Formerly Utilized Sites Remedial
Action Program (FUSRAP)

Maywood Chemical Company Superfund Site

ADMINISTRATIVE RECORD

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MR. ROOS: I appreciate everyone coming here tonight. We're here to discuss our proposed remedial action plan for Maywood, Formerly Utilized Site Remedial Action Program. Rather than throw out all the acronyms with FUSRAP and the like, we're going to go through a little brief presentation, a little site history, introduce some of the people we have here, and then we're going to begin our comment period. We have set up a sheet to try and establish some type of order, and I'll get into that a little bit more in the presentation. First off, I like to introduce Colonel John O'Dowd.

COLONEL O'DOWD: I'll just take a second, only a couple minutes. As the sign says, my name is John O'Dowd. I command the New York district of the Corps of Engineers. Our office is actually downtown in Manhattan.

I came out here tonight for a number of reasons. One, this is big program. The Corps has been here now for five years. I grew in Bergenfield, moved out into the Army about 28 years, bouncing out all around the world, but my family still lives here, so I understand what this particular site involves. I mean, the kind of neighborhoods that you see in Maywood are not that different from what I grew up in

Bergenfield. When I drive around here, I recognize it. So I wanted to come out tonight, meet some of the folks in the area and see what went on in the public meeting.

What we're doing here today is explain to you a little bit about what we've done up to this point, where we are in the process, what we're proposing to do, and then hear what you have to say because whether you believe it or not, that actually is part of our process, and sometimes we're asking questions that you may have felt you've been living here and you've seen different people coming and go. We have to do this, and so you may be answering some of the questions you already answered, and I beg your indulgence to go ahead and do that so that we can hear what you have to say, make a decision because ultimately what we'd like to do is continue on cleaning up the area. Between the Department of Energy and what we've done between 1997 and now, we've cleaned a good number of the residential properties. We'd like to get in here and clean the rest. It looks like we're being supported and the funding is going to be available to do the cleanup, which is good news. I mean, there's a lot of places where I have to go with sites that are contaminated

in different ways, maybe not to the level you had here, where we end up telling the people the funding is not there. In the case of Maywood, it looks like the commitment is there and the funding is going to be available. We're moving through the process and trying to get to the point where we can continue to clean these properties and hopefully walk away one day with the goal of saying this site is clean, go about what you do everyday.

Allen is going to walk through what's going on, and then we're anxious to hear what you have to say at the end. Thank you.

MR. ROOS: Thank you, sir. Basically, this is the agenda that I guess we were talking about and whether or not we need to take a 15-minute break, I'll let that be judged on how you all feel, but after explanation of what our proposed plan is, we will look to open up the public comment period just so that we can make sure that everyone has an opportunity to comment. We're asking you to try and limit yourself to about five minutes; that's not to say you won't be able to get to finish. What we will try to do is let everyone have an opportunity, then if you want to come back and have further comment, then please feel free to do so. I think with the

number of people that we do have present we should have plenty of opportunity to hear from everyone. So it is not our aim to pick a time and say we didn't get to you and we're done. We'll be here to listen to everybody's comments.

As I introduced myself earlier, I'm the project manager for the Corps of Engineers for this Maywood site. I'd also like to introduce, we have Angela Carpenter. She's regional project manager for EPA region 2, and Donna Gaffigan is the bureau case manager for the Department of Environmental Protection for New Jersey. So I think the three of us have been around. You have seen our faces. I know both of these ladies have a lot more time in than I do on this site.

Just as a little history, previous removal actions that have been completed or at least the action that memorandums the decision documents have been completed for first is the soil removal. I know that was a sore spot for everyone in the community, and when the Department of Energy was finally able to move that soil off the site, it was to everyone's great pleasure at that point.

Then they produced another removal action document that addressed 64 or 39 of the remaining 64

residential properties. These two were considered under the CERCLA national contingency plan regulations as nontime critical removal action. The Corps of Engineers actually put together a time critical removal action when we assisted the town, the Borough of Maywood, with the swale, which became apparent to have problems after Hurricane Floyd in September of 1999, and most recently we prepared and completed the action memorandum for work in support of the New Jersey Department of Transportation projects that were coming on down, and we felt that it was our responsibility for cleanup of this site to get out ahead, and we did it nontime critical removal action so that we can work in conjunction with and stay ahead of what DOT has proposed for the area since a lot of those projects are going to be impacting you and all of us in many ways in the near future.

The proposal for remedial action plan or proposed plan is what our agency has determined is our preferred alternative. This is what we would like to do to remediate this site. It entails looking at other alternatives, and then it provides the reasons for what the preferences are, and at this point in time we're here to solicit comments from the

public, whether they be verbal as tonight, you also can provide written comments to us. There are some forms on the table with some self-addressed envelopes so you can provide those comments to us as well.

Right now, the proposed plan addresses the remaining contamination under 24 commercial properties, which includes some of the contaminated buildings as well. Ground water at this point in time is in remedial investigation that we're in that same process to get to a feasibility study proposed plan to determine if and what is necessary as far as from a ground water component. In addition, some of those removal actions that I discussed earlier, we now will when we have a record decision with this proposed plan evaluate everything that's been performed there to make sure what has been done in the past is consistent with what we're saying in this record decision, and all those previous actions will be put together into either a no further action record decision or they could actually be included in the ground water record decision based upon completion of our evaluation of those previous actions.

This map is probably a little bit hard to see. It's hard to see for me. It's also in the handouts

that we have up here. It's basically outlining the 24 commercial properties that are going to be addressed under this proposed plan, encompassing all three towns, Maywood, Rochelle Park, and Lodi, Rochelle Park to a lesser degree, actually the government-owned properties in Rochelle Park. To get to the proposed plan, as I was saying earlier, we were required to prepare a feasibility study. This looked at all the different alternatives that can be used to see if they meet all the requirements under the Superfund regulations to ensure that we are conducting a successful cleanup and making sure that we were taking into account public health and the environment.

The four options that were looked at is the no action, which is always involved in these documents because you're comparing to that no action, if we did nothing at all. We're doing comparative analysis to doing nothing, so no action is always required. We looked at monitoring and institutional controls, whereas we would leave all the contamination where it is currently and we would then monitor that situation, place institutional controls to make sure no one was digging into that contamination, and we would have to do five-year reviews ad infinitum, and

we would be out here many years to come ensuring that the contamination stayed exactly where it is.

Alternative number three is excavation and off-site disposal, which is pretty much consistent with the previous removal action that have been completed so far and are ongoing where we excavate the material from its present location, transport and dispose of that material to a regulated facility.

Alternative number four was where we would look at excavation treatment and off-site disposal. There is a statutory requirement by the CERCLA regulations that says you will evaluate treatment because we are looking for volume reduction. It is not a goal of CERCLA just to move material from one place and put it to another, but if there is some way you can reduce the contaminant load, that is what we are required to evaluate. As I said earlier, I guess if the alternative to no action does provide that base line for comparison, it would have five-year reviews. Monitoring institutional national controls further would just address any of the monitoring that we continue out there and then also for deed restrictions on properties to ensure that no one did any excavation in those contaminated areas.

Alternative three would address all accessible soils, things that are not located under permanent structures, such as Route 17, under an active rail line or under buildings that are currently occupied and used for business purposes at this time.

Then alternative four is the same as three, but as we had stated, it is involving treatment to reduce volume of contaminated material. We have performed a pilot study of a treatment option. It would be mechanical separation or physical separation of the contaminated portion from the soil. We are currently evaluating the results of that, and we will be preparing that report and providing it both to the EPA and DEP; that's why in this case it is an option within the alternative that's been chosen because we have not completed that evaluation. What we are saying here is that if there was treatment employed at this site, we would look to make sure that any of the contaminated material that would be above the 15 picocuries per gram, which is the action level that is established for commercial properties, anything above that 15 picocuries per gram would have to be transported and disposed of off site. Materials that could be separated that would be below that 15 picocuries per gram potentially could be used as

backfill only on the government-owned property. We were not intending to use it as backfill in other areas, and then that backfill material would be assured to have at least one foot of clean cover. In excavations as deep as seven to nine feet, I assure you it would be having more than one foot of clean cover.

Costs are always established for this. Alternative one, which was the no action plan, still has a cost associated with it of $439,000. Alternative two, which was the monitoring and institutional controls, was the $20,000,000 option. Alternative three, excavate, transport and dispose of the materials, is $254,000,000, and if treatment were chosen and used and shown to be a viable option for this project, then that would cost $244,000,000.

The preferred alternative or our proposed plan has been to choose alternative four because we have, in keeping treatment open as an option as a contingency, if treatment has shown to be effective and usable, and we will also solicit comments here tonight to determine what the community position is on that as well, based upon all that information in concert with discussions on EPA and DEP, we would then present that to you as to whether this was the

best thing to go forward with this site. Until that time, we are just going to be excavating, transporting, and disposing of that material.

The public involvement opportunity, now one thing I would like to address, the public comment period, actually an extension was requested of us, which we were happy to grant so everyone has an opportunity to continue to review this and be able to provide meaningful comment, a 30-day extension has been granted and is now running till October 12; that's one correction on that slide. I apologize.

We also have all these documents, the feasibility study, proposed plan, as well as administrative records and other information that's been compiled over the years for this site is available at three public libraries for all three towns, as well as the information center that's on West Pleasant Avenue here in town, and we will address all comments that we receive, whether they be verbal or written in response of this summary and that will be made available as well.

After we complete this process, we need to get to a record decision. We prepare the responsiveness summary, prepare a record decision that would be coordinated with both the DEP and EPA. EPA and the

Corps of Engineers would sign the record decision saying that this is our contract, this is how we say we are going to complete this action out here, and this is what binds us to making sure that we do it as such. Completion of that record decision gets us into a phase where we have to prepare remedial design plans, where we take all the information that we do know about the site, we prepare work plans, this is how we plan to excavate it, this is how we plan on dealing with ground water, this is how we plan on dealing with air monitoring, and all the different factions to assure that what we're doing we're doing in a safe manner, and at that point in time when we get approval of those work plans, we would go to remedial action, and that's where we're actually in the construction phase and remove all contamination that we have there in accordance with that record decision. We will also be continuing our monitoring program, and upon completion there will be continuation of monitoring activities to assure the effectiveness of the remedy.

As far as a point of contact, I've been designated as the person to receive all your comments, and I'll be happy to do such. This is my address here in the New York office, and as this

slide has been corrected to show that they should be postmarked by October 12. You do have forms on the side and self-addressed envelopes. Feel free to write them on the back of the envelope, if that's how you plan on doing it. We will address all comments and do welcome all comments.

That's it as far as my presentation is concerned, whether or not anyone wants to take a couple minutes or a break or you just want to continue, we can move into the area. We can have people come up. Please let us know who you are for the court reporter and then address the comment. We were going to try to sign in as far as comments. These are people who have signed up at this point in time. As far as questions, we'll be happy to try and address any question that you have.

MR. MOHR: Jeff Mohr, M-o-h-r, Maywood. Could you go into what the treatment entails, the mechanical treatment? I don't understand the process. What are the disadvantages of doing that, the down side?

MR. ROOS: Right now, as far as the treatment is concerned, what we evaluated with this pilot study was to see if it was feasible to remove the contaminated portion of the soil, since you're

going in with heavy construction equipment, digging down into a hole, you have captured this amount of soil. Some of that soil is contaminated, some of it is not. What we're proposing to do with this treatment, and we had to evaluate whether it will even work with the types of soils we have here, whether we have too much rock, too much sand, too much clay, the moisture content, you have to look at all these different factors to make sure that what you have is something that is conducive for use in the type of equipment.

The type of equipment that we chose to evaluate is called segmented gate. Segmented gate is just a soil separation process where there were three detectors each looking for uranium, thorium, and radium. Those are the three contaminants of concern that we have associated at this site. As the soil column went underneath these detectors, they were on a conveyor belt. If that detector showed that it was above the elevation or above the action level it was set for, then the gauge would engage and then take that soil and shift it to a pile and say that's contaminated soil. If as it's passing through those detectors and you're not registering anything that's above that action level, then it should be shifted

over to a clean pile. At that point then samples would go on for both of those to make sure that that was the case, and if it's chosen and that material is less than the action level, it could potentially be reused on governmental property, and that was the process that we evaluated.

