
Formerly Utilized Sites Remedial
Action Program (FUSRAP)

Maywood Chemical Company Superfund Site

ADMINISTRATIVE RECORD

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 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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REGION II

JACOB K. JAVITS FEDERAL BUILDING

NEW YORK, NEW YORK 10278-0012

2 0 MAY 1994

Mr. Joe La Grone
 Manager, Oak Ridge Operations Office
 U.S. Department of Energy
 P.O. Box 2001
 Oak Ridge, Tennessee 37831-8501

Re: EPA Region 2's Position on the Dispute Regarding Cleanup Levels for Radionuclide Contamination at the Maywood Chemical Company Superfund Site, Maywood, NJ

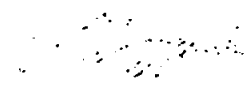
Dear Mr. La Grone:

You and I, as members of the Senior Executive Committee (SEC), have conferred in an attempt to resolve the dispute regarding cleanup levels for radionuclide contamination in soil at the Maywood Chemical Company Superfund Site. Although we were not able to resolve the dispute within the timeframe allocated to us in the Federal Facility Agreement (FFA) between the Department of Energy (DOE) and the Environmental Protection Agency (EPA), I directed my staff to continue working with DOE in performing site-specific risk analyses prior to formulating my final position on the dispute. The purpose of this letter is to notify you, as the DOE representative on the SEC, of my position on the dispute regarding radionuclide cleanup levels for soil at the Maywood Site, pursuant to Chapter XV (Resolution of Disputes) of the FFA. Based on recent discussions between George Pavlou of my staff and Les Price of yours, I understand that this position, as presented in the attachment, is acceptable to DOE, and will be incorporated into the revised Proposed Plan for the Maywood site.

In accordance with Chapter XV of the FFA, DOE may, within 21 days of my issuance of this position, issue a written notice elevating the dispute to the Administrator of EPA for resolution. In the event that DOE elects not to elevate the dispute within the 21 day period, DOE will be deemed to have agreed with EPA Region 2's position with respect to the dispute as presented herein. As noted above, it is my understanding that EPA's position is acceptable to DOE, and that DOE will not elevate the dispute to the Administrator.

I commend our respective staffs for their efforts in resolving this dispute and look forward to finalizing the Proposed Plan without further undue delay. If you have any questions on the above matters, please do not hesitate to call me at (212) 264-2525.

Sincerely,


 William J. Muszynski, P.E.
 Acting Regional Administrator

Attachment

cc: R. Shinn, Jr., Commissioner, DEPE
S. Cange, DOE-OR ✓
J. Wagoner, DOE-HQ
L. Miller, DEPE

EPA Region 2's Position on Cleanup Levels at Maywood

EPA Region 2's position on cleanup levels at the Maywood Site must be put into the context of the actions which DOE outlined in its draft final Proposed Plan for the Maywood Site (April, 1993): DOE selected Alternative 6 - *Phased Action and Offsite Disposal* - as the proposed remedy. This alternative consisted of two "phases" of activities. In Phase I, the pile of approximately 35,000 cubic yards of contaminated dirt and debris at the Maywood Interim Storage Site (MISS) would be removed and sent to a commercial disposal facility. Phase I also included the complete excavation of the residential properties, including the unremediated portion of the Ballod property. Phase II would include the treatment of the remaining accessible contamination at the Maywood Site (the commercial and government properties which include Stepan Company, the Sears property, and the DOE owned MISS). The "clean stream" from the treatment process would be backfilled on the MISS and portions of the Stepan and Sears properties (over which would be placed a foot of clean cover), and the concentrated residuals would be disposed of at an off-site commercial disposal facility. DOE has also expressed an interest to treat the soil in the MISS pile if, during its removal, treatment becomes viable and cost effective. EPA Region 2 agrees with these proposed actions, but not the cleanup levels associated with them. Below is my position, which, if acceptable to DOE, should be incorporated into a final Proposed Plan.

Phase I (Cleanup of the MISS and Residential Properties):

The preferred alternative for the Maywood site is a phased action, in which soil contaminated above a specified criterion would be excavated, and the disposition of the excavated materials will differ for different phases of the project. During Phase I, contaminated soil from the residential properties, the unremediated portion of the Ballod property and the Maywood Interim Storage Site (MISS) waste pile will be excavated and shipped off-site for commercial disposal in accordance with applicable regulations. As proposed by DOE, if during removal of the MISS pile, treatment becomes viable and cost effective, treatment of the MISS pile may be instituted. Excavated areas on residential properties will be backfilled with clean fill material. Surface and subsurface soil at residential properties and the unremediated portion of the Ballod property will be remediated to 5 pCi/g above background.

Phase II (Cleanup of the Commercial/Government Properties):

Phase II will immediately follow Phase I. During Phase II remediation activities, subsurface soil on commercial/government properties will be excavated and removed to a level of 15 pCi/g above background with an "as low as reasonably achievable" (ALARA) goal of 5 pCi/g above background. On the basis of a site-specific risk analysis, these levels are deemed protective for currently zoned commercial/industrial properties. Most excavated areas will be backfilled with clean fill material. Any property that is subject to backfilling of treated material during Phase II (the MISS, and possibly portions of the Stepan and Sears property) will be covered by at least 30 cm of clean fill "to grade." Treated residuals will be at a concentration no greater than 15 pCi/g above background. Consistent with ALARA, if the soil treatment technology, at the time of its implementation, proves capable of treating soils to lower residual concentrations in a cost-effective manner, then DOE shall adopt a lower concentration limit for replacement of treated soils.

DOE will institute ALARA during its field excavation and removal program at commercial/government properties. For the proposed actions, an ALARA goal of 5 pCi/g for Ra-226 and Ra-228, combined, above background, will be instituted for subsurface soils. The design

plan for site remediation will include a cleanup confirmation program developed to achieve both the specified cleanup criterion (15 pCi/g) and subsurface ALARA goal (5 pCi/g). At the 26 residential properties previously remediated at the Maywood site, post-remediation verification data show that, although DOE utilized a 15 pCi/g cleanup criterion, measured concentrations of thorium-232 following remediation were below 5 pCi/g above background in over 95% of samples, and radium-226 and uranium concentrations were generally at or near background levels. Subsurface cleanup is therefore expected to attain the subsurface ALARA goal in most cases, consistent with previous removal actions. At those commercial/government properties subject to backfilling of treated residuals, subsurface soil concentrations are expected to range between 5 pCi/g and 15 pCi/g above background; how far below 15 pCi/g is dependent upon the capabilities of the soil treatment technology.

Pursuant to CERCLA §121(c) and the Federal Facility Agreement, following successful remediation, the Maywood site will be subject to 5-year reviews to assure that human health and the environment remain protected by the remedial action being implemented. In addition, DOE will remediate, as may be necessary, any areas of the site which have not been remediated due to their inaccessibility, at such time as those areas become accessible for remediation through demolition, relocation, renovation, excavation or otherwise. Also, DOE and EPA, will request that the Borough of Maywood and the townships of Rochelle Park and Lodi during and after the proposed action inform DOE and EPA of any land use or zoning changes affecting any portion of the commercial/government areas of the site and of any permit, building, construction, excavation or demolition activity that might affect unremediated portions of the site (or involve offsite removal of remediated backfill material).