

133801
M-431

Formerly Utilized Sites Remedial Action Program (FUSRAP)

ADMINISTRATIVE RECORD

for Maywood, New Jersey



U.S. Department of Energy

133801

RE: Maywood Property - 1995
EE/CA Comments

August 10, 1995

TO: Hazel O'Leary, Secretary, Dept. of Energy
c/o John Michael Japp
Department of Energy
Former Sites Restoration Division
P.O. Box 2001
Oak Ridge, TN 37831-8723

We, the undersigned residents of Maywood, N.J., refuse to comment on the Phase I Remediation EE/CA which ignores the Superfund regulations as shown on the back of this page.

There should be no further action until DOE reveals the proposed plan for Maywood as required by all regulations.

Read the back of
all shipments shown
as Maywood residents

n. And
age Site,

Secretary O'Leary:

NAME		PHONE
Dolores A K	<p>THE ENCLOSED SHOULD HAVE BEEN WITH OUR CERTIFIED MAIL COMMUNICATION SENT TODAY, AUGUST 16th 1995.</p> <p style="text-align: right;">Louise Tonell</p>	845-4942
Richard P O'Y		712-587-1523
Christina Lewis		845-4472
Allen Smith		845-475
Jane Hayes		587-117
Lorraine M		Maywood 368-9
Patti McKernan		712-675-845
Lina Klus		wood, NJ 843-8
Lori Shuman		wood, NJ 843-8
Richard Fay		845-836
Scott Fay		845-8458
Marjorie Fay		843-202
Jeffrey Smith		712-0907
Franklin		78 Council Ave Maywood 712-0907

BRIEFING ON THE DEPARTMENT OF ENERGY'S MAYWOOD SITE

WORK TO BE COMPLETED

CLEANUP

- Conduct interim cleanups when immediate health risks are identified to minimize impact to families and/or prevent spread of contamination
- Begin final cleanup after DOE/EPA Record of Decision

SURVEILLANCE AND MAINTENANCE

- Continue site upkeep and environmental monitoring

ENVIRONMENTAL REVIEW PROCESS

- Continue briefings for public and officials
- Publish Work Plans
- Complete remedial investigation documentation and publish report
- Conduct study of alternatives and recommend proposed plan
- Issue Record of Decision

108501



Secretary O'Leamy:

THE ENCLOSED SHOULD
HAVE BEEN WITH
OUR CERTIFIED
MAIL COMMUNICATION
SENT TODAY, AUGUST
16th 1996.

Louise Torrell

Local News

Dr. Van Pelt: Lodi family is safe

by Chris Neidenberg

MAYWOOD — Using U.S. government guidelines, a Lodi family — whose home is slated to be cleaned of thorium-tainted soil by the U.S. Department of Energy (DOE) — would not be in any imminent danger if the dirt was kept in place, says Maywood's thorium consultant, Dr. Wesley Van Pelt.

Van Pelt was referring to standards the U.S. Department of Energy (DOE) has adopted defining "time critical" radiation levels, which the DOE is using to justify trucking about 40 cubic yards of thorium tainted soil from the Avenue C home to the Maywood Interim Storage Site (MISS).

James Wagoner, a department official who oversees the DOE's Formerly Utilized Sites Remedial Action Program in Washington, said recently that the DOE still plans to truck the dirt to the MISS "as soon as possible," though the Borough Council

unanimously adopted a resolution opposing the move and Mayor John Steuert has vowed to join upset residents in picketing any such action. Rep. Robert Torricelli (D-9) has indicated he is talking with the DOE about finding another site for the material, though Wagoner said as of two weeks ago he had not personally consulted with his office.

Van Pelt cited DOE radiation levels which recommend action if one is exposed to 100 millirem a year. DOE officials have indicated they want to remove the soil which, they claim, could be hazardous if family members spend six hours a day in the kitchen. Angelica Coss, one member, has stated she spends no more than half an hour daily in the kitchen.

"That (100 millirem) is about double what people normally get from natural radiation," Van Pelt said in a recent interview. "It's not particularly an ex-

cessive dose. There are certain areas of the country, such as the Rocky Mountains, where people are naturally exposed to 200 millirem per year."

At the same time, Van Pelt said he is not personally opposed to the DOE's plan to move the material to the MISS if it makes the Lodi family feel safer. But he again suggested it is not necessary as a short-term solution. Van Pelt indicated moving contamination from the MISS pile to Utah could be an eventual long-term solution.

"In terms of solving the problem over the next hundreds of years," he explained, "then Maywood would certainly be better off in designating the Utah site."

Via a "federal facilities agreement (FFA)," the U.S. Environmental Protection Agency (EPA) is now the lead agency in monitoring DOE's role in cleaning thorium-tainted soil. Asked when the DOE exactly de-

termined that the Lodi waste was "time critical," Robert Wing, who reviews FFA agreements for EPA, referred inquiries to DOE. Wing, with the agency's regional New York office, did say the DOE informed EPA on March 14 that it intended to move the material. DOE officials appeared in Maywood to inform the Borough Council of the move on March 18.

"If we felt they were absolutely wrong in doing this (Lodi move), we'd certainly challenge them," Wing said. "But I couldn't honestly consider this a situation we'd want to challenge, since you have a potentially hazardous situation (in Lodi)."

DOE reports have stated Coss' kitchen was found to have higher-than-normal kitchen radiation readings in May 1988, when it was occupied by someone else. Wagoner conceded DOE was aware of a problem meriting attention three years ago.

"I admit, the indications — if not all the information — were there suggesting we had a problem," he said. "But we didn't recognize it until we focused on all of our characterization reports."

At an April 23 council meeting, Maywood Councilman Anthony Napoli urged the U.S. government to test the Coss family to see if it suffers from radiation-related health problems.

"If these people are examined, and they're OK," said Napoli, "then DOE is full of baloney."

Despite possible protests, Wagoner said the DOE will carry out its "responsibility" for moving Lodi dirt by mid-June (which could be any day). Wagoner said the DOE has already told Maywood officials of the pending move, and that he had not considered whether it will tell them the exact day.

133801



Department of Energy

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

133801
EXE COUNTY
OCT 13 9 47 AM '92

October 8, 1992

Mr. William Schuber
Bergen County Executive
Administration Building
Court Plaza South, 21 Main Street
Room 300E
Hackensack, New Jersey 07601-7000

Dear Mr. Schuber:

RESPONSE TO QUESTIONS REGARDING THE MAYWOOD INTERIM STORAGE SITE

The purpose of this letter is to respond to your transmittal of September 15 in which you asked a number of questions related to the Department of Energy's (DOE) Maywood Interim Storage Site (MISS). The first question was to advise the County as to DOE plans for bringing any additional material to the MISS for storage under an "imminent danger" scenario. In response to your question, DOE has no plans for additional storage of material at the site and has indicated such in its most recent Five-Year Plan. However, should conditions be found to exist such that an individual living or working in Maywood, Lodi, or Rochelle Park could potentially receive a radiation dose above DOE guidelines from material originating in Maywood, DOE would propose removal of this material with storage at the site. It should be pointed out that DOE is unaware of any such conditions and thus the potential for additional storage of material at the MISS is remote.

Your second question regarded the reasoning for earlier plans which called for removing soil from the Ballod Association property prior to other areas, such as residential properties in Lodi. The basis for those plans was dependant on a number of factors, including the following. First, the Ballod property had some of the highest levels of contamination which were found beyond the boundaries of the present day MISS and Stepan Company property and, as a result, DOE wanted to remove and safely contain as much of this material as possible. The Ballod property was previously owned by the Maywood Chemical Works (the company which conducted all of the thorium processing in Maywood) and was used for the storage of processing residues. Observations of children playing on the unrestricted contaminated property, combined with the concentrations of contaminants, confirmed the need to take quick action. Second, prior to cleaning up the Ballod property, some residential homes in both Rochelle Park and Maywood had been remediated with storage of the contaminated material at the MISS. This previous cleanup effort included homes on Grove Avenue and Parkway which are located adjacent to the Ballod property. Without addressing the Ballod property, the

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Mr. William Schuber

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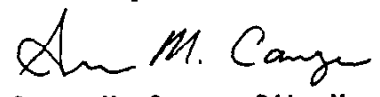
October 8, 1992

potential existed for movement of the contaminated soil and thus recontamination of those residential homes. The third reason for the removal of soil from the Ballod property was the intended use of the property, specifically its planned use as a home for senior citizens. Given the levels of contamination previously found on this property and its intended use, it was decided that the contaminated material would be removed and stored at the MISS. And finally, many of the homes in Lodi that currently have contamination above DOE cleanup guidelines were not designated by DOE Headquarters into the FUSRAP program for cleanup until after the cleanup of the Ballod property was completed. Designation of many of those properties and the subsequent authority to clean them up did not occur until 1988-1989, while the cleanup of the Ballod property occurred in 1985.

Your final question asked for the status of various documents being prepared in support of the site cleanup. Given that DOE has no plans for the cleanup of properties in the vicinity of MISS prior to a Record of Decision for the entire site, the Engineering Evaluation/Cost Analysis (EE/CA) report, that you reference in your letter, has been cancelled and is not included in DOE's current Five-Year Plan. DOE is on schedule for the completion of other documents which will support the Record of Decision including a draft Remedial Investigation report and a Baseline Risk Assessment report. Public review of these documents plus the Feasibility Study which evaluates alternatives for cleanup of the Maywood site is scheduled for June of 1993.

If you have any additional questions or need additional information please feel free to contact me at (615) 576-5724.

Sincerely,



Susan M. Cange, Site Manager
Former Sites Restoration Division

cc: Jeff Gratz, EPA Region II
Bob Hayton, NJDEPE

OPINION

October 19, 1994

All the dirt must leave

After 11 years of neglect, Maywood's frightening thorium crisis is deepening to a point where questions must now be raised as to what really is motivating the way certain area elected officials are treating the community.

Last week, Rep. Robert Torricelli (D-9) with the help of some borough officials who found it politically convenient to criticize his thorium conduct in the past, wanted residents to make a big deal about the fact that, after 10 long years, the U.S. Department of Energy (DOE) will start moving 5,000 cubic yards of MISS waste out to Utah.

In actuality, Republican Mayor John Steuert, Torricelli and the DOE are garnering big headlines over the fact that they are moving roughly 1/80th of the total waste (about 395,000 cubic yards) which must be addressed.

It seems as though the mayor, Torricelli, Republican Bergen County Executive William "Pat" Schuber and some politically-connected contractors will desperately try to make election year hay over the fact that U.S. taxpayers have spent at least \$41 million since 1984 just to start moving this token amount — without guaranteeing that the whole mess will ever be hauled off.

Maywood desperately needs the proper cleanup if it wants to develop ratables in the area and not be stuck with a permanent storage dump — which could be Torricelli's tragic legacy.

No one should rest easy until every ounce of dirt leaves.

133801

11



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

JACOB K JAVITS FEDERAL BUILDING

NEW YORK, NEW YORK 10278-0012

12 3 APR 1994

William P. Schuber
Bergen County Executive
Administration Building, Room 300E
Court Plaza South
21 Main Street
Hackensack, New Jersey 07601-7000

RECEIVED
APR 28 1994
BOROUGH CLERK

Wm K C
M. Calver

Dear Mr. Schuber:

Thank you for your letter of March 25, 1994 to Mr. Grumbly of the Department of Energy (DOE) and to Mr. William J. Muszynski, of the Environmental Protection Agency (EPA), regarding the dispute over cleanup levels at the Maywood Chemical Company Superfund Site. As you requested, I have attached a copy of my "position statement" on the dispute. Based on discussions with Mr. Grumbly and his staff, it is my understanding that DOE will not elevate the decision to the EPA Administrator.

I believe that once you read the attached position statement and final Proposed Plan (currently being redrafted by DOE), you will agree that the revised cleanup proposal is significantly different than that initially proposed by DOE. Most importantly, the revised plan is protective to those living and working on the affected properties as well as those living and working nearby.

To summarize the dispute resolution, DOE has agreed to remediate all residential properties to a level of 5 pCi/g above background at all soil depths. On commercial, non-residential properties, DOE has agreed to remediate soil to 5 pCi/g, averaged over the first 15 centimeters (cm) below the surface, and 15 pCi/g, averaged over 15 cm thick layers, more than 15 cm below the surface. Furthermore, DOE has agreed to implement a rigorous field program through which it will also attempt to reach an agreed upon cleanup goal of 5 pCi/g at all soil depths. With the exception of the MISS property itself and small portions of Sears and Stepan, we are confident that DOE, using this "As Low As Reasonably Achievable" (ALARA) field program, will remediate non-residential properties to 5 pCi/g at all soil depths. Please see the attached position statement for more details on cleanup levels.

The site-specific cleanup criteria were developed by using, as a starting point, the "5/15" criteria that is applicable at sites referred to in the Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978. We then utilized standard assumptions that

are used in all EPA risk assessments as well as site-specific information, such as radionuclide type, contamination depth and extent, to determine cleanup numbers that are protective at different properties on the Maywood site. The assumptions we use to determine risk and derive cleanup numbers are very conservative. For example, in the residential scenario we assume that a person spends 17 hours a day, 350 days a year, for 30 years on the property. For the commercial scenario, we assume that an employee (or visitor) spends 9 hours a day, 250 days a year, for 25 years on the property. For both the commercial and residential scenario, we assume that the residual contamination after cleanup is a homogeneously thick layer that extends throughout the entire property.

As you can see, in conjunction with exposure assumptions, land use considerations are an important factor in determining acceptable cleanup levels for a particular property; this is consistent with EPA policy, nationwide. It is important to note that DOE will conduct environmental reviews of the site every 5 years (with EPA oversight) to ensure that protectiveness is maintained into the future. Also, DOE and EPA will work with officials from Maywood, Lodi, and Rochelle Park in order to be kept informed of land use changes at the affected properties. If land use does change from commercial to residential, DOE (again, with EPA oversight) is committed to evaluating the site-specific risks and performing further remediation if necessary.

In response to your concern regarding a detailed time-line for remedial action, DOE is currently developing a schedule for the removal of the MISS pile. Once the Record of Decision is signed for the site, DOE will develop a comprehensive schedule for remediation of the commercial and residential properties.

If you have any questions, or wish further assistance from EPA in this matter, please let me know or have your staff contact Jeane Rosianski, Chief, Congressional and Intergovernmental Relations Branch at (212) 264-7834.

Sincerely,

JM
 Jeanne M. Fox
 Regional Administrator

Attachment

- cc: T. Grumbly, DOE, w/o attach.
- Hon. John A. Steuert, Jr., w/attach. ✓
- Hon. Joseph Scarpa, w/attach.
- Hon. Phillip V. Toronto, w/attach.
- M. Guarino, BCHD, w/attach
- L. Miller, NJDEPE, w/o attach
- N. Marton, NJDEPE, w/attach.
- L. Price, DOE, w/o attach.
- S. Cange, DOE, w/o attach.

DOE: Waste pact excludes Maywood

By CHRIS WEIDENBERG
Of The Shopper News

MAYWOOD — Despite strong indications to the contrary in 1991, a U.S. Department of Energy (DOE) official said recently that a contract with the Envirocare facility in Utah, due by the end of February, will not apply to removing borough contamination.

William Seay, based in the DOE's Oak Ridge, Tenn. office, said two weeks ago that the department was finalizing negotiations to move 60 barrels of a different kind of contamination from a site in Colonie, New York, near Albany. The site is one of 22 nationwide which participate in the Formerly Utilized Sites Remedial Action Program (FUSRAP). Maywood is also a FUSRAP site.

"This particular contract will not pertain to Maywood," said Seay. "It pertains to mixed waste, which will be coming from the Albany site."

Seay's statements conflict with numerous pronouncements made by Rep Robert Torricelli (D-9) and his political supporters last year. In late October, Torricelli announced that he had been assured that the DOE was negotiating the contract to store the Maywood waste, classified as 11E2, and that the negotiations would conclude sometime this month. Torricelli first promised the contract by the end of December.

The contract, he said last year, would be enacted subject to the granting of a license to Envirocare to store 11E2 ma-

terials by the Nuclear Regulatory Commission. Torricelli had announced the permanent cleanup would start during 1994, following the record of decision.

Torricelli, who attended a Maywood Democratic Club meeting Feb. 20, did not mention the latest developments in his address to members. His actions on the topic since 1983 have been a focus of controversy.

Republican Mayor John Steuert voiced anger over the situation. Steuert said he hopes that Torricelli will be removed from Maywood's district during the reapportionment of New Jersey's Congressional seats, to be finalized this month.

"We can see that what was said last year was all shallow verbalism," said a furious mayor. "Where is what they had promised us by the end of 1991? It turned out to be more of the same smoke and mirrors that we've been getting all along."

Former Democratic Councilman Thomas Richards strongly denied Steuert's suggestion that he intended to make it sound last year as though the contract would specifically apply to Maywood, despite various published re-

ports. Richards, a 1991 mayoral candidate, said Seay told him the development bodes well for Maywood since it proves the DOE is willing to ship FUSRAP waste to an out-of-state commercial site.

"It's a major step," he said.

Larry McDonnell, Torricelli's Washington press spokesman, said on Feb. 19 that the congressman's office learned there are other sites with the capabilities to handle 11E2 radioactive materials. McDonnell said, subsequent to Torricelli's announcement last year, that the DOE decided to submit Maywood's program to competitive bidding.

"The congressman favors competition if it will lower the costs," McDonnell said. "But he will not tolerate any delays in removing the waste, and the DOE has indicated that this particular development will not cause any delays in their time frames."

Charles Judd, Envirocare vice president, said on Feb. 18 that the DOE was still talking with his site about moving wastes for FUSRAP and other projects, though it had not specifically mentioned Maywood.

Seay said the negotiations

pertaining to Colonie do not mean that Envirocare is a dead option for Maywood if the 11E2 license is granted.

"At this point in time, I wouldn't state any preference for a permanent site," he said. "We still have to complete the RIFS (study) process."

He raised the possibility of also considering some DOE-owned sites out west, including in Nevada.

Michael Nolan and Louise Torell, members of Steuert's advisory committee, rejected the explanations from Torricelli's office. Nolan charged the congressman and his supporters misled the borough last year, and called on the Borough Council to demand an investigation of the DOE's Maywood activities by the U.S. General Accounting Office.

"I think it proves that the work we've been doing to obtain the true facts denounces the lies by all those who've deceived us with those lies," Torell said.

HOMETOWN

DOE rep: no time frame for removal

By CHRIS NEIDENBERG
Of The Shopper News

MAYWOOD — Democratic Councilwoman Joan Winnie insisted recently that "half of the people in town don't care" about the thorium issue, in responding to complaints from some Republicans, who urged the U.S. government to start quickly moving area tainted soil.

At the Borough Council's Dec. 15 meeting, Republicans Mayor John Steuert and Councilman Richard O'Neil blasted the U.S. Department of Energy for, they claim, making little progress in removing a pile of about 35,000 cubic yards out of the community.

Steuert offered his comments the day after he visited the DOE office on West Pleasant Avenue. The department conducted "a public information availability session" for three hours on Dec. 14, during which 13 people attended to be briefed on the latest developments regarding DOE's efforts.

Susan Cange, the DOE's Maywood project manager, told an annoyed mayor that the department cannot offer any time frame as to when it will start removing contamination from the borough, which is participating in DOE's Formerly Utilized Sites Remedial Action Program (FUSRAP), under 1983 legislation sponsored by Rep Robert Torricelli (D-9)

* During the same session, Cange told The Shopper News that the DOE intends to finalize plans for its "preferred cleanup alternative" sometime this year, in time for the DOE's announced record of decision due in 1994. The final proposal is subject to review and possible change by the U.S. Environmental Protection Agency, which is overseeing DOE operations under a federal facilities agreement.

Cange said that while DOE has the funding to design the final cleanup option selected, it does not have the money to start an actual cleanup. Steuert noted that any talk of a final

remedy must be backed with a pledge to actually remove the hazard

"They have a lease (for the office) for five years and still no date in mind, no timetable in mind, as to when that material is going to be moved," Steuert complained

"I have to tell you, when you look at that cancer cluster (study) as it relates to people living in that area (near the Maywood Interim Storage Site)," the mayor added, "you have to be saying, 'God, I don't know how the people can live

* there." The mayor was referring to a study done by health board member John Tamburro, whose West Central Avenue house is near the interim site pile. In a recently released DOE

periodical, two epidemiologists with the University of Illinois at Chicago, who examined the study in 1991, contended Tamburro's findings are inconclusive and cannot be sustained without more evidence

10001

OPINION

November 3, 1993



shopper NEWS

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Put up or shut up time with thorium Maywood issue is stuck in political limbo since the early 1980s

While we are desperately trying to search for even a glimmer of hope indicating that Maywood's thorium problem is nearing an end, the frightening political morass engulfing this issue only seems to be worsening

The latest outrage comes in the form of a proposal from the state senate's environment committee, chaired by state Senator Henry McNamara (R-40), which apparently waters down an initial non-binding resolution proposal from state Senator Matthew Feldman (D-37) by seeking "remediation of the soil at" the interim site.

The resolution had demanded "the excavation and removal" of dirt. Such excavations have been done at a radium-tainted soil site in Montclair — which is using a tougher cleanup standard than the DOE has sought for Maywood — without interim storage Feldman, who initially proposed a much stronger resolution, concurred with the change

The language change, deemed insignificant by its framers, has alarmed residents who fear state legislators may

*** The Republican and Democratic politicians who helped set up and have perpetuated the Maywood Interim Storage site during these last 10 years have punished the men, women and children of Maywood enough.**

be trying to sell out their community by helping the U.S. Department of Energy find an out to continue keeping the soil in the borough as long as possible or even

forever

Perhaps just as alarming are recent comments from Assemblywoman Loretta Weinberg (D-37) indicating she could support continued interim storage from Lodi and Rochelle Park — a scenario already rejected via vote by a huge majority of her borough constituents — in certain instances

The Republican and Democratic politicians who helped set up and have perpetuated the Maywood Interim Storage site during these last ten years have punished the men, women and children of Maywood enough

Is this latest legislative maneuver a ruse to continue punishing innocent citizens who may have exposed the taxpayer-funded boondoggle the state's political establishment has imposed upon a politically weak borough?

