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Formerly Utilized Sites Remedial  
Action Program (FUSRAP)

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**Maywood Chemical Company Superfund Site**

**ADMINISTRATIVE RECORD**

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**Document Number**

**MISS – 178**

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**US Army Corps  
of Engineers®**

STATE OF NEW JERSEY  
COUNTY OF BERGEN  
BOROUGH OF MAYWOOD  
August 28, 2002  
Commencing at 6:00 p.m.

ORIGINAL

IN RE: :  
PROPOSED REMEDIAL :  
ACTION PLAN : TRANSCRIPT  
U.S. ARMY CORPS OF : OF  
ENGINEERS : PROCEEDINGS  
NEW YORK DISTRICT :  
- - - - -

A P P E A R A N C E S:

- ALLEN ROOS - Project Manager
- COL. JOHN B. O'DOWD - District Engineer

A L S O P R E S E N T:

- ANGELA CARPENTER - EPA Remedial Project Manager
- DONNA GAFFIGAN - NJDEP Case Manager
- DAVID HAYES - U.S. Army Corps of Engineers
- ROBIN WANKUM - U.S. Army Corps of Engineers

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1 MR. ROOS: I appreciate everyone coming  
2 here tonight. We're here to discuss our proposed  
3 remedial action plan for Maywood, Formerly Utilized  
4 Site Remedial Action Program. Rather than throw out  
5 all the acronyms with FUSRAP and the like, we're  
6 going to go through a little brief presentation, a  
7 little site history, introduce some of the people we  
8 have here, and then we're going to begin our comment  
9 period. We have set up a sheet to try and establish  
10 some type of order, and I'll get into that a little  
11 bit more in the presentation. First off, I like to  
12 introduce Colonel John O'Dowd.

13 COLONEL O'DOWD: I'll just take a  
14 second, only a couple minutes. As the sign says, my  
15 name is John O'Dowd. I command the New York district  
16 of the Corps of Engineers. Our office is actually  
17 downtown in Manhattan.

18 I came out here tonight for a number of  
19 reasons. One, this is big program. The Corps has  
20 been here now for five years. I grew in Bergenfield,  
21 moved out into the Army about 28 years, bouncing out  
22 all around the world, but my family still lives here,  
23 so I understand what this particular site involves.  
24 I mean, the kind of neighborhoods that you see in  
25 Maywood are not that different from what I grew up in

1 Bergenfield. When I drive around here, I recognize  
2 it. So I wanted to come out tonight, meet some of the  
3 folks in the area and see what went on in the public  
4 meeting.

5 What we're doing here today is explain to you  
6 a little bit about what we've done up to this point,  
7 where we are in the process, what we're proposing to  
8 do, and then hear what you have to say because  
9 whether you believe it or not, that actually is part  
10 of our process, and sometimes we're asking questions  
11 that you may have felt you've been living here and  
12 you've seen different people coming and go. We have  
13 to do this, and so you may be answering some of the  
14 questions you already answered, and I beg your  
15 indulgence to go ahead and do that so that we can  
16 hear what you have to say, make a decision because  
17 ultimately what we'd like to do is continue on  
18 cleaning up the area. Between the Department of  
19 Energy and what we've done between 1997 and now,  
20 we've cleaned a good number of the residential  
21 properties. We'd like to get in here and clean the  
22 rest. It looks like we're being supported and the  
23 funding is going to be available to do the cleanup,  
24 which is good news. I mean, there's a lot of places  
25 where I have to go with sites that are contaminated

1 in different ways, maybe not to the level you had  
2 here, where we end up telling the people the funding  
3 is not there. In the case of Maywood, it looks like  
4 the commitment is there and the funding is going to  
5 be available. We're moving through the process and  
6 trying to get to the point where we can continue to  
7 clean these properties and hopefully walk away one  
8 day with the goal of saying this site is clean, go  
9 about what you do everyday.

10 Allen is going to walk through what's going  
11 on, and then we're anxious to hear what you have to  
12 say at the end. Thank you.

13 MR. ROOS: Thank you, sir. Basically,  
14 this is the agenda that I guess we were talking about  
15 and whether or not we need to take a 15-minute break,  
16 I'll let that be judged on how you all feel, but  
17 after explanation of what our proposed plan is, we  
18 will look to open up the public comment period just  
19 so that we can make sure that everyone has an  
20 opportunity to comment. We're asking you to try and  
21 limit yourself to about five minutes; that's not to  
22 say you won't be able to get to finish. What we will  
23 try to do is let everyone have an opportunity, then  
24 if you want to come back and have further comment,  
25 then please feel free to do so. I think with the

1 number of people that we do have present we should  
2 have plenty of opportunity to hear from everyone. So  
3 it is not our aim to pick a time and say we didn't  
4 get to you and we're done. We'll be here to listen  
5 to everybody's comments.

6 As I introduced myself earlier, I'm the  
7 project manager for the Corps of Engineers for this  
8 Maywood site. I'd also like to introduce, we have  
9 Angela Carpenter. She's regional project manager for  
10 EPA region 2, and Donna Gaffigan is the bureau case  
11 manager for the Department of Environmental  
12 Protection for New Jersey. So I think the three of  
13 us have been around. You have seen our faces. I  
14 know both of these ladies have a lot more time in  
15 than I do on this site.