MR. MOHR: Is this an outdoor process?

MR. ROOS: It is an outdoor process.

MR. MOHR: As a result of all the manipulation of soil, will it cause things to be potentially be blown into the air? Is that a concern?

MR. ROOS: Part of the evaluation is to ensure how much, at this current time, and as we've done in years past, and we'll continue to do is, we use dust suppression methods. You're going to use water actually that you spray down to keep the soil sufficiently wetted. Now, we don't want them so that they're soupy or muddy or clumping together. They have to be just wet enough so that they're not becoming airborne, and to ensure that process we have personal protective equipment on the operators so that they'll have repel monitors. They wear a little air pump here that actually draws in air through a cartridge, and with that it's the same thing as if

they were in the breathing zone. You have one line of defense in that fashion surrounding anywhere, whether it be during construction or during this type of activity.

We have a perimeter monitoring established within the work zone. Then you have something outside of the work zone, so what we're trying to do is ensure that we don't have that air emission during any activity on the site. Whether it be for treatment or handling any materials or excavation, the same things are employed. I wish I had a good picture of it, and I know that many of you have been around town. When we're out doing our excavation, our own operators don't need to wear any respiratory devices because we don't have any problems because of the measures that we take during our construction activities, and that's another reason why things take a little bit longer, because you have to work in a little bit different fashion than if you were just in a normal excavation.

So there are a number of different things put in place to ensure that we are not having that air emission that you're concerned about.

MR. MOHR: I'm wondering, if it's only about two and a half percent lower cost to use

alternative four and there's no study necessary, no additional process necessary to use alternative three, why not just go with three?

MR. ROOS: There is a statutory requirement within the national contingency plan, which is part of the CERCLA Superfund regulations, which their tendency, for lack of a better word, they are more inclined to go towards treatment as an option so that you're not just taking material from one place and moving it to another. If there's some way to reduce volume, treat it, whether it be mechanically or chemically, some way to bind the contamination so it's not able to be released, these are options that the national contingency plan prefers being utilized, and cost is not necessarily a driver toward that. They would prefer to see treatment being used so that you're not just moving soil around.

COLONEL O'DOWD: Trying to limit the amount of material ultimately exposed to the site. You have limited capacity to dispose of the site. So you're trying to separate it so that only the stuff that actually has to be disposed of is deposed of. In a sense, it's almost the same principle as recycling. You recycle things in part to get volume

reduction in garbage, so that your landfill capacity increases.

MR. ROOS: One of the things as well in this situation, though, is by excavating it here and bringing it back and putting it through a treatment program at the site and then doing that separation is the same thing that we could actually lengthen our process in the field so that I could have radiation officers inside the excavation and we could be looking, scanning that material and say, okay, get that little bit, no, leave that little bit there, let's leave that there, and then lengthen that whole process of excavation as opposed to, I can dig this up, bring it somewhere, separate it out, speed up the process, get people back into using their property and having us out of town quicker. Those are some of the reasons behind wanting to look and evaluate this, how could we work with the 24 commercial property owners. These are people actually running businesses. If I could get on this property, get the material off, backfill it and be out of there in a quicker process, and if this is another way to get me there because I'm mechanically separating in a field with a three yard bucket and handheld devices as well, so I'm going to be doing it there slow and

tedious or I'm going to be able to do it more efficiently through another process.

MR. MOHR: What's the dispersion of this stuff? Is it spread out throughout an entire site or just in veins or local areas?

MR. ROOS: A lot of places you'll see lenses or veins. Some of those lenses and veins could be a couple feet thick, and depending on where you're talking about, when we get further from the site, when the transport mechanism was at the brooks and everything was brought down through any storm water runoff, then you're talking about having more of those veins that are smaller or finger-type situations. When you're talking about where it was actively being processed, part of that process, which was standard industry practice at the time, here I have my lagoons for my waste material as I'm extracting the thorium from its raw state. It's not a very efficient process. So what's going out with all the other waste are also sitting out in lagoons and ponds that were out over on the Maywood site, and so when you're talking about in there, we're talking about a few feet of material.

MR. MOHR: How does the detection process work as the soil passes under?

MR. ROOS: There are three detectors that have a certain crystal that is calibrated to look for a certain energy source. So if you're talking about looking for uranium, it's going to be calibrated to look for the energy that uranium is going to give off, uranium or thorium. We have three separate detectors. There's a conveyor belt that's underneath them. Material gets put into a hopper so that it could easily be put out. It goes underneath, for lack of better word, a big rolling pin so that it's uniform in thickness. It goes through those detectors. At a certain point, if that detector is registering that there's a problem, it says, okay, that needs to be diverted to the contaminated pile. If there's no problem with that soil, then it should go over to the uncontaminated pile.

MR. MOHR: Does it look for spikes? For instance, if there's just a chunk of radioactive stuff that went by really fast, a big spike and then nothing again?

MR. ROOS: That material would go off. I mean, if the machine is calibrated throughout the process, it can also run tests where they take a known sample that's only the size of a small rock and they actually drop that in, and that orange-painted

rock better go in the right pile.

MR. MOHR: It's not looking for averages; it's looking for unique, distinct, discrete?

MR. ROOS: It's seeing action levels and saying that's above the action level and it's deciding it should go over here.

MR. MOHR: Okay.

MR. KAMINSKI: Ed Kaminski, K-a-m-i-n-s-k-i, 108 Stelling Ave. On this machine, how many times has it been used, and what's the success ratio?

MR. HAYES: We had experience with it at at least three other locations.

MR. KAMINSKI: So this is a guinea pig?

MR. HAYES: No. The company that runs this particular machine that we tested has used it at many sites.

MR. KAMINSKI: Is there any test rates that you have?

MR. HAYES: It's worked on some sites, and other sites based on the soil characteristics, as Allen mentioned, moisture content, percent clays, and contaminants itself, impacts how well it works, and that's the reason for the pilot study and going

through the evaluation to see does it work at Maywood. It might work somewhere else, but does it work at Maywood.

MR. KAMINSKI: This town has had this for 20 years. I don't think it wants to go through a test phase. It just wants it out, and for a 10 million dollar difference on the estimate, we want it out. Take it out by rail. Take it out. Truck it. That's it.

MR. ROOS: We appreciate your comment.

MR. KAMINSKI: One of the key concerns of many citizens in this town is the manner in which contaminated soil is removed from the town. While alternative three of the proposed plan indicates that the contaminated soil will be transported to disposal sites in either Colorado or Utah by rail, the plan also states the details of the off-site disposal will be evaluated and finalized during the implementation process of the other alternative. The summary of alternative four simply states the contaminated soils will be shipped from the MISS to the disposal facility. Both of these statements were rather vague, the details of the transportation proposal of the contractor. We'd like it made clear in the wording of any final plan adopted by the Corps that

this material must be shipped by rail simply and safely directly from MISS. Most people don't even know it's going by rail. They don't even see it. We don't want trucks. We do not want the selection of transportation shipping methods as part of the plan left up to the contractor. We need to see specific instructions regarding the direct movement of contaminated soil by rail from MISS incorporated into the record of the decision. With rail tracks located directly adjacent to MISS, it simply makes no sense to complicate the process by loading contaminated soil into trucks, dragging it through the streets of Maywood, Rochelle Park, Saddle Brook, Elmwood Park or any of our neighboring towns. Along with being grossly inefficient, that option would be grossly inconvenient and dangerous for the people of Maywood.

Frankly, we suffered enough over the past two decades, as we waited and waited to see this site cleaned up. The last thing we need is 80 to 100 trucks loaded with thorium-contaminated soil rambling down the streets each month.

I'd also like to note that in terms of the transportation of any type of contaminated or hazardous material direct rail has been proven to be

much safer than trucking. In many cases removal by rail is the only mode used since the addition of significant number of truck movements into the equation increases the possibility of a spill, release or an accident. We know there are uncertainties about the various disposal sites in Colorado and Utah and the contractor needs some flexibility in creating a disposal plan, but none of those uncertainties have anything to do with the manner in which the material moves out of Maywood on the first leg of the journey. We ask the final record of decision specifically state that material must be depart from MISS by rail. We think the people of Maywood want, need and deserve that reassurance.

I'd also like to state my preference for alternative three which calls for transportation of all contaminated material at federally approved disposal sites. We want to see a permanent cleanup of these properties. We don't want Maywood to become a disposal site or the Corps' experiment in treating and testing. Maywood needs new industry and commercial establishments. Once the contaminated soil is completely removed, the site will offer a golden opportunity for this town to attract new

business which would help reduce the already high burden of tax rates impacting the taxpayers.

We do not want the site used in any manner for a segmented gate system, separating the contaminated soil as well as the possibility of bringing in more contaminated soil from other outside locations. The proposal of the alternative of treating the soil and backfilling at the site using today's technology is unacceptable because it will be more cost-effective than excavating and disposal and can save 10 million dollars out of the $254,000,000 plan as proposed. Who's to say that current environmental regulations won't change over time and new standards put into effect and we'll be back to square one with another contaminated soil situation? The associated cost will skyrocket, not too mention any potential health claims that might arise.

Simply put, contaminated soil needs to be fully removed, certified that it's safe to inhabit and redevelopment of the site initiated. Thank you.

MR. ROOS: Mr. Nolan was next on the floor.

MR. NOLAN: My name is Michael J. Nolan, N-o-l-a-n. I live at 69 Lennox Avenue, Maywood. The article in The Record today, soil

cleanup land states, quoting Mr. Roos, "This is what people have been waiting for for a number of years. This is it." No, no, no. This is what we feared was going to happen for all these years, and we tried all efforts that we could muster to get this done long ago because Mr. Roos also says that the public's input will affect what direction the Corps takes. We can't believe that. We can't believe that. They have known the people's wishes since way back when. In fact, in 1993, not only that, but they put out a proposed plan and feasibility study, and when I asked for a copy of the proposed plan, they couldn't find it, but I had a copy of the brochure they put out and it said in there, under community acceptance, this criteria is not evaluated formally until comments on the feasibility study and proposed plan are received; however, they established and maintained the community relations program for the Maywood site and has received extensive comments from the local community. The community has expressed a preference for removal of all contaminated materials, particularly of the storage pile and for the out-of-state disposal of the contaminated materials. Now, can we all go home? Do they know now what they knew in 1993? We should be able to, but here we are

back saying that based on what you say now, this could affect what the Corps says. Well, if you look at the other page of this, and I won't go through it, it shows you the proposed plan as of 1993, and maybe they ought to put out a flier and show us the difference between 1993 and 2002.

Now, we have been crying up and out. We put out brochures, fliers, what have you, and in 1993, the Department of Energy was fully aware of Maywood's concerns, including a 1991 referendum vote of 2,447 to 231 for cleanup and removal of all contaminated waste, excavating up and out. Maywood spoke for itself. Other than that, there have been other petitions and comments. I have a box there with a pile of documents. They've been totally ignored going back right to the beginning. So this is what has been our position all these years, and I don't think they're going to change on it. So I do hope that they are going to change on it.

Maywood deserves the same cleanup as Lodi, up and out to five pCi/g level for unrestrictive residential use. No treatment. We have been getting mistreatment, but we should all be treated the same as Rochelle Park's property, commercial property, cleaned up to five pCi/g. We should insist on our

commercial properties, but in addition to that, you have Lodi, Rochelle Park, Montclair cleaned up to five pCi/g. I don't know why we should be treated differently.

So since 1993, because of the ongoing Maywood concerns about soil testing and cleanup standards, they have refused to release the proposed plan to the public for cleaning up the Maywood sites. This is not a cleanup. This is not a final cleanup. You see the word "operable unit"? Operable unit means part of the cleanup because ground water is not included in this project. Chemicals are not in this project. The hundreds of drums under Sears are not in this project. I think I will leave some of this kind of stuff. We're going to have a disposal site under any circumstances with what they leave behind. That was established up in Wayne, and they said what happens when you have residual waste? Well, then you have a disposal site, but they haven't touched the chemicals and not touching the drums, which I understand could be a big project. I haven't seen any cost estimate of the treatment in the book that they put out. Perhaps they should want to do that.

