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Formerly Utilized Sites Remedial Action Program (FUSRAP)

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# ADMINISTRATIVE RECORD

for Maywood, New Jersey

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U.S. Department of Energy



# State of New Jersey

Department of Environmental Protection

Christine Todd Whitman  
Governor

Jan 12 3 00 PM '95  
Robert C. Shinn, Jr.  
Commissioner

Mr. Michael J. Nolan  
Concerned Citizens of Maywood  
48 West Grove Avenue  
Maywood, New Jersey 07607

DEC 28 1995

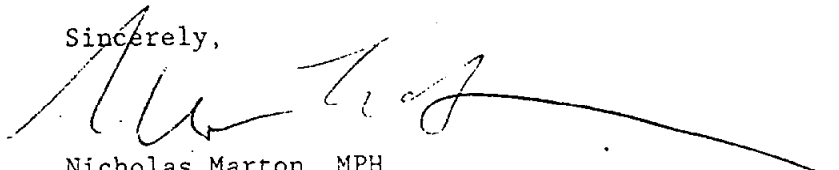
Dear Mr. Nolan:

Re: United States Department of Energy Maywood Interim Storage Site (MISS)  
Remediation

Please be advised that I am in receipt of your December 16, 1995 facsimile. I have enclosed copies of three letters which shall serve as a response to your request for information.

As always, if you have any questions with regard to the above please feel free to call me at (609) 633 - 1455.

Sincerely,

  
Nicholas Marton, MPH  
Bureau of Federal Case Management

attachments

c: Angela Carpenter, USEPA  
Susan Cange, USDOE

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SEP 27 1995

*State of New Jersey*

Department of Environmental Protection

Christine Todd Whitman  
GovernorRobert C. Shinn, Jr.  
Commissioner

Mr. Michael J. Nolan  
Concerned Citizens of Maywood  
48 West Grove Avenue  
Maywood, New Jersey 07607

Dear Mr. Nolan:

Re: United States Department of Energy Maywood Interim Storage Site (MISS)  
Remediation

Please be advised that I am in receipt of your September 22, 1995 facsimile. I will answer your questions in the order received:

1) As we have previously discussed, the New Jersey Department of Environmental Protection (NJDEP) is not signator to the Federal Facilities Agreement executed between the United States Department of Energy and the United States Environmental Protection Agency (USEPA). Therefore, a NJDEP review a Record of Decision (ROD) specific to the MISS would result in either concurrence or non-concurrence on behalf of the State of New Jersey. Specific questions involving the substantive requirements for the approval of such a ROD should be directed to the USEPA Project Manager, Ms. Angela Carpenter.

2) Regarding the position that the State of New Jersey has taken regarding the USDOE Maywood Site Engineering Evaluation/Cost Analysis report, I have enclosed for your review a copy of my comments relative to the subject report. I believe that this will serve to answer your concerns.

If you have any questions with regard to the above please feel free to call me at (609) 633 - 1455.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicholas Marton", with a long horizontal line extending to the right.

Nicholas Marton, MPH  
Bureau of Federal Case Management

c: Angela Carpenter, USEPA  
Susan Cange, USDOE

RPCENFA\MYWDNLNE.NLM

Christine Todd Whitman  
Governor

Department of Environmental Protection

Commissioner

Mr. Michael J. Nolan  
Concerned Citizens of Maywood  
48 West Grove Avenue  
Maywood, New Jersey 07607

SEP 26 1995

Dear Mr. Nolan:

Re: United States Department of Energy Maywood Interim Storage Site (MISS)  
Remediation

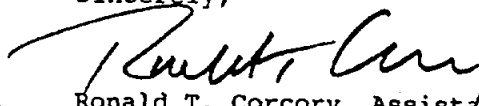
Please be advised that Commissioner Shinn has asked me to respond to your facsimile request of September 9, 1995 with regard to the referenced site. In that correspondence, you requested a clarification concerning the position that the State of New Jersey has taken relative to the cleanup of the Maywood site.

As you are aware, N.J.S.A 58:10B et. seq. (commonly referred to as S-1070) requires the establishment of both residential and nonresidential cleanup standards for those New Jersey properties involved in environmental remediation activities. Compliance with these New Jersey statutory requirements is the central focus of ongoing discussions with the United States Department of Energy (USDOE).

Removal of the contaminated soil pile is pivotal in the successful remediation of the Maywood Interim Site and has never been an issue. With reference to your assertions, the current New Jersey Department of Environmental Protection (NJDEP) approved USDOE activities involving soil pile removal for offsite disposal do not constitute a New Jersey statute violation. Of course, the NJDEP will continue to inform the USDOE of its statutory obligations regarding all clean-up limits for the Maywood Interim Storage Site.

If you have any questions with regard to the above please feel free to call me at (609) 633 - 1455.

Sincerely,



Ronald T. Corcory, Assistant Director  
Responsible Party Cleanup Element

c: Nicholas Marton, MPH, BFCM  
Angela Carpenter, USEPA  
Susan Cange, USDOE

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State of New Jersey

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 hearing a comment 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 I 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.

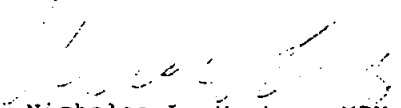
As an aside and pursuant to our previous discussions, you indicated USDOE's intention to comply with the substantiative requirements of all applicable or relevant and appropriate requirements (ARARs) in accordance with CERCLA and the NCP. The NJDEP maintains that the New Jersey Industrial Site Recovery 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.

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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

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