We hope there are not deeper reasons behind the latest example of what seems to be a curious move by Mr. Feldman and

the committee

If only there was a politician (or maybe an environmental lawyer) who would not be afraid to challenge the establishment on this issue by questioning why the current situation still exists.

We have a simple message for the following: Rep Robert Torricelli, Rep Marge Bergen County Executive William "Pat" Schuber, US Sens Frank Lautenberg and Bill Bradley, Gov James Florio, state Sens Feldman and Louis Kosco and state assembly members Byron Baer, Weinberg, Pat Roma and Rose Heck

1) Either show some sensitivity by moving toward bringing this matter to a swift and final resolve in a way that assures there will be no political discrimination against Maywood residents or 2) Have the involved agencies move out of Maywood and leave the three affected communities alone until they are ready to permanently (and thoroughly) clean them up *

OPINION

March 2, 1994

Ominous signs for thorium problem

It appears as though the arrogance of area elected officials toward the citizens of Maywood and their longstanding thorium mess will sadly never change.

The signs are ominous and quite frightening. But it looks as though officials, including Bergen County Executive William "Pat" Schuber, Rep. Robert Torricelli (D-9), and sadly, even Republican Mayor John Steuert and the Borough Council, seem ready to back a brokered deal to let the federal government clean Maywood without using a safe, state-approved health-based standard.

No matter what happens, these facts can never be ignored.

- An opinion from the DEPE's Nicholas Marton in an April 1993 letter to the DOE that any cleanup of less than five picocuries per gram for soil above and more than six inches below the ground "may pose a significant cancer risk."
- EPA's allocating over \$200 million to ship radium-tainted soils from Superfund sites in the Montclair area via rail directly to Envirocare in Utah, considered less radioactive than Maywood's waste by the EPA's John Czapor
- Plans by Kerr-McGee Chemical Corp. to spend at least \$140 million to move to Envirocare — also via rail — the exact same type of thorium-tainted soil from a similar residential area in West Chicago Ill., as forced by that state.

Take clean-up talks into an open forum

While they delude residents into thinking something meaningful is being done, officials in Bergen County and Maywood shamelessly continue to give the appearance that they are secretly negotiating behind the scenes in a manner which could be detrimental to the borough's chances for a proper contamination cleanup.

While using as a guise the premise that removal of the pile at the Maywood Interim Storage Site will solve all of the borough's serious environmental problems, these officials simply seem content to meander along with the U.S. Department of Energy (DOE), almost as happy partners in DOE's public relations scheme to co-opt them and the public into accepting DOE's thorium cleanup.

The conduct of these officials is even more mind-boggling given that they know very well that the DOE and the federal Environmental Protection Agency (EPA) are trying to bully the state into accepting standards that

EPA has already stated, do not protect public health and will make Maywood a permanent storage dump

Blame for the current mess transcends political parties. Among those whose conduct is open for criticism include Rep Robert Torricelli (D-9), Republican Bergen County Executive William "Pat" Schuber, other members of his Tri-Borough and County Thorium Coalition, the Maywood governing body, the borough's Environmental Legislative Political Action Committee and the Bergen County Department of Health Services.

Yet sadly, as DOE's prognosis for Maywood gets worse, the only answers these officials have is, "Give us more of the DOE"

After the department took at least 12 years and \$40 million to devise a 30-year Maywood cleanup timetable, these officials oddly seem even more eager to embrace the notion of converting Maywood into a DOE outpost forever.

If the site never was dangerous, then who allowed DOE and Bechtel to spend all that money?

Schuber's coalition, which counts Maywood's GOP Mayor John Steuert as an ally, may be the best example of the curious secrecy surrounding this site.

The fact is, you never hear of any meeting the group holds with DOE until after the meeting occurs. And while it has used \$50,000 in public money from the DOE since it formed in 1992, neither the coalition nor a consultant it has employed all during that time have issued any public report on their activities. Numerous requests by this paper for notices of its meetings simply go unanswered by Schuber and his aides.

Even so-called "public availability sessions" related to the site are conducted in secret. A release from the federal government's Agency for Toxic Substances and Disease Registry boasts that sessions scheduled for this week, "are not an open forum for general

public comment"

Will we ever see open public forums on this topic? Or is the mayor and council of Maywood allowing the borough's future to be bartered away by politicians in "smoke-filled" rooms?

The fact that, no one -- including the state -- has already intervened to stop this behavior, may be indicative of how deep the problem is.

Though it likely will never happen, maybe part of the answer lies in having the state do a "Project Integrity" BCUA-type investigation into the curious conduct displayed by officials at this site over the many years. The Schuber coalition would be an ideal starting point.

For if residents have nothing to worry about, why are all the important discussions about this site occurring behind closed doors, with no record of what is going on?

Maybe it's because these politicians are hiding the truth

???

10/1/86 [handwritten initials]

STATUS OF MAYWOOD/LODI REMEDIAL ACTION

10/1/86 [handwritten initials]

- o At August 5 meeting with Maywood Mayor and Attorney agreed to revise MOU to more clearly define DOE's intention for Maywood remedial action.
- o Revised MOU will address the following:
 - 1) State priority of vicinity property cleanup.
 - 2) Define/clarify "interim".
 - 3) Define/clarify "originating".
 - 4) If permanent disposal site becomes available, DOE will, contingent on the availability of funds, concurrently transport remaining vicinity property material and interim-stored material to that site.
- o DOE agreed to provide the following:
 - 1) Lodi residential and Sears/Scanel (NUS) radiological survey reports.
 - 2) Letter stating that current volume estimate of Lodi residential material is 300 yd.
 - 3) Radiological assessment of residences on south side of Central Avenue.
- o Mayor and Council to draft revision to the MOU on August 8.
- o Attorney will provide draft of revised MOU to DOE on August 9.
- o DOE to respond to draft MOU - date TDB.
- o DOE must receive approval to move Lodi material by early September or Lodi work will be delayed until next year.
- o Attorney has also requested:
 - 1) That DOE meet with planning board for subdivision of Stepan property.
 - 2) A rebuttal to a "cancer study" done by a Maywood resident.

10/1/86 [handwritten initials]



DEPARTMENT OF HEALTH & HUMAN SERVICES

133801

Public Health Service

AUG 18 11 34 AM '95

Agency for Toxic Substances
and Disease Registry
Atlanta GA 30333

AUG 16 1995

Ms. Susan M. Cange
Site Manager
U.S. Department of Energy
Former Sites Restoration Division
Oak Ridge Operations Office
P.O. Box 2001
Oak Ridge, Tennessee 37831-8723

Dear Ms. ^{SOSAK}~~Cange~~:

Listed below are ATSDR's comments on the Engineering Evaluation/Cost Analysis for the Cleanup of Residential and Municipal Vicinity Properties at the Maywood Site, Bergen County, New Jersey, dated July 1995.

On page 15, the document states "a site-specific guideline for total uranium of 100 pCi/g above background has been derived for the Maywood site (DOE 1994). However, since uranium contamination at the Maywood properties tends to be co-located with thorium and at similar or lower concentrations, it is anticipated that remediation of thorium and radium to the site-specific criteria will also result in remediation of uranium contamination to levels well below 100 pCi/g."

ATSDR believes that a remediation level of 100 pCi/g (uranium) for residential properties is not protective of public health. Also, in accordance with 40 CFR Part 195 and 10 CFR Part 20, Subpart E, EPA and NRC (in coordination with DOE and DOD) are developing compatible requirements for clean-up levels for sites contaminated with radionuclides. Their proposals are based on a maximum exposure of 15 mrem/yr from residual contamination. Using DOE's RESRAD computer code for residential soils contaminated with uranium, the uranium concentration that could result in an exposure of 15 mrem/yr from uranium-238 when at least two decay products are present, is 7.8 pCi/g, and for natural uranium (total) is 13.3 pCi/g. Also, in accordance with an NRC Branch Technical Paper, NRC has been using 10 pCi/g for

133801

AUG 24 11 30 PM '95

Carol & Frank Buzink
26 Longvalley Rd
Lodi, NJ 07644
August 18, 1995

COE
c/o Susan Lange
Oakridge, Tenn

Dear Susan:

My husband and I read
the proposal for cleanup
of residential properties
in Lodi (part of Raymond Rd)
and agree with the
proposal.

Carol Buzink

(over)

W/for Sarsore - 3000
22 Long Vally Rd
Lodi ny 07644

We, also, agree with the proposal &
look forward to a speedy cleanup.

Bob Nygard

Dean Latta

John Foster

133801

International
Association
Of Machinists
And Aerospace
Workers



Local Lodge 1018
Post Office Box 31
La Guardia Station
Flushing, N.Y. 11371
Phone and Fax Number
516-997-0312

Pride In The Past

Faith In The Future

August 15, 1995

475 Bergen Avenue
Maywood, NJ 07607

Secretary Hazel O'Leary
Maywood Property EE/CA Comments -1995
c/o John Michael Japp
Department of Energy
Former Sites Restoration Division
P.O. Box 2001
Oak Ridge, TN 37831-8723

Dear Mr. Japp:

We are resubmitting EE/CA 94 comments, since it appears that Ms. Susan Cange ignored our request for a full investigation of the action and behavior of parties involved regarding the cleanup of the MISS, by the U.S. Attorney's Office.

Further, see letter 3/30/93 Torell to O'Leary. We repeat: O'Leary's subordinates probably never get her advice or shows our correspondences to her.

Our goal since the inception of this contamination and upon gaining such knowledge, is to protect the health of the public of workers in a chemical plant and of the people living nearby. Remember, Maywood borough is one mile square.

We have fought intensely in Washington for the Florio/Lautenberg "Right to know Law" since 1985 until its passage. The Industrial Union Council praised us for our many accomplishments for this health issue.

Note in the 1994 comments-Issue 17 where DOE lacks credibility in Maywood and in DOE's response DOE intends to seek help from the public to restore their credibility.

Further in 94 comments article (9/21/93) - Agency OKs dump site for contaminated soil - Clears the way for clean up in North Jersey --Senator Lautenberg quotes, "Soon there will be a facility to ship these deadly toxics to. This clears a huge stumbling block in our efforts to get these wastes out of New Jersey".

See Record article (8/10/95 - U.S. to haul Lodi thorium into Maywood. (at a secret mtg. After a leave of absence - Ms. Cange comes to Maywood, meets at the Ramada Inn with town officials and tells them the Ballod property and Lodi will be cleaned up, with no guarantee when it will be moved out. THIS IS A DASTARDLY ACT by DOE personnel as we will not tolerate what we consider " a dictatorial country behavior". We are America - with laws for such a serious health risk subject. Ms. Cange has shut out the public. This is illegal. DO NOT DUMP ANY MORE CONTAMINATION IN OUR TOWN. Next thing you know, someone will say "There is no more funding for this project" and we will have the permanent site!!!Again this calls for a serious full investigation by President Clinton or Vice President Gore. Supboena everyone involved. Enough is Enough!!! Now see attachments revealing vacillation of opinions and ambiguities.

Aug 21 7 56 PM '95

Pg. 2.

Maywood Property EE/CA Comments 1995
Sty. O'Leary c/o Mr. Japp

Please Note: - Newsarticles, letters, etc. (Excerpts quoted)

Re: the secret meeting, the newsarticle states DOE gives no guarantees.

2/91 Shopper News - Federal study critical of Energy Dept.
'Project Mgr aware of Maywood situation. DOE ill-equipped to adequately monitor potential health risks around DOE operations such as the MISS. He recommended ATSDR study health effects.

2/91 (Complex) Refer to: Congress of U.S. Office of Technology Assessment -
(Cleanup) - The Environmental Legacy of Nuclear Weapons Production
and Summary (2 separate brochures)

Regarding ATSDR, their staff came to get public input on May 25/95. Mr. Block of Ny office stated, he would review their notes and advise. No feedback to date.

8/14 /86 Our Town -Torricelli: "No thorium from outside"
'assures residents that thorium-contaminated soil will take place ...from out of the ground and subsequently to a site outside of Maywood'.

8/13/86 ltr - Torricelli to Baublitz (DOE) - 'The boro of Maywood and I are not prepared, nor are we willing to accept any additional waste at any time in the future.

4/10/91 - Shopper - OPINION -More dirt on the way? and
re: 90 Ave C 5/1/91 - Maywood Mayor - 'I'll join picket line. Our
Lodi Boro has been lied to by DOE'.

5/15/91 - Shopper - Dr. Van Pelt - 'Lodi family is safe.
Councilman Napoli - 'urged US Govt. to examine Ave. C residents and if they're OK, then DOE is full of baloney'

4/22/91 - ltr - Schuber, Bergen Cty Executive to Seay (DOE)
'The DOE must not store additional soil at the MISS, and must act in an expeditious manner to remove the soil to the permanent site in Utah.

8/26/91 - ltr - Wagoner (DOE) to Schuber - Par. 2 - "site remedy will be selected in a Record of Decision or ROD. and Par. #4 - "EPA has a large role in the site remedy and has direct oversight for all activities conducted at the Maywood, and, in fact, SIGNS the Site ROD.

10/8/92 - ltr - Cange to Schuber - Cange states "DOE has no plans for additional storage at the Site, and the potential for additional storage at the MISS is remote.
Page 2 - 2nd paragraph Cange states - "Given that DOE has no plans for the cleanup of properties in the vicinity of the MISS prior to a Record of Decision"

But yet, she decides that Lodi and Ballod dirt will come to Maywood and no quarantine of Maywood removal. Does O'Leary and Maywood Mayor agree?????

1995
Maywood Property EE/CA Comments
Secty O'Leary c/o Mr. Japp

Excerpts from newsarticles, letters, etc.

10/19/94 - Shopper - OPINION - All the dirt must leave (officials criticized).

4/28/94 - ltr - Jeanne Fox (EPA) to Schuber - Pg. 2, Par.#3 states,
"Once the Record of Decision is signed for the site,
DOE will develop a schedule for remediation, etc."

3/4/92 - Shopper News - DOE: Waste pact excluded Maywood

12/30/92 - Shopper News - DOErep: no time frame for removal
Cange could not tell Mayor when contamination would
start being removed and that DOE did not have the money
to start cleanup.

Maywood Mayor stated "that any talk of final remedy must be
backed with a pledge to actually remove the hazard. Also,
he didn't know how the people can live there" (near the MISS)

11/3/93 - Shopper - OPINION - Put up or shut up time with thorium -
Maywood issue is stuck in political limbo
since the early 1980s.

3/2/94 - Shopper - Opinion - Ominous signs for thorium problem.

5/31/95 - Shopper - newsarticle - Take clean-up talks into an open forum.

Read carefully regarding "public availability sessions"
conducted in secret. ATSDR boasts that sessions scheduled
"are not an open forum for general public comment"
"if residents are told they have nothing to worry about
why are all the important discussions about this site
occurring behind closed doors, with no record of
what is going on?

Are the politicians hiding the truth???

Note minutes of meeting 8/5/85 - Boro attorney Rupp meets with DOE officials
and requests that they make a rebuttal to a resident's health "cancer study" and
will recommend when DOE should meet with Planning Board on the subdivision.
Who does a boro attorney represent?? Taxpayers' money????

Why should the residents of Maywood be the scapegoats for other towns?

When the Mayor of Wayne said "No more soil will go to the Wayne Site, the
Mayor of Pequannock directed that the contaminated soil in Pequannock be shipped
from the homes right out to Envirocare, Utah.

That's what the plan is for any other towns. Discontinue the deadly charade.
Get an investigation underway and let Janet Reno, U.S. Attorney decide on the
violations, illegalities, etc. against us. Please answer this request.

ENCS: As stated above

Peter T. Torell
Louise Torell

Peter T. Torell
Louise Torell

International
Association
Of Machinists
And Aerospace
Workers



133801
Local Lodge 1018
Post Office Box 3
La Guardia Station
Flushing, N.Y. 11371
Phone and Fax Number
516-997-0312

Pride In The Past

RE: Public Comments (EE
on clean up

475 Bergen Avenue
Maywood, NJ 07607
June 07, 1994

Susan Cange, Site Manager
U.S. Department of Energy
Former Sites Restoration Division
P.O. Box 2001
Oak Ridge, Tennessee 37831-8723

Dear Ms. Cange:

The DOE lacks credibility in Maywood. See our 11/22/89 letter to R.P. Whitfield giving many reasons for our opinion for comments in DOE FY 1991-1995 brochure-8/89. Note Comment and DOE Response (1989)

DOE Response Pg. 247

ENVIRONMENTAL RESTORATION

ISSUE 17

COMMENT: DOE has no credibility in Maywood, New Jersey, where DOE officials cannot be trusted. Maywood has been the victim of lies and deceit.

RESPONSE: It is the intent of the Five-Year Plan to encourage public comment about concerns to assist 4DOE in dealing with its environmental problems. Frank discussions of current environmental problems with all interested parties is a major ingredient of the Five-Year Plan. It is the intention of the Department that through these discussions, new avenues of understanding can be developed by all concerned and that the Department's credibility with Federal and State agencies, Tribal governments, and the public can be restored. Any methods to improve this communication would be appreciated and should be identified to DOE.

Five years later, our opinion is that DOE lacks greater credibility. DOE has not improved relationship with the public in accordance with above response, and even despite the establishing of an office in Maywood to improve their public relation image.

See 3/30/93 (Torell to O'Leary) ltr - regarding further subterfuge activity by DOE personnel, political activity on Tag Grants, lies and deceit. (copy attached).

Approximately 5 years ago, March 18, DOE personnel met with local officials and the Envirocare representative, at which time it was decided that when Envirocare obtained the permit to accept mixed waste, it would be shipped to Utah. When this permit was received DOE classified the waste 11(e)2. Envirocare later received a permit to accept the 11(e)2.

See attached newsarticle (9/21/93) Record - Agency OKs dump site for contaminated soil - Clears the way for clean up in North Jersey. Senator F.R. Lautenberg quotes, "Soon, there will be a facility to ship these deadly toxics to. This clears a huge stumbling block in our efforts to get these wastes out of New Jersey."

6/07/94

133801

Re: Public Comment on
Clean up of MISS

Subsequently to this good news, DOE personnel comes up with a soil washing method - an UNAPPROVED METHOD for clean up. Such a method DID NOT WORK IN MONTCLAIR, but DOE personnel has the goal to attempt to use it in Maywood and the nerve to call such an unproven method technology. We have asked our officials that their office of public relations be closed, but perhaps while they are still here, the office should be called a propaganda office to brainwash the public into accepting the soil washing.

We have fought long and hard in Washington for passage of the Right to Know Law, which was enacted to protect the worker in hazardous industries and people who live near toxic waste sites. See attached copies of Rachel's Hazardous Waste News #370, Chemicals and Health - Part 2 and #371-Chemicals and Health, Part 3, stating facts regarding increased risk of birth defects and some specific cancers to people living near a hazardous waste sites.

See attached Record newsarticle (6/4/94) N.J. balks at thorium cleanup - Asks U.S. to meet tighter standard and states that cleanup cannot legally begin without DEPE approval, and 6/8/94 newsarticle -EPA cuts price tag for radium cleanup - Essex project also taking less time.

IT CAN BE DONE FASTER AND CHEAPER - The clean up. THIS SHOULD BE APPLIED TO MAYWOOD TOO!!!

The DOE should not sacrifice the health of the public at any expense.

The original plan for Maywood is "Excavate and ship out once there was a place to put the waste". That is what the public has been fighting for the last 10 years.

While Secretary Hazel O'Leary welcomes whistle blowers, DOE personnel never acknowledged our requests for a meeting with her. We therefore have every reason to believe that our letters never reached the Secretary, but have been cut off with responses forwarded by her underlings.

Unless DOE personnel in charge of this project brings our requests to the attention of Secretary O'Leary, and giving her the true facts on this serious health issue, the matter should be forwarded to the Attorney General's office for a full investigation.

Sincerely,


Peter T. Torell


Louise Torell

ENCs: As stated above

cc: Concerned Citizens of Maywood

475 Bergen Avenue
Maywood, NJ 07607
November 22, 1989

RRR 435-421-391

133801
Mr. R.P. Whitfield
Office of Defense Waste
Management, Restoration, and
Environmental Response
OP-112, Attn: Five Year Plan
Department of Energy
Washington, D.C. 20545

Dear Mr. Whitfield:

Your "Five Year Plan" (5 x 5) is almost as bad as your statement that "if DOE is to maintain credibility with the community, cleanup must continue. DOE HAS NO CREDIBILITY IN MAYWOOD."

All we have seen is arrogance, lies, unethical collusion with certain local officials including deceiving the public, soliciting Maywood Borough Attorney for his suggestions prior to submitting draft proposal to Maywood officials and refusing even under the Freedom of Information Act to furnish their attorney solicitation letter alleging it to be interagency.

Issue: (A) R. Atkin (DOE) Executive Work Session - Maywood Mayor/Council, March, 1988
DID HE NOT STATE:

1. Did not know vicinity properties contained chemicals. (Despite Ebasco 1987 Report?)
2. Did not know Voit Co., a vicinity property had allegedly been cleaned up via ECRA (NJ).
3. Did not know NJDES Permit NJ 0054500 limited storage on MISS to 180,000 cu. yds. including contaminated soil present at site prior to USDOE involvement. (And there goes your 5 year plan). There is 130,000 cu. yds. stored now.
4. More than once, publicly, including the Rochelle Park Planning Board that Congress had mandated DOE ownership of the MISS which Maywood vehemently opposed. (But James W. Vaughan, Acting Asst. Secretary, DOE, June 12, 1986, exposed that lie when he wrote Senator Bradley advising there has been no Congressional direction concerning the acquisition of a portion of the Stepan Co. for use as MISS. Even former Mayor Panas said DOE should agree to a fixed lease).