I can go on now, but the fact is, they know the position of the people of Maywood, and it's time

the people of Maywood started putting up the barricades and not let them come in here if they're not going to clean up the place like they're supposed to and like they cleaned up other places, and this treatment business, they're probably going to put out for the kids treatment cookies. 450,000 tons is the contract for the Cotter Company. How many tons do we have here? How many?

MR. ROOS: You have approximately 300 some-odd thousand.

MR. NOLAN: Where's the rest coming from?

MR. ROOS: That is a not to exceed contract amount. A number was chosen so it would be high enough to encompass any materials that were coming from this site. It's only for materials generated from this site.

MR. NOLAN: They're talking about 10 million dollars. I don't know whether you're aware of it or not, but the congressional record from 1983 shows that this is supposed to be a combined cleanup site, in other words, Stepan Company along with the federal government. I'll just read you a couple sentences here. It says, as a result of an agreement, as a result of the agreement that was

negotiated by Congressman Torricelli which will clean up the site with federal and private funds, the chemical company that now occupies the plant has agreed to donate land up to three million dollars. That later was established by the DOE. It was not meant to all be in cash, but, however, the fact is, and it's in the congressional record that the Stepan Chemical Company have agreed to share the cost of the cleanup. Now, they didn't say to contribute to the cleanup. They said to share the cost, and I think that perhaps that's something that you might want to look into.

Now, just to show you how we're ignored, that big chart I have up there, UAO, we gave a letter to the Corps April 20, 2000. That's only part of the list. I gave a page to my new found friend here, the colonel, with the rest of the list, but I gave that to them. I gave it to the town. They all have it. There's nothing in there that indicates that anybody wants treatment or five to fifteen pCi/g. So I think that we should get a hind up. Thank you.

MR. ROOS: Thank you, sir.

MS. STUBBS: My name is Stacy Stubbs. I live about a half a mile from the site with my family. My credentials, my background, my

professional background is that I have two engineering degrees, my first from Stevens Institute of Technology and second from the University of California at Berkeley. My specialty at Berkeley was environmental engineering with an emphasis on waste management. Actually, I went to school on a DOE scholarship emphasizing environmental restoration and waste management. So it's rather ironic that I'm dealing with this site so close to home, but my personal credentials, I believe, are much stronger. I'm a mother. These are my two stepchildren and my baby, Rebecca, who is 15 months who some of you have been meeting throughout the night, and Rebecca lives at our house since she came home from the hospital. She learned to crawl on the floors which may have been contaminated with radioactive soil from the air, from the dust.

I am extremely concerned because of the dust control measures at the site. I've seen some lax measures throughout the time that I lived here. There have been problems with the tarps back before they had the white building that's now contained in the soil. There were many times that I would drive past the pile and the tarps would be down. I would see dust blowing off. There was a time in February

where so much of the pile was uncovered that I grew alarmed, and I finally called Mr. Roos, finally able to reach him, and turned out that they were also aware, but if you look at the site monitoring data from that time in February, you will see a distinct rise in the soil coming off that site, a distinct rise in the thorium that was detected, and that's public information. I got it out of their reports. I'm concerned, I'm just a citizen, I would have to call and complain about dust suppression measures. I mean, what kind of monitoring are they doing at that site?

I've expressed concern in a letter to Mr. Roos May 13 of this year, which I haven't the return receipt that it was received; however, I never got any response, but there are some real problems with dust suppression measures. If you look in the report, if you look in the proposed actions, the repel monitoring is a good example. I've asked for some records to see what sort of actual measurements are coming from those repel monitors, with names rescinded, of course. I'm not interested in violating anyone's privacy. I never received those. I'm not even sure they're being warned.

You spoke earlier. You said it wasn't

necessary to wear them any longer because of your good dust control measures?

MR. ROOS: I didn't say that.

MS. STUBBS: I wasn't clear about what you said earlier.

MR. ROOS: I said we did not have to wear respiratory --

MS. STUBBS: Gear?

MR. ROOS: That's correct.

MS. STUBBS: I'm concerned about that. It says in one of the site management plans that if dust is detected, they should shut the site down; however, there is a provision in there that if dust is detected, first they have to see if it's coming from any off-site sources. During the time they're investigating whether it's coming from off-site sources, people like us are getting dust blown off of the site into our homes.

Can you imagine what it's like to have small children and have to leave the doors and windows closed on a summer day? We don't have air conditioning. The first year of her life we didn't know about the site. We actually had fans blowing right into her room blowing over her as she slept. As a mother, this causes me enormous concern. I know

what the radiological and chemical profile of thorium looks like. Even if a few particles were inhaled deep into the lungs where they won't be exhaled, it is a very high probability that that person will develop cancer as a result during some part of their life. As a mother, it horrifies me to think this baby may have been exposed to that thorium, that she may have a time bomb ticking in her body.

As an engineer, all I can say is that I want to express my concerns. I would like to see better dust control measures taken at the site, and I clearly oppose this new alternative. If there's any problem with the dust suppression measures, the more processing you do, the more dust is created, the more exposure there is to the residents. It seems like a no-brainer. A very small amount of 10 million dollars in a 240 or 50 million dollar project shouldn't make any difference when you're talking about the health of the residents. I'm not only thinking about my own kids here. I'm also thinking about the future residents of Maywood. There are kids being born right now that are facing the same risks. It seems to me that it's clear that we should not investigate this new proposed measure any further and that we should take greater care with managing

the site, and I appreciate your time in listening. Thank you.

MR. LU: My name is K.M. Lu. I've been a resident of Maywood 20 years. I'm a retired person. I received my MBA degree from the Walton School, University of Pennsylvania, 54 years ago. In the early '90s, I was on Mayor John Stewart's foreign advisory committee, and I've been fighting for total removal for about 15 years. Just a few years ago, we see the thorium site away, the thorium there totally removed to a remote place. If the treatment plan is so effective and reliable, why would we use such a plan? So I doubt very much the effectiveness and reliability of the treatment plan, and I just give two examples. I think thorium is definitely harmful to human health. A couple of years ago, by evidence of the settlement lawsuit, the settlement between Stepan Company and the victims, as a result of that suit, Stepan Company indemnified the victims of cancer occurrence and for cancer death. There's no argument about it.

Secondly, it has an adverse effect on home prices in Maywood. Before retirement, I was a realtor at a realty agency in Maywood, and just in the past two or three years, I think they are bias on

Maywood houses, sue the agency, remove this closing, Maywood has a thorium site, and eventually the agency lost the case, and the plaintiff, the buyer, got payment for damages.

So the thorium in Maywood definitely has two adverse effects, firstly on human health and secondly on home prices. So I'm now age 80. I'm will not live to the day when I see thorium will be totally removed from the town of Maywood, but I hope to see that Maywood will rid itself of this curse. I believe that would be to the benefit of the residents of Maywood as a whole from the time being and also for the good of future generations living in Maywood. Thank you.

MR. ROOS: Thank you, sir.

MR. GAFFNEY: Tom Gaffney, G-a-f-f-n-e-y. I hope he is here to see it gone. May 4 in the booklet that you had sent me is in reference to seven of 24 properties are currently being remediated by the removal action in support of New Jersey Department of Transportation listed in there. My question to you is, does Maywood take a back seat while we're waiting for the Department of Transportation to put all their bad dirt in the gondolas to ship them out? Do we take a back seat

and wait until that's all finished and then work on some of the properties that are in Maywood to get that stuff out of here? Is that what's going on?

MR. ROOS: No, sir. We are currently negotiating for access with a number of the properties that are located in Maywood while we're continuing to do some of the work in Lodi, and when the record decision is in place, so we will be able to work on the other properties. We were proposing, and depending on how the funding goes, having multiple teams and multiple excavations so we will be able to work on Maywood properties at the same time.

MR. GAFFNEY: What are we doing now? Please don't tell me what's down the road. Are we getting Maywood dirt out of here now?

MR. ROOS: I would say for privacy issues, I will not discuss but --

MR. GAFFNEY: You don't want to tell me? That's fine.

MR. ROOS: I have not been given access to a Maywood property, sir.

MR. GAFFNEY: The dirt that's on the MISS site, maybe I'm calling it wrong, the dirt that's on the MISS site that's contaminated, is that being sent out?

MR. ROOS: Yes, it is.

MR. GAFFNEY: Quantity? 10 gallons a day, a week, a month?

MR. ROOS: We're not even generating enough material right now. Those types of volumes have not been generated. So we would say approximating 30 gondolas maybe a month.

MR. GAFFNEY: Who asked for the extension to October 12 for this? You say somebody did. What's wrong with the date we had set, and let's get it going and let's start it moving? Why do we now extend that date to October 12?

MR. ROOS: There is a requirement within CERCLA that we would have to at least look at or honor a request if it's received in a timely manner.

MR. GAFFNEY: My question is, who asked for the extension? Is that a private issue that can't be disclosed?

MR. ROOS: I do not know the answer to that.

MR. GAFFNEY: Can you find out for us?

MR. ROOS: I will find out for you.

MR. GAFFNEY: Page seven, and the gentleman was right, 10 million dollars, nickels and

dimes to you guys, throwing stuff around like that. For 10 million dollars, it's got to go. It comes in. It's got to go. I've been on the council for nine years. Tom Richards has been on longer. From day one, it was always let's get it out of town. We don't want it here. I don't know why we need alternative one, alternative two, alternative three, alternative four, when you know the answer and your predecessor knows the answer that we want the stuff out of town. I don't what know what else can be said.

What's the average pickup for when it's disposed of to get it out of town? We the council requested within 48 hours, whatever dirt shows up on the property, that the gondolas would be in place and the dirt would be moved out. Is that being processed now?

MR. ROOS: We could not turn around in 48 hours. It's not an effective way to manage the material. What we've been agreeing with and trying to stay within those agreements with the borough is not to have more than 1500 cubic yards of material to be generated before transportation effort is in place.

MR. GAFFNEY: Now, there was a letter

sent from your department to the town council to that effect.

MR. ROOS: Yes, sir.

MR. GAFFNEY: Could you get me a copy? I've never seen that. The only letters I've seen was the other way where we asked for it to be moved out of town within a specific amount of time, and nobody said nothing any different to me.

MR. ROOS: Just as a matter of record, I am not aware of the township requesting me to do anything in 48 hours until we had our last council meeting where you had actually brought it up.

MR. GAFFNEY: Your predecessor, which I thought would just continue on. Knowing it went to the Corps of Engineers, I guess we should have sent out another letter saying we wanted the stuff removed, but we didn't. We just figured that you'd pick up where your predecessor left and you'd pick up from there, but that's a mistake probably on our part.

MR. ROOS: I don't agree that that's a mistake on your part. I would say that it would be very difficult to say you're going to agree to a 48-hour turnaround in the way that this material is excavated and brought back, if you want it done in a

manner that's safely handled and managed on site, so this way we're not saying a 250 million dollar cleanup becomes a 300 million dollar cleanup because we want to move every grain off site as soon as it hits the site is not a way --

MR. GAFFNEY: We also spoke about five picocuries. Now, on that type of property, you could put a home, you could put a playground.

MR. ROOS: That is correct.

MR. GAFFNEY: On a 15 picocuries, we can't put a playground up for kids. We can't put a home on a property.

MR. ROOS: That is correct.

MR. GAFFNEY: We have to put buildings, hotels, motels, whatever it is, warehouses and whatnot to get them out of here, but why do we go from five back to fifteen when everybody seemed to be happy with five? If we could put a playground in that area for the kids in town, and I know when you scoop it up, you'll get 14 or 12 because you'll never get exactly 15, and I know if you scoop to five, you'll get four or three. It's lower than what the number is that we're asking for, but that's another thing we ask for. Now, this 15 picocuries goes back up into to play. I don't know if you're listening to

us, I really don't.

