analysis. Further sampling will be conducted to confirm the presence or absence of this compound.

Residential Vicinity Properties. To date, no sampling has been performed to characterize the extent of nonradioactive contamination on the residential vicinity properties.

2.4.4 Summary of Site Conditions

The following conclusions are based on historical surveys of the Maywood site and on the ongoing environmental monitoring and site characterization activities:

- The site has been occupied or associated with various chemical plant activities since 1895. One of the major activities of the Maywood Chemical Works from 1916 to 1956 was the extraction of thorium from monazite sands.

WORK PLAN
7-1990

HOMETOWN



Barrels of materials stored near a Sunoco station on Route 17 North in Maywood.

PETE KELLY/STAFF

this month, said O'Brien's claim does not absolve Stepan of its current obligations. The company acquired the site from the

old Maywood Chemical Works in 1959.

"Under the terms of the work plan that Stepan agreed to

abide by," she said, "they are responsible for the disposal of all on-site generated (chemical) waste."

sulfate (gypsum). Gypsum is nontoxic and human contact with this material would not pose a public health hazard.

PREVIOUS

Since no private wells on this property are being used for drinking water purposes [3], ingestion of groundwater is not currently a route of concern.

CONCLUSIONS

WHAT ABOUT PAST EXPOSURES?

1. Future excavation or soil disturbing activities on the Sears property and adjacent area could expose unprotected workers to VOCs and radon in the air and to radiological and chemical contaminants in the soil at levels of health concern.
2. VOCs and radon may migrate through the soil into the Sears building if a pathway is created and could lead to indoor air exposures at levels of health concern.
3. Under current use conditions, surface soil contamination at the Sears property and adjacent area does not pose a public health hazard to incidentally exposed members of the public. Therefore, access control is not recommended under current use conditions.

WHAT ABOUT PAST EXPOSURES

RECOMMENDATIONS

1. Take suitable precautions during on-site excavations to protect workers and the surrounding populations. All digging, excavating, remediating and removal activities on the Sears property and adjacent area should be conducted with strict adherence to the applicable National Institute for Occupational Safety and Health (NIOSH) recommendations, the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) regulations cited in Title 29 Code of Federal Regulations (CFR), Parts 1910, Standards for General Industry, and 1910.120, Hazardous Waste Operations and Emergency Response, and the U.S. Nuclear Regulatory Commission regulations cited in Title 10 CFR Parts 19 and 20 (or comparable DOE requirements). In certain instances, 29 CFR 1926, Standards for Construction Industry, may apply. Appropriate dust control measures should be taken to minimize potential exposures of workers and the public.
2. Monitor for radon and VOCs in indoor air in the Sears warehouse, particularly during periods of reduced indoor-outdoor air exchange.

The interpretation, conclusions, and recommendations provided are based on the data and information referenced. Additional data could alter those conclusions and recommendations. The conclusions and recommendations are site-specific and should not be considered applicable to any other situation.

WAS THERE NO ADDITIONAL DATA OBTAINED SINCE THIS REPORT?

The lithium concentration in on-site soil [≤ 691 mg. of lithium/kg. of soil (≤ 691 ppm)] significantly exceeds normal background soil levels (5 - 200 mg. of lithium/kg. of soil). The presence of lithium contamination may be related to the previous production of lithium tablets at the Maywood Chemical Works. Lithium occurs naturally in many plant and animal tissues, and dietary intake is about 2 milligrams a day [11]. Therefore, it is unlikely that incidental ingestion of lithium-contaminated soil would significantly increase lithium intake above normal dietary levels and would not pose a public health hazard.

High concentrations of thorium-232, radium-226, uranium-238, and VOCs were detected in the subsurface test pits and soil boring samples. Since there is no direct human contact with contamination in the test pits, it does not currently pose a public health hazard. However, the radioactive decay of thorium-232, radium-226, and uranium-238 produces radon-220 and radon-222 gas. During construction activity or during the installation of underground utility lines, radon and VOCs, that are heavier than air, could accumulate in holes and trenches. Also, contaminated soil could be suspended and inhaled during these activities. These exposures could pose a public health hazard to unprotected workers who enter the excavated areas.

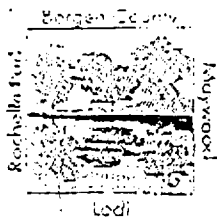
Radon and VOCs could migrate through the soil and enter the Sears warehouse if a pathway through the foundation was created. Evidence of this occurring was demonstrated when soil boring drill holes were made in the Sears building in the summer of 1986. Within 72 hours the radon level near the boreholes in the warehouse reached between 50 and 300 pCi/L; however, the radon concentrations returned to background levels after the boreholes were sealed. A radon concentration of 300 pCi/L is a level that could significantly increase the risk of cancer if chronic exposure occurred [12]. Indoor radon concentrations can vary with the season of the year and with the indoor-outdoor air exchange rate. No seasonal radon monitoring data were available. Also, no monitoring data were available for VOC concentrations in the warehouse.

Although the outdoor surface gamma rates were elevated above background levels on the north (76 μ R/hr) and northwest (34 μ R/hr) side of the DeSaussure plant, the gamma rate and radon measurements made inside the building and the subsurface soil samples from under the plant do not indicate the presence of radiological contaminants that would cause any health concern for the employees working inside the building. Also, under current use conditions, the outdoor surface gamma rates would not pose a health concern to individuals frequenting the area [5].

WHAT ABOUT PAST EXPOSURES?

PAHs were detected in surface soils from the eastern corner of the Sears property. Elevated concentrations of lead in surface water and PAHs in sediment were also detected in the drainage channel that runs through this area. This contamination is not likely to pose a public health hazard since the surrounding area is swampy and contact with the contamination is expected to occur infrequently.