(B) Peter Gross, DOE, 2/19/88 to M.J. Nolan/Reese Torell
"He said... we do not find chemical contamination at the Bailod property".

1. Joyce Feldman, EPA, (6/12/86) to Mr. R. Atkin, DOE, "DOE is authorized to analyze soils at DOE sites for radiological characteristics only... No authority exists for DOE to certify chemical decontamination of a property, according to our discussions". Where are Gross's test results???
2. Joyce Feldman, EPA, 5/5/87 to M.J. Nolan

"Mr. Treia addressed question you raised in connection with removal of chemical contamination from the Bailod property prior to construction of the nursing home... All soils removed by DOE have been stored at the MISS". But J. Wagoner II, DOE, insists they are not in violation of the Memo of Understanding with Maywood that only allows radiological storage. The State permit does not authorize chemical/heavy metals either.

3. James W. Stanley, Dept. of Labor, OSHA to Peter Torell (5/18/87)

"... That OSHA was working at the Bailod construction site (Bailod ...) was not being apposed to the contaminants (thorium & organic solvents) that were present before the remediation".

4. David Paley (NJDEP) to Schepisi & McLaughlin (12/5/85) re: Bailod Property

"Results indicated contamination present in southern portion of property at approximately 100 parts per million - groundwater has not yet been investigated. When investigations performed there is strong possibility of encountering contaminated groundwater - because of known radioactivity, possibility cannot be ruled out of radon gas eventually being detected, especially in basement of a future home (nursing home!) Bailod and Rochelle Park are not included in your last 5 year plan. Which 5 year plan would they be in?"

5. John J. Treia (NJDEP) 12/2/86 to Peter Torell

"With regard to Bailod property nursing home - The Dept. has monitored closely both the radioactive and chemical contamination at the site."

Would you say your Mr. Gross was more than grossly in error? Why hide the presence of chemicals/heavy metals that EPA knew were present in 1981. What was his reason?

6. Then there was F. Bzanski, USEPA, to NYU Campbell, USNAC (1981) with test results showing arsenic, chromium, copper, lead, hydrocarbons, etc.

DECEIT: R. Atkin (DOE) meeting with Maywood Mayor and Attorney - August 5, 1985

Wherein DOE is asked to furnish letter stating that current volume estimate of Lodi residential is 300 yds³. Estimate was actually much higher. But a small volume would be easier to sell to Maywood residents.

In a letter of August 26, 1985, E.L. Keller, DOE, not only complies but includes a draft press release for Mayor to use stating 350 cu. yds would be moved. This figure was used in the local newspaper but DOE already had approval (see 8/26/85 letter) before the issue came before the Mayor & Council. In New Jersey there is something known as the Sunshine Act. Lodi estimate for 1985 actually was 3000 yds³ and is now about 25,000 yds³.

Do you expect us to trust the DOE? and especially your first 5 yr plan of at least 25 years?

For a finale, refer to George B. Breeney (DOE) letter of April 13, 1987 to Peter Torell and read his Decision and Order. It is enclosed. Pages 1, 2, and 3 should be enough. He admits he consulted with Borough's Attorney for his comments before making a settlement proposal in final form to the Borough which would be an attempt to end litigation challenging DOE's title to the property. Was not the DOE using the attorney hoping to sell the Borough whose interests should be the attorney's concern?

To top it off - Mr. Breeney had the gall to call it an inter agency communication! Then we were denied copy of R.S. Wittenauer's (DOE attorney) 7/24/86 solicitation letter to Maywood attorney in which he submitted the draft seeking any comments, changes, etc. that the Borough attorney may have.

Finally we received a copy of the July 24, 1986 letter showing the first two paragraphs and the rest, blank. (copy enclosed).

133801

Mr. Whitfield -
Pg. 3 - 11/22/89

Ask Mr. Watkins if he approves of these unbelievable actions of DOE officials or will he call for a GAO investigation?

In a letter of April 25, 1989 to me, Gordon Binder, Chief of Staff, USEPA, stated, quote - "I wish I could have broken through all obstacles in one fell swoop but this matter is now interagency which means we've got to work with DOE."

#3 | Certainly this should be changed. The USEPA and NJDEP should handle the Utah Disposal Plan with proper enforcement against the responsible party/parties.

Sincerely,

Louise Torell
Louise Torell, Secretary
Concerned Citizens

Encs.

- cc: Admiral J.D. Watkins, Secy (DOE)
- Congressman Florio
- Congressman Courter
- Congressman Roe
- Senator Lautenberg
- Mayor & Council, Maywood
- Mr. Reilly, Administrator (USEPA)
- Senator Bradley

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11/22/89
133801

133801

475 Bergen Avenue
 Maywood, NJ 07607
 March 30, 1993

Hazel O'Leary, Secretary
 Department of Energy
 1000 Independence Avenue, S.W.
 Washington, DC 20585

Dear Ms. O'Leary:

These are my comments on the DOE Five Year Plan 1994-1998, sent to assure inclusion in the comments and responses.

First, the Site Manager and personnel involved at the DOE "information" office in Maywood have carefully managed to keep the 1994-1998 Plan out of the hands of Maywood residents. There has been no copy at the office, and, as late as March, the site manager said, "Oh, they are updating the 1994-1998 Plan". Yes, there is a general lack of trust of DOE here and at the site in Wayne, N.J.

Such an information office is a waste of taxpayers money. This is what DOE needs: a Community Relations Program to educate the public. See the first attachment showing pickets and the cost for the unnecessary office.
 (NO MORE THORIUM, PROTESTORS DEMAND - 4/24/92)

And the second attachment - (Why Have They Lied to You! - You Have the Right-to-Know!!!) This quotes Mr. William Seay and James Wagoner (both DOE) saying more funding to start a Utah (disposal) move would be available if EPA reassumed control of the Maywood Project through its Superfund. Mr. Wagoner is quoted saying EPA has a pot of money called Superfund and DOE does not because they have to request the money. Why shouldn't EPA reassume control of the Project? It was a Superfund Site since 1983 and never was a FUSRAP Site. Proof of this is readily available.

The third attachment is an August 25, 1992 memorandum from Concerned Citizens Maywood, N.J. to Bergen County Executive, Wm. Pat Schuber, on the subject: Leg EPA TAG Grant vs. DOE Illegal TAG Grants?

While Page I-172 of the 5 Year 1994-1998 DOE Plan says the cleanup process must not be politically controlled but must be a joint effort between municipalities and the government for the benefit of the public - the memo shows use/abuse of a \$50,000.00 carrot to set up a local politicians coalition to work toward DOE's goal of overcoming the public's objections to and distrust of DOE personnel and activities - especially DOE's intent to continue to store wastes in Maywood from other towns about which they lied. After 10 years Maywood has 35,000 more cu. yards from outside.

We certainly expect some investigative action, not just the usual curt response "summary".

Sincerely,

Louise Torell
 Louise Torell
 (201-845-8394)

cc: President Bill Clinton

P.S. See attached for list
 of enclosures

Agency OKs cleanup site for contaminated soil

133801

Clears the way for cleanup in North Jersey

By CHRISTOPHER MUMMA

Staff Writer

The federal Nuclear Regulatory Commission on Monday granted a key approval in the long-running effort to clean up thorium-contaminated soil in Maywood and Wayne, allowing for the storage of uranium and thorium at a remote site in Utah.

In approving the 4-year-old application by Envirocare of Clive, Utah, the NRC established the first commercially li-

censed facility in the United States for the disposal of low-level radioactive material, like thorium. Formal approval from the federal Environmental Protection Agency is expected within the month.

Thorium, a byproduct of the manufacture of gas lanterns at the Maywood Chemical Works between 1916 and 1958, has been found on property formerly owned by the Stepan Co. Thorium is a radioactive element that breaks down into radon, a gas linked to lung cancer.

By the estimates of the federal Department of Energy, there are about 400,000 cubic yards of thorium-contaminated soil at 55 properties in Maywood, Rochelle Park, and Lodi. About 35,000 yards of soil

See THORIUM Page B-2

BERGEN RECORD

TUESDAY, SEPTEMBER 21, 1993

THORIUM: EPA approval expected

From Page B-1

is stored under tarpaulins in Maywood.

The Wayne site, formerly owned by the W.R. Grace Co., a chemical and shipping firm, contains about 40,000 cubic yards of contaminated soil, all of which is being stored. Soil from that site was contaminated when the firm extracted the element and rare materials for use in gas lamps and optical lenses.

Both sites are on the EPA's Superfund list.

The DOE, which has been in charge of the cleanup since 1985, was expected to release a cleanup plan for the Maywood site in July. That plan, which could cost up to \$416 million, called for the disposal of some part of the soil in Utah

or Washington. No timetable for the removal of the soil has been established.

But a disagreement between the DOE and the EPA over the definition of contaminated soil has delayed the release of the plan. Despite the delay, New Jersey Sen. Frank R. Lautenberg welcomed the approval by federal regulators.

"This is great news for the citizens of Wayne and Maywood," Lautenberg said in a statement. "Soon, there will be a facility to ship these deadly toxics to. This clears a huge stumbling block in our efforts to get these wastes out of New Jersey."

The Utah site to which the soil will be taken is an uninhabited, re-

mote location about 100 miles west of Salt Lake City. Just off Interstate 80 in the Great Salt Lake Desert, Clive is home to two large hazardous waste disposal firms, and not many else.

Clive is part of a larger, 100-square-mile zone known as the Hazardous Industry Area, where a number of hazardous waste firms are located, said Myron Lee, a public education specialist in Tooele County, Utah.

"It's not really a town," Lee said. "It's kind of like a milepost in the road. It's 50 miles from nothin'."

Staff writer Coleen Francino contributed to this report.

133801

SATURDAY

The Record

JUNE 4, 1994

Friend of the People II Series

N.J. balks at thorium cleanup

By MICHAEL MOORE
Staff Writer

The state Department of Environmental Protection and Energy is refusing to approve the federal government's plan to remove thorium-tainted soil spread throughout Maywood and Wayne, a move that could further delay a cleanup first promised more than a decade ago.

Calling the federal Department of Energy's cleanup plan for 510,000 cubic yards of radioactive soil "dangerous to the public," the DEPE is withholding its needed approval until the federal agency agrees to meet stricter standards.

"We don't believe the DOE's cleanup plan either complies with state law or affords an acceptable

Asks U.S. to meet tighter standards

level of protection to the public," said Nick Martone, DEPE manager for the Maywood and Wayne sites. "We're not going to go along with this and give residents a false sense of security."

Trumpeted as one of the final obstacles to solving the radioactive soil woes of North Jersey, the DOE's long-anticipated cleanup proposal, hammered out with the federal Environmental Protection Agency, calls for contaminated dirt to be cleaned to a level of 5 picocuries of radiation per gram of soil in residential areas and 15 pi-

cocuries per gram in commercial districts.

But DEPE officials believe 15 picocuries is too high and want the 5 picocurie standard applied to both residential and commercial properties. Martone said cleanup cannot legally begin without DEPE approval.

A picocurie is a unit of radioactivity. Thorium is a radioactive element that breaks down into radon, a gas proven to cause lung cancer and other ailments.

Area officials support the DEPE's demand for a uniform 5 picocurie standard.

Wayne Mayor David Waks, who has been writing to the DEPE to push for stricter standards, ap-

See THORIUM Page A-8

THORIUM: State balks at U.S. proposal

From Page A-1

plauded the agency's decision. "I hail the DEPE," he said. "They are starting to see the light of day."

"At least the DEPE has taken a tough, protective stance. The federal agencies should get in line with the state's directive so we can clean this up quickly and safely," said Bergen County Executive William "Pat" Schuber. "I will be pressing Governor Whitman to intervene and push the federal agencies to adopt the standards of the DEPE."

Whitman spokesman Carl Gold said the governor is aware of

North Jersey's thorium dilemma and is willing to intervene.

"The governor knows residents have a good cause for concern," he said. "This has to be cleaned up and, after consulting with DEPE commissioner [Robert Shinn], she will get things moving with the federal agencies."

But the DOE said New Jersey's apparent refusal to approve the plan could further delay the cleanup, first proposed in 1983.

"I don't know what will happen next and I'm not sure what the DOE or EPA's position is now," said Susan Cange, DOE site manager for Maywood and Wayne.

"It's too early to say what we'll do. We're still waiting to get the state's position in writing."

The EPA, which originally supported a uniform 5 picocurie cleanup standard but later backed off after grappling with the DOE for a year, said the federal agencies may have to reconsider their positions.

"It's understandable why the state has misgivings," said Jeff Gratz, EPA site manager in Maywood and Wayne. "Our assumption of 15 picocuries being protective may have to be reevaluated. We may have to look at a lower criteria."

The thorium is a byproduct of the manufacture of gas lanterns at the old Maywood Chemical Works between 1916 and 1956, and at the former W. R. Grace & Co. plant in Wayne between 1948 and 1971.

Officials fear that the process of developing new standards, coupled with the possibility of disagreement negotiating a compromise, could further delay the cleanup of the soil, just as the DOE and EPA squabble delayed the existing plan for 18 months.

"I hope this doesn't turn out like it did a year ago between DOE and EPA," Cange said. "But I can't say for sure that it won't."

CHEMICALS AND HEALTH--Part 3

Several studies of industrial dumps and contaminated water supplies during the last decade have reported adverse health effects among exposed human populations.¹ The principal health findings include:

- Significantly reduced stature (height) for a given age among children who lived near Love Canal, the chemical waste dump in Niagara Falls, N.Y., compared to a control group of children living further from the dump.²
- A higher prevalence of birth defects and liver disease among persons living near a thorium waste disposal site in Wayne, New Jersey, compared to persons living further away from the site.³ (Thorium is a naturally-occurring radioactive element processed on this site by a private firm under contract to the old Atomic Energy Commission, now called the Department of Energy.)
- Low birth weight and birth defects in California children born in census tracts having waste disposal sites.⁴
- Enlargement of the liver (hepatomegaly) and abnormal liver function tests reported in residents exposed to solvents from a toxic waste dump in Hardemann County, Tenn.⁵
- Dermatitis, respiratory irritation, neurologic symptoms and pancreatic cancer at 7 waste disposal sites.⁶
- Significantly elevated rates of illness, including chronic kidney disease, stroke, hypertension [high blood pressure], heart disease, anemia, and skin cancer in a population exposed to toxic metals (cadmium and lead) from mine wastes in Galena, Kansas.⁷
- Leukemia (cancer of the blood-forming cells) among a group of children drinking water contaminated with industrial solvents in Woburn, Mass. In addition, a study of 4936 pregnancies and 5018 residents of Woburn aged 18 or younger revealed significant positive associations between intake of contaminated water and birth defects of the central nervous system, eye, ear, and face (e.g., cleft palate), as well as abnormalities of the chromosomes.⁸
- In Lowell, Mass., a group of 1049 people living 1200 feet from a large chemical waste dump was higher in self-reported complaints of wheezing, shortness of breath, cough, and persistent colds; irregular heart beat; constant fatigue and bowel dysfunction, compared to people living 2 and 3 times as far from the dump.⁹ This study examined the possibility of recall bias (people selectively remembering health problems, or chemical exposures) and concluded that recall bias did not explain the findings.
- In Hamilton, Ontario, a study of people who lived and/or worked near an industrial dump revealed significantly elevated rates of the following conditions: bronchitis; difficulty breathing; cough; skin rash;

arthritis; heart problems (angina [chest pain], and heart attacks); muscle weakness in arms and legs; tremors, cramps, and spasms; headaches; dizziness; lethargy; balance problems; and mood symptoms (anxiety, depression, insomnia, irritability, and restlessness) compared to populations living further from the site.¹⁰ Recall bias was examined and rejected as the source of these problems.

• A survey of 2039 persons in 606 households living near the Stringfellow Acid Pits in Riverside County, California revealed significantly elevated rates for the following conditions: lung infections; bronchitis; asthma; angina [chest pain]; skin rashes; blurred vision; pain in the ears; daily cough for more than a month; nausea; frequent diarrhea; unsteady gait; and frequent urination.¹¹ Recall bias was examined and rejected as the cause of these problems.

• In Tucson, Arizona, a study of 707 children born with heart defects revealed that 35% of them were born to parents living in a part of the city where the water supply was contaminated with industrial solvents (trichloroethylene [TCE], and dichloroethylene). The rate of birth defects of the heart was three times as high among people drinking the contaminated water, compared to people in Tucson not drinking contaminated water.¹²

• A study of 296 women experiencing a spontaneous abortion during the first 27 weeks of pregnancy, compared to 1391 women having live births, revealed an association between spontaneous abortion and drinking water contaminants: detectable levels of mercury, or high levels of arsenic, potassium and silica.¹³

• Residents of Bynum, North Carolina, drinking raw river water contaminated by industrial and agricultural chemicals, have developed cancers 2.4 to 2.6 times more often than expected.¹⁴

To summarize: Epidemiological studies cannot prove a cause and effect relationship. Nevertheless, available information indicates that hazardous waste dumps can harm, and have harmed, humans living nearby. Likewise, contaminated water supplies have harmed people.

The problem of waste dumps is continuing to grow. As the National Research Council of the National Academy of Sciences said in 1993, "A limited number of epidemiologic studies indicate that increased rates of birth defects, spontaneous abortion, neurologic impairment, and cancer have occurred in some residential populations exposed to hazardous wastes. We are concerned that other populations at risk might not have been adequately identified." And the Council said, "Millions of tons of hazardous materials are slowly migrating into groundwater in areas where they could pose problems in the future, even though current risks could be negligible."¹⁵

There is a move afoot now in Washington, and in the mass media, to divert attention away from the problem of toxic wastes. The goal seems to be to cut funding for the federal Superfund program of toxic waste cleanup. It seems clear that such a move, if successful, will result in increased health costs for the American people.

MAYWOOD HAS SIMILAR WASTES!!!

CHEMICALS AND HEALTH--Part 2

The Assistant Surgeon General of the U.S. Public Health Service, Barry L. Johnson, told Congress in May 1993 that living near a hazardous waste site "seems [to be] associated with a small to moderate increased risk of some kinds of birth defects and... some specific cancers."¹ Since 1986 Johnson has been Assistant Administrator of the Agency for Toxic Substances and Disease Registry [ATSDR], the unit of the Public Health Service that Congress created to deal with hazardous waste health issues.

Johnson told Congress that "health investigations of communities around some... hazardous waste sites have found increases in the risk of birth defects, neurotoxic disorders, leukemia, cardiovascular [heart and circulatory system] abnormalities, respiratory and sensory irritation, and dermatitis [skin disorders]."

Johnson told Congress there were 1331 dump sites on the official Superfund list, as of last May. He said industrial solvents are present at 87% of the sites; inorganic compounds (such as lead) at 87%, and pesticides at 50% of the sites. He said 41 million Americans live within 4 miles of 1134 Superfund sites that were studied. On average, 3325 people live within one mile of each site; since there are 1331 listed sites, this means a total of 4.6 million Americans live within a mile of an official Superfund site today.

Johnson said a typical site contains more than 100 different chemicals; "such mixtures may be much more toxic than any of the individual chemicals," he told Congress. [The situation is actually somewhat worse than Johnson described. U.S. Environmental Protection Agency (EPA) analyzed leachate at 13 representative hazardous waste sites from across the country. Only 4% of the organic chemicals in the leachate were identified by gas chromatography/mass spectroscopy [GC/MS], but this 4% included 200 individual chemical compounds, including 13 metals. "The unidentified 96%" of the organic chemicals is "of unknown toxicity," the National Research Council said when it reported EPA's findings in 1991.²]

To illustrate the point that even a single chemical can cause real problems, Johnson discussed the industrial solvent trichloroethylene (the second-most common chemical found at Superfund sites, after lead). He said, "An increasing body of scientific evidence indicates past exposures to hazardous substances can cause latent [delayed] adverse health effects. Recent findings from the ATSDR exposure registry of approximately 5000 persons exposed in the past to trichloroethylene (TCE) in drinking water showed registrants reporting elevated rates of diabetes, stroke, elevated blood pressure, and neurologic problems."

Johnson then described two large cancer studies that compared the health of people in counties with

hazardous waste sites to the health of people in counties without hazardous waste sites. Both studies found an increased frequency of cancers in counties with hazardous waste sites. A 1983 study reported that age-adjusted gastrointestinal (GI) cancer death rates were higher than national averages in 20 of New Jersey's 21 counties (for the period 1968-1977). The environmental variables that correlated most closely with elevated death rates were population density, urbanization, and presence of toxic waste disposal sites.³ A 1989 study looked at 593 hazardous waste sites in 339 U.S. counties (in 48 states) where contaminated ground water was the sole source for drinking, during the period 1970-1979. (See *RHWN* #127.) Excess cancer deaths were found in counties with hazardous waste sites compared to counties without hazardous waste sites for the following kinds of cancers: lung, bladder, esophagus, stomach, large intestine, and rectum for white males; and cancers of the lung, breast, bladder, stomach, large intestine, and rectum for white females. Non-whites were not studied.

Johnson described a study by the New Jersey Department of Health of reproductive effects associated with contaminated drinking water.⁴ Public drinking water systems were evaluated in 75 towns in northern New Jersey. The study looked at all live births and stillbirths (excluding chromosomal defects and plural births) during the period 1985-1988 in the 75 towns. The 75 towns were not known to have excessive health problems. Although some water systems had levels of certain contaminants above federal standards at the time of the study, contamination levels in the 75 towns are thought to be typical of U.S. water supplies, Johnson told Congress.

