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M-483

Formerly Utilized Sites Remedial Action Program (FUSRAP)

ADMINISTRATIVE RECORD

for Maywood, New Jersey



U.S. Department of Energy



Department of Energy

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

May 22, 1995

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

Dear Mr. Schuber:

MAYWOOD SITE - RESPONSE TO LETTER DATED JANUARY 23, 1995

I appreciate your letter of January 23, 1995, regarding plans by the Borough of Lodi to renovate John F. Kennedy Park. As you may know, DOE and our contractor, Bechtel National, Inc., have worked with the Borough and its consultants, Boswell-McClave Engineering and S-cape, to help as much as possible with their planning of the park renovations.

Please allow me to address issues raised in Mayor Toronto's letter to you of January 17, 1995, related to DOE's responsibility and authority for the thorium contamination at JFK Park.

I understand the Mayor's desire that the Borough move forward with renovations at the park and his concern that the work may require certain practices or obligations owing to the presence of contamination there. To help communicate the circumstances surrounding the planned work, DOE and Bechtel representatives have met at length with the Borough's contractors. We have been pleased to offer help by making recommendations for working in areas of contamination and to explain how we would typically perform work in such an area.

As you know, JFK Park is one of many properties close to the DOE-owned Maywood Interim Storage Site (MISS) that collectively are called the Maywood Site. We have begun remedial work at the MISS and are deep into planning the cleanup for the rest of the Site, including public parks and residences.

In our meetings with Mr. Joe Dominic, Borough Manager, and the Borough's consultants we recommended that the Borough postpone renovations to the park until DOE completes the thorium cleanup efforts.

This would avoid movement of soil and help maintain definition in responsibility for soil relocation. However, we understand that work must proceed due to conditions associated with certain grant and municipal bond issues.

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Please understand that the park is not a DOE-owned property. We cannot direct the Borough of Lodi on how to use it. For example, we recommend that no contaminated soil leave the property, but we cannot direct the Borough not to remove material. Because DOE would not be the generator of waste during park renovations, we cannot accept responsibility for managing it. And although certain training requirements exist for DOE and its contractors when performing DOE-planned work, which we discussed with Borough consultants, it is the responsibility of the Borough and its consultants to determine whether the requirements apply to work they plan for the park.

Our plans for cleanup at JFK Park are a responsibility delegated by Congress to clean up waste from a former processing plant not related to DOE or its predecessor agencies. Mayor Toronto requests that additional costs attributable to contamination at the park should be borne by the federal government. Please understand, though, that DOE's responsibility does not lie in being the generator of the contamination that is at the park, but in cleaning it up at the direction and through the appropriations of Congress. Therefore, I hope you understand that we cannot compensate the Borough for additional expenses incurred working around the park contamination.

However, we will provide certain technical support to this effort at no charge if the Borough chooses to proceed with the park upgrades. For example, we have provided technicians to delineate the area of contamination, and we will collect samples for analysis of soil that must be removed as deemed by the Borough's contractors. Based on analysis results, DOE will communicate to the Borough and its consultants whether the soil is above or below cleanup guidelines and will make recommendations about soil removal. Again, DOE will not direct the Borough to remove, or not to remove, soil from the property; we can only recommend.

We are diligently working to complete the required environmental documentation for selecting the most appropriate cleanup alternative for the Maywood Site, and we are making substantial progress. Specifically, DOE is removing the interim storage pile at MISS and disposing of the waste at an out-of-state facility. Also, we have reached an agreement with regulators on how to clean up the residential properties, public parks, and an undeveloped tract of land. The remedy calls for the removal of contaminated material from these 36 properties and shipping it to an out-of-state disposal facility.

While we await to see the precise effect of pending budget rescissions, we expect to start work on these properties in either October 1995 or spring of 1996. Based on DOE's projection of annual funding allocations from Congress, the cleanup of these 36 properties will likely take several years to complete.

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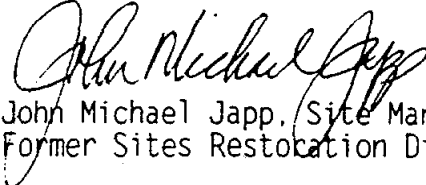
Mr. William P. Schuber

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DOE will be happy to support the Borough of Lodi and Bergen County to the extent we have authority to do so. Still, we recommend that renovations be delayed until DOE completes cleanup efforts of the park. Again, however, if the Borough of Lodi continues with the planned renovations of JFK Park, DOE will continue to provide technical support as needed while work is ongoing in the areas of thorium contamination. If you have any questions, please call me at (615) 241-6344.

Sincerely,



John Michael Japp, Site Manager
Former Sites Restoration Division

cc: Mr. Mark Guarino, Bergen County Health Department
Hon. Philip V. Toronto, Mayor of Lodi
Mr. Adam Strobel, Bergen County
Mr. Joseph Dominic, Lodi Municipal Manager