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Formerly Utilized Sites Remedial Action Program (FUSRAP)

ADMINISTRATIVE RECORD

for Maywood, New Jersey



U.S. Department of Energy



Department of Energy

129267 95-212

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

April 28, 1995

Mr. Nicholas Marton
Bureau of Federal Case Management
New Jersey Department of Environmental
Protection
CN-028, 5th Floor
401 E. State Street
Trenton, New Jersey 08625

Dear Mr. Marton:

MAYWOOD AND WAYNE SITES - REMEDIATION CRITERIA

The purpose of this letter is to notify you that the U.S. Department of Energy (DOE) is not in agreement with the remediation criteria and conditions described in your letter of January 25, 1995, to Susan Cange. Your subsequent correspondence to citizens of Maywood (e.g., N. Marton to Mrs. Deanna Power, February 27, 1995; N. Marton to Mrs. Elaine Parodi, February 27, 1995) appears to imply agreement regarding these criteria, and may generate confusion.

The criteria and conditions specified in your January 25, 1995, correspondence are considered by DOE to be neither appropriate nor feasible for these sites. DOE directly owns or controls only one of the 86 properties which comprise the Maywood site. For those properties not owned or controlled by DOE, the restrictions on new construction or excavation in impacted areas proposed by the New Jersey Department of Environmental Protection (NJDEP) would impose unnecessary hardships on property owners, and potentially might be regarded as "takings". Furthermore, comprehensive site-specific analyses conducted by DOE and the U.S. Environmental Protection Agency (EPA) indicate that no risk basis exists to justify such restrictions - i.e., cleanup to the criteria agreed upon by DOE and EPA would be considered fully protective of human health and the environment without additional restrictions. As discussed in the meeting between NJDEP, DOE, and EPA personnel on August 18, 1994, DOE intends to backfill all excavated areas with clean soil, as necessary, to restore properties to their original grade. However, the NJDEP proposal to require a minimum cover depth of two feet and ensure that this cover remains perpetually undisturbed is not acceptable.

For the properties owned and controlled by DOE [i.e., the Maywood Interim Storage Site (MISS) and the Wayne Interim Storage Site (WISS)], land use restrictions of the nature proposed by NJDEP would be more feasible. Under the dispute resolution between DOE and EPA Region II for the Maywood site, "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,

Mr. Nicholas Marton

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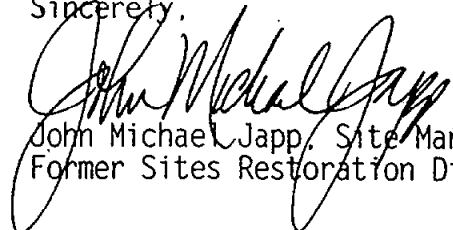
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construction, excavation or demolition activity that might affect unremediated portions of the site (or involve offsite removal of remediated backfill material)." This notification would be requested only for commercial/government properties, where contamination is left in place due to access restrictions (e.g., contamination beneath buildings or permanent structures); for all residential properties, and all nonresidential properties cleaned to the designated criteria, such notification would not be appropriate.

I am particularly interested in resolving any continuing confusion regarding remediation criteria for the Phase I remediation at the Maywood site. Properties to be addressed under Phase I include all residential vicinity properties, the unremediated portion of the Ballod property, three parks, the fire station, and the MISS waste pile. As you know, a removal action for the MISS waste pile is already underway, and DOE's current plans call for initiating removal actions at other Phase I properties in FY1996. Remediation criteria for Phase I limit the maximum residual concentration of radium-226 and thorium-232 to 5 pCi/g above background at all depths; excavated areas would be backfilled with clean soil, and all wastes exceeding this criterion would be shipped offsite for commercial disposal. It is my understanding that these criteria were agreed upon by all parties at the August 18, 1994, meeting; the only condition left open for further discussion was a potential constraint on the allowable thickness of residual contamination, and DOE submitted a proposal on this issue on October 21, 1994. Therefore, your recent correspondence came as a surprise.

I am sure that you share my interest in proceeding with the Phase I cleanup actions as soon as practicable. Ideally this effort would be completed with all parties in agreement on the issue of "how clean is clean". However, we are planning to implement these cleanups in any case, applying the cleanup criteria agreed to by DOE and EPA in March 1994. If you have any questions or suggestions for resolving this issue, please contact me at (615) 241-6344.

Sincerely,



John Michael Japp, Site Manager
Former Sites Restoration Division

cc: Angela Carpenter, USEPA Region II