In the 75 towns, statistically significant associations were found for the following: total trihalomethanes [the chemicals formed in drinking water supplies when chlorine is added to kill germs] were associated with low term birth weight, intrauterine growth retardation, central nervous system defects, and major heart defects. Trichloroethylene (TCE) was associated with neural tube defects [defects of the spinal cord and brain] and oral cleft defects [for example, cleft palate]. Carbon tetrachloride was associated with low term birth weight, intrauterine growth retardation, central nervous system defects, and oral cleft defects. Dichloroethane was associated with major heart defects, and dichloroethylenes were associated with central nervous system defects.

Johnson then described a large study of birth defects among children whose mothers lived near waste dumps in New York state. "A particularly important study" examined the association between congenital malformations in children and maternal proximity to hazardous waste sites in the state of New York," Johnson told Congress. Researchers at the Yale University School of Medicine and the New York

State Department of Health (NYDOH) studied 27,115 births and concluded that, overall, women living within a mile of an inactive dump have a 32% greater chance of bearing a child with a major birth defect, compared to women living further than a mile from a dump. (See *RHWN* #313.)

U.S. to haul Lodi thorium into Maywood

Declines to guarantee its immediate removal

By **MATTHEW MOSK**
Staff Writer

Despite local referendum results opposing the storage of any more contaminated soil in Maywood, federal officials plan to move thousands of cubic yards of thorium-laced dirt from Lodi into the Maywood dump site.

The soil will be held in Maywood for an unspecified time — possibly as short as 48 hours — until it can be loaded onto trains bound for Utah, a U.S. Department of Energy official said.

But residents who have long opposed the use of Maywood as a temporary storage site for tainted soil said they were outraged by the decision.

"It shouldn't even be in town for one hour," said Richard O'Neil, a former borough councilman who campaigned for the borough's 1991 thorium ban. "Once it gets dumped in Maywood, history tells us there's no guarantee it will ever leave."

The site manager for the U.S. Department of Energy said three properties in Lodi would be excavated this fall. There are 34 properties in Lodi, two in Maywood, and one in Rochelle Park from which 25,000 cubic yards of soil laced with the radioactive substance will be collected, taken by truck to the Maywood dump site, and eventually loaded onto trains.

"Our plan is that the soil will not be on

See **THORIUM** Page NJ-2

THORIUM: To Maywood

From Page NJ-1

the Maywood property any longer than it has to," said Susan Cange, the agency's Maywood site manager. "But we have not said how long that would be. The time will be contingent on the availability of rail cars."

That uncertainty has people in Maywood on edge.

"That dirt should be going straight from the contaminated spot to Utah," said Bergen Avenue resident Louise Torell. "We've had too many problems with DOE in the past to trust them now."

Torell is one of dozens of residents who fought for decades to persuade lawmakers to remove the contaminated dirt. Thorium, a radioactive element that breaks down into radon, a gas linked to lung cancer and other ailments, is a byproduct of the manufacture of gas lanterns.

In 1991, when officials planned to move more of the tainted dirt into town, a non-binding referendum opposing new thorium imports won the support of more than 90 percent of those who voted. It also called on the federal government to begin removing the hazardous dirt.

Federal officials responded by funding the cleanup through 1996. After the referendum was passed, a spokesman for Rep. Robert G. Torricelli, D-Englewood, promised that he would take action to prevent more thorium from being shipped into Maywood.

Already contractors have begun carting away significant portions of a 35,000-cubic-yard pile of dirt

at the DOE's Maywood storage site near Route 17. But as much as 400,000 more cubic yards remain underground on the site.

For some local leaders, the decision to carry truckloads of dirt from Lodi into Maywood does not violate the spirit of the referendum.

"As long as they're moving the dirt through Maywood and not to Maywood, I'm satisfied," said Councilman Timothy Eustace. "I think we all feel certain that Maywood should be finished as a storage site."

A spokesman for Torricelli agreed, saying the congressman will monitor the process closely to ensure that thorium-tainted soil does not linger in Maywood.

Mayor John A. Steuert Jr. said he and other council members met with Cange last week and fought hard for assurances that the soil will be out of Maywood in less than 48 hours.

"At this point I have every reason to believe that they will live up to that time period," Steuert said. "As far as I can tell, the worst-case scenario would mean the thorium might remain in Maywood overnight."

But in interviews this week, Cange fell short of that guarantee.

"Our intention is to have the rail cars ready and waiting, so that the soil will be on its way to Utah in 24 to 48 hours," she said. "But the use of the rail cars requires some flexibility."

"The Department of Energy is committed to not developing any more piles," she said.

133801

Feb

Section 1

Federal study critical of Energy Dept.

by Chris Neidenberg

MAYWOOD — Problems within the U.S. Department of Energy (DOE) should cause Congress to remove it from handling cleanups at nuclear waste sites — including the borough's — a federal study concludes.

The report, issued last week by Congress' Office of Technological Assessment (OTA), criticizes the DOE for handling such cleanups in a way which lacks public accountability and credibility. It recommends that Congress transfer the national effort to either the federal Environmental Protection Agency (EPA) or an independent commission. It also urges that Congress set up "independent citizens boards" at

the various sites to monitor DOE projects.

The report touches upon what OTA perceives are internal problems with the department's structure, and suggests the DOE lacks enough qualified people to assess cleanup problems and potential health risks. U.S. Secretary of Energy Adm. James Watkins has conceded the DOE has problems and is working to address them.

Though the report studied U.S. facilities comprising the nation's Nuclear Weapons Complex, high-level radioactive and chemical waste sites involved in weapons production, OTA analyst Pete Johnson said the same criticisms apply to low-

level sites such as Maywood's. In the early 80s Maywood was eventually incorporated into the DOE's Formerly Utilized Sites Remedial Action Program (FUSRAP) via a legislative maneuver.

"I'm aware of the situation in Maywood," said Johnson, the study's project manager, based in Washington. "This is a serious problem at DOE facilities all over the place. The problem is that cleaning up the environment is an entirely new mission for the department."

Johnson claimed the makeup of the DOE's organization makes it ill-equipped to adequately monitor potential health risks around DOE operations

such as the Maywood Interim Storage Site. He suggested providing more resources to beef up the government's Agency for Toxic Substances and Disease Registry (ATSDR), which studies health effects. ATSDR has been reviewing the Maywood site.

"The DOE's management structure has been around a long time," Johnson said. "Managers have been in the weapons production business. They don't believe they have created serious risks to the public, and therefore, don't seem to spend a lot of time trying to look for problems."

In a DOE press release, Watkins conceded the OTA report is on the mark. Many findings, he said, are identical to

those the department has made in its five-year plan for cleaning up sites.

"The OTA report adds independent confirmation of the fact that this is a problem of enormous proportions, and will require yet unavailable technology and trained personnel to resolve it," stated Watkins.

Johnson's report suggests the DOE has no way of reliably estimating costs for its 30-year plan to clean up all weapons sites.

Leo Duffy, the DOE's environmental restoration and waste manager, cited DOE efforts to make the department more sensitive to environmental concerns.

133801



MAYWOOD - ROCHELLE PARK, N.J.

Thursday, August 14, 1986

25 cents

Toricelli:

"No Thorium From Outside"

again lies!

Congressman Robert Toricelli has expressed anger at a report that at Tuesday's meeting of the Maywood Mayor and Council a discussion was held in regard to the possibility of more thorium-contaminated soil being brought into Maywood from outside communities.

At that time, as reported in Wednesday's Record, a statement made by Toricelli at a July 26 town meeting in Maywood that "no outside thorium will be brought into Maywood ever again" was held to be inaccurate. As evidence, reference was made to a letter from the Department of Energy, indicating that the federal agency wanted to bring more thorium-contaminated soil into the site at Stepan Company (which holds more than 35,000 cubic yards of soil extracted from beneath Maywood and Rochelle Park homes, plus a small amount from Lodi).

Toricelli said flatly, "My statement at the town meeting remains accurate."

He continued, "We do not work for the DOE. The department has been told that there is no money available for the bringing of thorium into Maywood, only to extract it."

All funding for thorium removal, Toricelli said, must be allocated by the House of Representatives' Science and Technology Committee, of which he is a member. The DOE, he said, may disagree with Congress's decisions but it must abide by them.

Toricelli was highly critical of the political parties in Maywood for permitting the thorium situation to become a campaign issue.

greater responsibility" than their political considerations, he said.

Toricelli has already communicated with DOE officials in regard to the letter. He is also preparing a newsletter to be sent to Maywood residents, assuring them the situation has not changed and that the removal of thorium-contaminated soil will take place -- from out of the ground and subsequently to a site outside of Maywood.

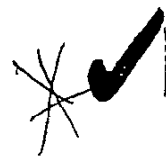
Councilman Tom Richards, who served as acting mayor on Tuesday night, said that he had spoken with Congressman Toricelli on Wednesday. Richards said that he has always supported the congressman in his handling of the thorium situation and he is certain that his Democratic colleagues on the council feel the same way.

The council, which is involved in negotiations with the DOE, is holding a special meeting on Tuesday (August 19) at 8:15 p.m., to discuss plans for dealing with the federal agency at this particular time. The borough has

filed a court suit to void the transfer of land on which the soil is stored from Stepan to DOE since the company did not apply to the planning board for the necessary subdivision.

The meeting, which does involve litigation, will in all probability be closed to the public.

The council will also be dealing with the subject of garbage collection. A new contract must be signed prior to September 7.



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WASHINGTON OFFICE
 317 CANNON HOUSE OFFICE BUILDING
 WASHINGTON, DC 20515
 202-556-6001
 DISTRICT OFFICE
 COURT PLAZA
 21 MAIN STREET
 HACKETTSTOWN, NJ 07840
 908-446-1111

Congress of the United States

House of Representatives

Washington, DC 20515

August 13, 1986

133801

Mr. John E. Baublitz, Deputy Director
 Office of Remedial Action and Waste Technology
 United States Department of Energy
 Washington, D.C. 20545

Dear Mr. Baublitz:

This is in regard to your recent letter to the Borough Council of Maywood, New Jersey advising that the DOE intends to bring additional thorium-tainted soil from outside the borough to an interim storage site in town. The DOE's position has been and continues to be completely unacceptable to the borough and myself.

Throughout our negotiations in this matter, it has been my unyielding position that Maywood will not accept additional waste from outside its borders. I have continually stated this point in the strongest possible terms to the DOE. Last year, the borough was gracious enough to accept waste from ten homes in neighboring Lodi because of the immediacy of the health hazard. This was done as a gesture of good will, however, there was a specific understanding that it would only be these ten homes. The Borough of Maywood and I are not prepared, nor are we willing to accept any additional waste at any time in the future.

I have made my position known to the DOE in no uncertain terms. I am now calling upon the DOE to voluntarily comply with our stand in this matter. If this voluntary compliance is not forthcoming, it is my intention to pursue this matter on the floor of Congress by including our position in an amendment to the Department of Energy authorization bill. In either case, I suggest that you be prepared with an alternative plan for storage of this waste. The Borough of Maywood and I do not intend to retreat from our position.

There are currently seven towns in the United States confronted with a thorium contamination problem. Only one town has succeeded in initiating action for the removal of this hazardous material--that is the Borough of Maywood, New Jersey. Every success won by Maywood has been due to amendments that I have had included in the DOE authorization bill. I have no qualms about pursuing this legislative route.

Enclosure 2

- 2 -

The residents of Maywood have every right to be able to stop worrying about this additional injustice being heaped upon them. They deserve to have the confidence that the Federal government and their elected officials will act together to prevent additional hazards to their health. I await your immediate response on this issue of crucial importance to the health of my constituents in Maywood.

Sincerely,



ROBERT G. TORRICELLI
Member of Congress

RGT:jsn

Mayor Steuert: I'll join picket line

Says he is 'sick' of DOE's handling of tainted Lodi soil

by Chris Neidenberg

MAYWOOD — Republican Mayor John Steuert has vowed to stand on the picket line with any resident who protests actions taken by the U.S. Department of Energy (DOE) to truck about 40 cubic yards of thorium-tainted soil from Lodi to the Maywood Interim Storage Site (MISS).

"I'm sick and tired of how the DOE has handled this entire matter," said an angry Steuert, who has been in office for much of the time the department has handled the project. "I will stand behind those residents, who, like me, are just fed up with what DOE is doing to our town."

Steuert was referring to the department's continued efforts to truck dirt from Lodi into Maywood. Steuert cast a tie-

breaking vote in 1989 to block the DOE from taking soil from several Lodi residences to the MISS. Though the newest house, on Avenue C, was listed as having higher than normal kitchen radiation readings even before the 1989 vote, the DOE has decided contamination there is now "time critical" and must be moved to protect a family living there. The council has unanimously adopted a resolution opposing the move, and members of Concerned Citizens of Maywood have vowed to protest any DOE action.

Steuert's mayoral opponent, Democratic Councilman Thomas Richards, belittled the mayor's picket threat. Richards, a consistent DOE supporter, suggested Steuert made the statement to

coincide with his re-election effort.

"John's just looking to get a headline," Richards charged. "He's hoping to pick up votes. I believe that one of the reasons we're two years behind schedule is because, in 1989, the mayor saw it was politically popular to vote 'no.' Now he's doing something that seems to be politically popular again."

An infuriated Steuert countered that it is Richards who has politicized the thorium issue by charging the councilman has constantly shifted positions on the topic. Richards has maintained that he sees nothing wrong with helping Lodi residents, so long as the DOE agrees to clean Maywood properties at the same time.

"If Commissioner Richards

would stop vacillating on his position, I think Maywood would be better off," the mayor said. "One moment he's against it (Lodi soil) and the next moment he's for it. Now he's against it again. But my position since 1981 has been very clear — I want no more outside soil coming into Maywood."

Richards cited property near a borough car wash, off Essex Street, close to an area where children play, as an example of land which would have been cleaned two years ago had the council majority backed the DOE. This year, Richards said, he opposed any Lodi move because Maywood properties were not placed on the cleanup schedule. Steuert rejected Richards' logic in justifying support for the

department. He said he has never detected a DOE willingness to link cleanup projects in both boroughs.

"We've played that game and I'm getting sick of it," Steuert complained. "Our borough has been lied to (by DOE) every time, and I think we've been lied to enough."

Asked if he would ever agree to join the picket line, Richards said he wants to see what the DOE decides to do first. He urged the council to take a reasoned approach by giving Borough Attorney William Rupp a chance to see if Maywood can actually block the move.

"Once DOE decides to act, we should have our attorney look at all the legal means available to enforce our resolution," he said.

*Boro
lied to
by DOE*

90 One C.

133801

COUNTY OF BERGEN

Administration Building • Court Plaza South • 21 Main St. • Room 300E • Hackensack, N.J. 07601-7000
(201) 646-3630

William P. Schuber
County Executive

April 22, 1991

Mr. Bill Seay, Deputy Director
Department of Energy
Former Sites Restoration Division
Oak Ridge Operations
P.O. Box 2001
Oak Ridge, Tennessee 37831

Dear Mr. Seay:

RE: Maywood Interim
Storage Site (MISS)

I write to inform you of my strong support of the Resolution # 57-91, adopted April 9, 1991, by the Maywood Mayor and Council to block the DOE's proposal to store additional radiologically contaminated soil upon the MISS from outside of the Borough of Maywood.

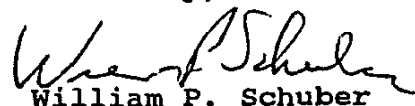
The unanimous vote for this Resolution indicates a strong unified position in preventing the importation of this additional soil. It would be irresponsible for the DOE to ignore this resolution. I am asking you to acknowledge the Resolution and consider the alternatives mentioned in the Resolution. The Lodi Division of Motor Vehicle or the Federal Army Reserve Facility should be given first consideration for disposal.

I must advise you of my continued support of the Envirocare - Utah proposal. It is my understanding that the DOE has not stepped up its efforts to implement the plan. As I have said time and time again, the "Utah Plan" must be vigorously pursued. Envirocare appears to be the best option since it will be more cost effective, more timely and will have a higher degree of public acceptance.

It has been a long seven years without a finalized plan to remove the contaminated soil to a suitable permanent location. Remedying a site outside of the Borough and bringing the soil to the MISS will be a slap in the face to the residents of Maywood. The DOE must first act in the best interest of the Maywood residents and address the identified contaminated premises within the Borough.

I call upon you to adhere to Resolution # 57-91. The local government and residents of Maywood have made their position quite clear. The DOE must not store additional soil at the MISS and must act in an expeditious manner to remove the soil to the permanent site in Utah.

Sincerely,


William P. Schuber
County Executive

WPS:as

cc: Borough of Maywood Mayor
and Council
Mr. Michael Nolan



Department of Energy
Washington, DC 20585

AUG 30 11 01 AM '91

AUG 26 1991

Mr. William P. Schuber
County Executive
County of Bergen
21 Main Street
Hackensack, New Jersey 07601-7000

Dear Mr. Schuber:

I am writing in response to your August 5, 1991, letter to the Department of Energy (DOE) regarding our plans for the Maywood, New Jersey, Site in DOE's Formerly Utilized Sites Remedial Action Program (FUSRAP).

DOE is currently in the process of conducting the required Remedial Investigation/Feasibility Study - Environmental Impact Statement (RI/FS-EIS) for the Maywood Site. When completed, these comprehensive environmental review and analysis documents will identify all feasible alternatives for the Maywood wastes, compare these alternatives and form the basis upon which the Site remedy will be selected in a Record of Decision or ROD. One of the options that DOE has committed to evaluate in the RI/FS-EIS is the use of a commercial disposal facility such as Envirocare of Utah.

In examining potential obstacles to implementing a commercial disposal option, it was quickly recognized that one serious drawback was the length of time that could be required to negotiate and award a contract following the ROD. It was also recognized that this potential obstacle could be removed if DOE were able to initiate the contracting process at an early stage and in a manner that did not pre-judge the outcome of the required review and analysis in the RI/FS-EIS. Although the availability of such a contract will not, in itself, accelerate the RI/FS-EIS, it would speed up the time necessary to get started should this option be selected in the ROD.

The U.S. Environmental Protection Agency (EPA) has a large role in the Site remedy selection process. Under the terms of the Federal Facility Agreement (FFA) signed by DOE and EPA, EPA has a direct oversight role for all activities conducted at the Maywood Site and, in fact, signs the Site ROD.

The exact schedules for the Maywood Site are not fixed at this time. DOE and EPA are currently in the process of negotiating the schedules under the provisions of the FFA. We share your concerns about the length of the schedules required to carry out the environmental review process. We will continue to work with EPA to identify ways to expedite the process while still thoroughly considering environmental impacts of various alternatives.

I hope this response has clarified matters for you relative to the Maywood Site status.

Sincerely,

James W. Wagoner II
Acting Chief
Off-Site Branch
Division of Eastern Area Programs
Office of Environmental Restoration

Page 2 - Ms. Susan M. Cange

natural uranium (with daughter products), 30 pCi/g for enriched uranium, and 35 pCi/g for depleted uranium as maximum limits for residual contamination for several years. We also believe that concentrations well below 100 pCi/g are easily obtainable at this site.

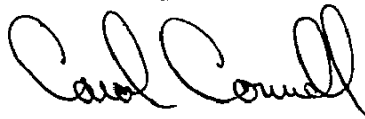
On page 36, the document states "All samples will be analyzed to determine that the site-specific cleanup criteria for thorium-232 and radium-226 (the primary radioactive contaminants) have been achieved - i.e., residual concentrations may not exceed 5 pCi/g above background for thorium-232 and radium-226 combined, averaged over any area of 100 m² and any 15-cm depth interval. Selected samples will also be analyzed for a broader spectrum of potential contaminants of concern."

ATSDR believes that uranium is also a radioactive contaminant at this site. Confirmatory samples should be analyzed for uranium-238. This would document that the clean-up criteria have been met.

Also, any statements about the maximum or average uranium-238 analyzed in the soil samples on the residential properties should be qualified since three of the residential properties with the highest thorium-232 concentrations were not analyzed for uranium-238.

Thank you for consideration of these comments. Please contact me at (404)639-6060 if clarification of the above information is required or if you should have any questions.

Sincerely yours,



Carol Connell
Senior Health Physicist
Energy Section B
Federal Facilities Assessment Branch
Division of Health Assessment
and Consultation

cc:
S. Yurasevecz, ORNL
A. Carpenter, EPA RII
J. Gratz, EPA RII
S. Jones, ATSDR RII



133801

COUNTY OF BERGEN

Administration Building • Court Plaza South • 21 Main St • Room 300E • Hackensack, NJ 07601-7000
(201) 646-3630

William P. Schuber
County Executive

Aug 22 5 02 AM '95

August 11, 1995

Ms. Susan M. Cange, Site Manager
Former Sites Restoration Division
Department of Energy
P.O. Box 2001
Oak Ridge, Tennessee 37831

**RE: Engineering Evaluation/Cost Analysis, Cleanup of Residential and Municipality Vicinity
Properties at the Maywood Site, Bergen County, NJ**

Dear Ms. Cange:

I take this opportunity to offer my comments on the above-mentioned report. I first want to underline my desire for the DOE to take every possible avenue to educate the public on how this Plan will impact on their lives. Removing the contaminated soil is a difficult task. It is further complicated as families and businesses will be directly impacted. All efforts must be made to involve the community and elected officials as much as possible concerning the extent of the cleanup.

In my review of the Plan, I must commend the DOE for its analysis of the many alternatives. I believe the soil should be removed as detailed in the report and transported to an off site permanent disposal area. I am pleased that the DOE has listened to the many requests for the excavation and removal of the contaminated soil. While this has met our requirements to protect human health and the environment, I do have concerns regarding the Phased Removal Action and Staging at the MISS. I firmly believe that the Tri-Borough and County Thorium Coalition should have the opportunity to review and comment on the DOE's plans for removing the soil from the various properties. The EE/CA does not provide actual details of the phase approach which will be taken. It is important to maximize the operations to ensure the greatest benefit to the taxpayers and the communities involved. Concerning the cleanup standards to be used, a concise policy must be implemented for the cleanup levels. Assurances must be made that a 5 pCi/g or better standard is adhered to. Coordination with the EPA and the NJDEP is imperative.

