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Formerly Utilized Sites Remedial Action Program (FUSRAP)

ADMINISTRATIVE RECORD

for Maywood, New Jersey



U.S. Department of Energy

**Department of Energy**

Oak Ridge Operations
P.O. Box 2001
Oak Ridge, Tennessee 37831-8723

July 12, 1991

Honorable Mayor and Borough Councilmen
Borough of Maywood
Town Hall
459 Maywood Avenue
Maywood, New Jersey 07607

Dear Mayor and Councilmen:

APPLICATION OF MAYWOOD ORDINANCE 16-85 TO DOE ACTIVITIES

The requirement to obtain a permit for soil removal and deposit imposed by the Borough of Maywood Ordinance 16-85 is not applicable to the Maywood Interim Storage Site (MISS), or the removal and transport of soil from the Borough of Lodi for deposit and storage on the MISS site, for the reasons explained below.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), at section 121(e) provides that "No federal, state, or local permit shall be required for the portion of any removal or remedial action conducted entirely onsite, where such remedial action is selected and carried out in compliance with this section."

Activities at MISS are governed by CERCLA, and the Federal Facility Agreement entered into by DOE and the Environmental Protection Agency pursuant to CERCLA. Therefore, neither DOE nor its contractors are required to obtain permits such as those required by Ordinance 16-85 for activities at MISS.

The Maywood Ordinance has no legal effect on activities conducted in the Borough of Lodi, thus no permit is required for excavation or removal of soil in the Borough of Lodi.

Because the Department of Energy is not required to obtain the permit referenced in Ordinance 16-85 for the deposit and removal of soil, it likewise is not required to comply with the transportation requirements incorporated by the permit requirements.

If you have any questions, please contact me at (615) 576-1830.

Sincerely,

A handwritten signature in cursive script, appearing to read "William M. Seay".

William M. Seay, Deputy Director
and Acting New Jersey Site Manager
Former Sites Restoration Division

July 12, 1991

Les,
Les,

Nancy has the full authority of the Office of Chief Counsel to provide legal advice and assistance to your group on the Maywood matter. She seeks counsel from her supervisor or me in matters involving policy or novel questions. You may consider that she acts for me. Thank you.

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