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M-495

Formerly Utilized Sites Remedial Action Program (FUSRAP)

ADMINISTRATIVE RECORD

for Maywood, New Jersey



U.S. Department of Energy



132277

95-371

Department of Energy

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

July 17, 1995

Mr. Michael Messer
Saiber Schlesinger Satz & Goldstein
One Gateway Center
Newark, New Jersey 07102-5311

Dear Mr. Messer:

MAYWOOD SITE - RESPONSE TO QUESTIONS REGARDING FLINT INK

This is in response to your letter of June 8, 1995, in which you presented several concerns held by your client as he considers purchasing the above-referenced property. Allow me to address the concerns as you posed them.

The first concern was that your client not be held responsible by the Department of Energy (DOE) or its contractors for any environmental cleanup not necessitated by the actions of your client.

Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), DOE has the responsibility to provide a remedy for the Maywood Site that is protective of public safety and health pursuant to applicable guidelines. The effort falls under DOE's Formerly Utilized Sites Remedial Action Program (FUSRAP). The Flint Ink property is one of 24 commercial properties that will be addressed in the second phase of remedial action at the Maywood Site; Phase I addresses residential and municipal properties, beginning this fall, and is expected to take three to five years to complete, based on anticipated annual funding allotments from Congress.

When the time comes to address a remedy for the subject property, DOE will assume financial responsibility; owners of properties designated by FUSRAP are not responsible for any cleanup or restoration costs. However, should the owner of a designated property, residential or commercial, choose to pursue his own cleanup independent of the scope and schedule for DOE's remedial action under FUSRAP, that owner would be responsible for the remedial work and for the generation and disposal of any excavated material.

It is important to note that while Phase II work is anticipated to begin within three to five years, the order in which the commercial properties will be addressed for cleanup has not yet been determined. As with the Phase I work, Phase II remediation will be funded on an annual basis and will take several years to complete.

Another of your client's concerns was that the building be usable and that operations within could continue without disruption owing to DOE's cleanup activities at the property. I assume that by "usable" you are referring to the safety of the building from a radiological exposure standpoint.

Mr. Michael Messer

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DOE has monitored the building's interior to determine levels of radon and thoron gas, which are associated with the decay of the radiological materials in the underlying soil. Results of the sampling and monitoring efforts indicate that levels of these gases inside the building are virtually comparable to normal background levels for the area. From a radiological exposure standpoint, our data indicate that workers in the building, under typical working hours and conditions, would not be at a heightened risk.

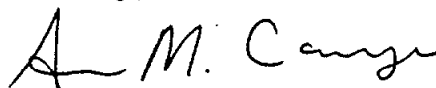
Whether or not operations will be in any way disrupted by DOE's cleanup efforts at the property is really not known at this point. As of today, there is not a Record of Decision on the exact approach to the remediation of the property. Based on our existing data, we don't expect that our work would disrupt operations at the property. However, there is a chance that the cleanup could affect operations if, for instance, the remedial action necessitated excavation of material from underneath the building.

Lastly, your client is concerned about whether the ground surrounding the building could be "encapsulated" such that it could be utilized for parking.

Just as with residential properties, DOE does not regulate the use of or improvements to a parcel of land not owned by the agency. We do recommend that no contaminated soil leave the property and that the owner notify DOE or our contractor, Bechtel National, Inc., before performing any excavations on the property. If an owner needs to perform such work in an area where contamination is suspected to exist, DOE can recommend basic, prudent work procedures and can provide a brief training session for workers regarding how to avoid the spread of contaminated soil. We can even provide technicians at no cost to perform radiological scans of dirt that is being excavated to determine if it might be contaminated. If your client's plans are to lay an asphalt pad with no excavation, there should not be a problem.

I hope this information is useful. If you have any questions or concerns, please do not hesitate to contact me at (615) 576-5724. Stuart Price, at the DOE information center in Maywood, can also assist you or put you contact with project personnel who can. His phone number at the center is (201) 843-7466.

Sincerely,



Susan M. Cange, Site Manager
Former Sites Restoration Division