Concerning the Staging at the MISS, it is extremely important for the DOE to operate in the most expeditious manner when transferring soil to the MISS for consolidation and loading into rail cars for shipment to the disposal site. A streamlined process must be instituted which assures that soil does not remain at the MISS for more than 48 hours. It is important that the DOE adheres to the

133801


Ms Susan M. Cange, Site Manager
Page 2
August 11, 1995

allowable 1000 yd³ limit of material which can temporarily stay on-site at the MISS until transport. This will provide for the removal of the soil in a timely manner.

The last area of concern involves the follow-up survey of the properties which are remedied. How will this be accomplished? What is the expected time frame to monitor these sites?

Thank you for this opportunity to provide my comments to your EE/CA report. I look forward to continuing our dialogue with the DOE.

Sincerely yours,



William "Pat" Schuber
County Executive

WPS/as

cc: Borough of Maywood
Borough of Lodi
Borough of Rochelle Park
Bergen County Department of Health Services

133801



State of New Jersey

AUG 16 10 42 AM '95

Christine Todd Whitman
Governor

Department of Environmental Protection

Robert C. Shinn, Jr.
Commissioner

AUG 09 1995

Ms. Susan Cange, Site Manager
Former Sites Restoration Division
Department of Energy
Field Office, Oak Ridge
P.O. Box 2001
Oak Ridge, Tenn. 37831-8723

Dear Ms. Cange:

Re: Public Draft Engineering Evaluation/Cost Analysis for the Cleanup of the Residential and Municipal Vicinity Properties at the Maywood Site, Bergen County, New Jersey, July 1995

The New Jersey Department of Environmental Protection Energy (NJDEP) has completed its review of the subject document. The NJDEP appreciates the efforts by the United States Department of Energy (USDOE) in nearing a compromise relative to the January 17, 1995 NJDEP proposed cleanup criteria for the Maywood site. Specifically and as indicated on page 15 of the subject report, "For the properties considered under the proposed removal action, DOE and EPA have established a more restrictive site-specific cleanup criterion of 5 pCi/g above background at all depths for radium - 226 and thorium - 232 combined." Table 2-1 indicates that Commercial, Municipal and Residential properties are included in the proposed removal action. However this table does not currently include details concerning thickness of soil cover or caps for excavated areas. As you recall, the NJDEP has concluded that suitable soil cover is integral to effective remediation of contaminated zones. The NJDEP looks forward to concluding discussions resulting in a mutually acceptable cleanup strategy for the Maywood site.

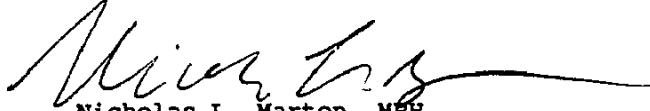
As an aside and pursuant to our previous discussions, you indicated USDOE's intention to comply with the substantive requirements of all applicable or relevant and appropriate requirements (ARARs) in accordance with CERCLA and the NCP. The NJDEP maintains that the New Jersey Industrial Site Recovery Act, N.J.S.A. 58:10B et. seq., is an ARAR and should be identified as such. Furthermore, application of the requirements of N.J.S.A. 58:10B et. seq. must be accounted for.

Finally, a definite schedule for staging of soils designated for offsite placement should be included as part of the remediation/construction specifications for the proposed removal action. Limiting such storage will address community concerns.

133801

Once again, I look forward to the successful completion of this vicinity property remediation. If you have any questions concerning the above please call me at (609) 633 - 1455.

Sincerely,



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

c: Robert Stern, BRP
Steven Byrnes, BEERA
Angela Carpenter, USEPA, Region II

RPCE\PA\MISECA2.NLM



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 2
 290 BROADWAY
 NEW YORK, NY 10007-1866

AUG 16 6 37 AM '95

Ms. Susan Cange, Site Manager
 Former Sites Restoration Division
 Department of Energy
 Oak Ridge Operations Field Office
 P O Box 2001
 Oak Ridge, TN 37831-8723

Re: *Engineering Evaluation/Cost Analysis - Maywood Vicinity Properties*

Dear Ms Cange

The Environmental Protection Agency (EPA) is in receipt of the Department of Energy's (DOE) *Engineering Evaluation/Cost Analysis for the Cleanup of Residential and Municipal Vicinity Properties at the Maywood Site, Bergen County, New Jersey* (July, 1995). Based on our review of this document and the information provided in the *Remedial Investigation Report (RI) and Baseline Risk Assessment*, the proposed removal action (removal of contaminated soils and transportation to an off-site commercial disposal facility) appears that it should be consistent with the overall strategy for remediation at the Wayne site. We do, however, have several comments.

General

The terms "guidelines, standards, action levels and criterion" are used interchangeably in the document. This gives the appearance of DOE applying varying clean-up numbers to the site, the use of one or two terms would avoid confusion on the part of the reviewer.

The site background indicates that properties may have become contaminated through wastes moving off-site through the Lodi Brook. Since not all the properties associated with the Brook will be remediated in the proposed action, some discussion should be provided explaining why unremediated properties would not act as a source of contamination for downstream properties.

Chapter 2:

page 9 The discussion on why the Ballod property, which is currently commercial, is going to be remediated to residential levels in this action should be expanded. There are multiple commercial properties associated with the site, why this particular property differs from any of these others should be clearly explained.

page 10 Table 2-1 The RI report identified two residential properties, 9 Hancock Street and 19 Redstone Lane, as characterized but not designated at the time of the RI completion. These properties are not included in the current action, the rationale for their exclusion should be presented. Similarly, 200 Brookdale SE, is identified as requiring remediation in the proposed action, this property was not identified in the RI, the rationale for its inclusion should be provided.

page 15 ¶1. Some of the soil concentrations listed in this paragraph are in excess of 2000 pCi/g, contradicting the statement made in Chapter 6, page 38, "...excavated materials are not expected to be classified as radioactive under DOT guidelines, because the activity concentrations are expected to be well below 2,000 pCi/g..."

¶2: EPA requests a copy of the BNI 1995 *Technical Memorandum. Results of Maywood Vicinity Property Data Gap Characterization*

Chapter 3

page 18 1st bullet. The removal action objectives include certification of properties for unrestricted use. Some properties may have soils above 5 pCi/g remaining after remediation, for these properties DOE will complete a hazard assessment. How these "hazard assessments" will fulfill this objective should be discussed

page 19 ¶2. The fourth sentence is irrelevant to the discussion in this paragraph and should be removed

Chapter 5

page 28 Table 5-1. This table indicates that there is a greater risk to a member of the public post remediation than exists during remediation; the reasons for this should be discussed in the text to alleviate any potential concern or confusion.

page 28 ¶2. Compliance with the provisions of 40 CFR 61 should be demonstrated through use of an EPA approved code (e.g. COMPLY, AIRDOS). Actions may require a submittal of an application to construct or modify as stipulated in 40 CFR 61 Subpart H

page 29 ¶2. The Borough of Maywood has objected to wastes being brought onto the MISS from the surrounding townships. DOE should indicate whether or not the Borough will allow the MISS to become a staging point for the consolidation and shipping of the wastes from other communities during the proposed action

page 32 Technical feasibility should discuss what, if any, methods will be used to protect existing structures during remediation.

Administrative feasibility should discuss property access as a possible issue, as well as objections that may be raised by the Borough of Maywood (see comment on Page 29)

Chapter 6

page 38 ¶1. Clarify why these soils would not be considered radioactive by DOT (see discussion of page 15, ¶1).

133801

Appendix C

page 63 Table C-2: The effective dose equivalent for Unit 1 and Unit 2 appear to have been transposed from the original data in the RI.

page 64 ¶3: The use of the term "average soil concentrations" in the third sentence is misleading since the values listed are UL₉₅ values

If you have any questions, please call me at (212) 637-4433.

Sincerely yours,

Angela Carpenter, Project Manager
Federal Facilities Section

cc N. Marton, NJDEP



133801

COUNTY OF BERGEN
DEPARTMENT OF HEALTH SERVICES
327 Ridgewood Ave. • Paramus, N.J. 07652-4895
(201) 599 - 6100
FAX (201) 986-1068

AUG 21 3 03 PM '95

William P. Schuber
County Executive

Mark A. Guarino, M.P.H., H.O.
Director

August 15, 1995

John Michael Japp
Department of Energy
Former Sites Restoration Division
P O Box 2001
Oak Ridge, TN 37831

Dear Mr Japp

Enclosed are the comments of the Tri-Borough and County Thorium Committee on the cleanup of residential properties at the Maywood site

Sincerely,

Stephen C Tiffinger
Stephen C Tiffinger
Environmental Program Coordinator

SCT bh

August 15, 1995

133801
TELEDYNE
BROWN ENGINEERING
Environmental Services
50 VAN BUREN AVENUE
P O BOX 1235
WESTWOOD, NEW JERSEY 07675-1235
(201) 864 7070 FAX (201) 864-5586

Mr. Mark Guarino
Bergen County Health Department
327 Ridgewood Avenue
Paramus, New Jersey 07652-4895

Re: Comments on the Engineering Evaluation/Cost Analysis
for the Cleanup of Residential Properties at the
Maywood Site, Bergen County, NJ

Dear Mr. Guarino:

After reviewing the above referenced document, I have the following comments:

Item 1: General: - The DOE's assessment of the alternatives appears to be complete and accurate. In my opinion the soil should be removed as detailed in the report and sent for final disposal.

Item 2: Phased Removal Action - The Tri-Borough & County Thorium Coalition should be able to actively participate in the "Phased Approach" that the DOE plans to utilize in removing the soil from the various properties. The actual details of the approach were not discussed in the EE/CA and therefore we cannot comment on them at this time but we should request that the TBCTC be part of the selection process.

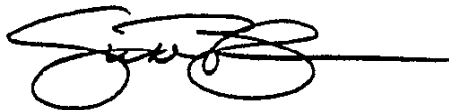
Item 3: Staging at the MISS - I agree that this is the best approach to the final removal of the contaminants. The 1000 yd³ limit is a reasonable amount of soil/debris. I understand that some people are concerned with the time period that the material can stay on-site at the MISS. By keeping the DOE to the 1000 yd³ limit, you are in effect forcing the removal in a timely manner.

Our official comments should be sent to Susan Cange (see page 40) today.

If you have any questions, please contact me.

Sincerely,

TELEDYNE BROWN ENGINEERING
Environmental Services



Steven A. Black, Manager
Radiological Services Department

CONCERNED
CITIZENS
of MAYWOOD



133801

FOR IMMEDIATE RELEASE

Tel; (201) 845-5992
Fax: (201) 845-0987

69 Lenox Avenue.
Maywood, N.J. 07t07

August 15th, 1995.

Ms. Hazel O'Leary, Secretary, U.S.D.O.E.,
Maywood Property EE/CA Comments,
c/o John Michael Japp,
Department of Energy,
FKormer Sites Restoration Division,
P.O. Box 2001,
Oak Ridge, Tn. 37831-8723.

AUG 21 2 45 PM '95

Dear Secretary O'Leary:

Maywood residents (whose previous comments have been ignored) have no desire to comment on the DOE Phase I Remediation EE/CA that is in deliberate defiance and non compliance with the Federal Facility Agreement (FFA) and Superfund CERCLA/NEPA Regulations mandating the feasibility study proposed plan - Record of Decision Process. As spelled out in your enclosed "FUSRAP activities at Maywood, N.J." flyers of October 1991 and April 1993.

DOE's James W. Wagoner II's enclosed letters June 8th and July 18th, 1995, replying to letters to Ms. O'Leary and Vice President Gore, would have you believe that DOE activities at Maywood site are in strict compliance and that removals are a proper part of CERCLA regulatory framework. Your flyers above prove this is not so at the Maywood site. In addition, we understand our Mayor says your Mr. T. Grumbly said an ROD is not really necessary?

Ms. Angela Carpenter (EPA) letter (October 12th, 1994) that DOE does not need "approval" for remedial action. That DOE submitted the draft proposed plan to EPA, delayed by clean-up levels dispute, was resolved and will work to set revised schedules. On January 23rd 1995 she repeated DOE does not need removal approval.

On June 22, 1995 Ms. Kathleen Callahan, EPA director ERRD, also wrote DOE has unilateral authority for removals and that "DOE is presently evaluating alternatives for the remediation of the site." Apparently Ms. Carpenter did not show the proposed plan to Ms. Callahan. It has been on hold since J. Gratz (EPA) letter of May 21st, 1993, on the April 1993 draft final proposed plan and feasibility study.

Ms. Callahan also said NJDEP submitted "clean up" levels and

was attempting to set numerical criteria in support of the recently enacted ISRA law, which was enacted in 1993, in compliance with ISRA's one in a million risk and PCI/g numbers for residential and commercial sites.

Is DOE/EPA stonewalling the NJDEP as DOE stonewalled EPA (with some help) to cave in and away from their own health based standard?

Please refer to the Maywood Site FFA Quarterly Report of October 17, 1994 - the draft final feasibility study/proposed plan is delayed because of state concerns about cleanup criteria for commercial properties and community concerns over soil washing.

The FS-PP-ROD should be issued immediately and reflect the state's cleanup criteria. If not the state, counties and affected communities should take legal action against DOE and EPA unless a full scale congressional investigation is ordered without delay.

There are more reasons for such action. Page 5 of the FFA shows definitions. Removals are for immediate health risks or threats. Remedial action is a permanent remedy in a Record of Decision. Remedial design follows the selection of the remedy in an ROD. Operable units will be addressed through an ROD.

On page 3-26 of the Work Plan - Implementation Plan (November 1992) - Maywood has four operable units - which will be addressed through an ROD. One RI/FS - EIS will be prepared to address clean up of wastes from all areas of Maywood site. How can this be ignored?

Susan Cange's memo of December 6th, 1994 for Maywood/Wayne sites - ROD's or EE/CA's. DOE is doing remedial design before issuing the ROD regardless of documentation that is prepared because there are no issues between EPA/DOE/NJDEP?

Now Carpenter to Cange; on the residential properties (Dec. 21, 1994), "EPA comments will be contingent on a ROD being signed for the designed remedy." This should include both Phase 1 and Phase 2. Why was the ROD cancelled?

FUSRAP update (January 1993) says MISS pile is part of Phase 1. Page 2 (February 19, 1993) Cange to Nolan - "The correct Phase I action would include removing the MISS pile"-- "DOE unaware of any scenario that requires an emergency removal action." Senator Lautenberg's release (March 24, 94) - Phase 1 involves cleanup of the MISS and residential properties and what he called strict cleanup guidelines??

From Cange to Guarino letter (January 9, 1995) page 2 - DOE is now doing remedial design, "DOE working with the EPA and

NJDEP to reach a Record of Decision, which is required before cleanup can begin. Why then another EE/CA? Could you please let us know why the pile (Phase 1) was addressed without an ROD? Would you still dare to issue a ROD that does not address clean-up of all waste areas of the Maywood site.

Since the EPA selects the remedy for NPL sites, we ask them the same question via copy of this letter.

To date you have not provided the closure plan required under the conditions of the NJPDES permit NJ0054500 issued in 1984 (which your Ms. Cange wrote never happened), the NJDEP should expect a complete ROD, the closure if you will?

Would you please address all the issues herein and enter this letter into the Administrative Record.

Michael J. Nolan

Michael J. Nolan
Env. Committee Chairman.

cc Vice President Gore
Sen. Frank Lautenberg (D-NJ)
Sen Bradley (D-NJ)
Rep. Todd Tiahrt (R-Kansas-4th)
Rep. Dick Zimmer (R-NJ-12th)
Concerned Citizens of Wayne
Carol Browner (EPA)
Robert Schinn, Commissioner NJDEP
Governor Christie Whitman.
Congressman William Mantini (Wayne)

WITH ATTACHMENTS REFERENCED.

*P.S. - Note Andrew Dool Letter (August 11th 1993)
To Mr. JAPP, COPY ENCLOSED. DOE IS DOING
THE SAME THINGS IN WAYNE!*

MJN.

133801

13 Lucas Lane
Wayne, N.J. 07470-5209
Aug. 11, 1995

John Michael Japp
Dept. of Energy
Former Sites Restoration Div.
P.O. Box 2001
Oak Ridge, TN 37831-8723

Dear Mr. Japp,

Enclosed is correspondence that the DOE has published or is in letter form. I'm mystified by its translation. I would appreciate you clarifying the statement made.

Publication DOE/EM-0083P states, "Another law that DOE must comply with is CERCLA or Superfund. Its goals are to identify and cleanup sites contaminated with hazardous waste and see that the responsible party pay for damage and cleanup." Note that it says, "must comply with." As thorium, lead and chemicals are listed by NJDEPE in its hazardous waste list and EPA has also stated the fact that hazardous waste are present, knowing this why has the DOE not complied? Does comply mean obey? Is this just something that was written in jest?

Refer to the enclosed June 16, 1994 letter from Ms. Cange, "Cost recovery is another issue where the DOE's new administration is taking a hard look. Also, a mechanism must be available for DOE to collect dollars that are recovered. DOE does not currently have a revolving fund mechanism which would allow it to accept money from responsible party." After all these years of existence the DOE does not have a mechanism for collecting or accepting money? Ask yourself how easy it is to accept money especially when the reason this site will take forever to cleanup since there's no funding. The letter continues, "I also understand that Mr. Grumbly has requested General Counsel at DOE to make a recommendation on what DOE should do to recover cost from W.R.Grace." Over a year has passed has Mr. Grumbly received an answer? Is anyone in the agency aware of the answer? If not, does it require another 12 yrs? We know that DOE and Bechtel would then be able to clean up this site in a shorter period of time which would not be in their best interest.

Feb. 19, 1993 letter from Ms. Cange, "Any potential cost recovery action would have to be based on cost estimates generated by these studies. In any event, the issue of cost recovery will be evaluated and resolved by DOE Headquarters once the cost of cleanup is established." Cost

estimates have been established for the removal of the contamination by Envirocare for the top and underneath. It is now time to resolve this matter and not at any future date. The funds that would be available would than outweigh the cost of litigation if necessary. DOE has wasted 13 to 17 million on this site when it could have removed it at the outset. Congress with its budget cuts cannot be counted upon and the taxpayer should not bear the burden for the indcretion of W.R.Grace. The time is now!!

In Nov. 1993 at a meeting held with residents a DOE response was, "Permanent cleanup actions cannot be initiated without an approved plan known as the Record of Decision." FUSRAP brochure, "After data are collected and analyzed, options for cleaning up the site are evaluated using criteria developed by EPA in the Superfund program plan for cleaning up the site. The proposed plan is issued for public comment. DOE reviews the comments and issues a Record of Decision stating what remedial action will be taken. Only after this process is complete can the site be clean-up.

July 18, 1995 letter from Mr. Japp, "A schedule of release of the Feasibility Study, Proposed Plan, and ROD for the entire Wayne site has not been established." Along comes EE/CA and now there is no need for all the procedures that Ms. Cange said that was mandated by Congress. It's incredible how the DOE can be so inconsistent. This is not a game that is enjoyable by those who are most effected by these ambiguous pronouncements.

At the beginning I asked for a clarification of these statements made by your Agency, I am looking forward for your reply, specifically the cost recovery action or inaction the DOE will undertake.

Sincerely,
Andrew Drol
Andrew Drol

- CC: Governor Whitman
- Carol Browner, EPA
- Hazel O'Leary, DOE
- Congressman Martini
- Senator Bradley
- St. Senator Bubba
- Wayne Mayor and Council
- Mayors Advisory Comm.
- Media

Enclosure

133801
October 1991

FUSRAP Activities at MAYWOOD, N. J.

materials until permanent disposition of the waste could be agreed upon. DOE developed an environmental monitoring program for the Maywood Interim Storage Site that monitors the air, surface water, and groundwater to ensure that stored materials do not affect the environment.

Approximately 35,000 yd³ of contaminated material was removed from private properties in Maywood and Rochelle Park during 1984 and 1985, and almost 500 yd³ was removed from properties in Lodi. This material was placed at the Maywood Interim Storage Site.

Cleanup of properties was stopped in 1986 pending resolution of concerns expressed by Maywood Borough Council regarding bringing contaminated material from other communities to the Maywood Interim Storage Site. However, DOE and its subcontractors have continued to identify and survey properties. DOE has also continued to maintain and monitor the environment of the Maywood Interim Storage Site and has published annual environmental monitoring reports discussing the monitoring program and its results.

Currently, 82 properties have been identified as contaminated with waste from Maywood Chemical Works. Of these, 25 have been fully cleaned and the contaminated material has been stored at the Maywood Interim Storage Site.

Activities conducted by DOE at Maywood are being coordinated with EPA Region II according to requirements of CERCLA and NEPA. All FUSRAP work performed at Maywood will follow the strict regulation of these two acts, which cover everything from how field investigations will be conducted to how alternatives for corrective action are to be chosen and how decisions will be made. The process, known as the CERCLA/NEPA process, also includes activities to keep the public informed and involved in decision-making.

The work at Maywood will be conducted in accordance with the federal facilities agreement entered into by DOE and EPA. The agreement defines the steps, the responsibilities, and the schedule for the activities at Maywood. The activities will be conducted through a remedial investigation/feasibility study environmental impact statement process. During the remedial investigation, the remaining contaminated properties at Maywood will be studied to determine the amount of contamination present and to identify the possible pathways through which contamination could spread or pose a risk to the public or the environment.

Once the investigative field work is done and the results are reported, the feasibility study/environmental impact statement will be prepared. The feasibility study reviews alterna-

tives for addressing the contaminated properties, assesses the risks of the alternatives, evaluates the treatment technologies and costs, and presents the best option. Through public meetings and review and comment periods, the public will be directly involved in deciding what will be done at Maywood. When the decision is made and documented by a Record of Decision, remedial action (or final cleanup) will proceed. Each action taken in the remedial action must be in compliance with CERCLA/NEPA and state regulations.

