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Formerly Utilized Sites Remedial Action Program (FUSRAP)

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# ADMINISTRATIVE RECORD

for Maywood, New Jersey

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U.S. Department of Energy

Let's protect our earth



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**State of New Jersey**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF HAZARDOUS WASTE MANAGEMENT  
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JUL 01 1991

Michael J. Nolan  
69 Lenox Ave.  
Maywood, NJ 07607

Dear Mr. Nolan:

This letter is in regard to your recent letter to Mr. William M. Seay DOE and also in regard to the analytical data on the Trudy Drive and Hancock St. properties in Lodi.

The New Jersey Department of Environmental Protection (Department) can not prevent a federal agency from carrying out a legal removal of hazardous substances/waste done for the purpose of eliminating a threat to public health. Pursuant to CERCLA and regulations promulgated under REMOVAL ACTIONS in the National Oil and Hazardous Substances Contingency Act Section 300.415b and noted in the Preamble, once a lead agency has identified a hazardous situation as being "time critical", the agency must begin response activities within six months. If the response is not initiated within the six month period, the agency must conduct an engineering evaluation and cost analysis (which can be a lengthy and time-consuming phase).

As I understand the situation at 90 Avenue C, Lodi, a number of years ago the kitchen was added to the house and was constructed with materials taken from Maywood Chemical Works. The DOE has determined that areas of the kitchen show the presence of radioactivity and that according to DOE's radiation calculations, persons in this home can safely use the kitchen for only a limited time each day. Limiting a family's use of their kitchen, to me, seems unfair since this is an area of a home that must be entered for long periods of time every day.

DOE's solution to this problem is to remove all hazardous (radioactive) materials in the structure, replace the kitchen and to do this remediation expeditiously. The project is called "Time Critical" because if the remediation is not initiated within six months the engineering evaluation/cost analysis phase, by law, must be done. This additional phase means the occupants of 90 Ave C will continue to be unnecessarily exposed to low level radiation until the study is completed. The solution is reasonable except that the closest secure and isolated storage area for the twelve-odd containers of low level radioactive construction debris is the Maywood Interim Storage Site.

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CERCLA requires the lead agency to act responsibly in order to protect the health of the persons in 90 Ave C and DOE believes its solution is legal and responsible. As I said above, the Department can not prevent a legal act.

Earlier you inquired whether the Department has any chemical analytical results on Trudy Drive and Hancock Street properties. I have reviewed my files and checked with the Department's geologist who was active on this project at that time, and his records show no chemical results. I also checked with DOE and its records have only radiological data.

I hope I have explained the reason why the Department can not intercede with the DOE. Should you have any further questions, you may contact me at (609) 633-1455.

Very truly yours,



Edgar G. Kaup, P.E., Case Manager  
Bureau of Federal Case Management

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