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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



## State of New Jersey

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Christine Todd Whitman  
Governor

Department of Environmental Protection

Robert C. Shinn, Jr.  
CommissionerMr. Chuck Parodi, President  
Concerned Citizens of Maywood  
48 West Grave Avenue  
Maywood, New Jersey 07607

MAR 10 1995

Dear Mr. Parodi:

Received  
Office Of The Manager  
3/15/95

Re: Maywood Thorium Contamination

Please be advised that I am in receipt of your February 28, 1995 correspondence and I will provide a response to same. As I indicated in my February 3 and February 24, 1995 letter to Mr. Nolan and Mrs. Parodi respectively and of your group, the New Jersey Department of Environmental Protection (NJDEP) has provided the United States Department of Energy (USDOE) with cleanup levels that satisfy statutory requirements for the remediation of environmentally contaminated sites within the State of New Jersey. The statute in question, N.J.S.A 58:10B et. seq. (commonly referred to as S-1070) requires the establishment of both residential and nonresidential cleanup standards for those New Jersey properties involved in environmental remediation activities. Therefore, consideration of a two tiered remediation is statutorily mandated and restriction of future land redevelopment is addressed by the same statute. As a result, your interpretation of these requirements appears incomplete. The NJDEP has repeatedly endorsed the 5 pCi/g cleanup level for properties where future land use would not be restricted. Furthermore, the cleanup levels you refer to are for non-residential properties with restricted future use. In accordance with the specified statute, in the event that a Declaration of Environmental Restriction was not placed upon such properties, the required cleanup level would in fact remain at 5 pCi/g.

To reiterate, the cleanup levels or soil cleanup criteria described within the January 1995 letter to the USDOE were developed specifically for this site and in compliance with requirements set forth by N.J.S.A. 58:10B-12d(1). This section limits potential cancer risks to no greater than one in one million or  $1 \times 10^{-6}$ . In keeping with statutory requirements, the NJDEP has worked to achieve a balanced solution that is protective of human health and the environment within the mandates legislatively defined above.

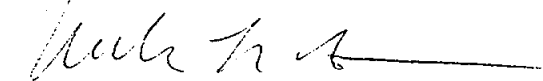
With regard to your discussion of permanent environmental remedial solutions, neither "CERCLA" nor S-1070 prescribe permanent remedies. CERCLA does in fact denote a preference for permanent remedial solutions as while requirements for S-1070 are financially based. Specifically, NJDEP cannot require a permanent remedy unless the cost of implementing a nonpermanent remedy is 50% or more than the cost of implementing a permanent remedy.

Finally, the NJDEP always welcomes the submission of relevant information as it relates to the successful completion of any remedial effort. As you are aware, this office has repeatedly expressed interest in your group's efforts in meetings and correspondence and awaits any additional information you may provide.

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I hope that the above has served to answer your concerns. If you have any further questions regarding this matter, please feel free to contact me at (609) 633-1455.

Sincerely,



Nicholas L. Marton, MPH  
Research Scientist II/Case Manager  
Bureau of Federal Case Management

c: Susan Cange, USDOE  
Angela Carpenter, USEPA

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