While performing the remedial investigations, contamination may be identified that presents immediate risks or has a high potential for spreading contamination. These properties may be cleaned up immediately through a removal action, but any such action would also be evaluated and documented.

The information repository and the administrative record file for the Maywood site are available in the DOE Information Center at 43 West Pleasant Avenue in Maywood, and at the Maywood Public Library, 459 Maywood Avenue.

A toll-free public access number is available for use in areas where there are FUSRAP sites. The public access number is answered in Oak Ridge, Tennessee, by an answering machine, which records calls and takes messages. The answering machine is checked frequently and calls are returned. The public access number is one of the ways DOE provides opportunities for the public to receive site information. To make comments or ask questions, leave a message on the answering machine by calling 1-800-253-9759.

Acronyms Used	
AEC	Atomic Energy Commission
CERCLA	Comprehensive Environment Response, Compensation, and Liability Act
DOE	U.S. Department of Energy
EPA	Environmental Protection Agency
FUSRAP	Formerly Utilized Sites Remedial Action Program
NEPA	National Environmental Policy Act
NJDEPE	New Jersey Department of Environmental Protection and Energy
NRC	Nuclear Regulatory Commission
NPL	National Priorities List

* THIS IS A REMOVAL ACTION.

For more information please visit or call
Department of Energy Information Center
43 West Pleasant Avenue
Maywood, New Jersey 07607
(201) 843-7466



Printed on recycled paper

October 1991



FUSRAP Activities at Maywood, New Jersey

U.S. DEPARTMENT OF ENERGY
Formerly Utilized Sites Remedial Action Program

April 1993

1/2

This fact sheet has been prepared to address community outreach requirements set by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the National Environmental Policy Act (NEPA). Fact sheets are one part of an effort to provide public information on environmental restoration and waste management

The U.S. Department of Energy (DOE), under the Formerly Utilized Sites Remedial Action Program (FUSRAP), is conducting a comprehensive study that will lead to the selection of a remedy for the Maywood, New Jersey, site. The site is made up of various residential, commercial, state, municipal, and federal properties in Maywood, Rochelle Park, and Lodi, New Jersey. The properties are contaminated to varying degrees with radioactive materials. The primary contaminant present at the Maywood site is radioactive thorium.

To select the remedy for the properties, DOE is working closely with the Environmental Protection Agency (EPA) and the New Jersey Department of Environmental Protection and Energy (NJDEPE). DOE and EPA have developed a federal facilities agreement, which defines the specific responsibilities of the agencies and the environmental review process. The public will be directly involved in the decision-making process.

The radioactive materials at Maywood are of very low concentrations. When these materials are stored safely, they are not dangerous to human health or the environment. However, because these low-level radioactive materials have been spread to residential and business properties, where they are uncontrolled, they could impact human health and the environment under certain land uses.

Site History

The situation currently affecting Maywood and its neighboring communities began more than 70 years ago. From 1916 to 1959, the Maywood Chemical Works extracted radioactive thorium from monazite sand to use in manufacturing gas lantern mantles. Thorium wastes from that process were pumped into settling ponds in an area west of the Maywood Chemical Works plant.

Over the years, some of the waste material migrated off the site onto neighboring properties. The wastes spread in a variety of ways. Some area residents took loads of dirt from the waste area to use as fill around homes and businesses. Some of the waste was covered up and separated from the main plant when New Jersey Route 17 was built. The waste materials also

spread through water runoff along the course of the old Lodi Brook.

The Maywood Chemical Works stopped the thorium-producing process in 1959 and Stepan Chemical bought the property that same year. Stepan began cleaning up the waste disposal area west of Route 17; to accomplish this, Stepan obtained a radioactive materials license from the Atomic Energy Commission (AEC), a predecessor of DOE. About 19,000 cubic yards of waste material was removed from the Route 17 area and buried in three locations on the Stepan property. AEC surveyed the areas that Stepan had cleaned and released them for use with no radiological restrictions under the standards of 1969. At the time, neither AEC nor Stepan knew that additional radioactive material was present in another, unsurveyed area on the northeast corner of the property. Stepan sold the remainder of the property to Ballod Associates in the early 1970s.

Previous Cleanup Actions

The Nuclear Regulatory Commission (NRC) and NJDEPE were notified when radioactivity was detected in 1980. These agencies conducted several radiological surveys over the next several months. The surveys confirmed that contamination existed near the old waste disposal area and on the Stepan property, in areas to the north and south, and on several residential and commercial properties.

EPA began investigating the areas in 1982. During September 1983, the Maywood site and its other properties were listed on the EPA National Priorities List (NPL). The NPL lists sites that EPA has declared in top-priority need of characterization (study) and remedial action.

In 1983, Congress authorized DOE to clean up waste associated with thorium processing at the Maywood site. DOE gave responsibility for Maywood to FUSRAP. FUSRAP had been established in 1974 to identify sites that were used by the government or its contractors in the early years of the nation's atomic energy program, to study and determine whether they were contaminated, and to ensure that those sites were cleaned to meet current environmental standards.

*

* NOT CONGRESS - MAYWOOD
* NOT A FUSRAP SITE -
NOT FUSRAP WASTE!

2/2 APRIL 1993

133801 4/93

FUSRAP currently includes more than 40 sites in 14 states. Because FUSRAP was already successfully operating, work at Maywood began almost immediately.

A number of radiological surveys were performed by DOE contractors beginning in 1984 to find all contaminated properties. These surveys identified several contaminated properties in Maywood, Rochelle Park, and Lodi. When a contaminated property was located, it was studied to identify the locations, types, and degree of contaminated materials present.

DOE negotiated with Stepan to get access to approximately 12 acres of land to use as a temporary storage site so that the contaminated material could be removed from the properties. This storage area, referred to as the Maywood Interim Storage Site, was acquired from Stepan in 1985. The storage site was designed to safely hold the radioactive materials until permanent disposition of the waste could be agreed upon. DOE developed an environmental monitoring program for the Maywood Interim Storage Site that monitors the air, surface water, and groundwater to ensure that stored materials do not affect the environment.

Approximately 35,000 cubic yards of contaminated material was removed from private properties in Maywood, Rochelle Park and Lodi during 1984 and 1985. This material was placed at the Maywood Interim Storage Site.

Cleanup of properties was stopped in 1986 pending resolution of concerns expressed by the Maywood Borough Council regarding bringing contaminated material from other communities to the Maywood Interim Storage Site. However, DOE and its subcontractors have continued to identify and survey properties. DOE has also continued to maintain and monitor the environment of the Maywood Interim Storage Site and has published annual environmental monitoring reports discussing the results of the monitoring program.

Over 80 properties have been identified as contaminated with waste from Maywood Chemical Works. Of these, 25 have been fully cleaned and the contaminated material has been stored at the Maywood Interim Storage Site.

Environmental Review Process

Activities conducted by DOE at Maywood are being coordinated with EPA Region II according to requirements of CERCLA and NEPA. All DOE work performed at Maywood will follow the strict regulation of these two acts, which cover everything from how field investigations will be conducted to how alternatives for

remedial action are to be evaluated and chosen. This process also includes activities to keep the public informed and involved in decision-making.

The work at Maywood will be conducted in accordance with the federal facilities agreement entered into by DOE and EPA. The agreement defines the steps, the responsibilities, and the schedule for the activities at Maywood. The activities will be conducted through a remedial investigation/feasibility study environmental impact statement process. During the remedial investigation, the remaining contaminated properties at Maywood have been studied to determine the amount of contamination present and to identify the possible pathways through which contamination could spread or pose a risk to the public or the environment. Copies of the Remedial Investigation Report and the Baseline Risk Assessment are available in the administrative record file located at the Maywood Public Library and the DOE Public Information Center.

Results of the remedial investigation will be used to prepare a feasibility study/environmental impact statement. This study develops and evaluates remedial action alternatives and assesses the impacts of each of the alternatives. The public will have an opportunity to help decide what will be done at Maywood. A public meeting and comment period will be conducted on the RI/FS-EIS and proposed cleanup plan in the summer of 1993. After evaluating public comments, a remedy will be documented in a Record of Decision. Design of the remedy and its implementation will follow. Remedial action must be in compliance with federal and state regulations.

For More Information

The information repository, which gives general information about the Maywood site, and the administrative record file are available in the DOE Public Information Center, which is located at 43 West Pleasant Avenue. These documents can also be found in the Maywood Public Library located at 459 Maywood Avenue. The information center also contains video presentations, site fact sheets, site displays, and maps of surveyed areas. The center can be used for workshops, availability sessions, and town meetings with project staff. Speakers for schools and civic organizations can also be arranged through the center. The DOE Public Information Center is open Monday, Wednesday, and Friday from 9:00 a.m. until 4:30 p.m. Evening appointments are available upon request. To reach the Information Center, dial (201) 843-7466.

For more information please visit or call
Department of Energy Public Information Center
43 West Pleasant Avenue
Maywood, New Jersey 07607
(201) 843-7466
1-800-253-9759



Printed on recycled paper

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Department of Energy

Washington, DC 20585

JUN 08 1995

Mr. Michael Nolan
69 Lenox Avenue
Maywood, New Jersey 07607

Dear Mr. Nolan:

This letter responds to your letter to Secretary Hazel O'Leary dated May 1, 1995, regarding the Department of Energy's cleanup activities at the Maywood and Wayne, New Jersey, sites.

The cleanup activities underway at each of our Formerly Utilized Site Remedial Action Program sites, including the Maywood and Wayne, New Jersey, sites are conducted in strict compliance with the applicable regulatory requirements and protocols. Specific details of individual projects and responsibility for their day-to-day operations, are delegated by senior management to the project staff. However, I can assure you that each project is implemented within the policy and program guidance provided by senior management.

Your letter questions whether it is appropriate to allow remedial action to occur prior to a Record of Decision being issued. The activities underway at Maywood and Wayne do not circumvent the regulatory process. Removal actions and interim actions are an appropriate and integral part of the regulatory framework established under the Comprehensive Environmental Response, Compensation and Liabilities Act. These activities are subsequently incorporated into the Record of Decision for the site.

Included with your letter were a number of attachments which appear to indicate that you are not completely satisfied with the public participation process established at the New Jersey sites. As you are aware, multiple activities are already underway to inform and involve the public, we recognize that these efforts have not completely satisfied the needs of all stakeholders. It is clear that public involvement in the decision-making process is a key issue. Accordingly, we will continue to pursue additional opportunities to involve all interested parties in this process.



Thank you for your continued interest in our remedial action program at Maywood. Should you have any further questions, please feel free to contact me at (301) 903-2531.

Sincerely,



FOR:

James W. Wagoner II
Director
Off-Site/Savannah River Program Division
Office of Eastern Area Programs
Office of Environmental Restoration

cc:
J. Japp, DOE/OR

133801



Department of Energy
Germantown, MD 20874-1290

JUL 18 1995

Mr. Michael Nolan
69 Lenox Avenue
Maywood, New Jersey 07607

Dear Mr. Nolan:

This letter responds to your letter to Vice President Albert Gore, dated April 26, 1995, regarding the Department of Energy's cleanup activities at the Maywood, New Jersey, site.

The cleanup activities underway at each of our Formerly Utilized Site Remedial Action Program sites, including the Maywood, New Jersey, site, are conducted in strict compliance with the applicable regulatory requirements and protocols.

The Department is committed to satisfying the spirit and intent of the public participation process. Our policies and practices provide assurance that affected citizens are not excluded. Included with your letter to Vice President Gore were a number of attachments which indicate that you are not completely satisfied with the public participation process established at the New Jersey sites. While multiple activities are already underway to inform and involve the public, we recognize that these efforts have not completely satisfied the needs of all stakeholders. It is clear that public involvement in the decision-making process is a key issue. Accordingly, we will continue to pursue additional opportunities to involve all interested parties in this process.

Thank you for your continued interest in our remedial action program. Should you have any further questions, please feel free to contact me at (301) 903-2531.

Sincerely,

James W. Wagoner II
Director
Off-Site/Savannah River Program Division
Office of Eastern Area Programs
Office of Environmental Restoration



133801



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

JACOB K JAVITS FEDERAL BUILDING

NEW YORK, NEW YORK 10278-0012

OCT 12 1994

Mr. Michael Nolan
Environmental Chairman
Concerned Citizens of Maywood
69 Lenox Avenue
Maywood, New Jersey 07607

Dear Mr. Nolan:

Thank you for your letter dated August 4, 1994 and your fax of October 3, 1994. The Environmental Protection Agency (EPA) reviewed the Baseline Risk Assessment for the Maywood Site during its preparation. Our comments were satisfactorily addressed by the DOE. However, I will be reviewing both the report issued by Radioactive Waste Management Associates (RWMA) and the response issued by the Department of Energy (DOE). Until such a time as my review is complete I will defer commenting on these reports.

Your request to have RWMA's review placed in the DOE Maywood administrative record should be directed to Susan Cange of the DOE who is responsible for making the determination as to what is to be included in the record. It is my understanding from your letter that you have already requested that this be done.

As you are aware, the DOE is scheduled to begin removal of the A1SS pile on October 10, 1994. EPA reviewed the Engineering Evaluation/Cost Analysis (EE/CA) prepared by the DOE, and supports the removal of the pile. Please note however, that the DOE does not need EPA "approval" to conduct removal actions, Executive Order 12580 delegates to DOE the response authority for DOE sites. A responsiveness summary to the many public comments received is published in the final EE/CA. This document is available in the administrative record file located at the Maywood Public Library and at the DOE Public Information Center in Maywood.

133801

Another issue you raise in your letter is whether or not the schedules in the Federal Facility Agreement have been met. The DOE submitted the draft Proposed Plan to EPA as stipulated in the published schedules. However, DOE and EPA entered into a dispute regarding cleanup levels for the site, resolution was required prior to proceeding. Now that resolution has been reached EPA will work with the DOE to establish appropriate revised schedules.

Thank you for your continuing interest in this site. I can be reached at (212) 264-3032, my fax number is (212) 264-6607.

Sincerely,

Angela B. Carpenter

Angela B. Carpenter, Project Manager
Federal Facilities Section

cc: N. Marton, NJDEP
S. Cange, DOE

133801



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

JACOB K JAVITS FEDERAL BUILDING
NEW YORK, NEW YORK 10278-0012

JAN 23 1995

Mr. Michael Nolan
Environmental Chairman
Concerned Citizens of Maywood
69 Lenox Avenue
Maywood, NJ 07607

Dear Mr. Nolan:

This is in response to your fax of January 3, 1995. I have reviewed the critique prepared by Radioactive Waste Management Associates (RWMA), the Department of Energy's (DOE) rebuttal and RWMA subsequent commentary. Based on a review of the information contained in the various documents EPA believes that modifications to the Baseline Risk Assessment for the Maywood Site are not required.

Regarding the measurement of thoron in the outdoor environment, if thoron is produced at a depth of more than a few inches below ground surface, it will radioactively decay to a solid element and cease moving through the soil before reaching the surface. If a sufficiently large enough source exists close to the surface some gas may be able to escape. As with most gases in an open, unconfined area, thoron will dissipate quickly. These were among some of the principle reasons that outdoor thoron measurement was not selected as an action criteria at the West Chicago Site. Furthermore, measurements taken in areas likely to be occupied for a substantial period of time (e.g. indoors) will provide a more conservative estimate when evaluating dose than would areas of infrequent use. A review of the RESRAD (Version 4.6) outputs show that radon-220 and its' progeny are included. The inhalation slope factors used by RESRAD to calculate risk attributable to the various decay products are identical to those found in EPA's "Health Effects Assessment Summary Tables".

As noted in my letter of October 12, 1994, EPA reviewed the Engineering Evaluation/Cost Analysis prepared by the DOE for the removal of the MISS pile. Let me reiterate that while EPA supports the removal of the pile, DOE does not need EPA

"approval" to conduct removal actions. DOE has unilateral authority to conduct removal actions at DOE sites under Executive Order 12580.

Sincerely,

Angela Carpenter
Angela Carpenter, Project Manager
Federal Facilities Section

cc: D. Adler, DOE
N. Marton, DEP

133801



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY - REGION II
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

JUN 22 1995

Mr. Michael J. Nolan
Environmental Chairman
Concerned Citizens of Maywood
69 Lenox Avenue
Maywood, New Jersey 07607

Dear Mr. Nolan:

This letter is in response to your facsimile of May 16, 1995 to Administrator Carol Browner concerning the Maywood Chemical Superfund Site; specifically you question: (1) additional thoron testing, (2) New Jersey Department of Environmental Protection's "cleanup criteria", (3) the "elimination" of the Feasibility Study/Proposed Plan for the Maywood Site.

The U.S. Department of Energy (DOE) is the lead federal agency for radioactive contamination at the Maywood Site. As such, DOE prepared a baseline risk assessment for the Site, the primary purpose of which is to assess the need for remedial action and to provide a baseline against which cleanup alternatives can be evaluated. As the baseline risk assessment establishes the need for remedial action further revisions are unwarranted.

The baseline risk assessment included modelling that accounted for the inhalation of several radioactive elements including thoron. DOE also measured radon and thoron flux levels at the Site in July, 1990 and May, 1991. Additional measurements were performed in March, 1994; results of these measurements did not exceed either the DOE guideline of 3 pCi/l above background or the Environmental Protection Agency's (EPA) and State of New Jersey action levels of 4.0 pCi/l including background.

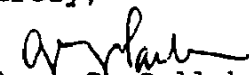
EPA has not been a party to discussions between Dr. Reshnikoff and the DOE concerning further thoron testing, if any, that may be performed. Information concerning these discussions should be obtained directly from the involved parties.

The "cleanup" levels you refer to were submitted to the DOE by the New Jersey Department of Environmental Protection (NJ DEP) in January, 1995. These reflect the most recent position of the NJ DEP which is attempting at present to set numerical criteria in support of the recently enacted Industrial Site Recovery Act (ISRA). Site specific criteria have been derived by EPA and DOE for remedial actions to be undertaken at this site.

EPA Region II has not allowed DOE, as you contend, to "eliminate" the Feasibility Study, Proposed Plan or Record of Decision for this site. DOE is presently evaluating alternatives for the remediation of the site. In the interim the DOE has chosen to use a non-time critical removal action (the current removal of the storage pile) to address components of the site that would eventually require remediation. Under Executive Order 12580 "Superfund Implementation" DOE has unilateral authority to conduct removal actions at DOE sites. Removal actions should contribute to the efficient performance of any long term remedial action. Off-site disposal of the Maywood Interim Storage Site pile permanently removes this contamination thus contributes to the efficiency of future remedial action. Since any remedy selected would require a phased implementation, addressing components through non-time critical removals will not affect overall remedy selection.

If you have any further questions on this Site, please refer them directly to Angela Carpenter, Remedial Project Manager, at (212) 637-4433.

Sincerely,


Kathleen C. Callahan, Director
Emergency and Remedial Response Division

cc: L. Price, DOE
R. Gimello, DEP

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

MAY 26 11 1 29

JACOB K JAVITS FEDERAL BUILDING

NEW YORK NEW YORK 10378-0012

MAY 21 1993

Ms Susan M. Cange, Site Manager
Former Sites Restoration Division
Department of Energy
Field Office, Oak Ridge
P.O. Box 2001
Oak Ridge, TN 37831-8723

Re: EPA Comments on DOE's draft final Proposed Plan and Feasibility Study - Environmental Impact Statement for the Maywood Site, Maywood, New Jersey (April, 1993)

Dear Ms. Cange:



In accordance with Chapter XIV of the Federal Facilities Agreement (FFA) between the Environmental Protection Agency (EPA) and the Department of Energy (DOE), EPA has reviewed the April, 1993 draft final Proposed Plan and Feasibility Study - Environmental Impact Statement for the Maywood Site (FS), Maywood, New Jersey. As written, EPA cannot concur with DOE's proposed alternative: Phased Action and Offsite Disposal. One issue that has been substantively resolved through discussions has been an agreement to address groundwater contamination in a separate decision document. Another issue, which is one that we have not raised in previous comment letters but has become a very significant concern to the Agency, is one of cleanup levels.

In the draft final proposed plan and FS, DOE identifies the following remedial action objectives for residual soil contamination taken from 40 CFR 192:

5 pCi/g averaged over the first 15 centimeters (cm) below the surface, and

15 pCi/g averaged over 15 cm thick layers more than 15 cm below the surface.

These numbers were developed to support the Uranium Mill Tailings Control Act of 1978 (the Act). Title I of the Act specifies standards for disposal (Subpart A of 40 CFR Part 192) and cleanup (Subpart B) of uranium mill tailings at sites designated under Section 102(a)(1) of the Act. Title II specifies standards for disposal (not cleanup) of uranium (Subpart D) and thorium (Subpart E) tailings at NRC licensed disposal sites. Since the Maywood site is neither a designated site under Title I nor proposed to be an NRC licensed disposal site, neither the Title I nor the Title II standards are directly applicable at Maywood. However, the concentration limit for surface soil (5 pCi/g radium 226) in Subpart B is a health-based standard and can be reasonably applied as a relevant and appropriate requirement for radium 226 or combined radium 226 and radium 228 (a daughter product of thorium 232), because these materials present similar health risks (external gamma exposure).

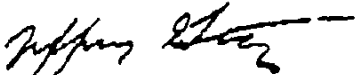
133801

The concentration limit for subsurface soil (15 pCi/g radium 226) in Subpart B is not a health-based standard and cannot be applied in situations for which it was not intended. The distinction is documented in the materials accompanying the promulgation of Subpart B. This criterion is only suitable as a measurement criterion for use in locating discrete caches of high activity tailings at uranium mill sites that were deposited in subsurface locations. It is EPA's position that, if the intent of the proposed remedial action is to allow unrestricted access to the site, either in the current or future use scenario, then the appropriate soil concentration cleanup criteria should be 5 pCi/g through all soil layers regardless of depth.