MR. ROOS: To address the five, fifteen, that came actually out of a formal dispute resolution, that those numbers were modeled, and it was determined based on the residential character of the zoning of that property where the five was established and where the fifteen was established for the commercial or light industrial use properties. So to be consistent with what the current zoning and future land use scenarios are for that property, that's where the five or fifteen would then be applied.

MR. GAFFNEY: That's up to our latest master plan that we set up that you have seen? Because I'm under the impression it's five and that we could put a playground down there, but after reading the material and finding out you couldn't put a playground nor a home on the site, I was under the impression, there again probably listening to the wrong people, that we could do it. Now, you're saying at fifteen we just can't do that, but we can't lower it to five. I know they can. I honest and truthfully know what they can do if they wanted to do it, but it's just not going to happen.

Would you put your grand kids on that site to

play at 15? Let me answer for you. I wouldn't put my grand kids there. Okay.

MR. ROOS: The 15 is established for a commercial use. A commercial use is not a playground.

MR. GAFFNEY: I understand what you're saying. You're not listening. I'm talking about a playground. I'm talking about kids. This is what we want you to bring back for this ROD. We don't want you to bring back 15 because it's for industrial. That's that repetition.

MR. ROOS: That is also the requirement as per the CERCLA legislation.

MR. GAFFNEY: You can bring it back to them and say the townspeople are looking for five, let's help them out.

MR. ROOS: And we are here now listening to that, and please provide that comment, and then we can move on from there, and Mr. Nolan correctly pointed out, we're asking for your comment on the feasibility study and proposed plan so that we can take that in. We do not take the community thought process and we can't prejudice any decisions until everyone has an opportunity to read the proposed plan.

MR. GAFFNEY: I want you to take it back to whoever the powers that be and emphasize our side of the story unless you want us to talk to the powers that be. If it's the colonel, the colonel hears me. Maybe you and him can sit down later and discuss it. This is what we want. Come on. Up and out. There's times I don't go with Mr. Nolan, but I have from the beginning. It's in the bucket and out of town. That's the bottom line. That's what we always asked for, and now we're going to go through this cleaning stage, which I was down there, and it swings back and forth. It's a beautiful thing. It really is nice to watch the thing go like that and the dirt falls here and dirt falls here, and I didn't know the lady had the problem with that air. I was never told or alerted from the site that it's airbound, it's flowing in the air, it's going on properties.

MR. ROOS: We use all the requirements that the Corps imposes on itself as well as national emissions requirements.

MR. GAFFNEY: You're telling me that that doesn't happen?

MR. ROOS: We have not had a problem, an emission problem from our site, that is correct.

MR. GAFFNEY: Yet the meters say something different during that time period when it happened.

MR. ROOS: It was well within acceptable level as established.

MR. GAFFNEY: Well, if I had a grandchild, I wouldn't want that to be the level and wait for years to happen. Thank you very much.

MR. ROOS: Thank you, sir. Mike Sorce?

MR. SORCE: I'm 11 years old, and Stacy Stubbs is my stepmom. We live about a half a mile away. My mom had cancer, and she died from it, and I don't want anybody else to have to go through that because it's really a horrible thing. So that's why we want this dust to just leave. If the project keeps going and remove it, then it won't harm as many people as it will right here in this town.

MR. ROOS: Thank you. Ms. Bell?

MS. BELL: Martha Bell, M-a-r-t-h-a B-e-l-l. I have a vested interest in this project, and, in fact, in the valley, like in Hackensack off of Central Avenue, we get dust on top of dust. We have water problems down there, combination sewer systems, some no sewers, and I've always felt there is a possibility of whatever is up in that area is

blowing down on us, too. There is no guaranty whatsoever of the shift of the earth or dirt. We don't know which way it's going to be shift, the air either, and the lady is right, it is airborne. I have three friends that worked in the neighborhood site up there on West Hunter Avenue and my husband all died of cancer, lung cancer. I'm afraid too because I was up there every day with my children, and I want to say to Maywood don't take no alternatives whatsoever. Have them get that stuff out of here because it's affected everybody, not only Maywood. It's airborne, like that lady said, believe it. Nobody knows where it goes. The World Trade Center came down. Did we get some of that dust? Did we? We sure did. You can smell it. Same thing happening over there, but we're not cognizant of the fact that it's happened, and I beg you, for the sake of all of the surrounding towns, and especially Maywood, to have them remove it, and I thank you.

MR. ROOS: Thank you, Ms. Bell. Bob Bressan?

MR. BRESSAN: Bob Bressan, B-r-e-s-s-a-n. I live in Maywood. I retired in 1997, and as a going-away present from my job, I was diagnosed with cancer in my gut. I had an operation

in 1998, and I'm standing here today, but I'd like to know, this soil separation, is this going to require a building? Is this a portable unit? What is it?

MR. ROOS: It is something that is brought in. It is truck mounted. It is brought to the site. It's not done inside of a building. It is done, just as our pilot study, it's carried on outside.

MR. BRESSAN: Well, I would suggest that this unit, I don't see how it can be trucked in. I think it should be trucked to every site where you're removing soil, have the soil separation done at that site, and any soil that is deemed safe put right back into the site after you excavated the complete site, because I live on Central Avenue about a quarter mile from Stepan, and I sit outside sometimes, and I remember when the trucks used to be coming through, just as Mr. Kaminski noted. The way the soil comes into town, they come in on Central Avenue, Rochelle Park, all the way up Central Avenue, make a right on Maywood, make a right on West Hunter, and goes into the Stepan site. I watched trucks go by. I watched trucks that were partially covered on top, but I could see what was inside of it, and I knew what they were. They were the trucks that were

going to dump the contaminated soil onto the Stepan property. These trucks are not covered completely. If I can see something inside of it, it's not covered, and if it's not covered, it can leak out. I saw a few times where things actually bounced out of a truck and landed in the roadway. Now, by the time somebody was notified to come and check it, of course, the area, whatever was in the air was completely dissipated, because the only way you can check it is if you check it instantaneously, and that's not possible. I think if you're going to separate soil and say you have good soil and got bad soil, let's do each one of these commercial sites. Let's bring your separator on your flat bed or whatever truck you have, bring it back to the commercial site and do the separation right there. Don't do it in Steppen's property or my back yard or whatever. Do it right at that commercial site. Do it right there. When you say your workers have no ill effects from it, how many hours are they there during the week? 40 hours at the maximum? The people who are in town are in town 168 hours a week. So we're facing four times the amount that one of your workers is facing. They're only there temporarily. We're here permanently. You can't

compare a worker with somebody that lives near the site that's here 24 hours a day, sleeps, breathes, and eats here every day. It doesn't make sense. Do it at the site. Do it over there. Don't bring it into the MISS site because the MISS site is becoming a permanent site. Do it where you find the contamination. Don't truck it into Maywood from Lodi or Rochelle Park. Do it right there. Let's share the wealth.

If we can't afford the extra 10 million dollars, maybe we can do what Robert Torricelli says, our senator. He wants the chemical companies who are responsible for all contamination to help pay for it, even though he negotiated the deal with Stepan back in the '80s where he removed them from any financial burden, but now he wants to turn it the other way and say the company should pay for the cleanups. Now that he's a senator, now he's on a different side. I think Stepan is responsible for it because they took over the site. They should help pay for the removal. They can afford the 10 million dollars. Thank you.

MS. BELL: I had one question. When you are shipping the soil out by rail, which way does it go? The railroad down Central?

MR. ROOS: I believe it travels west

and north of the site.

MS. BELL: Towards New York?

MR. ROOS: I believe it's west. It's not towards Hackensack.

MR. RICHARDS: Tom Richards, 347 Golf Avenue. I've been playing with this project since 1983. I was on the council in 1983 when they first discovered it, when they did the flyover, and through the negotiations in 1984, 1985 with the first remediation. The initial remediations of Maywood were done on residential properties, and they were done very quickly and very cost effectively. I have some concerns about Central Avenue and the amount of money spent on Central Avenue, which I believe for the one property was outrageous, but that's something you folks have to deal with, and since I don't have that golden fleece award anymore, there's nobody I can call about it, but I can tell you, quite frankly, that on one particular issue that was brought up here, the thought of trucking this, I understand there is some talk, whether it's hearsay or not, it hasn't reached members of the council, with respect to an alternative, a train or railroad company looking to bid on the removal of the material, moving it by truck from here to Paterson and then from

Paterson to wherever you want to move it. I can tell you that we will oppose that. The council will oppose that. If we have to pass a resolution, you will get that in the form of resolution. The only way we want it out of here is by rail.

I was in favor of and took a lot of heat for cleaning up the residential properties in Lodi because I thought their residents are entitled to the same level of life and quality of life as people of Maywood, and we had to truck that in, and I think from a moral standpoint that was the right thing to do, but I see no reason since we have been the host community for so many years that there should be any other commercial property or any other state or federal agencies that should take precedent over Maywood for the cleanup.

The Department of Energy wants to put a ramp up on Route 17. They want to take the material. They want to take down what we desperately need in this community and put a ramp up through Route 17 and put our cleanup back months, if not years. That's unacceptable. I think I can speak for those members of the council that are here. It's unacceptable for the council. It's unacceptable for this community.

MR. ROOS: If I may respond to that

comment, it would not be the way that I would view that action because we are not holding up anything going on as far as cleanup of Maywood materials. In fact, what we're able to use is as a justification to continue and do more work and get more material out of this area was being able to use that as nontime critical removal action and justify being able to do work before the record decision was in place.

MR. RICHARDS: First of all, we don't want the rent to begin with. If you say you're not cleaning up, you're going to help us a lot. The other thing, we're in the process of tasking our planning board to come up with a redevelopment plan for this whole area, the MISS site and also the Sears site. The Sears site alone is 30 acres, most of it undeveloped, and to develope it would greatly reduce the tax burden to everyone. We have precious little to begin with.

In looking at the information that was made available to the council, I see that in the restricted areas you have 21,185 cubic yards of material that you plan to leave in place on three areas. You have 20,000 cubic yards.

MR. ROOS: That would be considered inaccessible materials.

MR. RICHARDS: Let's talk about that. 20,000 cubic yards under Stepan, 185 on the Skinnell's property. Skinnell's property, I think, is accessible. Is that the property we're talking about in back of Jack's Car Wash?

MR. ROOS: I would say we're talking about what's inaccessible to under that railroad, the Lodi industrial line, which is adjacent to that property.

MR. RICHARDS: One of the problems there, and we talked about this before, it is less than a hundred feet, maybe less than 75 feet from the apartments, and in the summertime many of those people don't have air conditioning because the electrical capacity in those apartments don't allow them to be able to have decent air conditioning. So the windows are open, you got thorium that's open and accessible even if it's under the tracks, under the ballast. I don't know.

MR. ROOS: I'd say it's subsurface.

MR. RICHARDS: In any event, the 20,000 cubic yards of Sears, is that what we are talking about under the building?

MR. ROOS: Correct.

MR. RICHARDS: If we redevelop that,

it's a tilt-up building on a slant. If that area is redeveloped, that 20,000 cubic yards is going to come out. What would be the time frame? If we said to you we're going to redevelop it, we've got a redeveloper coming in and putting up three hotels and four office buildings in that area, are we going to be 10 years to get that cleaned up or something where they say, okay, we're going to do it tomorrow? If this facility is out of here in five years, if you clean up everything but left that property there, where does that leave us?

MR. ROOS: Unfortunately, I specifically can't answer or address to say it's going to happen the next day or 10 years. I would hope to think it's not going to be in a 10-year cycle. The inaccessible soils, as part of these buildings, we're going to have to actually sit down and work that situation out to determine how that will be because I would say the most important factor is the budgetary and ensuring providing funds for a future fiscal year. So if you were to say in March that that building is going to come down the following March and that we would be putting in for that funding request so that we would be able to accommodate that action.

MR. RICHARDS: The material that you cleaned up in Lodi along Route 46, was that commercial property?

MR. ROOS: The ramp on 46 on Money Street, that is commercial property.

MR. RICHARDS: What was that cleaned up to what level?

MR. ROOS: That was cleaned up to five picocuries per gram.