The blue-gray material on the surface of the DeSaussure property was identified as calcium



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Mr. Ross suggested that the Group prioritize its meeting time, focusing on agenda items from 7:00 p.m. to 9:00 p.m. followed by an executive session on personnel matters from 9:00 p.m. to 9:30 p.m.

Mr. Japp presented a review of the cleanup evaluation and decision-making process established by the Comprehensive Environmental Response, Compensation, and Liability Act, or CERCLA, commonly referred to as the Superfund law. He described the nine evaluation criteria mandated by CERCLA and outlined the kinds of cleanup options and tools that are currently available and under review. Mr. Japp also discussed the current status of the Maywood site. Ms. Komar asked why it had taken so long, from 1983 to 1992, to initiate the CERCLA process. Mr. Redmon explained that the site wasn't given to the Department of Energy (DOE) by Congress until 1984, and that since that time, sites had been continually added.

Mr. Redmon presented a review of contaminated locations using computer-generated, color-coded graphics. Utilizing data obtained through soil samplings from the contaminated properties, the graphics depicted "hot spots" within the first five feet of soil, but showed significantly decreased concentrations at lower levels. Mr. Japp pointed out that there are currently 259,000 yd³ in the ground which must be cleaned up during Phase II.

Mr. Japp next discussed the Feasibility Study, mandated by CERCLA as an examination and evaluation of the cleanup process, which is currently being prepared. Typically, the public is involved once the Proposed Plan (PP) (the resulting report following the Feasibility Study) is published. In the case of the Maywood site, the CGG is being involved much earlier in the process so their comments can be reflected in the Feasibility Study as well as in the PP.

Mr. Recalde mentioned Route 17 and commented that he didn't think officials were aware of the contamination at the time of its construction. Mr. Japp responded that because it was paved, it could be considered a contained structure, greatly reducing risk from contamination. Ms. Ponce asked about the possibility of returning contaminated soil to the pit locations and initiating containment measures. Mr. Japp said that might be viable now, but reminded the Group that one of the mandatory evaluation criteria is possible future risk. Mr. Signorelli asked if there are any tables specifying timeframe and cost for the completion of various technologies. Mr. Japp said that short-term implementability is based on this year's budget, and that ultimately, funding may be the greatest impediment. Mr. Signorelli then posed to the Group whether the communities would be willing to trade off cost for timeliness, e.g., extending the length of the project to minimize the cost.

Mr. Perkins asked if the Group should consider remediation actions by individual properties. Mr. Ross suggested that the Group reach consensus on what options are possible, then discuss where those alternatives might be best utilized. Mr. Scarbrough suggested that the Group consider a combination of options.

to accomplish field remediation activities. SAIC served as the principal environmental studies contractor for the program preparing Engineering Evaluations/Cost Analyses (EE/CAs) and RODs to satisfy NEPA requirements, as well as performing a variety of technical activities (field sampling plans, risk assessments, feasibility studies, hazard assessments, etc). Oak Ridge National Laboratory (ORNL), Oak Ridge Institute for Science and Education (ORISE), and Argonne National Laboratory (ANL) also provided support services to the program at the direction of DOE headquarters. ORNL and ORISE performed radiological surveys. These contractor organizations performed site designation, post-remedial action verification as well as miscellaneous technical support functions. ANL performed a range of scientific and technical support to both DOE Headquarters and the Oak Ridge office.

Each of the prime contracts was a "level of effort" or "best efforts" contract with potentially little incentive to achieve cost efficiencies, savings or schedule acceleration. As administered by DOE, this arrangement resulted in duplication of effort, multiple handoffs between the various contractors, and unnecessary program costs. Generally, task scope definition to the contractors was not specific. There were frequent changes and modifications to approved work programs, resulting in out-of-scope contractor requirements and increased costs.

5.3 DOE AUTHORITIES

DOE conducted work at the FUSRAP sites under several statutory authorities. FUSRAP began in 1974 when DOE's immediate predecessor, the Energy Research and Development Administration (ERDA), determined that sites in support of the early atomic weapons program were not adequately decontaminated to 1970's health and safety standards. These sites originally operated by contractors whose contracts included some form of indemnification against certain costs and liabilities. DOE elected initially to undertake additional cleanup work in the late 1970s under its implied Atomic Energy Act health and safety authority. Thereafter, Congress authorized and funded the program through annual appropriation acts.

With the passage of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. 9601 et seq.), additional environmental restoration requirements and standards became applicable to federal facilities. FUSRAP addressed sites that did not meet the newly applicable human health and environmental standards. In the Conference Report accompanying the FY 1984 and 1985 Energy and Water Development Appropriations Acts, Congress requested that DOE cleanup five sites in Missouri, New Jersey, and New York. DOE added these sites to FUSRAP because of their similarity with or proximity to sites in the program, even though they did not meet the programmatic standards for inclusion in FUSRAP. The Environmental Protection Agency placed two of these sites on the National Priorities List (NPL) either shortly before or after the sites were added into FUSRAP.

At least two sites, the NFSS in New York and the Middlesex Sampling Plant in New Jersey, were United States property since the 1940s, and eventually transferred to DOE for accountability. These sites were managed in the past under other DOE programs, but were eventually included in FUSRAP by DOE. These sites operated as DOE federal facilities. In the case of the NFSS, significant environmental site decisions were made under the National Environmental Policy Act

Should not be
A FUSRAP site



THE ALLIANCE TO PROTECT MAYWOOD

201-843-7822
Fax: 201-843-7820

fax t r a n s m i t t a l

to: Bill Keller Stone & Webster

fax: 201 843-7560

from: Lillian Single

date: August 24, 2001

re: Public Comment USACE

pages: 5 including cover sheet.
Per our conversation this afternoon

NOTES:

*Thanks so much
for your cooperation!*
(98)

U.S. Army Corps of Engineers
August 9, 2001 Public Information Session
Maywood Public Library (Trinka Hall), Maywood, NJ
Public Comment Form on the

ENGINEERING EVALUATION/COST ANALYSIS FOR A REMOVAL ACTION
IN SUPPORT OF NJDOT ROADWAY IMPROVEMENT PROJECTS AT THE
FUSRAP MAYWOOD SUPERFUND SITE (FMSS), JULY 2001

RETURN COMMENT FORMS TO:

Allen Roos
US Army Corps of Engineers
CENAN-PP
26 Federal Plaza, Room 2108
New York, NY 10278-0090

Date: August 24, 2001
Name (optional): Lillian A Single
Affiliation (if any): The Alliance to Protect Maywood
Address (optional): 55 West Passaic Street
Maywood, NJ 07607
Telephone (optional): 201-843-7822

Enter comments in the space below. Use the other side or additional sheets as needed. If comments are on specific sections or pages in the document, please note that information in the blank below. Please be specific so that comments can be clearly understood.