Consistent with Section XVI (Dispute Resolution), Paragraph B, of the FFA, we consider the time period beginning with your receipt of these comments to be one of "informal dispute resolution." We are willing to meet with you to discuss our concerns and possibly resolve this issue during this thirty day timeframe

If you have any questions, please call me at (212) 264-6667.

Sincerely yours,



Jeffrey Gratz, Project Manager
Federal Facilities Section

133801

(1)

QUARTERLY REPORT FOR THE MAYWOOD SITE
FEDERAL FACILITY AGREEMENT REQUIREMENT XX(A)

Reporting Period: 7/1/94 - 9/30/94
Report Date: October 17, 1994

I. GENERAL INFORMATION

A meeting with EPA and NJOEP was held on August 18 to discuss cleanup criteria. This is discussed further in Section VI, ISSUES/RESOLUTIONS

An information session was held on September 19 to address community questions due to media reports of concerns regarding the baseline risk assessment. Thirty-eight persons attended. Another information session covering DOE's plans for pile removal activities was held on September 28, it was attended by 17 people.

On September 29, the DOE site manager addressed the Maywood Women's Club regarding progress being made at the site

II. FFA COMPLIANCE

The quarterly report was sent to EPA on July 22 in accordance with Section XX(A) of the FFA

The bi-monthly project managers meeting was held on October 3 in accordance with Section XIV(E) of the FFA.

III. ON-SITE ACTIVITIES

Environmental monitoring was performed for radon, thoron, and direct gamma radiation during July

On-site preparations began in August for the removal of the storage pile to Envirocare of Utah. Activities performed during the quarter included upgrading the railroad spur and constructing haul roads and staging/decontamination areas. Finalization of the contracts for excavation, transportation, and disposal were also completed.

IV. ENVIRONMENTAL DOCUMENTATION

The draft final Feasibility Study/Proposed Plan is on hold. Approval to release the documents has been delayed because of state concerns regarding cleanup criteria for commercial properties (see Section VI, ISSUES/RESOLUTIONS) and because of community concerns over the use of soil washing, which is a component of the proposed remedy.

The NESHAPS Subpart Q report of radon flux was submitted to EPA on July 13.

The action memorandum for the removal of the storage pile was issued on September 19. At the same time the EE/CA was finalized, including a summary of responses to public comments. Over 140 comments were received on the Pile Removal EE/CA. All documents related to pile removal activities were placed in the administrative record by September 30

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REPORT DATE 133801

final report of the results from the radon and gamma radiation measurements made at 19 commercial properties was issued to EPA on September 20. A meeting was held with the property owners on September 28 to discuss the results. These measurements were requested by EPA in their comments on the Remedial Investigation Report in order to gather additional information to justify a phased approach to the remedial action. Results indicate that no properties have radon or gamma radiation above EPA or DOE standards.

V. PLANNED SIGNIFICANT EVENTS

Environmental monitoring of sediment at MISS will be performed during October/November 1994.

Pile removal activities are scheduled to begin the second week of October. Approximately 5000 cubic yards are planned to be removed before December 1994. Activities will be suspended during the winter; the remainder of the pile will be removed during 1995 and 1996.

A letter will be sent to EPA requesting a suspension of next quarter's planned pile radon flux monitoring due to pile removal activities

Demonstration tests of the soil washing machine will be performed at DOE's facility in Oak Ridge, Tennessee during the fall/winter. Tests using clean soil will start during October. The revised draft Project Operations Plan and Sampling and Analysis Plan for soil washing will be issued to EPA during November, about eight weeks prior to tests using contaminated soils

VI. ISSUES/RESOLUTIONS

Discussions with NJDEP have yielded agreement on a residential cleanup standard for thorium and radium of 5 pCi/g. Discussion is continuing regarding commercial cleanup standards.

Community concerns over proposed cleanup criteria for commercial properties and the use of soil washing are high. DOE is continuing to work with NJDEP to resolve issues regarding cleanup criteria. In addition, DOE is currently going through a procurement process to collect bona fide bids on disposal. This information will be used to help determine whether treatment has the potential to be cost effective when compared to disposal.

Federal Facility Agreement ~~07-1979~~ MAYWOOD AND WAYNE, N.J. Sites

specific thorium manufacturing or processing activities at the Maywood Chemical Works site which resulted in the radiological contamination.

K. "MISS" shall mean the Maywood Interim Storage Site located in Maywood, New Jersey as identified in Part V (Site Description).

L. "National Contingency Plan" or "NCP" shall mean the National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. Part 300, and any amendments thereof.

M. "NJDEP" shall mean the New Jersey Department of Environmental Protection, its employees and Authorized Representatives.

N. "Operable Unit" shall mean any discrete element of the Site Remedial Actions implemented prior to the selection of all Remedial Actions for the Site. Remedial Actions for Operable Units shall be selected on the basis of RI/FS documentation leading to a Record of Decision. While portions of or complete Operable Units may be addressed through Removal Actions under the jurisdiction of DOE, Operable Units will be addressed through a Record of Decision.

O. "Quality Assured Data" means the data which have undergone quality assurance as set forth in the approved Quality Assurance Project Plan.

P. "Remedial Action" or "RA" shall mean those actions consistent with the permanent remedy, as specified in a Record of Decision, taken to prevent or minimize the release of hazardous substances so that they do not migrate to cause substantial danger to present or future public health or welfare or the environment.

Q. "Remedial Design" or "RD" shall mean the technical analysis and procedures which follow the selection of remedy, as specified in a Record of Decision, for a site and result in a detailed set of plans and specifications for implementation of the Remedial Action.

R. "Remedial Investigation" or "RI" means that investigation conducted to fully determine the nature and extent of the release or threat of release of hazardous substances, pollutants or contaminants and to gather necessary data to support the corresponding Feasibility Study and the risk assessment.

S. "Removal Actions" or "Removals" shall mean those actions taken, with the prior written notification pursuant to Part X, in the event of a release or threat of release of hazardous substances, pollutants or contaminants that poses a threat to human health or welfare or the environment in accordance with Section 300.415(b) of the NCP.

WORK PLAN (WP)
AND IMPLEMENTATION PLAN (IP)
3-26

133801
WP-IP
11/92

3.4.4 On-site Treatment with On-site Disposal

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

3.4.5 On-site Treatment with Off-site Disposal

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

3.4.6 Off-site Treatment with Off-site Disposal

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

3.5 OPERABLE UNITS AND REMOVAL ACTIONS

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

See Jeffrey Gault, Project
MGR. (USEPA) to Michael J. Nolan
MAYWOOD RESIDENT ACTION GROUP

United States Government

Department of Energy

Oak Ridge Operations

Memorandum

DATE December 6, 1994

REPLY TO
ATTN OF EW-93:Cange

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

TO: File

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

1. FY95 plans for Maywood and Wayne
 - a. RODs vs. EE/CAs - I explained DOE's preference to write RODs for both of the sites this fiscal year rather than carving out removal actions and writing EE/CAs
 - b. Moving ahead with remedial design work - I explained that DOE is moving ahead with preparation of the RAIP and the RD for the residential properties that comprise the Maywood site. Later this fiscal year we will begin similar activities for removal of the Wayne pile. Our assumption is that we can move forward with these activities (regardless of the environmental documentation that is prepared) because there are no outstanding issues to be resolved between EPA, DOE, and NJDEP.
 - c. Conference call - We discussed getting all the players on a conference call to discuss our strategy for moving forward and getting RODs signed.
2. VORCE update
 - a. Clean soil tests - I provided an update on the clean soils test, describing why we are performing these tests before testing Maywood or Wayne soils.
 - b. Hot tests - I explained that we are still planning to test Maywood and Wayne soils and hope to do the testing here in Oak Ridge during the winter. I explained that we do not yet have regulator buy-in to bring the soils to Tennessee, but we have initiated informal discussions with the state.

File

December 6, 1994

3. Maywood Pile Removal Activities

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

4. Meetings

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

S M Cange
Susan M. Cange, Site Manager
Former Sites Restoration Division

133801

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

JACOB K JAVITS FEDERAL BUILDING
NEW YORK NEW YORK 10278-0012

DEC 28 8 29 AM '94

DEC 21 1994

Ms. Susan Cange
New Jersey Site Manager
Former Sites Restoration Division
U.S. Department of Energy
P.O. Box 2001
Oak Ridge, TN 37831-8273

DEC 28 8 31 AM '94

Re: Maywood Site - Planning Assumptions for Remedial Design Work

Dear Ms. Cange:

The purpose of this letter is to confirm that the Environmental Protection Agency (EPA) concurs with the review process for remedial design documents as outlined in your letter of December 8, 1994, for the Maywood Site residential properties and parks. EPA also agrees to the reduction of review cycles and associated times for comment and revision.

As you note, EPA's comments will be contingent on a Record of Decision being signed for the designed remedy. Please feel free to contact me at (212) 264-3032 if there are any questions or comments.

Sincerely,

Angela Carpenter

Angela Carpenter, Project Manager
Federal Facilities Section

cc: N. Marton, NJDEP

133801

determined to be protective of human health and the environment and is not considered in the discussion below.

EVALUATION OF ALTERNATIVES

Although the evaluation is not complete, comparisons between the options still being considered can be made. For example:

- All alternatives are protective of human health and the environment. All routes of potential exposure are eliminated or controlled.

- All alternatives comply with appropriate requirements. Cleanup standards may need to be developed for waste in inaccessible locations, such as beneath State Route 17.
- Complete excavation (Alternative 5) provides the highest degree of effectiveness in the long term, or once cleanup activities are complete, followed by the partial excavation alternatives. Phased action (Alternative 6) is considered effective in the long term after Phase 2 actions are complete.

- Phase 1 of the phased action alternative (Alternative 6) and partial excavation provide the highest degree of effectiveness in the short term, or while the cleanup is being conducted, primarily because they require the shortest time to implement.
- Only treatment (Alternatives 3 and 4) would reduce the volume of waste.
- Phase 1 of the phased action alternative (Alternative 6) is the easiest action to implement on the basis of technical and administrative feasibility. -*

CLEAN UP ALTERNATIVES

Assemble Technologies into Alternatives

Alternative	Description	Disposal Option	Description
1. No Action	Provides baseline, required by federal regulations	A. New Facility in New Jersey	A new in-state disposal facility dedicated to FUSRAP waste constructed on DOE-owned or -acquired land.
2. Partial Excavation and Offsite Disposal	Complete excavation of MISS, residential properties, and partial excavation of accessible soil on other properties; disposal offsite	B. New Facility Out-of-State—Eastern U.S.	A new facility dedicated to FUSRAP waste constructed on federal land in the eastern U.S.
3. Partial Excavation, Treatment, and Offsite Disposal	Same as 2; treat soil to reduce volume; disposal offsite	C. New Facility Out-of-State—Western U.S.	A new facility dedicated to FUSRAP waste constructed on federal land in the western U.S.
4. Partial Excavation, Treatment, and Onsite Disposal	Similar to 3, but with disposal at MISS	D. Out-of-State Existing DOE Facility	FUSRAP waste shipped to a DOE facility, such as the one at Hanford, Washington.
5. Complete Excavation and Offsite Disposal	Similar to ALL 2; all soil to be excavated except beneath State Rt. 17	E. Out-of-State Existing Commercial Facility	Maywood waste shipped to a commercial facility licensed to accept such wastes.
6. Phased Action and Offsite Disposal	Cleanup in two phases - MISS pile, residential properties, parks, and Ballou property are Phase 1	F. Beneficial Reuse	Reuse of waste in a positive manner that benefits the recipients of the material.
		G. Onsite	A new land-encapsulated facility constructed at MISS and on adjacent property, which DOE would have to acquire.

JANUARY 1993
FUSRAP INFORMATION UPDATE

133801

From Susan Condit (DOE)

See item 8 before
February 19, 1993

Mr. Michael Nolan

2

initiated preliminary discussions with DOE facilities, particularly the Hanford facility in Richland, Washington, about the disposal requirements for the Maywood material, but no decisions have been made to date. For these large volumes of waste, DOE facilities must also work with their state and regional EPA regulatory officials to determine the viability of accepting this material for disposal.

Item 5: In the evaluation of the New Jersey (in state) disposal option in the FS, it is assumed that DOE would have to acquire property to construct such a disposal facility. No property within the state of New Jersey has yet been identified nor will any property within the state be identified unless this is the selected alternative for cleanup.

Item 6: All alternatives, including alternative 6, are still under development and as such, costs have not been finalized. DOE is currently working with EPA to finalize the FS and select the most appropriate cleanup alternative for the Maywood site. Timeframes for completing the selected remedy will be developed with EPA after the ROD is signed, as described in the response to items 1 and 2. Phase II cleanup options, under the approach for alternative 6, have not been finalized but may include other options (or combinations of options) described in the FUSRAP Information Update. An example would be the use of treatment technologies. Costs for Phase II cannot be developed in detail until cleanup options are identified and evaluated. As mentioned previously, this is an ongoing task which will be completed before release to the public this summer.

Item 7: See response to items 1 and 2.

Item 8: There is an error in the FUSRAP Information Update and the briefing package is not complete. The correct Phase I action would include removing the MISS pile, and remediating residential properties, parks, and the Ballou property. I would like to thank you for pointing out this inconsistency; we have revised the FUSRAP Information Update to be more accurate.

Item 9: The previous agreement referred to in the briefing package prepared for the Tri-Borough and County Thorium Coalition is, as stated, not to bring waste from other sites to MISS. It is important to remember that the Maywood site consists of properties in the boroughs of Maywood and Lodi and the township of Rochelle. This agreement can therefore be interpreted as meaning that DOE will not bring wastes from other FUSRAP sites to MISS. Other agreements that we have in place, as you know, include not bringing additional material to MISS for storage unless it is the result of an emergency cleanup. At this time, DOE is unaware of any scenario that requires an emergency removal action. Use of MISS for further storage however should not be confused with use of the site for

133801

FRANK LAUTENBERG



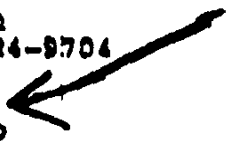
UNITED STATES SENATOR FOR NEW JERSEY

For Immediate Release
Thursday, March 26, 1994

For Further Information
Leigh Leventhal (202)224-9704

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Guidelines to be Set by EPA; Lautenberg Applauds Action, says Wayne, Maywood are On the Road to Cleanup



WASHINGTON -- Sen. Frank R. Lautenberg (D-NJ) announced today that the Environmental Protection Agency (EPA) and the Department of Energy (DOE) are now in agreement on cleanup guidelines for the Wayne Thorium and Maywood superfund sites.

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"This is, finally, good news for the residents of Maywood and Wayne. Now we can move forward with the cleanups. For ten long years, people have been living with toxins and contaminated soil. We now have strict guidelines for the cleanups, which means we can now, at long last, make the cleanups happen," said Lautenberg.

MISS IS PHASE!

In a letter from William Muszynski, the Acting Regional Administrator for the EPA's Region II, Muszynski tells the DOE, "...it is my understanding that EPA's position is acceptable to DOE, and that DOE will not elevate the dispute...I commend our respective staffs for their efforts in resolving this dispute and look forward to finalizing the Proposed Plan without further undue delay."

In April 1993, DOE submitted a draft proposed plan for cleanup of the Maywood site. EPA disputed DOE's proposed cleanup standards for radionuclide contamination and the agencies began negotiations. The dispute stalled all cleanup activity. Muszynski's decision will be incorporated into the revised proposed plan.

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The cleanup will take place in two phases. Phase I involves cleanup of the MISS and residential properties to 5 pCi/g above background. Phase II, which is cleanup of the commercial and government properties, involves excavation and removal of the contaminated soil to 15 pCi/g above background with an "as low as reasonably achievable" goal of 5 pCi/g.

As Chairman of the Superfund subcommittee, Lautenberg has been working with community groups in Wayne and Maywood to try to expedite the process, and has been urging DOE and EPA to agree on cleanup standards and alternatives.

THAT ARE HIGHER THAN THE HEALTH

CONFLICTS WITH

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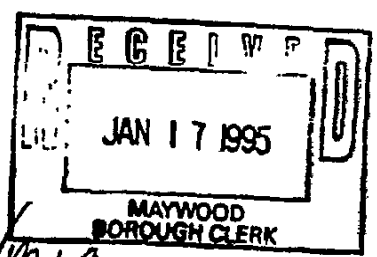
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Department of Energy

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

January 9, 1995



M. C. CALTON

Mr. Mark Guarino, Chairman
Tri-Borough and County Thorium Coalition
Bergen County Department of Health Services
327 Ridgewood Avenue
Paramus, New Jersey 07652

Dear Mr. Guarino:

MAYWOOD SITE - PHASE I VICINITY PROPERTY REMEDIAL ACTION

I was glad to hear at our meeting on December 13, 1994, that the Tri-Borough and County Thorium Coalition (the Coalition) will provide important elements of direction for remedial action of the Maywood Site Phase I vicinity properties, primarily sequencing of the properties to be cleaned.

At the December meeting, I presented drawings for conceptual groupings of the properties into manageable work units, or "clusters." This letter is to confirm, per our discussion at the meeting, that the Coalition is diligently working to place priority on remediation of the clusters, i.e., which cluster should come first, second, third and so on. In the best interest of all, and if work is to be started as soon as possible, we need your input.

Enclosed are copies of drawings showing the vicinity properties grouped into what DOE considers the clusters of choice. These preferred groupings are based on considerations such as impact on the community, construction demands, proximity of properties to one another, cost, land use, and location of contamination within the properties. However, DOE invites comment from the Coalition on the preferred groupings if there is concern.

2.- Most important now is that the Coalition advise DOE on the sequence in which the properties should be remediated based on your understanding of and input from the community. Please consider, when placing priorities on cleaning the properties, that the potential for "re-contamination" should be minimized. Also in your planning, please assess whether municipal improvements, such as to parks, sidewalks or storm sewers, are scheduled for areas within or near areas that are now contaminated.

You may recall that the Phase I remedial action includes 31 residential properties, three municipal parks, a fire station, an undeveloped lot, and possibly an I-80 right-of-way. The action calls for excavation of all materials contaminated at a level above five (5) picocuries per gram, with transportation of the waste to an off-site, out-of-state disposal facility.

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Mr. Mark Guarino

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January 9, 1995

DOE is now designing and planning the remedial action for the Phase I properties, including preparing subcontracts to implement the remedial action. We are working with the Environmental Protection Agency (EPA) and the New Jersey Department of Environmental Protection to reach a Record of Decision for the site, which is required before cleanup can begin. Our current plans call for remediation to begin in fiscal year 1996. Thus, DOE needs the Coalition's comments on the clusters and their priority for cleanup by February 10, 1995, in order to meet scheduled submittal dates for work design packages and plans to EPA. The Coalition's prompt input will also allow us to continue plans to meet the earliest possible start date for the cleanup.

✓
 SHIP DIRECT TO UTAH LIKE MITCHELL NJ

Although DOE is still in the planning phases of this action, our current approach calls for the excavated materials to be returned to the DOE-owned Maywood Interim Storage Site (MISS) for consolidation and loading onto rail cars for shipment to the disposal site. Note that the excavated materials will not be placed in interim storage at the MISS, but will be there only for the time needed to accrue and load rail cars; the actual amount of time will depend on the amount of material required to fill a rail car and the availability of the cars, but is not expected to exceed two weeks for any portion of the waste. This approach is by far the most cost-effective, and using the MISS, with its already developed railroad siding, will expedite the remedial action considerably.

Also, I understand that Mayor Toronto has appointed Joe Dominic, municipal manager, to serve on the Coalition as a Lodi representative. If you could confirm this, and would forward to me an updated list of Coalition members, I would appreciate it. My fax number is 615-576-0956.

The addition of insightful representatives to the Coalition can only benefit our mutual progress. I believe that this is an opportune time to make such additions to the group in light of the fact that we are nearing the start of vicinity property cleanups. I think it would be helpful if Mayors Steuert and LoCascio would appoint representatives, too.

Lastly, as I have mentioned before, I will be on a special assignment within DOE over the next six months. During my absence, Mr. Dave Adler will serve as the DOE site manager for the New Jersey Sites. His phone number in Oak Ridge is 615-576-9634. If you should wish to contact Mike Redmon, Bechtel Project Manager for New Jersey, his number is 615-576-4718. Both gentlemen will maintain contact with you and the Coalition during the coming months as we progress toward initiating cleanup at the vicinity properties in Lodi, Maywood, and Rochelle Park.

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Mr. Mark Guarino

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January 9, 1995

Please do not hesitate to contact Dave or Mike with any questions or concerns as you review the clusters and place priority on their cleanup, and thereafter.

Sincerely,

A. M. Cange

Susan Cange, Site Manager
Former Sites Restoration Division

Enclosure

cc: Adam Strobel, Bergen County
Mayor Steuert, Maywood
Mayor LoCascio, Rochelle Park
Mayor Toronto, Lodi

8/10

**CONCERNED
CITIZENS
of MAYWOOD**



FOR IMMEDIATE RELEASE

August 13, 1995

John Michael Japp (DOE)
Former Sites Restoration Div.
P.O. Box 2001
Oak Ridge, TN 37831-8723

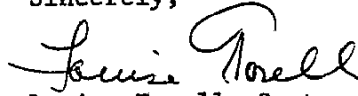
RE: Maywood Property - 1995
EE/CA Comments

Dear Mr. Japp:

Please record the attached petitions with 59 residents names who maintain that cleanup begins AFTER the RECORD OF DECISION, and that DOE should reveal the proposed plan for Maywood as required by all regulations, into the 1995 EE/CA Comment document.

Thank you.

Sincerely,


Louise Torell, Secty.
(CCM)

Enc: as stated above.