MR. RICHARDS: If you can clean up commercial property in Lodi, why can't we clean up the Maywood properties to five picocuries? Quite frankly, why were commercial properties in Lodi, which were found after and designated after Maywood commercial properties, why do we go to the bottom of the list continuously? I have to tell you, quite frankly, I have been a supporter of the federal government because you're the guys with the pocketbook, with the checkbook. We could never afford to clean this up, and my support of the agency, not my support of some of the policies that you've taken, but the fact you guys have the checkbook has, especially for Mr. Nolan, who's under a lot of criticism, it boggles my mind to see how patient we have been and what we have endured and to

allow other areas in other towns with commercial properties be cleaned up to a level that you refuse to clean up in Maywood. 15 picocuries, if it's not good enough for Lodi, and if that's what you're doing in Lodi, it better be done here in this community because we're not without some influence with Mr. Torricelli, Mr. Rothman and other people in the government, and we can exercise whatever levels we can there, but, quite frankly, gentlemen, you've got to get off it.

Colonel, I beg you, as a former NCO, I beg you, please, this cannot be acceptable. Five picocuries, nothing else.

MR. ROOS: We have one more person. There's Jim Petrie.

MR. PETRIE: I'm a Maywood resident. I'm a council member in Maywood, and any day now I'm going to be a father raising my first child here in Maywood. Much like everyone else here, I'm looking for an environment in which my children can play in the streets and the playground. I want an environment which is safe and healthful, and I think it's fair to say the Borough of Maywood, as a council member, I think it's fair to say we're willing to work with you guys. I think it's fair to say the

residents of Maywood are willing to work with you guys. We've been working with you for 20 or so years. However, I think it's important to note that we will not work with you at the expense of compromising the health and welfare of our children and residents. I think that absent concrete evidence that this separation equipment is 100 percent foolproof, our support will not go with you on that option. I think it's important that we get some evidence. If that's the way you guys are leaning, I think it's important we get some evidence that this machinery is a hundred percent accurate and foolproof, and two to three test projects, in my book, is not an acceptable sample. I think we need better evidence than that, and if you can't provide that to us, then we need to go a different route, and I think the consensus here is mostly the people want this soil up and out. Thank you.

MR. ROOS: Thank you, sir.

MS. MC MULLEN: Mrs. McMullen, M-c-M-u-l-l-e-n. I live about three blocks from here, from the site, and there are three of my neighbors that have died of cancer, and there are two sick with cancer now, and I'm not well myself. I would either like to have it out of here or else I

will make the exodus. Thank you.

MR. ROOS: Thank you, ma'am. I don't have anyone else signed up. I can open up the floor for anyone else who has additional comments. We will be here to continue to accept those.

MR. FERENCE: John Ference, F-e-r-e-n-c-e, 32 West Fairmount Avenue. It's obvious that we want it out. It's a danger to the health and residents of this town, period.

MS. SINGLE: Lillian Single, 55 West Passaic Street. I've been in Maywood 39 years, and I attended many meetings, two long years of the DOE, if you pardon the expression, two long years with the CGG. I heard all of the alternatives. I got all the material, and I, too, am totally opposed to anything but up and out. Treatment is a euphemism. Soil separation, soil washing is irrelevant. It has to be up and out.

One thing that hasn't been addressed, although I don't know if you want to consider it at all anyway, has anyone asked the decibels of the machinery and equipment involved in the soil treatment? As I understood it, one of the alternatives was, and I don't remember the number of the decibels, but it was the equivalent of subway

trains rushing past your house, and literally this was in writing, and also the fact that the treatment would be running seven, eight, ten hours a day, week after week, 24/7 for X number of months. So even if it was to be considered, the neighbors there would really be surprised, but as far as I'm concerned, it's not to be considered.

MR. ROOS: I appreciate your comments. I want to quickly address the one we did take into consideration, where that equipment would be staged in relation to the homes that are along Central Ave. that back up to that property. We also looked into whether screening devices would be necessary. We actually even had the health officer from the Borough of Maywood out, and they did decibel readings, and, quite frankly, you're getting more noise off of Route 17 than any of our equipment. There is not a noise problem from that equipment.

MR. KAMINSKI: In addition to the health problem, there's also another factor that is a minus, which is property values are going to suffer as a result of the fact that it really remains a disposal site if you leave the contamination there. We have that in writing, as I said before.

MR. SORCE: I'm a little concerned

about this dusting issue. Is there anything monitored on a regular basis in that area? Rooftops, anything like that?

MR. ROOS: We do perimeter monitoring, do all kind of monitoring. We have background source for monitoring to ensure we are staying within the acceptable limits that would be mandated for the site.

MR. SORCE: How is that tested?

MR. ROOS: Dave Hayes will address that. He is our health physicist. He can do it more justice.

MR. HAYES: First thing, we collect air samples from the site perimeter from work zones, as Allen described earlier. Those are counted on site initially to get a gross count, give us a feel where we are with laboratory instruments, and then additionally sent off site to a commercial lab to establish what levels of contaminants, if any, are leaving the site, but more importantly, what we do is comply with the EPA's regulations and the clean air act. In that compliance, we use a computer code that EPA had developed, takes into account every gram of dirt that we move, what we've done with it, how high we dropped it, and by that I mean from a bulldozer

into a rail car. All these inputs go into that computer model to generate an estimated or calculation of potential dose to the nearest resident, nearest worker. We have always been well below, I mean, hundreds of times below the regulatory limits for those emissions.

MR. SORCE: You'll go on record saying nothing has blown from that site by airborne emission?

MR. HAYES: I guess that's the rub. Atoms have left the site. Atoms of thorium have left the site. Whether that poses a health hazard or not given --

MR. SORCE: We need to know that. That's floating.

MR. HAYES: That's where we're kind of stuck. I can't say nothing has ever left the site. What I can say is that anything that has left the site has been well below the levels determined to be appropriate.

MR. SORCE: When you hear something like that, it's got to go. It can't sit. No remediation, just get it out.

MR. MOHR: Where is the pilot study being conducted?

MR. ROOS: The study itself running the machinery through its paces has been completed already. We've gone on government-owned property.

MR. MOHR: Using that machine?

MR. ROOS: That's correct.

MR. MOHR: How long did it run?

MR. ROOS: I believe we began in August and was completed at the end of October.

MR. MOHR: So then about, I guess, two months, 60 days?

MR. ROOS: Yeah, two, three months.

MR. MOHR: Is the soil in all the different places in Maywood that is contaminated all the same consistency? In other words, where the test was run, did you take soil from each location to make sure it was compatible with this machinery?

MR. ROOS: We did do test pits, yes. There were a lot of soil studies that have been completed before we came on board, and we used all the data plus the data that we collected from when we did excavations on the other properties to get an idea is this going to be representative when we chose the material that was going to be processed, is that representative of the site.

MR. MOHR: What's the difference

between identical and representative? In other words, how much wiggle room is there?

MR. ROOS: As far as the soil is concerned, you're more concerned with are you talking about having more sand, having more clay, having more stones, boulders, rocks. Is it a very wet, loamy material because it comes from low-lying areas, those types of things. We're not talking about are these New Brunswick shales and these are keystone soils. So it's not specifics to the soil but the percentages of organic matter to sand matter to clay.

MR. MOHR: Who runs the machine? Is it the company itself, or is it the government? Do you purchase the machine?

MR. ROOS: We did not purchase. We actually leased the equipment for this, and we would lease the equipment in the future. The technicians that run the equipment are trained to run that equipment, so they're not government employees, no, but they would be under our quality control, quality assurance. We would run inspections just as we did during the pilot study to make sure that the calibrations are done properly, that someone is running a random sample with that known piece to make sure it's still operating properly.

MR. MOHR: Do the technicians work for the contractor or for the manufacturer?

MR. ROOS: For the contractor. Actually, that is the manufacturer.

MR. MOHR: They're one and the same. Did you have any communication with the technicians while the test was running?

MR. ROOS: Certainly. They're under contract to us.

MR. MOHR: So these technicians, they, I guess, had experience using the machine in other places?

MR. ROOS: I can't answer that. I would say yes.

MR. MOHR: So they couldn't have been brand-new employees?

MR. ROOS: Sure, but I don't know. I didn't speak to anyone directly.

MR. MOHR: You didn't speak to any of them directly?

MR. ROOS: No. The Corps would be involved. I would have other technical people since that is not my forte to have conversations with the technicians.

MR. MOHR: Are any of these people here

tonight?

MR. ROOS: I think Dave. I don't know. Have you been involved yourself?

MR. HAYES: Certainly.

MR. MOHR: Dave, did you ever have coffee with these guys and talk to them about what their impression was of the soil in Maywood, what they thought, whether the machine was amenable to this environment or not? Just in conversation, what did they think?

MR. HAYES: They thought their system could treat or segregate the contamination at the site level.

MR. MOHR: So they felt pretty confident that their machine could handle Maywood?

MR. HAYES: Right. That's why we did the study to determine ourselves, correct.

MR. MOHR: They also have a profit motive involved?

MR. HAYES: Certainly.

MR. MOHR: They probably make a lot of money. They have like a mixed -- I don't want to say mixed motive. They have a conflict of interest because no matter how much of the data you were able to verify and how much of the data is just from this

company, that's going to make a considerable amount of money.

MR. HAYES: We're going through that process now. Before we even allow them to come here and try it, we set up a test protocol as you would for any scientific test, and that was carried out, and we're evaluating that data now. All that's being evaluated by our contractor, Shaw, not by the people that said what the machine could do.

MR. MOHR: Say the results come through and they say this machine is made for Maywood, it's got Maywood's name written all over it; is that the final criterium for the decision, or is there then a weighing process between the needs and wants of the community and the effectiveness of the machine, and which one would take precedence given the arguments we heard tonight against using the machine?

MR. ROOS: Upon completion of the evaluation within the Corps of Engineers and its contractors in preparation of this report, we were going to submit that report to both EPA and DEP where they would be able to review it, provide their comments on whether or not they agree with any of the statements, and they look at all that data themselves to see if whether or not they're even in agreement

with that. However, as you correctly point out, that's why we have part of this proposed plan now, so that we can solicit your comments, and your comments here tonight will be taken into consideration as part of it, as a percentage of weighing on how that all plays out. I've never specifically seen it broken out, nor have I broken it out to say that only covers 10 percent and this is 15 or that's 20. It's an all-encompassing evaluation dependent upon what the study says it can do, can't do, where we would be able to use it, if we're able to use it, what parameters you're going to use it under, and then you have the community that's going to come in and has its voices, its opinion on all these different things, and that whole process is going to be a sit-down conversation saying how we want to go forward.

MR. MOHR: Who participates in the conversation?

MR. ROOS: EPA and DEP and Corps of Engineers.

MR. MOHR: So tonight or between now and October 12, is this like our final appeal?

MR. ROOS: This is your opportunity to provide comment; however, as it states in the

proposed plan, we would not institute a treatment option if our evaluation determined with all this in place, if we were going to step back and say this is something we really need to do, we would present that to the public and give you all the information and allow you to review that.

COLONEL O'DOWD: I think I'm correct, Allen, in what we're saying is if, in fact, the decision is made to go with some level of on-site treatment, that decision itself would be once again open for public comment or give an opportunity for review.

MR. ROOS: We will give an opportunity. We will provide it to you guys. I know the township had different consultants under its auspices. There are tag grants that are offered. I know that New Jersey Institute of Technology actually was aligning and was going to be reviewing documentation that was going to be coming out from a feasibility study a while back and we had the community guidance group. Whether all these things are still in place, I do not know. We will give the public ample opportunity to review and make a determination on whether or not they are saying that they agree or don't agree with this, but I do not believe we were going to open it

up for another round of public comment. This is your opportunity to provide that comment.

MR. MOHR: And since it's overwhelmingly negative, once the decision is made, that negative vote will be heard and basically dismissed.

MR. ROOS: Not necessarily so. I would not agree with that.

MR. BRESSAN: I think you're doing a lot of monitoring at the MISS site. Have you ever put up monitoring devices along the roadways that this soil enters Maywood and winds up at the MISS site, preferably where it comes into our town on the Maywood border and Rochelle Park, up on Central, down on Hunter and Maywood Avenue? Have you ever put up monitoring devices to check the air quality that these vehicles pass by when they go by in convoys when you start moving the soil into town?