Section or page #: Attached are pages from USACE documents with my annotations and formal letter

Thank You
(LS)

Comment forms can be submitted here or by mail in the pre-addressed envelopes. Mail returns must be postmarked no later than August 24, 2001.

August 24, 2001

U.S. Army Corp. of Engineers
26 Federal Plaza - Room 2108
New York, NY 10278-0090
Attn: Mr. Allen Roos

Dear Mr. Roos:

I strongly support excavation and off site removal, without "temporary" stockpiling in Maywood.

We Maywoodians were fed D.O.E. propaganda and false promises and "temporary" was always there. We were forced to live with their incompetence for almost two decades.

Many people in town worked very hard to banish the D.O.E. We welcomed and supported the U.S. Army Corps of Engineers despite the opposition of the local politicians. We were disregarded and disrespected but we persevered. Finally, the U.S.A.C.E. arrived and got the show on the road.

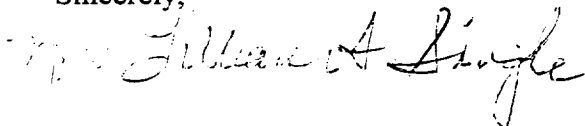
Please, don't fail us now by following the D.O.E. plan. **No stockpiling.** We deserve better.

Our government already has our tax dollars and will continue to command taxpayer "contributions". Please don't cite economy as reason to temporarily stockpile.

I devoted 30 years working for Maywood and two years diligently attending the Cooperative Guidance Group meetings. I also served as a member of the Communications Working Group.

I respectfully submit my comments to USACE in the best interests of Maywood.

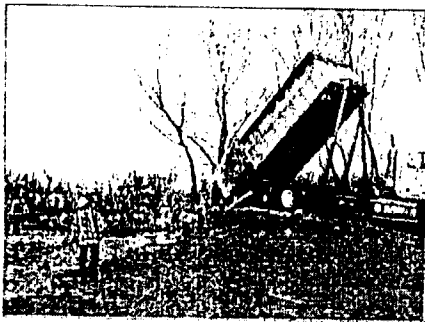
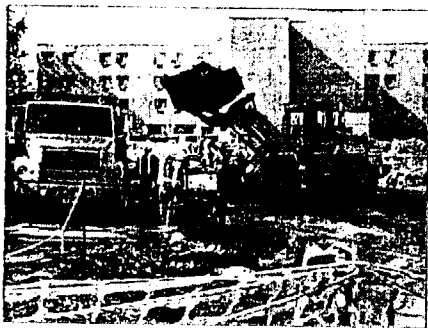
Sincerely,



Lillian A. Single

Description of the Proposed Action

Once underway, the proposed action will look similar to other construction projects that involve soil excavation and hauling. A major difference will be the protective measures used to safely handle contaminated soil. Highlights of the proposed action are:



- → excavation of contaminated material (soil and debris) in areas affected by DOT's improvements
- ✗ loading of material into trucks for transport to and temporary staging at the government-owned Maywood Interim Storage Site *Opposed to "temporary" stockpile. Better idea, done that! Remove the DDE scheme, "temporary" when?*
- laboratory analysis of material to confirm regulatory compliance and disposal characteristics *Time to pull out of this*
- → rail loading and transport to an authorized disposal facility
- → onsite treatment and other management of water encountered during the removal action *Please clarify this.*
- final survey of areas where material has been removed to ensure that unrestricted use cleanup levels have been met.
- → backfilling and restoration of impacted areas *Backfill with what? need clean pure soil?*
- environmental monitoring of removal properties as required



**US Army Corps
of Engineers.**
New York District

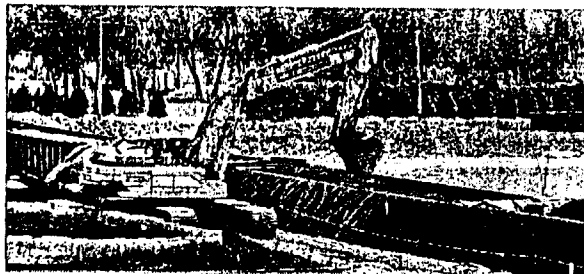
Health and Safety Protection

Numerous measures will be taken during the removal action to protect both the public and site workers. These safeguards are designed to accomplish the four main objectives for safely handling potentially radioactive materials:

- minimize time of exposure to radioactive materials
- maximize the distance from a radiation source
- use shielding whenever possible
- reduce the amount of materials present through decontamination and overall safe work practices

Explain the decontamination procedure, please
Soil separation, Soil washing?
Soil washing?
Absorbent?
no?

In addition, regular monitoring will be performed at work sites. If unsafe conditions are identified, corrective measures (including stopping activities that could be causing unsafe conditions) will be taken.



Soil is loaded into railroad cars fitted with sealable liners.



Dust control measures prevent airborne releases.



Hand separation
operator must
be a licensed
operator
Please clarify.