AUG 21 2 56 PM '95

133801

RE: Maywood Property - 1995
EE/CA Comments

①

August 10, 1995

TO: Hazel O'Leary, Secretary, Dept. of Energy
c/o John Michael Japp
Department of Energy
Former Sites Restoration Division
P.O. Box 2001
Oak Ridge, TN 37831-8723

We, the undersigned residents of Maywood, N.J., refuse to comment on the Phase I Remediation EE/CA which ignores the Superfund regulations as shown on the back of this page.

There should be no further action until DOE reveals the proposed plan for Maywood as required by all regulations.

Read the back again. Cleanup begins AFTER the Record of Decision. And all shipments should go direct to Utah - NOT to the Maywood Storage Site, as Maywood residents VOTED for overwhelmingly.

NAME	ADDRESS	PHONE
<i>Elizabeth Levan</i>	<i>132 Lehor Ave Maywood, NJ 07657</i>	<i>(201) 712 3876</i>

BRIEFING ON THE DEPARTMENT OF ENERGY'S MAYWOOD SITE

WORK TO BE COMPLETED

CLEANUP

- Conduct interim cleanups when immediate health risks are identified to minimize impact to families and/or prevent spread of contamination
- Begin final cleanup after DOE/EPA Record of Decision

SURVEILLANCE AND MAINTENANCE

- Continue site upkeep and environmental monitoring

ENVIRONMENTAL REVIEW PROCESS

- Continue briefings for public and officials
- Publish Work Plans
- Complete remedial investigation documentation and publish report
- Conduct study of alternatives and recommend proposed plan
- Issue Record of Decision

133801

133801

RE: Maywood Property - 1995
EE/CA Comments

10

August 10, 1995

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c/o John Michael Japp
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NAME	ADDRESS	PHONE
Mary Beth Nolan	69 Lenox Ave.	845-5992
Michael J. Nolan	69 Lenox Ave.	845-5992
Barton McDonald	96 Parkway	368-2246
Gloria C. Kerner	45 Lenox	845-5637
Julius Kerner	✓	✓
Mark J. Mesiano	63 LENOX AVE.	845-6133
Elizabeth Mesiano	63 Lenox Ave	845-6133
Margaret Siljella	24 Lenox Ave	587-0255
Mary O'Callaghan	24 Lenox Ave.	
Serina McDonald	96 Parkway	368-2246

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16

August 10, 1995

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NAME	ADDRESS	PHONE
Veronica Vesce	895 Wyoming Ave	587-9
Eel Vesce	891 Wyoming Ave	843-128
Robert PEARCE	171 Roosevelt AVE	368-194
MARK DOMADIO	186 ROOSEVELT Pz	845-71
Eugene (Mason)	185 ROOSEVELT PL	
Harvey Muller	894 Spring Valley Rd	843-5376
Sally Muller	" "	" "
Jane Dacdrich	890 " "	845-7127
Karen O'Connell	902 S. Val. Rd.	843-5313
Tom Hill	910 Spring Valley Rd	587 1329
Jeanette McCafferty	914 Spr. Vly Rd	843-044
James Anest	182 West Spring Valley	843 9212
Chris Anest	182 West Spring Valley	843 92
Mark Anest	182 W Spring Valley Ave	843-921
John Sharkey	190 W. Spring Valley Ave.	843-912

133801

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NAME	ADDRESS	PHONE
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Jean P Nolan	69 Lenox Ave.	845-5990
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Michael J. Nolan SR	69 Lenox Ave	845-5992
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Gerace LaPorta	30 Hillcrest Ave., Hawthorne	427-1919
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Bernad LaPorta	30 Hillcrest Ave Hawthorne	
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Joseph LaPorta	Little Falls, N.J.	
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Nicholas Alvino	1 Leary St Paterson	
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Margaret Alvino		
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Donna Alvino	79 Manchester Ave Paterson	
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Mrs Viola Cascone	Pompton Plains, N.J.	
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NAME	ADDRESS	PHONE
Robert Brossa	30 W. CENTRAL AVE	845 5425
Judith Brossan	30 W Central Ave.	
Julie Loffler	24 W. Central Ave	845-5911
Dary A Loffler	24 W Central Ave	
Wanda Fish	229 Maywood Ave	845-9177
Fay Fish	279 Maywood Ave	845-9177
Heddy Niebanek	7 W Central Ave	845-7421
Eva Niebanek	7 W. Central Ave	845-7421
Florence Bruggie	25 W. Central Ave.	845-6382
Chub P. Brunk	33 W. Central Ave.	843-1713
Dalores L. Jewney	39 W. Central Ave.	368-0678
William Loffler	40 W. Central Ave.	587 8205
Ernest Loffler	38 W. CENTRAL AVE	845-9254
Edam Delucchi	38 W Central Ave	845-9254

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NAME	ADDRESS	PHONE
Finore Titus	579 Wyoming Ave	365-3463
Hi Chan	583 Wyoming Ave	847-0296
John Chen	583 Wyoming Ave	847-0296
Paul O'Brien	587 Wyoming Ave	843-6946
John Optum	587 Wyoming Ave.	843 6946
Mania Corso	596 Wyoming Ave	843-2948
Samuel V. Hunt	601 Wyoming Ave.	712-1321
Carol Leonard	601 Wyoming Ave	712-1321
Jim Crighton	615 Wyoming Ave	845-6385
Glenda Crighton	615 Wyoming Ave	845-6385

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133801

RE: Maywood Property EE/CA Comments - 1995

8/10/95

NAME	ADDRESS	PHONE
Shumin Zhuang	36 Hampton Court, Maywood	(201) 587-9586
Paul Lim	60 Howcroft Rd Maywood	(201) 843-1125
Ether Liu	"	4
David Liu	"	1
Rebecca Geng	103 Grove St.	(201) 368-173
Nathaniel Geng	" " "	" " "
Joshua Geng	" " "	" " "
Long Bao Shao	8 Maybrook Dr. Maywood	201-582-0699
Tenny. Shao	"	"
Leo Ai Bao Shao	"	"

133801

RE: Maywood Property - 1995
EE/CA Comments

19

August 10, 1995

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NAME	ADDRESS	PHONE
<i>[Handwritten Name]</i>	175 VAN CLEVE ST. MAYWOOD	(201) 567-9512
<i>[Handwritten Name]</i>	"	"
<i>[Handwritten Name]</i>	"	"
<i>[Handwritten Name]</i>	125 Wood Street Maywood	(201) 567-178
<i>[Handwritten Name]</i>	"	"
<i>[Handwritten Name]</i>	"	"
<i>[Handwritten Name]</i>	"	"
<i>[Handwritten Name]</i>	"	"
<i>[Handwritten Name]</i>	59 Huncroft Rd Maywood, NJ	(201) 545-7192
<i>[Handwritten Name]</i>	"	"

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⑦

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NAME	ADDRESS	PHONE
Maria Pelissier	33c Jaeyer Ave.	845-5238
Louis Pelissier	" " "	"
John A. Pelissier	" " "	"
Willie Pelissier	" " "	"

John T. Tongano 476 Bergen Ave — 845-07.
J. J. Jank 471 Bergen Ave
Margyn Tongano 472 Bergen Ave

BRIEFING ON THE DEPARTMENT OF ENERGY'S MAYWOOD SITE

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RE:Maywood Property EE/CA Comments - 1995

133801
8/10/95

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>
Jane Christian	194 th Spring Valley Ave.	845-9416
Jugan Christian	198 th SPRING VALLEY AVE	845-9416

133801



RADIOACTIVE WASTE MANAGEMENT ASSOCIATES

August 15, 1995

Susan M Cange, Site Manager
U S Department of Energy
Former Sites Restoration Division
Oak Ridge Operations Office
P O. Box 2001
Oak Ridge, TN 37831-8723

Aug 21 0 44 PM '95

Dear Ms Cange

Please find enclosed our comments on the draft Engineering Evaluation/Cost Analysis for the Cleanup of Residential and Municipal Properties at the Maywood Site. These comments were prepared on behalf of Concerned Citizens of Maywood Please include them in the administrative record If you have any questions, please feel free to call Thank you

Sincerely,

Phyllis Fuchsman

520 WES. 25th STREET, RM. 507
NEW YORK, NY 10001
TEL 212 620-0526 FAX 212 620-0518

Marvin Resnikoff, Ph.D. ♦ Senior Associate

133801



RADIOACTIVE WASTE MANAGEMENT ASSOCIATES

**Comments on
"Engineering Evaluation/Cost Analysis for the Cleanup
of Residential and Municipal Vicinity Properties at the
Maywood Site, Bergen County, New Jersey"**

by
Marvin Resnikoff, Kim Knowlton
Radioactive Waste Management Associates

August 11, 1995

on behalf of
Concerned Citizens of Maywood

Radioactive Waste Management Associates
526 W. 26th St., Rm. 517
New York, NY 10001
212/620-0526

Marvin Resnikoff, Ph D ♦ Senior Associate

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

Summary

The Department of Energy's Engineering Evaluation/Cost Evaluation (EE/CA) in support of the cleanup of residential and municipal properties in Maywood, New Jersey does not satisfy basic regulatory and legal requirements and should be withdrawn. A previous EE/CA was issued prior to the removal of the storage pile at the MISS, a relatively uncontroversial operation. The cleanup of Lodi and Maywood residential and municipal properties is fundamentally different from the MISS removal and is not served by this totally inadequate EE/CA document and process. The EE/CA document has been written in haste, is quite sloppy in reasoning and calculations and could lead to a cleanup that is, in the end, more expensive and disruptive to the Maywood community. For the cleanup of residential and municipal properties, it should be replaced with the more deliberative RI/FS process.

As much as the local residents, we want these contaminated properties cleaned up soon. It is therefore with great reluctance we say the process should be halted until the Department of Energy has completed the RI/FS, held public hearings and incorporated public comments into the final Record of Decision. Unless this is done, the Department of Energy's cleanup of the residential and municipal properties is very likely to be ultimately inadequate, a cruel hoax on the residents of Maywood and Lodi.

In our opinion, cleanup cannot begin until the basic cleanup criteria, that is, Applicable or Relevant and Appropriate Requirements (ARAR's), are established. The money will not be there to do two cleanups, once to the proposed criteria suggested by the DOE, and another to the State's more restrictive, health-based criteria, unless the DOE takes a more aggressive stance against Stepan Chemical Co. In addition, background measurements reported in the Baseline Risk Assessment have been used improperly; as employed, they will lead to an inadequate cleanup. Further, some crucial radioactive and chemical measurements have not been done at all, others have been done with instruments with uncertain calibration and are therefore unreliable. A look at the economic costs of delay reinforces our support for cleaning up the properties as soon as possible, but speediness must not become an excuse for an inadequate cleanup operation.

Background

The properties addressed in the current EE/CA contain radioactive contamination from thorium-processing operations at the Maywood Chemical Works (MCW) from

1916-1959 Radioactive and possibly chemical contamination has been carried almost 1.5 miles downstream (south) of the plant site by Lodi Brook, which today runs in underground culverts. Westerly Brook has also carried some contamination west of MCW, into the Saddle River. During flood periods, thorium that was attached to stream sediments settled onto properties in the flood plain along the brooks' banks. This deposition, along with the use of material from MCW as mulch and fill, contaminated the properties now planned for cleanup

Phase I of the cleanup is to involve remediation of the MISS pile, now underway, and contaminated residential and municipal properties. Later efforts are to address commercial and government properties. The EE/CA discusses the remediation of the following properties: 31 residential properties (29 in Lodi, 2 in Maywood); one undeveloped, privately-owned tract (the unremediated part of the Ballod Property, in Rochelle Park--the other part was remediated in 1984-86¹); an I-80 right-of-way, 3 municipal parks, and a fire station. It's estimated that almost 29,000 cubic yards will be excavated from the sites. Allowing for expansion, over 37,000 cubic yards are to be transported for off-site disposal. No soil-washing treatment is planned.

Cleanup Criteria and State Regulations

Though Appendix B of the EE/CA lists the regulatory requirements for the proposed action, the New Jersey state law, S-1070, that requires the establishment of site specific residential and non-residential criteria such that the site is restored to background conditions or the excess cancer risk is 1 in 1 million, is omitted from the list of ARAR's. A potential risk factor of 1 in 1 million is more restrictive than DOE's proposed criteria of 5 pCi/g above background for thorium-232 and radium-226 combined and 100 pCi/g for total uranium, at any depth (EE/CA p. 62). It is also stricter than the cleanup criteria used at Montclair: 5 pCi/g for radium-226, radium-228, thorium-230 and thorium-232 and 10 pCi/g for uranium-238, again at any depth. Enacted after these criteria were finalized for Montclair, S-1070 sets the following standards:

For residential land use as defined by NJSA 58 10B-12d(1),

Thorium + Radium Combined in picocuries per gram (pCi/g) resulting in concentrations of material remaining on-site:

¹ Between 1984-86, 9 residential properties in Rochelle Park, 8 in Maywood, and 8 in Lodi were remediated, along with the partial remediation of the Ballod site. All the wastes were sent to the MISS site.

- 4 pCi/g with one foot of "clean cover" over site
- 5 pCi/g with two feet of "clean cover" over site

These criteria hold where no new construction and resultant soil excavation of any kind take place and existing site use is maintained

For non-residential land use, NJDEP requirements are the following

Thorium + Radium **Combined** in picocuries per gram (pCi/g) resulting in concentrations of material remaining on-site.

- 12 pCi/g with one foot of "clean cover" over site
- 15 pCi/g with two feet of "clean cover" over site

Lands cleaned up to these non-residential criteria would require the placement of a "Notice of Environmental Restriction" A change of land use involving a change of risk would require additional remedial considerations

To summarize, the differences between the DOE and State criteria lie in which radionuclides are combined and whether a clean cover is required. For the residential and municipal properties in question, the DOE would combine thorium-232 and radium-226 for a total of 5 pCi/g above background, whereas the State would combine thorium-232, thorium-230, radium-228 and radium-226 for a total of 4 or 5 pCi/g The State would require a clean cover, but the DOE would not

According to a legal opinion by attorneys for the Town of Wayne, "a federal agency must incorporate state remediation cleanup standards which are more stringent than federal standards when conducting a cleanup at a site pursuant to CERCLA."²

Background Concentrations in Soil

Any cleanup criteria will apply to radiological contamination "above background," since the Maywood Chemical Works' past thorium processing activities are not responsible for the fraction of cancers and other ailments that can be attributed to naturally occurring background radiation. However, in its Baseline Risk Assessment for the Maywood Site, the DOE makes a serious error in estimating these background levels

² Letter from M Gerrard, Arnold & Porter, to JM Japp, DOE, June 1, 1995 Copies available on request

Their analytical measurements, presented in Table 2-1, were insufficiently precise to actually measure the concentrations, but instead reveal only the sensitivity of the instrumentation, as clearly presented in, for example, the datum that the Rochelle Park radium-226 contamination is "<0.7", that is, less than 0.7 pCi/g. In its calculations, however, DOE uses a background value of 0.7 pCi/g. If all one knows is that the concentration lies between zero and 0.7 pCi/g, then all values between 0 and 0.7 pCi/g have equal probability of occurring, and the most appropriate background value is the average of these, 0.35 pCi/g. This procedure is used correctly by the DOE in evaluating background levels of chemicals,³ but it is ignored for radiological concentrations in the Baseline Risk Assessment. At the low concentrations that are the goal of cleanup operations, a difference of 0.35 pCi/g can substantially affect the radiation dose to humans.

Problems in Measuring Radioactive and Chemical Contamination

In order to do a proper cleanup, the Department of Energy must know the levels of radioactive and chemical contamination at the residential and municipal properties in relation to background. On several occasions we have pointed out deficiencies in the DOE's monitoring program. Despite the fact these deficiencies were discussed with DOE, they have not been remedied. Communication with DOE has become a one-way street.

Thoron

In memos and letters,⁴ we pointed out that DOE was not properly measuring thoron and its daughters in air at residential and municipal properties. In West Chicago, Illinois, thoron emissions above the regulatory limits have been measured at Reed-Keppler Park and at the Kerr-McGee facility. Thoron decays to lead-212, and inhalation of lead-212 increases radiation exposures and the probability of cancer. While DOE contractors called to discuss the issue, and agreed that thoron had not been measured, to our knowledge no further action was taken. To our knowledge, no additional measurements were taken for thoron. Thus, radiation exposures due to lead-212 inhalation are not properly evaluated in the Baseline Risk Assessment and the EE/CA.

Monitoring at the MISS has been done with different measurement techniques. At a meeting with DOE at MISS June 21, 1995, we requested additional information on E-

³ BRA, p 2-18.

⁴ Memo from M Resnikoff, RWMA, to M Nolan, Concerned Citizens of Maywood, December 7, 1994 and letter from M Resnikoff, RWMA to A Carpenter, US EPA, February 8, 1995

Perm monitors, the type of monitors that are used at Maywood. This information arrived recently and has not yet been reviewed.

Radium-228

Since the Safe Drinking Water Act regulations require that combined radium-226 plus radium-228 in groundwater be below 5 pCi/L, we were quite surprised that radium-228 was not even being measured at the MISS or associated and residential properties. Unlike the monitoring report for the WISS, the Maywood site evaluation report contains no measurements for radium-228. Indeed, the monitoring results for 1994 do not even discuss the safe drinking water standards,⁵ instead referring to DOE's guide of 100 pCi/L for radium-226 and radium-228, individually. We have pointed this out to DOE, but have received no response to date.

Chemical Contamination at Residential Properties

Cleanup at Maywood is complicated by the division of responsibility between the DOE and the EPA. The DOE is responsible for all radioactive waste at the site, but it is responsible for chemical contamination only if it is mixed with radioactive contamination, resulted from thorium processing, or occurs on DOE-owned land. All other chemical contamination is the responsibility of the EPA, but cleanup is supposed to be coordinated. The current EE/CA shows no evidence of any such coordination.

The EE/CA does not discuss chemical contamination at residential and municipal properties. This apparently will be addressed in a separate RI/FS⁶ or EE/CA. We are at a loss how DOE can plan an effective cleanup of residential properties without a complete characterization of chemical contamination. By bifurcating the process and addressing first radioactive then chemical contaminants, DOE or EPA may have to return later to complete the removal of chemical contaminants. It is quite possible that the hydraulic conductivity of specific chemicals is different than that for thorium and radium compounds. That is, soil may be contaminated with different contaminants at different depths. Only a complete characterization of the residential and municipal properties and a full discussion in one document can come to grips with this problem.

It is not clear that chemical contamination of the properties considered in the EE/CA has been carried out. The DOE's Remedial Investigation included very limited sampling (3 properties), and the EPA's Remedial Investigation did not include any analysis

⁵ JC McCague, Bechtel, "Environmental Surveillance Results for 1994 for the Maywood Interim Storage Site," June 1, 1995

⁶ EE/CA, p 2

of residential or municipal properties. However, chemical contamination at the Stepan property is severe and can be expected to have affected the residential and municipal properties under consideration. Various metals were present at high levels in Stepan soils and water, including lead, chromium (one soil sample was 11.7% chromium), copper and lithium. Chemical contamination includes ammonium hydroxide, ammonium oxalate, nitric acid and sulfuric acid and many other compounds.

Economic Costs

In Table 5-2 of the EE/CA, the DOE compares the cost of no action versus alternative 2, expeditious removal of contaminated material from the Maywood vicinity properties. The estimated cost of expeditious removal is \$45 million, while the no action alternative has no direct cost. This is not a true comparison of the economic costs and could lead the uncritical reader to the wrong conclusion, that it is less expensive to do nothing in the short term.

The "no action" alternative is not a true "no action." The EE/CA's analysis of "no action" is intended to compare the costs of delaying removal with the costs of the proposed expedited removal. Since it is the intent of DOE to eventually cleanup the residential and commercial properties, "no action" in the short term will eventually cost \$45 million, adjusted for inflation. Further, if radioactive and chemical contamination is spread (the purpose of near term removal actions is to halt this spread), the eventual costs would be greater than \$45 million, since a greater volume of contaminated materials would have to be shipped. There is reason to believe this has already occurred. Following the unrestricted release of the Ballod property, radioactive materials were hauled off by a developer, Barisi, and in 1977 by Kramer Associates, contractors from Fort Lee. We assume this led to two or more additional locations which are now radioactively contaminated.⁷ Spreading of contamination could continue in case of flooding, given that several of the contaminated properties lie within the 100-year floodplain of the Saddle River.

Further, the increased costs of doing a cleanup twice has not been factored into the economic cost calculations. In cleaning up residential and municipal properties to criteria less strict than is required by State law, the DOE risks the possibility that it may have to further clean up radioactive contaminants. The lack of attention to chemical contamination could also lead to the need for a second cleanup. Doing a cleanup twice would be extremely inefficient and costly.

⁷ RWMA Comments on BRA, p 5

Finally, another cost never factored into economic calculations is the administrative cost of DOE's continued presence at Maywood. Clearly the sooner the Maywood area is cleaned up, the sooner DOE can reduce administrative costs in the Maywood area. It is also important to point out that the health impacts of "no action," such as potential cancer fatalities and sicknesses, have associated economic costs. In sum, cleaning up the Maywood area as soon as possible will save money and protect the public's health, but only if it is done right.

Need for RI/FS, Public Hearing and ROD

In bifurcating the RI/FS process into many EE/CA's, the larger cleanup picture and meaningful public participation are being lost. The pieces have been broken into meaningless segments. For example, the cleanup of radioactive contaminants and chemical contaminants has been placed into separate documents. Since these documents are addressed to the cleanup of the same sites, it is logical to put these into the same document.

The DOE has curbed public input into remediation alternatives by avoiding a full-blown RI/FS process. But public hearings serve important public purposes in forming a community consensus, a process that is important for Maywood. Simply responding to a document and having these comments incorporated into the record is a hollow shell in comparison. Community residents need to hear the questions, need to hear DOE responses and need to arrive at a common understanding. This can only be done in a group process, not one on one with a DOE official through the comment/response format. While the process may be painful for DOE bureaucrats, it serves an important public function. And in our (non-legal) opinion, it is required by law.