MR. ROOS: I do not believe we specifically ever set up monitoring stations along that transportation route; however, I would like to say that before a truck leaves an area where an excavation is being done, that truck is lined with plastic first, then the material is placed in that truck, that plastic tarp is then folded over within

that truck, and there is another layer of tarp on top of it.

MR. BRESSAN: Not so. When the trucks start coming by, I'll take a picture of the ones that I see with soil sticking out of the back. I'll forward it to you.

MR. ROOS: I would very much appreciate that. I also am aware that numerous complaints have been done in the past years, even in the Department of Energy, where the Borough of Maywood had people actually go out and follow trucks to see if that was the case, and I do not believe that has been reported as a problem at our site. Those trucks do not leave our area without being buttoned up tight. They are screened by radiation technician officers. They go over and they take wipes, they take wipes around anything that's on the surfaces, on the tires. That truck doesn't even enter the contaminated zone. It's on plastic before, and that is loaded from the side. Then it gets buttoned up and gets tested before it leaves that spot. You do not see truck dirt trailing off our tires as you would see from a normal construction site. I disagree.

MR. BRESSAN: You're calling me a liar?

MR. ROOS: No, sir.

MR. BRESSAN: Yes, you are.

MR. ROOS: I know the protocols that we established.

MR. BRESSAN: Well, you might have established some protocols, but it's not being followed all the time, if I can sit outside my front of my house and I see the trucks go by are open on top.

COLONEL O'DOWD: Sir, if you can get us a picture of the truck, we will deal with that. I visited this site a number of times. I've also been at most of our other sites. I can tell you that the procedures that Allen outlined are the procedures that are supposed to be followed. It's the procedures that our inspectors enforce. Now, is our inspector physically at every single truck? Perhaps they may not be there when one particular truck load goes out. If you catch one, you let us know, and we'll deal with the contractor.

MR. ROOS: In no way do I mean to offend you, sir.

MR. BRESSAN: I understand that, but I'll back my car out of my driveway and leave the truck there until I call Mary Carton or 911, and they can come by and verify it.

MR. ROOS: We do not want that to occur. We don't benefit in any way, shape or form from that occurrence. If someone is cutting those corners, we actually appreciate your eyes and ears.

COLONEL O'DOWD: Our safety plans specify in great detail the procedures they're supposed to follow. If you catch them, help us, let us know.

MR. ROOS: I'm make the commitment as well. I'll ensure we have our project engineers. That's what the colonel is referring to. I'm going to have those guys randomly doing those same checks themselves, and we'll institute are own program without any of the contractor's knowledge, and we will see if we can't put a stop to that as well. Shaw is the prime contractor. We'll set up our own quality control, quality assurance of that to make sure our protocols are being followed. Quite frankly, there's no monetary gain by those guys cutting that corner.

MR. BRESSAN: Laziness.

MR. ROOS: Well, we appreciate that comment, and I tell you I take it very seriously. We'll ensure that's not going on.

MR. ZAJAC: Mike Zajac, Z-a-j-a-c.

Since this problem is a problem with airborne contaminants, have you considered doing some sort of container structure around this dirt so it doesn't fly up?

MR. ROOS: Currently, we do have what we refer to as fabric structure. It is fabric that is stretched over.

MR. ZAJAC: Like a tarp?

MR. ROOS: No. It is a building that was built, but it happens to have ribs.

COLONEL O'DOWD: It's like tent.

MR. ZAJAC: You can see it from Route 17 as you go north?

MR. ROOS: That is correct.

MR. ZAJAC: It looks like plastic over a pile of dirt.

COLONEL O'DOWD: That structure that is there has got a steel frame.

MR. ROOS: That had been the previous way of doing business, that is correct, when they were tarps. Quite frankly, one of the reasons we would want to do this structure this way is it's better protection for our workers who would have to climb up on those tarps every day, unbutton them, do a load out, button it back up. There was a lot of

different things. You got slip, trip and fall hazards, many different conditions. So this actually was a better viable option that we had presented to make sure that we can try and eliminate some of those same concerns that we're hearing as far as future test emissions.

MR. KAMINSKI: That structure, how much dirt is contained in there right now?

MR. ROOS: Right now, I believe there's about 400 cubic yards of material. I can't be sure how much.

MR. KAMINSKI: 350,000 cubic yards, where's the rest of the dirt?

MR. ROOS: Still in the ground.

MR. KAMINSKI: How deep?

MR. ROOS: Anywhere from one to two feet or seven to nine feet depending on the property.

MR. KAMINSKI: Ground water?

MR. ROOS: Ground water does not indicate because the thorium, as far as our containers are concerned, are not shown to be very soluble, so therefore it's not migrating in that fashion.

MR. KAMINSKI: Back to the trucks, they're lined?

MR. ROOS: They are lined.

MR. KAMINSKI: With what?

MR. ROOS: A polyplastic film.

MR. KAMINSKI: Suppose it tears; can you reuse it?

MR. HAYES: It goes in the pile with the dirt and ultimately into the rail car.

MR. KAMINSKI: These are back dumping trucks, like regular dump truck-type, or are they contained where it's like a rotary dump?

MR. HAYES: We use dump trucks. Currently, we're using roll-offs, backward dumps.

MR. KAMINSKI: So if something tears it, can it technically leak out? I'm driving down Route 80. I don't know how many broken windows I had with rocks kicking up over dump trucks. They're supposed to be water-tight. If the truck is not self-contained, what happens if it's in an accident?

MR. ROOS: That can occur, yes, that is correct.

MR. KAMINSKI: Why are they not self-contained?

MR. ROOS: An intermodal would be another way of utilizing that. I think I heard from a number of different people that they don't want to

see increased truck traffic. So to switch over to an intermodal would mean I would be trucking all that material to a different site or trucking it to this site in an intermodal.

COLONEL O'DOWD: There's a lot of dump trucks out there. I'm not saying you didn't see one of ours. You may have, but if you catch one of ours, give us the evidence, and we'll go after them.

MR. RICHARDS: In deference to both the Department of Energy and the Army Corps, I have been on a number of sites in Lodi, both identifying myself and not identifying myself, to look at specifically that situation, and you're right, the town has in the past when we had these complaints, we had the health department, correct, Mary? We have the health inspector here. We had the health inspector follow the trucks, and in all of those investigations, both private and municipal, we have never seen the complaints manifest themselves in any way, shape or form. With respect to that, I can only congratulate you for that.

COLONEL O'DOWD: Help us out. Safety is everybody's job. If you see something, we'll listen. I watched it a number of times. I was amazed at what we go through. These trucks don't

touch the ground until they get off the site.

MS. CARTON: Mary Carton, C-a-r-t-o-n. I was down to the Lodi site to see how those trucks were loaded. They are very careful about swabbing and making sure they're clean before they leave the site. I was impressed by that.

MR. ZAJAC: In your picture, they show a rail car. When they load it, that appears to be out in the open.

MR. ROOS: That is correct. Actually, right over here, this material is brought out of there and set up in these separate bunkers where we have a quantitative amount and we know how much we have there, so when we're digging, we know how many rail cars, and this way we get proper weight loads.

MR. ZAJAC: How can you prevent stuff from blowing out when you load it?

MR. ROOS: There's dust suppression that's utilized, and this way that material is sufficiently wetted so it couldn't become airborne. It's kept at a constant humidity inside that structure as well. There's actually humidifiers to keep it at a certain humidity, a certain moisture content inside the building. It gets brought out and placed in those piles, and we are then ensuring with

people like the radiation safety officer, and she goes out, has radiation technicians on site and constantly monitoring to see what's going on and wetting down soils as necessary.

MR. ZAJAC: Do you seal the cars with plastic?

MR. ROOS: Yes. That car is actually lined with plastic liners as well. It then gets filled. It gets wrapped, it's buttoned down, then it gets a covering over the top of the car as well, because we found we had problems where we're picking up moisture in the two weeks it takes to travel across the country.

MR. MOHR: Using this machine, will you ship only 50 percent of the hundred percent? How much less will you have to cart out? What is your projection there?

MR. ROOS: Tell you the truth, I can't answer that. We can get the answer for you. I don't have that answer off the top of my head.

MR. MOHR: There is a projection, though?

MR. ROOS: It was used to develop that there is a 10 million dollar savings in cost, so there must be some sort of the reduction that we're

talking about getting out of it.

MR. MOHR: How would they know how diffuse the contaminants are until they actually turn the machine on and start separating them out?

MR. ROOS: It's the same in the instance of how do you know how much contamination is truly out there? We can take our sampling. We can take our educated guess, so to speak, on that and then say this is our best estimate of what we believe is the case, and that's where that's coming from based upon their type of soil criteria or this type of contaminant knowing we have this kind of contamination. Sampling efforts have gone on for a number of years and kind of give us an idea, and we then are able to model where we think the contamination is, how the level has changed, what's the extent of that contamination, and using those factors come up with that estimate as to what we think we would get as far as volume reduction.

MR. MOHR: But you can provide us with that information?

MR. ROOS: As soon as we have completed that report, actually it's undergone its latest round of comments. We also have what we call within the Corps hazardous and toxic radioactive waste center of

expertise. Our documentation is going to be going to them for their review. They will evaluate it. They have a team of scientists, engineers, risk assessors, health physicists that will generate all the same type of comments like, well, you say it's going to do this and it will do that. We go through those paces before we even release the document to the DEP and the EPA. Once we go through that, we will definitely have it available. Even if we do not choose to use it, it should be a good scientific study, even if another site came and we can say it didn't work for Maywood, but maybe we can do it here. It should never just be a study in how do I spend money to determine treatment.

MR. MOHR: After the process is complete, the level will be at 15 or somewhere up to 15?

MR. ROOS: What we're establishing, as far as the cleanup level for commercial property, it should be no more than 15 picocuries per gram radium and thorium combined, and that machine has to be set to be able to achieve a level less than that in order for us to say that could be beneficially used.

MR. MOHR: Can you set the meter anywhere you want?

MR. ROOS: It does have a range. We did put it through the paces. I believe as low as 5.8 picocuries may have been the lowest number we chose and I think as high as 30. I don't recall the specific parameters, but you can change the level where you want the actual level to occur.

MR. MOHR: That determines how much dirt you're actually saving versus shipping?

MR. ROOS: That will then establish that gate. The gate actually is what they call normally open, so therefore the only time that it closes and collects soil and shifts it over is if it was considered clean. So everything going through that gate or going through that system is always going to drop off and be as a default, the contaminated pile. The gate comes in and closes when there's an indicator saying it's below the action level. So it grabs that soil, and whatever spills out over the top of that gate that's trying to collect that soil goes into the default pile. So it works in normally the open position constantly going through contamination and saying, no, grab that, it's clean.

MR. KAMINSKI: You're loading this dry with some humidity. Have you ever looked into like

sludge, such as a container car?

MR. ROOS: We would then have to get involved with how you're going to deal with all that. You're going to have to dry the materials because there are moisture content requirements at disposal facilities. So I have to be like between 18 and 20 percent moisture content to get to an Envirocare facility; otherwise, they would turn the car around.

MR. KAMINSKI: Envirocare won't take liquid.

MR. ROOS: That material, in that facility that we're talking about, it cannot be part of a free-standing liquid.

MR. KAMINSKI: What about Mexico?

MR. ZAJAC: Dump it in the ocean.

MR. KAMINSKI: It's just another option. Get around certain things. You may find the costs are lower.

MR. ROOS: We can always look at other options. I know one of the comments was saying it wasn't very specific as to how you're going to do this, do that. You'll find a lot of information like that in the record decision. Then if other options come up that are better, more cost effective or efficient from the perspective of public health and

environment, I now have a record decision saying I can't do anything but this.

MR. KAMINSKI: A lot of municipalities ship sludge.

MR. ROOS: Understood.

MR. PETRIE: Can you give us your best guess as far as what the estimated completion date is? That completion date, does it differ from your total removal program as opposed to other removal option?