**US Army Corps
of Engineers.**
New York District

AB

U.S. Army Corps of Engineers
75A West Pleasant Ave.
Maywood, N.J. 07607

August 20, 2001

RE: Comments on: EE/CA for RA in support of NJDOT Roadway
Improvement Project
at FUSRAP Maywood Superfund Site (July 2001)

Sirs:

My comments are in total opposition to the above EE/CA and are supported by numerous attachments.

The Maywood Site is not a true DOE Site and no site in Bergen was a FUSRAP Site. (EPA Site manager – Shopper News, September 13, 1995 and NRC Kinneman – The Record, March 18, 1981).

Enclosed also are September 12, 2000 letters from State Senator Baer and Assemblywoman Weinberg supporting a permanent full clean up removal and opposing soil testing.

Then there is Congressman Steven R. Rothman's letter of October 5, 2000 which includes the following – "It is my firm belief that the EPA should direct the USACE to remove all contaminated soil from this FUSRAP site. In this way, the public safety threat posed by thorium contaminated soil can be eliminated once and for all for the residents of Maywood, Lodi, and Rochelle Park, NJ," and thereby eliminate any need for your questionable EE/CA because NJDOT's roadway improvements will have no contaminated areas to impact with their no time schedule project.

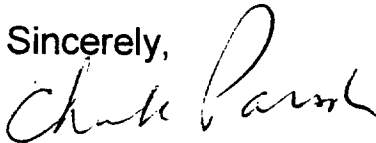
Your April 18, 2000 Anticipated Schedule at public session called for proposed plan and comment in July 2000. Then a May 2000 ROD Tentative Time Line the Corps furnished Congressman Rothman called for a FS/PP be issued to the public for comment in September 2000. USACE began mobilization for Phase II remediation in July 1999.

We want Phase II now, and you can forget the ROD since you reported there have been no RODS at the FUSRAP Sites - you just add up the removals and there it is. Wayne apparently was loud enough for you to talk ROD.

By the way when do you address chemicals and ground water? Enclosed is copy of letter of April 23, 1990 from James Pasqualo, New Jersey Department of Health in which he cites the gravest concern by the community is the possible long time exposure to chemical contamination and consequent health effects which should be part of the work plan.

It is clearly UP AND OUT!

Sincerely,



Chuck Parodi
President, Concerned Citizens of Maywood

cc: Congressman Rothman
Senator Baer
Assemblywoman Weinberg
Mr. James Pasqualo, NJDOH
Mr. Schinn, NJDEP
Ms. Angela Carpenter, EPA

Hand delivered to Maywood Office of US Army Corps of Engineers on August 22, 2001 and accepted by the following :



8/22/01

the shopper NEWS

Price 25¢

Zone 3: Lodi ▼ Hasbrouck Heights ▼ Wood-Ridge ▼ Maywood ▼ Rochelle Park

September 13, 1995

EPA: Maywood not a true DOE site

By CHRIS WEIDENBERG

MAYWOOD — The Environmental Protection Agency (EPA) project manager representing the Maywood Superfund site confirmed criticisms last week that the U.S. Department of Energy (DOE) never had any historical basis to be involved in addressing the borough's thorium problem, despite claims from Rep. Robert Torricelli (D-9) in 1983 that his move to place it within the Formerly Utilized Sites Remedial Action Program (FUSRAP) was based upon issues over possible federal liability.

Angela Carpenter, named to head the Maywood Superfund site for the agency earlier this year, did not dispute the notion that the borough's ultimate thorium cleanup fate might have been different (possibly even more extensive by this time) had Torricelli and other local officials opted to retain EPA's jurisdiction over the total site, which ended when the congressman intervened to get lawmakers to pass U.S. Public

Law 98-50, that led to DOE's placing the thorium aspect of the site under the Formerly Utilized Sites Remedial Action Program (FUSRAP) as a "research and development" project. By the end of 1996, taxpayers, via the efforts of DOE contractor Bechtel National Corporation, will have spent close to \$60 million for the site.

"Had Congress not acted to place Maywood within the DOE 12 years ago, this would have been your garden variety Superfund site," said Carpenter, who explained that the move subordinated EPA to a mere oversight role related to thorium, as stipulated in a Federal Facilities Agreement both agencies signed. "It was never a DOE site, yet it was given to the DOE." Carpenter also did not dispute assertions, waged by some critics, that Torricelli's efforts effectively reduced the amount of available government money that could be committed to cleaning up the site. Ironically, Torricelli cited EPA funding limitations in 1983 as a rationale for con-

verting the site to DOE. The department currently has budgeted \$74.1 million for sites under FUSRAP, and must rely on Congress for annual appropriations. EPA, on the other hand, has set aside close to a \$1 billion self-sustaining Superfund (not connected to the taxpayer-funded federal budget) for cleanup activities at non-government sites, such as the radium-tainted soil cleanup affecting the Essex County communities of Montclair, West Orange and Glen Ridge. However, there are proposals before the Republican-controlled Congress that, critics say, could weaken Superfund and force taxpayers to pick up polluters' costs. The current Superfund law enables the EPA to start cleanups, with the option of trying to recover costs from derelict responsible parties in court.

"When they gave it to the DOE, it became a federal facility," said Carpenter, referring to Congressional action initiated after the agency directed that Stepan Company start a thori-

um cleanup study, as a potential responsible party. "Regulations prevent EPA from using Superfund monies at federal facilities."

Torricelli's office could not provide a response at presstime.

Carpenter is the second federal official (though the first within EPA) to publicly state that the former Maywood Chemical Works site has no historical basis to be involved within FUSRAP other than through political action. In 1992, DOE's William Seay offered essentially the same opinion in an interview with *The Shopper News*.

"We didn't fight against taking this project," Seay said then. "And I'm sure the DOE is not going to fight to keep a project like this, because we have no basis to do so."

Former Republican Councilman Richard O'Neil, a 37th district Conservative Party state assembly candidate, said he was bouyed and somewhat suprised by Carpenter's statements. O'Neil said the comments strengthen

his assertion that Torricelli, with backing from borough elected officials, may have improperly intervened over 12 years ago to try and reduce the polluter liability that Stepan Company would have assumed by now in moving the thorium — had EPA been able to act under Superfund.

"I commend Angela Carpenter for her courage and honesty," said O'Neil. "We know that the DOE simply can't be trusted, based on its past record, and her comments simply reinforce what I've said all along."

During an appearance before the Bergen County Chapter of United We Stand America earlier this year, O'Neil showed a tape critical of the company which claimed that President Quinn Stepan and his family are very active in Democratic affairs within Illinois, and which cited Quinn Stepan's fundraising efforts on behalf of Democratic political candidates. Torricelli and John O'Brien, Stepan plant manager, have denied there were any links between subsequent campaign contributions, given by the Stepan Political Action Committee to Torricelli, and his efforts in helping to pass 98-50

NRC to release survey next month

Continued from Page C-3

beyond Maywood and Rochelle Park. The commission is now reviewing old files on other parts of the country to determine if there are other forgotten burial sites or places where the commission has lost track of radioactive products.

The commission's Kinneman says the review has so far turned up about 10 sites in the Northeast where incomplete files will require inspections to determine whether the sites contain any residual radioactive wastes.

"Generally, people licensed to handle radioactive materials are careful about the way they close out their license," said Kinneman. He said many industries in North Jersey have commission licenses. Even a firm with a single gauge that uses a small amount of radioactive material must have that device licensed, he explained.

Though some longtime residents of Maywood believe Maywood Chemical was involved in the project that developed the first atomic bomb, the commission says no firms in Bergen County are part of the extensive program to clean up sites used in the Manhattan Project. The cleanup, labeled FUSRAP — Formerly Utilized Sites Remedial Action Program — does include sites in Middlesex County, New Brunswick, Princeton, Bloomfield, and West Orange.

To those living close to the disposal sites, any radiation, even the minute levels coming from the buried thorium, raise the specter of cancer. State officials, however, say that there are no statistics to indicate that the incidence of cancer is higher around the Maywood Chemical dumps than elsewhere in the state.

Still, caution is the word at Stepan Chemical and its neighboring firms. Stepan's O'Brien says the company hired a private radiological consultant, Nuclear Safety Associates of Maryland, to survey the entire property, both with surface measurements and samples of soil from 15 feet deep. The survey is still being conducted, and Stepan hopes for results in mid-April. The burial sites have been fenced off and a 24-hour guard posted.

Stepan is also trying to find out more about how the Maywood Chemical material was discarded. "We've contacted people who used to work for Maywood Chemical and tried to get information from them," said O'Brien. "Records are spotty, and we have to look back 70 years." One employee, who started at the plant in 1932, didn't know the thorium

was buried there, O'Brien said.

Myron Manufacturing, an office supplies company next door to Stepan on West Hunter Avenue, does know.

In December, Maywood's board of adjustment asked that Myron obtain commission clearance before the company builds a new warehouse and plant on Maywood Avenue. The site for the multi-million dollar project once was owned by Pfizer Chemical Corp., which was licensed to conduct research with a number of radioactive isotopes.

Myron vice-president Fred Growney said this week that the commission had checked the prospective site for radiation, cleared the property verbally, and would write to the borough's board of health.

Pete Scanel, a former Maywood councilman who is now on the zoning board, still argues that there should be a moratorium on construction in Maywood until the radiation question is resolved. In addition to the radioactive materials, Scanel is worried about other toxic or hazardous chemicals that may be used by Maywood firms.

The investigation of the radiation found in Rochelle Park also drew attention to other chemical wastes on the same site. The state DEP told the Rochelle Park Planning Board last October that tests found lithium wastes — designated "moderately toxic" — on a site once considered for a housing development.

Stepan Chemical hauls away significant amounts of waste products considered hazardous, and is currently negotiating with the state DEP to determine how they should dispose of chromium-treated leather the firm uses in some of its products.

"We truck out maybe two loads a week of leather scraps once treated with chromium in the tanning process," said O'Brien. "The DEP may consider this hazardous, and we have to register the shipments with them." He said Stepan does not consider chromium a hazardous waste.

The presence of radioactive materials continues to worry local officials. "I have the feeling that down the road the state will have to bear some of the responsibility for this, because they did not monitor the situation as well as they should have," said the Maywood borough attorney, Richard Fiore. Fiore said that within the last five years there were two state inspections of the site, and neither yielded any abnormal radiation readings.

Never Tested
BY DE/ EPA
OR NJ DEP

NO FIRMS IN
ROCHELLE PKY.
ARE
FUSRAP!

OTHER
CHEMICAL
WASTES
ON BALLOD
PROPERTY IN
ROCHELLE
PARK

WITHOUT
ANY
TESTS
ON
SURVEYS?

?

(6)



NEW JERSEY SENATE

BYRON BAER
MINORITY LEADER PRO TEM
SENATOR, 37TH DISTRICT
BERGEN COUNTY
125 STATE STREET
SUITE 205
HACKENSACK, NEW JERSEY 07601
(201) 343-3333
FAX (201) 343-1594

September 12, 2000

Dear Concerned Citizens of Maywood:

Thank you for your recent fax sharing with me your August 31 letter to the Maywood Mayor and Council. As a long-time advocate of the permanent removal of the thorium-contaminated soil from Maywood, I share your concern over reports that portions of the contaminated soil would instead be separated and sorted.

Such a shift in technique would go against an established position of Maywood favoring removal rather than the use of on-site remedial technologies. The citizens of Maywood have waited a long time for this clean up and your organization is understandably concerned that no unproven methods be used.

I would appreciate your informing me of the Mayor and Council's response to your letter. Thank you for keeping me apprised of the situation.