MR. ROOS: No. We did not look at a change. If anything, we hoped it would be able to expedite the process if treatment was found to be effective; however, we're talking about a six-year schedule from the time of the record decision, five or six years.

MR. PETRIE: That's an optimistic projection?

MR. ROOS: That should be something we should relatively meet, yes, but the biggest problem that we have, and not to try to cast any aspersions, is the fact I have to work with individual privately-owned entities, that it's not just like one big open field that I get to excavate, transport and dispose of material from. So the logistics involved

in trying to maintain that operation, ensuring those employees that are coming every day are safe, and how I work out those issues end up driving cost and efficiency on a job. If I would excavate a couple hundred yards a day on a normal, I'm down to a hundred, a hundred fifty a day, if at best, and less because of the fact you're dealing with active commercial facilities. So that's really what's driving the schedule.

I tell you this much as well, your congressional support that you mentioned, Senator Torricelli, Congressman Rothman, always make sure this is a high priority site for them, as well as the colonel mentioned earlier that funding is something that is looked at. Everything looks like it is going to be fine on the horizon. What's driving a lot of things is logistics of work on the property.

MR. PETRIE: Is there really any susceptibility to this project to budgetary constraints?

MR. ROOS: Could never say never.

COLONEL O'DOWD: We can't answer that. Right now, the budget forecast looks good. Generally, once a project is in construction, it's more likely that the funding stream will continue to

complete that. It's tougher to get things to construction than it is to keep them going because they realize if we to demobilize a contractor because of lack of funds and remobilize a contractor, it costs money. More times than not, once we get things under construction, they like to keep the funding stream to finish up, but from one year to the next, I don't know what's going to happen next year in the world that's going to cause our dollars to go somewhere. Who can say?

MR. ZAJAC: Under radioactive waste, don't they put it in barrels and put it in salt mines? Why don't they do that with this?

MR. ROOS: Currently, we have a disposal facility. We don't need to do that. We can truck it in bulk or take it by rail car in bulk. Those facilities are lined, regulated, permitted with all the subsequent bells and whistles, so to speak, to ensure that material is contained where it is supposed to be.

MR. ZAJAC: Is that what Envirocare does with it, put it in mines?

MR. ROOS: No. I don't think that's even a viable option for a lot of the materials we have. We don't have levels high enough to make it

commercially viable to remove the thorium.

MR. ZAJAC: What do they do with it?

MR. ROOS: It goes into a big facility.

MR. ZAJAC: To another Maywood out in the midwest?

MR. ROOS: In Utah, a regulated facility that they established and set up their disposal cells, which are lined. This is where they put the material.

COLONEL O'DOWD: Licensed, regulated landfill which is covered and capped and sealed, monitored.

MR. ZAJAC: Is this the cheapest way to do this type of disposal, what you're doing?

MR. ROOS: From what we looked at and what contracts that we have even on a national level from the Corps' contractor that we're using, I think that we have established some of the better rates for doing this type of operation.

MR. ZAJAC: Is this also the fastest way of doing it or slowest way?

MR. ROOS: I don't know how many different ways you can excavate a hole.

MR. ZAJAC: But the thing is disposing of it, is this the most efficient way? I think the

concern is up and out. Is there a way to speed up this process to take it and ship it in larger bulk or cheaper ways to get it out of town?

MR. ROOS: I know we heard it from a number of different people. One of the things that we do want to try and do here is not have a storage pile or not have material laying on site. Moving into drums to get it off any faster, that won't help that situation. We can only generate so much material because we have to have health and safety precautions. If you start throwing some of those things out of the way and say, okay, let's just dig and move dirt, then it runs contrary to other people and ourselves who say this is not the way we should conduct our business. So in order to contain this material and safely excavate and transport it and dispose of it, it takes X, Y, and Z time.

MR. ZAJAC: I think you said you have about 300,000 tons of this stuff?

MR. ROOS: Approximate, yes.

MR. ZAJAC: When you ship out these gondolas, how many tons do you ship? How many per month?

MR. ROOS: Well, right now, because of the properties that we're working on and the amount

of material that we're generating, I would say approximately doing about 30, 35 a month.

MR. ZAJAC: What is that in tons?

MR. ROOS: I believe it's 80 tons a rail car.

MR. ZAJAC: 80 times 30 would be?

MR. ROOS: A hundred tons.

MR. ZAJAC: A hundred tons a month?

MR. ROOS: A hundred tons a car, so 3,000 tons in a month.

MR. HAYES: At our current effort.

MR. ZAJAC: So it would take you a hundred months?

MR. ROOS: If we were to maintain the way we are going at this moment, that's correct.

COLONEL O'DOWD: Understand what Allen is saying is that the sites were cleaned a little tiny piece here, a little tiny piece there. You can load more rail cars if you had it coming. We're trying to balance cost with safety with time. We understand you want to get it out of here. We're trying to trade-off all those things and balance it. To be honest, the contractors generally are driven by get this job, then they can get another job and they can move on and make money. They try to find the

most efficient way. Sometimes what we're trying to do is balance all the different needs, those people who want to get it done fast, those people who want it done safety, those people who want it done cheaply.

MR. ZAJAC: You're in the most densely populated state in the country. You probably run the risk of down the line having all illnesses due to cancer due to this radioactive material. It would probably be in the government's interest to get it out even faster.

COLONEL O'DOWD: We'd like to get it out as fast as we could. We got to do it in a safe way. We got to negotiate access to all the sites, do it around the commercial industry. The quickest way might be go in there, dig it up and dump it into the cars and go, but that's not safe.

MR. ZAJAC: At this rate at 3,000 tons a month, you're looking at a hundred months.

MR. ROOS: That's our current rate of excavation based upon the fact we're not into any of the bigger properties just yet. We're working on small fringe areas. If we're opening up two teams once the record decision is in place --

MR. ZAJAC: But you have 300,000 tons.

So, in other words, what you're saying, you're trucking the stuff in here using this as a distribution point.

MR. ROOS: That is correct. Goes by rail from this site.

MR. ZAJAC: So that's 300,000. How much more?

MR. ROOS: 50 percent of the 300,000 tons is not a Maywood interim storage site. 80 percent is between the Maywood site, the Stepan site, and Sears. So that triangle is 80 percent of that contamination. The remaining 21 properties make up that last 20 percent of contamination.

MR. ZAJAC: So that's about 60,000 tons, that 20 percent, you're saying, that you're shipping outside of Maywood?

MR. ROOS: That includes Maywood property, yeah. They're not all outside Maywood.

MR. BRESSAN: You don't do any of this excavation in wintertime. You only do it in the springtime, summer months. You don't do it once the weather starts to turn cold. Everything stops.

MR. ROOS: That's not true, sir. We began removal actually that we're currently working on at the end of January. We can be

weather-dependent. If we got a couple feet of snow, nobody is digging that day. We have to clear that area, but the ground in this area does not freeze solid so that this equipment does not dig. So as far as work stoppages for the winter, that would really be based upon very adverse weather conditions.

COLONEL O'DOWD: I don't think, Allen, the limits we have are much different than a construction site would be. You're not going to build a highway where you're doing dirt work in the middle of a thunder storm.

MR. BRESSAN: When there was a delay a while back and soil wasn't being shipped out in the railroad cars, the answer that we got were the weather is not conducive to ship it out at this time of the year and we have to wait to springtime to start up again. Is that not true?

MR. ROOS: I don't know specifically what you're talking about, sir. I don't know if you can help.

MS. CARTON: He may be referring to the fact that last time when we started moving the big plow out, you ran out of gondolas or the accessibility of gondolas, that was a problem and that's what held it up. Do you anticipate a problem

with getting the gondolas you need?

MR. ROOS: We do not anticipate that problem because of the contacts that we actually established which are setting up a dedicated fleet for dealing with our materials.

MS. CARTON: I think that's what he was referring to.

MR. MOHR: Colonel, you just said before you were trying to balance cost with safety, and I think that's really the only issue here, is the balance of cost against safety. Along those lines, I'm just wondering how much of the cost, the estimates are Envirocare? What percentage is actual disposal, or is that included in these costs?

MR. ROOS: That's actually an all-inclusive cost for excavation, transportation, disposal cost, contractor cost to run that job, to do that, to choose that plan of action. That is what we are estimating the cost.

MR. MOHR: Between alternative three and alternative four, how much of the pie belongs to Envirocare, and how much does that change?

MR. ROOS: It depends really what your contracting costs are at the time. I'm not sure I'm at liberty to discuss Corps contract matters as far

as Envirocare, what we charge for per cubic yard. I don't know.

MR. ZAJAC: Should be public record.

MR. ROOS: A lot of times these things get redacted because they say they're proprietary because it would allow their competitors to determine how they set rates and then could get other cuts.

MR. ZAJAC: Still public record.

COLONEL O'DOWD: I'm trying to figure out where you're going. The difference that you have, 10 million dollars is a combination of savings and that you don't have as much material to transport, you don't have as much material to dispose of, so you get savings in the transportation and disposal fee. You probably have a cost increase of handling on the site because you got to rent the separation equipment. In our estimated process, when it balanced all those things based upon what it determined the quantities would be, and that's all based on science and engineering, we have geologic data, core samples, it came out to where when you take the pluses and minuses, the estimates say that the separation on site would be about 10 million dollars. The decision that ultimately has to be made then between the agencies is, we do trade-offs. We

look and say, all right, it's 10 million dollars cheaper. Things that Allen talked previously when we get these results back when the record of decision is ultimately decided, it takes into account everything, the comments that we receive. We make those kind of decisions every day with wetlands permitting. We do the same thing. We listen to all different sides and we end up making a decision.

MR. MOHR: Our concern is that one of those trade-offs is three times the radiation that's remaining by the time you guys are done. I mean, would you buy a house here?

COLONEL O'DOWD: I'd probably live in Bergenfield if I wanted to come back to New Jersey. I grew up here. I'm not far from here.

MR. MOHR: Your employees don't get sick because they're not wearing protection day to day. We're talking about something that doesn't show up for years and years, but it does show up and shows up in a cruel way, and we're a little concerned. We were balancing cost with safety. I think you said safety is everyone's job a little while before.

COLONEL O'DOWD: Yes, it is, and we got the message that you all want five. Right now, the regulations and rules that we are required to follow

say if it's commercial property, the standard is 15. I don't know what the procedure is for us to go back and say is that really the way we want it. We understand what you want.

MR. MOHR: It's commercial property right in the middle of a bunch of residential property.

COLONEL O'DOWD: I understand what you're saying. I'm telling you that's part of why we're here tonight to hear those kind of things. I can't tell you what the outcome will be. I can tell you it's been recorded and will be heard.

MR. ZAJAC: Who mandated that?

MR. ROOS: A long process that you're all more painfully aware of than I am that began many years ago with the Department of Energy and determined within the CERCLA regulation you need to determine is there applicable regulation or is there appropriate relevant regulation out there that would apply, or how does it look, how we want to do this type of cleanup, if there's not one specifically tailored for it, and what was used at the time. Someone looked at what was going on out west, and there was established protocol on how you conduct your business. The Department of Energy argued that

would be the way to go for Maywood because it's a similar type of situation, so it's relevant and appropriate, and we want to apply this type of regulation at this site because there's not one specifically dealt with for dealing with this site, and EPA's decision was that that really doesn't apply here because there's too many factors that are completely different than what that was meant to do, and they got into a dispute, and that ended up in a formal dispute, and that formal dispute, the resolution of that established a five picocuries per gram level for residential properties, 15 picocuries per gram level for commercial properties. That was based on modeling to determine risk so that it meets the CERCLA criteria to say that we have a successful remedy for the property. So it took into those accounts and established a five and fifteen.

MR. ZAJAC: It was a bureaucratic decision to do it this way. It wasn't something from input from the public. It was something debated in Washington.