Sincerely,

Byron Baer

BB/clk



NEW JERSEY GENERAL ASSEMBLY

DEPUTY MINORITY LEADER
LORETTA WEINBERG
ASSEMBLYWOMAN, 37TH DISTRICT
BERGEN COUNTY
545 CEDAR LANE
TEANECK, NJ 07666
(201) 928-0100
FAX (201) 928-0406
e-mail: aswwainberg@njleg.state.nj.us

COMMITTEES
HEALTH
COMMISSIONS
N.J. HISTORICAL COMMISSION
N.J. ISRAEL COMMISSION
LEGISLATIVE SERVICES COMMISSION
ASSEMBLY ADVISORY COUNCIL
ON WOMEN

September 12, 2000

Mr. Michael J. Nolan
Concerned Citizens of Maywood
201-845-3271

Dear Mr. Nolan:

✓
Thank you for your fax regarding the Soil Separation and Sorting at the Maywood site which I received last week.

After checking our records, I have never been contacted by the USACE, EPA or NJDEP regarding the site. I certainly have not rescinded by opposition to Soil Washing or Testing and will continue to support Maywood's goal of full clean up of the site. ✓

Please feel free to contact me if I can be of help in any way.

Sincerely,

Loretta Weinberg
Assemblywoman, District 37

LW:cc
Maywood

OCT-05-2008 10:22

Mike & pages
from Chris

P. 02/83

STEVEN R. ROTHMAN
9th District, New Jersey

1807 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-5061
Fax (202) 225-5061

DISTRICT OFFICES

28 MAIN STREET
COURT PLAZA
HACKENSACK, NJ 07601-7000
(201) 940-0000
Fax (201) 940-1044

130 CENTRAL AVENUE
JERSEY CITY, NJ 07310-2110
(201) 798-1000
Fax (201) 798-1725

Congress of the United States
House of Representatives

Washington, DC 20515

October 5, 2000

COMMITTEE
COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON CRIME

COMMITTEE ON
INTERNATIONAL RELATIONS
SUBCOMMITTEE ON INTERNATIONAL
SECURITY POLICY AND TRADE

E-MAIL:
stevr.r.othman@mail.house.gov

WEB SITE:
http://www.house.gov/rothman

The Honorable Carol M. Browner
Administrator
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Dear Administrator Browner:

I am writing to you on behalf of my constituents, Ms. Louise Torell and Mr. Michael Nolan, of Maywood, New Jersey, concerning the issue of soil separation and soil washing at the Maywood Formerly Utilized Sites Remedial Action Program (FUSRAP) site.

As you may already know, I am strongly opposed to soil washing and have strong concerns regarding the efficacy of soil separation efforts ongoing at the Maywood FUSRAP site. I understand that a soil separation pilot project has been underway at the Maywood site since mid-August of this year and that this pilot project will soon end. Given that the Environmental Protection Agency (EPA) will play a major role in determining the cleanup criteria at the Maywood site, I would like to know the EPA's position on the effectiveness of the soil separation pilot project conducted by the Corps of Engineers.

It is my firm belief that the EPA should direct the U.S. Army Corps of Engineers to remove all contaminated soil from this FUSRAP site. In this way, the public safety threat posed by thorium contaminated soil can be eliminated once and for all for the residents of Maywood, Lodi, and Rochelle Park, New Jersey.

Thank you in advance for responding to my inquiry. Please feel free to contact my aide, Rafi Hamparian at (202) 225-5061, with any questions you or your staff may have regarding this matter.

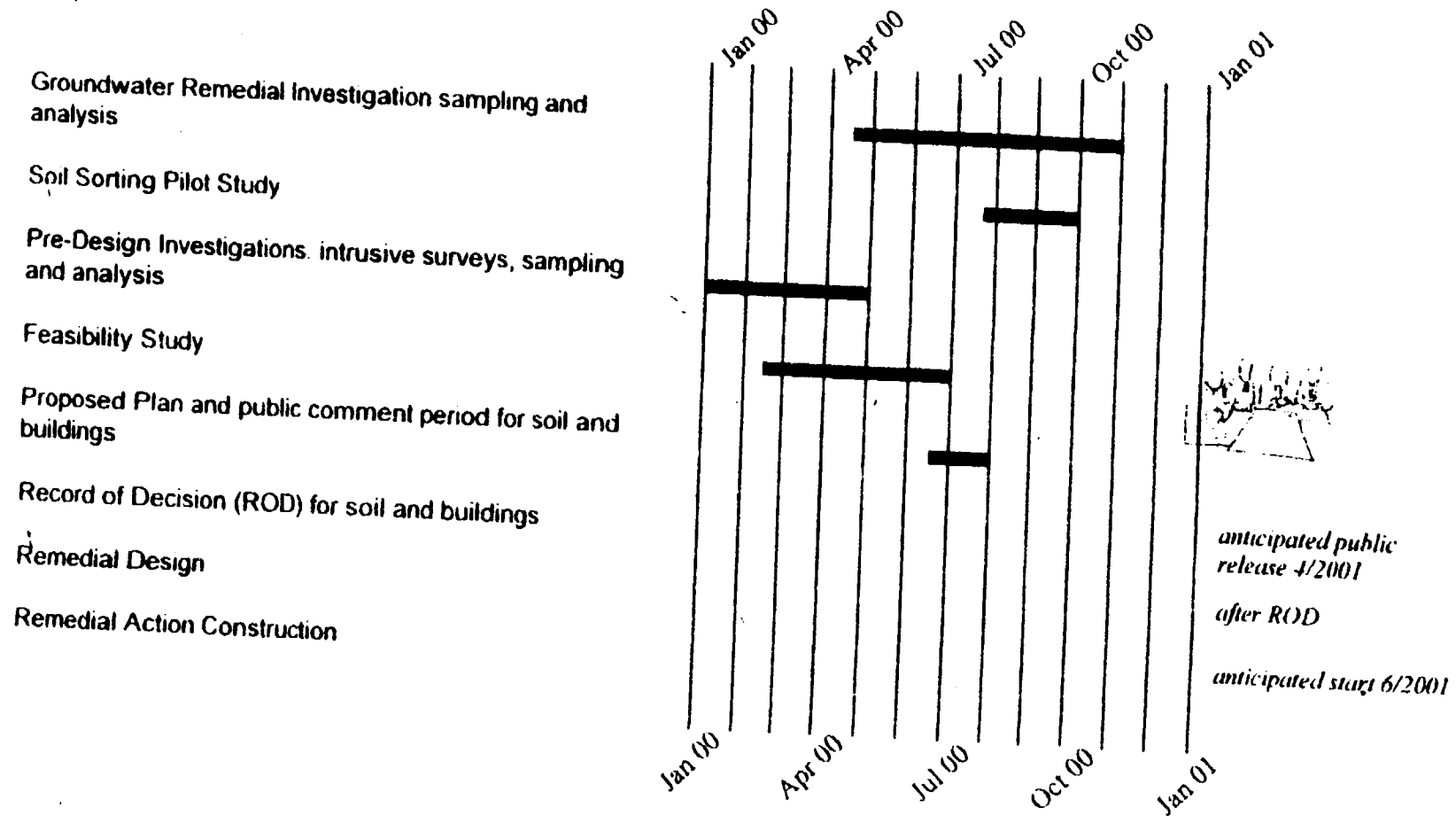
Sincerely,

Steven R. Rothman
Member of Congress

cc: Ms. Louise Torell
Mr. Michael Nolan
SRR: rhh

PRINTED ON RECYCLED PAPER

Anticipated Schedule



USACE is working with state and federal regulators to finalize the Feasibility Study and Proposed Plan. Several issues have delayed the release of these documents. This schedule is contingent on these issues being resolved.



**US Army Corps
of Engineers.**
New York District

4/12/00 Public Information Session

May 00

**MAYWOOD FUSRAP SITE
RECORD OF DECISION
TENTATIVE TIME-LINE**

Draft Final Feasibility Study / Proposed Plan Internal CORPS review	May 00
Submit Draft Final Documents to EPA and NJDEP for comment	June 00
Respond to comments & revise Draft Final Documents	September 00
Provide to Public for Comment	September 00
Respond to Comments	November 00
Prepare Draft Record of Decision (ROD)	December 00
Submit Draft ROD to EPA and NJDEP for comment	January 01
Respond to comments & revise Draft ROD	January 01
Submit Draft Final ROD to EPA and NJDEP	March 01
ROD signed by EPA	April 01
Prepare and Submit Remedial Design workplans to EPA & NJDEP	May 01
Begin Remediation of Phase II properties	July 01

**MAY 00
TENTATIVE
ROD**



Posquale

State of New Jersey
DEPARTMENT OF HEALTH

CN 360

TRENTON, N.J. 08625-0360

FRANCES J. DUNSTON, M.D., M.P.H.
STATE COMMISSIONER OF HEALTH

April 23, 1990

William Nelson
ATSDR
Room 737
26 Federal Plaza
N.Y., N.Y. 10278

Mr. Nelson:

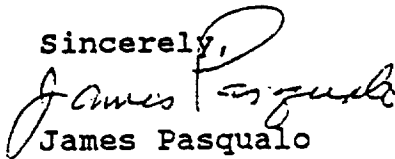
I have reviewed the RI/FS Workplan documents pertaining to the Maywood (Chemical Co.) Site recently forwarded to me from your office, and I would offer the following commentary.

Based upon NJDOH experience, the concerns summarized on page 14 of the Community Relations Plan do not accurately reflect the issues associated with the site as perceived by the community. The issue of primary concern to the community in Maywood is that of the potential chemical threat posed by the site and the lack of definitive data to support or reject that assumption. While the other issues listed are also of concern, by far the gravest concern expressed by the community is the possible longtime exposure to chemical contamination and the consequent effects to the public health.

In recognition of these concerns, the Remedial Investigation needs to contain activities to define the nature and extent of possible chemical contamination associated with the site and vicinity properties in addition to characterizing radiological contamination. The current work plan is deficient in this regard.

Additionally, these comments represent a partial review, as time permitted, of the material sent to us, and is not intended to infer concurrence or disagreement by NJDOH with the remainder of the documents.

Sincerely,



James Pasquale
Environmental Health Service
New Jersey Department of Health

cc:

Jonathan Savrin NJDOH/EHS
Steve Byrnes, NJDEP/DHSM

Central File: H-058-90



**US Army Corps
of Engineers.**
New York District

How Did We Do?

Thank you for coming to tonight's meeting. We'd like your opinion on how it went. Your feedback will help us improve our communication with the public in the future. Please take a few moments to complete both sides of this evaluation form before you leave.

1. Please rate your understanding of the issues and concerns about the Maywood Site (circle one).

Very well understood
Well understood
Not very well understood
Not understood at all

2. What are your concerns, if any, about the Maywood Site?

Clean it up FAST.
END the ~~project~~ - Delay.

3. Please rate your satisfaction with the information presented at tonight's session (circle one).

Very satisfied
Somewhat satisfied
Satisfied
Not satisfied
Dissatisfied

4. Were the exhibits and handout materials informative? (circle one)

Yes (if so, which items were particularly helpful)

NICA PRINT Job.

No (if so, which items didn't help?)

**U.S. Army Corps of Engineers
August 9, 2001 Public Information Session
Maywood Public Library (Trinka Hall), Maywood, NJ
Public Comment Form on the**

**ENGINEERING EVALUATION/COST ANALYSIS FOR A REMOVAL ACTION
IN SUPPORT OF NJDOT ROADWAY IMPROVEMENT PROJECTS AT THE
FUSRAP MAYWOOD SUPERFUND SITE (FMSS), JULY 2001**

RETURN COMMENT FORMS TO:

**Allen Roos
US Army Corps of Engineers
CENAN-PP
26 Federal Plaza, Room 2108
New York, NY 10278-0090**

Date: Aug 9, 2001
Name (optional): _____
Affiliation (if any): Citizen Maywood
Address (optional): _____
Telephone (optional): _____

Enter comments in the space below. Use the other side or additional sheets as needed. If comments are on specific sections or pages in the document, please note that information in the blank below. Please be specific so that comments can be clearly understood.