MR. ROOS: That was definitely not input from the public, that is correct. It's based upon the science that shows that these levels would then turn around and end up with a 15 millirem dose

per year. So if you had five picocuries per gram combined radium and thorium on the property, that your increased dose from the radiation you're exposed to every day on this planet, you are only getting an additional 15 millirems, millions of rems, or what's used as counts as far as determining that energy source. There's only going to be 15 more of those millirems added onto the approximately 360 millirems you get because you are a resident in this country. That's the national average, 360 millirems. So the 15 millirem dose has actually been quantified by DEP by regulations recently. They said that all your cleanups need to meet this 15 millirem dose because that's equivalent to what our national background is as it varies across the state. So the numbers are coming from what's here naturally, what is going on nationally, and what is an acceptable risk for a level of cleanup determined.

MR. MOHR: Do they consider how close the commercial property is to residential property?

MR. ROOS: We took that into consideration because if this proposed plan did it in accordance with exactly that dispute resolution, it would be looking at 24 properties being cleaned up to commercial level. We went back and reevaluated the

situation and said that we can look at and probably clean up these 17 properties to that unrestricted release so we'd be able to offer as many properties as we possibly can and still keeping seven of those properties, three of those seven happen to be transportation corridors. I don't think anybody here wants me to close Route 17 as I try to excavate and clean up the material that's contained there. Those would be deed restrictive properties. I don't think anyone will ever be building a child care or playground on 17 or on the New York Susquehanna rail. If in time the deed restrictions put in place, the institutional controls put in place, let's say that always needs to stay commercial or light industrial. A hundred years from now there's going to be a little note or piece of paper that says why this property needs to remain at that level, and EPA and the government are going to be looking at that every number of years that that be established whether it's five years as part of the remedy review process that they have established in the regulation or they may say we can do that a little bit more frequently, but they're going to look at all the properties that have been determined to be kept at that commercial level, that they are staying that way.

MR. ZAJAC: What is the half life of this stuff? How long does this stay at 15?

MR. ROOS: Thorium, I believe, is in the tens of thousands a year.

MR. ZAJAC: One of the controversies with dumping radioactive waste is the half life that's so long. How can you ensure that in the future that these records are going to be maintained?

MR. ROOS: In the same sense that if you were to do a lead contamination cleanup and cleaned up to commercial level, that lead doesn't have a half life. That lead is going to be here for tens of thousands of years on. How are you going to keep that at a commercial level? It's the best plan and best approach that we can do and afford for the community.

MR. ZAJAC: Would it be better to do it to a five level instead of 15? That way you have that margin of safety. Then you can go away with a clear conscious and say, look, there's not going to be any problem in the future.

MR. ROOS: As part of this process we are presenting so we can solicit public comment so that comment can be a deciding factor on how things go on to alter what thought process, the reason

being, you have to follow this process and it's established saying what is a conceivable land use now, what is a future land use scenario. It is also not the aim of government to spend all your tax dollars so you can clean everything up to a completely unrestricted level everywhere they go because it's based upon risk case numbers and future use scenarios. Unfortunately, this is a process we need to follow because then otherwise we're talking about being open to third-party suits from anyone else because we didn't do it this way and just decided we needed to clean everything out, up and out. We have no justification, no backup support. I have not received comments from anyone giving me a reason to point to doing anything other than what is statutorily required.

MR. RICHARDS: The property that I mentioned before, the 30 acres, it is the intention of the community, as I pointed out before, the planning board has been tasked with the responsibility of coming up with a plan to include recreation property on that Sears property, just a point of information. It may not interest you.

MR. ROOS: It interests us very much.

MR. RICHARDS: The fact of the matter

is, Maywood has the smallest amount of per capita recreation space in any community in Bergen County with the exception of Teterboro. They have eight residents. Saddle Brook has less, but they have a county park. We don't have any recreation space at this end of town. It is the desire of the Mayor and Council, it is the desire of many parents in this town who schlep their kids to the other end of town to play ball, to put a ball field at this end of town. It is the only property available to do that.

I go back to the point I made before, if you clean up Lodi commercial to five picocuries, it's outrageous to consider 15 picocuries here.

MR. ROOS: If you could provide us that as part of the comment, it is a land use scenario not presented to us.

MR. RICHARDS: You'll have a letter after the next executive session, which is a week from tonight.

MS. CARTON: What was the criteria used to clean the Lodi property down to five? There had to be specific criteria for that particular property to get cleaned up; that's commercial property, right?

MR. ROOS: When we chose to do the removal action, since we need to be consistent with

what your approach will be when you get into a record decision, and therefore if we're looking at this type of property with the volume of material that you're talking in place as an undeveloped piece of property, to clean it up to a 15 level, it was not going to be a great volume difference, for one, and, for two, it would be an institutional control the government needed to monitor forever, and I guess it also being adjacent to residential and recreational, so different considerations are taken into place, and it was chosen to clean that up to a five.

MS. CARTON: Wouldn't you find similar criteria in the properties in Maywood?

MR. ROOS: If you read the proposed plan, all the other properties that are in Maywood are also being proposed to clean up to a five except for the three, and then New York Susquehanna and whatever is under Route 17, it's transportation corridors, and those three large commercial entities. All the other properties are cleaned up to unrestricted level.

MS. CARTON: So Sears property is still --

MR. ROOS: It's considered commercial property for commercial level.

MS. CARTON: Even though it's adjacent to residential property? It's adjacent to residential property. It's across the street, Maywood Avenue. There are residential properties right across.

MR. ROOS: There are properties. I would not say it's adjacent to residential properties.

MS. CARTON: It's across.

MR. ZAJAC: Was a study made to see what the cost would be to go down to five, or is that an unknown?

MR. ROOS: We have studied the site and taken samples so that we know the aerial and vertical extent of the contamination based upon a number of samples taken. A model has been drawn that says on this property, this polygon, this is where we believe contamination is. It's not specifically contained only in there. It could be more over here, less over there. It's only based on how many samples did you take to generate that model.

MR. ZAJAC: You came up 215 million to get it down to 15?

MR. ROOS: Five and 15 are 24 different properties.

MR. ZAJAC: Did you do a study to see how much it would cost to get it down to five for this property? I mean, is it like 300 million dollars or 260, or is it a billion dollars? Is it so prohibitive that it would cost too much to get it down to five? Is it a matter of spending a couple million dollars more?

MR. ROOS: I don't know the answer to give you tonight, but as a comment, we'll see what we can do to address it.

MR. LU: I'm retired, so I recall when we bought houses for our clients, we ordered radon testing, and it always had to be under four picocuries.

MR. ROOS: Per liter of volume of air, that's correct.

MR. LU: Under four picocuries, just for your records.

MR. ROOS: I know the regulation, but that is not comparable to five picocuries per gram as a concentration level within soil. That's four picocuries per liter of volume of air, so it's a different standard. They're not apples and apples.

MR. SORCE: I'd like to have the answer to his previous question. Would you buy a house and

raise a family here? I like an answer from each person.

MR. ROOS: Would I buy a home and raise a family here? I would consider it, yes. I grew up in Totowa, New Jersey, not too far from here. I currently live in Livingston, New Jersey.

MR. SORCE: Ma'am?

MS. WANKUM: Yeah.

MR. SORCE: You feel it's safe?

MS. WANKUM: Yeah. I have a seven-year-old. I'd bring her out here if I could, but I'm from Kansas City, I'm inclined to stay in that area of the country.

MR. HAYES: I'll phrase mine from a radiological standpoint, yes.

MR. MOHR: I just had a comment. I think that the fact that this study is not back yet for alternative four really puts us at a huge disadvantage. There's so much pertinent information we don't have. There's answers to pertinent questions that you have not been able to provide, not that you're not on the ball because you obviously know what you're doing, but how can we have a complete meeting, how can we provide a complete answer when we don't have all the facts yet, and the

one alternative that you prefer so much more than anything else, this study is not back? I think that in itself should really call this whole proceeding into question based on that, and not to say you aren't making a great effort here, but how can we possibly discuss the whole thing without the study?

MR. ROOS: I understand where you're coming from; however, it's considered as an option because treatment as an option has to be fully evaluated.

MR. MOHR: You say preferred.

MR. ROOS: That is our proposed remedial action plan, that is correct.

MR. MOHR: That's a big difference.

MR. ROOS: If I were to choose alternative three without fully evaluating the option for treatment and chose that as my preferred plan, then I would prejudice that process. So if I choose it as that part of the option and let you to provide me comment whether you care for or do not care for the treatment being used, whether that treatment is something that you've been given all the facts and numbers about, you've now voiced your concern, your comment concerning treatment which has been evaluated as part of this option. I think it would be

disingenuous not to have chosen another one while we still haven't completed that evaluation.

MR. MOHR: Is it disingenuous to prefer alternative four when the study is not back?

MR. ROOS: We can then take the record decision and propose plan, we take it back, complete our evaluation, and we can do this in another year or so from now. My interest was in moving the project forward and starting to get some more materials excavated out of the area. So I left that as contingency option. Had I wanted to hold up this process while we waited for the full evaluation, we're a year away from that. So this allows me then to move more than the 30 rail cars and have access to more properties and not limited to the few. If I can get on as many properties as I can with two or three different crews, I'm generating more soil, I'm getting more of it up and out, as you all would like, under the alternative three option. Then upon completion of that evaluation, because it wouldn't be that I would be doing any work on that property in the near future anyway, so a year from now, if we take everything into consideration, we evaluate everything, it would be decided yes or no, and we present that information to the public. I preferred

moving forward with it in this way. My recommendation of my management was to move forward this way so that we were actually out there getting the work done.

MR. MOHR: It's great we're having the meeting, I agree with that, but to say you prefer alternative four before the study is even back makes me wonder how things might be.

MR. ROOS: Alternative four is written where that whole situation on treatment is considered as a contingency or as an option. So the alternative is alternative three, or let's call it alternative 3-B, because if that option is proven to be the way to go, then we'll see it in our employees. Our employees are only going to be limited to one property. All the other properties all along the way were excavated, transported and disposed of material, and my thought was that was the most prudent way to conduct business since everybody has been waiting long enough.

I've always been trying to find ways in concert with DPA and EPA to remediate more properties and move forward on. We're constantly under, say, the light within all our agencies. Where are you on Maywood? What's going on? How come this is not

done? Constantly saying this came up and now this, and now this agency is talking about this.

This site is very complex. It's got so many jurisdictional agencies involved between the regulatory commission, DEP, EPA, drug enforcement agency, Department of Justice, if you want to look at who's going to be part of or contributing to or cost-sharing these cleanups. So with all of these different factors, you get too many cooks in the kitchen. We're trying to work all this out as fast as we can. At this level, outside of you all, nobody wants to see more construction going on than me.

MR. ZAJAC: Why would you have drug enforcement and the Department of Justice on this?

MR. ROOS: DOJ is involved because you have to refer things to DOJ if you're looking at potential responsible parties. That's the whole process in determining is it the polluter that pays. It's not done by engineers. Only DOJ can speak and settle or have anything to do on behalf of the United States.

MR. ZAJAC: I thought it was already decided that Stepan Chemical is the culprit here.

MR. ROOS: It's way out of my realm.

MR. ZAJAC: It's really over our heads.

MR. ROOS: I'm not an attorney. My counsel will be very happy that I point that out.

MR. ZAJAC: We happen to be the residents living here.

MR. ROOS: I feel I'm a member of this community. I come to work here every day myself. I don't live here. I won't apologize for that. I think you have a fine community. However, we all are in this together to try to get this thing done, and we're here to listen.

MR. ZAJAC: You're very patient.

MR. ROOS: No, sir. This is why I chose to be in this profession.

COLONEL O'DOWD: We appreciate everybody coming out tonight. As I said up front, we cannot promise you that what you want is what you get. What I can tell you is, we heard what you had to say. It's been recorded. To the extent we can, we'll make sure that we'll consider it in the decision that we make and also pass that forward to the people above us to make the decision. Thank you.

(Whereupon the proceeding is then concluded at 9:30 p.m.)

I, LAURIE A. LANDRIGAN, License Number XI01683, a Certified Shorthand Reporter and Notary Public of the State of New Jersey, certify that the foregoing is a true and accurate transcript of the proceeding at the place and on the date hereinbefore set forth.

Laurie A. Landrigan

A Notary Public of the State of New Jersey
Notary No. 2068191

My Commission Expires 1/28/05