Section or page #: _____

*Get the clean up Done:
- END of COMMENT*

Comment forms can be submitted here or by mail in the pre-addressed envelopes. Mail returns must be postmarked no later than August 24, 2001.

**U.S. Army Corps of Engineers
August 9, 2001 Public Information Session
Maywood Public Library (Trinka Hall), Maywood, NJ
Public Comment Form on the**

**ENGINEERING EVALUATION/COST ANALYSIS FOR A REMOVAL ACTION
IN SUPPORT OF NJDOT ROADWAY IMPROVEMENT PROJECTS AT THE
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RETURN COMMENT FORMS TO:

**Allen Roos
US Army Corps of Engineers
CENAN-PP
26 Federal Plaza, Room 2108
New York, NY 10278-0090**

Date: 8/9/01
Name (optional): _____
Affiliation (if any): _____
Address (optional): _____
Telephone (optional): _____

Enter comments in the space below. Use the other side or additional sheets as needed. If comments are on specific sections or pages in the document, please note that information in the blank below. Please be specific so that comments can be clearly understood.

Section or page #: Vo ROD (Record of Decision)

Careful cleanup - clean air, clean streets
cover, wet down essential
Take toxic waste out and not a double
operation (bring to miss ^{store} then to RR cars
is not healthy for people living nearby

Comment forms can be submitted here or by mail in the pre-addressed envelopes. Mail returns must be postmarked no later than August 24, 2001.



**US Army Corps
of Engineers.**
New York District

How Did We Do?

Thank you for coming to tonight's meeting. We'd like your opinion on how it went. Your feedback will help us improve our communication with the public in the future. Please take a few moments to complete both sides of this evaluation form before you leave.

1. Please rate your understanding of the issues and concerns about the Maywood Site (circle one).

Very well understood
Well understood
Not very well understood
Not understood at all

2. What are your concerns, if any, about the Maywood Site?

*Take the dirt right out of Maywood
Do not store here*

3. Please rate your satisfaction with the information presented at tonight's session (circle one).

Very satisfied
Somewhat satisfied
Satisfied
Not satisfied
Dissatisfied

4. Were the exhibits and handout materials informative? (circle one)

Yes (if so, which items were particularly helpful)

No (if so, which items didn't help?)

5. Was the information presented in a way that was understandable? If not, how could the presentation been improved?

Tell the people the truth.

6. Did the technical staff use understandable language and provide enough detail to make the information useful to you?

7. Was the location and time of tonight's meeting convenient for you?

Yes

No

8. Please provide any other constructive observations or suggestions about tonight's information session.

It's time the Corps listened to the residents who fear the toxic stored here

9. Please rank in order of preference how you would like to receive information about the Maywood Site. (the number 1 being your most preferred method)

Letter mailed to you

Newsletter/progress report mailed to you

Newspaper article

Public events like tonight

Other (please list)

10. How did you learn about this public information session? (circle all that apply)

From a friend or neighbor

By mail

Newspaper article

Newspaper advertisement

Flyers posted in the community

Other (please describe)

Are there other ways to publicize future meetings that you would prefer?

Please provide any additional comments you would like to make in the space below.

*- Dig up the toxic & take it -
right out. Do not store*



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1. Please rate your understanding of the issues and concerns about the Maywood Site (circle one).

Alan - Next time make a presentation

Very well understood
Well understood
Not very well understood
Not understood at all

2. What are your concerns, if any, about the Maywood Site?

*Remove toxic waste from Maywood
Do Not use the MISS as an interim storage site*

3. Please rate your satisfaction with the information presented at tonight's session (circle one).

Very satisfied
Somewhat satisfied
Satisfied
Not satisfied
Dissatisfied

4. Were the exhibits and handout materials informative? (circle one)

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Yes
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Please provide any additional comments you would like to make in the space below.

U.S. Army Corps of Engineers
August 9, 2001 Public Information Session
Maywood Public Library (Trinka Hall), Maywood, NJ
Public Comment Form on the

**ENGINEERING EVALUATION/COST ANALYSIS FOR A REMOVAL ACTION
IN SUPPORT OF NJDOT ROADWAY IMPROVEMENT PROJECTS AT THE
FUSRAP MAYWOOD SUPERFUND SITE (FMSS), JULY 2001**

RETURN COMMENT FORMS TO:

**Allen Roos
US Army Corps of Engineers
CENAN-PP
26 Federal Plaza, Room 2108
New York, NY 10278-0090**

Date: 8/09/01
Name (optional): Louise TORELL
Affiliation (if any): Secretary (Concerns Citizens) Maywood
Address (optional): _____
Telephone (optional): _____

Enter comments in the space below. Use the other side or additional sheets as needed. If comments are on specific sections or pages in the document, please note that information in the blank below. Please be specific so that comments can be clearly understood.

Section or page #: _____

Since 1981 we have been concerned about cancer in this town when we heard about this issue. The ROD should have been issued in 1991. Therefore the Corps has ignored the ROD + continue to work against what should have been done.

Comment forms can be submitted here or by mail in the pre-addressed envelopes. Mail returns must be postmarked no later than August 24, 2001.

Big eye topic + take it right out
(over)

Environ could have taken this toxic dirt
out in 1991. The ROD is still not
affected. Therefore the Corps is working
illegally. It is time they stopped
the charade.

It is my belief that if we were
given all true facts, this issue in
Maryland would be bigger than
Brookovich. ~~The~~ Perhaps if Maryland
could also be a movie.