16 Just as a little history, previous removal  
17 actions that have been completed or at least the  
18 action that memorandums the decision documents have  
19 been completed for first is the soil removal. I know  
20 that was a sore spot for everyone in the community,  
21 and when the Department of Energy was finally able to  
22 move that soil off the site, it was to everyone's  
23 great pleasure at that point.

24 Then they produced another removal action  
25 document that addressed 64 or 39 of the remaining 64

1 residential properties. These two were considered  
2 under the CERCLA national contingency plan  
3 regulations as nontime critical removal action. The  
4 Corps of Engineers actually put together a time  
5 critical removal action when we assisted the town,  
6 the Borough of Maywood, with the swale, which became  
7 apparent to have problems after Hurricane Floyd in  
8 September of 1999, and most recently we prepared and  
9 completed the action memorandum for work in support  
10 of the New Jersey Department of Transportation  
11 projects that were coming on down, and we felt that  
12 it was our responsibility for cleanup of this site to  
13 get out ahead, and we did it nontime critical removal  
14 action so that we can work in conjunction with and  
15 stay ahead of what DOT has proposed for the area  
16 since a lot of those projects are going to be  
17 impacting you and all of us in many ways in the near  
18 future.

19 The proposal for remedial action plan or  
20 proposed plan is what our agency has determined is  
21 our preferred alternative. This is what we would  
22 like to do to remediate this site. It entails  
23 looking at other alternatives, and then it provides  
24 the reasons for what the preferences are, and at this  
25 point in time we're here to solicit comments from the

1 public, whether they be verbal as tonight, you also  
2 can provide written comments to us. There are some  
3 forms on the table with some self-addressed envelopes  
4 so you can provide those comments to us as well.

5 Right now, the proposed plan addresses the  
6 remaining contamination under 24 commercial  
7 properties, which includes some of the contaminated  
8 buildings as well. Ground water at this point in  
9 time is in remedial investigation that we're in that  
10 same process to get to a feasibility study proposed  
11 plan to determine if and what is necessary as far as  
12 from a ground water component. In addition, some of  
13 those removal actions that I discussed earlier, we  
14 now will when we have a record decision with this  
15 proposed plan evaluate everything that's been  
16 performed there to make sure what has been done in  
17 the past is consistent with what we're saying in this  
18 record decision, and all those previous actions will  
19 be put together into either a no further action  
20 record decision or they could actually be included in  
21 the ground water record decision based upon  
22 completion of our evaluation of those previous  
23 actions.

24 This map is probably a little bit hard to see.  
25 It's hard to see for me. It's also in the handouts

1 that we have up here. It's basically outlining the  
2 24 commercial properties that are going to be  
3 addressed under this proposed plan, encompassing all  
4 three towns, Maywood, Rochelle Park, and Lodi,  
5 Rochelle Park to a lesser degree, actually the  
6 government-owned properties in Rochelle Park. To  
7 get to the proposed plan, as I was saying earlier, we  
8 were required to prepare a feasibility study. This  
9 looked at all the different alternatives that can be  
10 used to see if they meet all the requirements under  
11 the Superfund regulations to ensure that we are  
12 conducting a successful cleanup and making sure that  
13 we were taking into account public health and the  
14 environment.

15 The four options that were looked at is the no  
16 action, which is always involved in these documents  
17 because you're comparing to that no action, if we did  
18 nothing at all. We're doing comparative analysis to  
19 doing nothing, so no action is always required. We  
20 looked at monitoring and institutional controls,  
21 whereas we would leave all the contamination where it  
22 is currently and we would then monitor that  
23 situation, place institutional controls to make sure  
24 no one was digging into that contamination, and we  
25 would have to do five-year reviews ad infinitum, and

1 we would be out here many years to come ensuring that  
2 the contamination stayed exactly where it is.

3 Alternative number three is excavation and  
4 off-site disposal, which is pretty much consistent  
5 with the previous removal action that have been  
6 completed so far and are ongoing where we excavate  
7 the material from its present location, transport and  
8 dispose of that material to a regulated facility.

9 Alternative number four was where we would  
10 look at excavation treatment and off-site disposal.  
11 There is a statutory requirement by the CERCLA  
12 regulations that says you will evaluate treatment  
13 because we are looking for volume reduction. It is  
14 not a goal of CERCLA just to move material from one  
15 place and put it to another, but if there is some way  
16 you can reduce the contaminant load, that is what we  
17 are required to evaluate. As I said earlier, I  
18 guess if the alternative to no action does provide  
19 that base line for comparison, it would have  
20 five-year reviews. Monitoring institutional  
21 national controls further would just address any of  
22 the monitoring that we continue out there and then  
23 also for deed restrictions on properties to ensure  
24 that no one did any excavation in those contaminated  
25 areas.

1           Alternative three would address all accessible  
2 soils, things that are not located under permanent  
3 structures, such as Route 17, under an active rail  
4 line or under buildings that are currently occupied  
5 and used for business purposes at this time.

6           Then alternative four is the same as three,  
7 but as we had stated, it is involving treatment to  
8 reduce volume of contaminated material. We have  
9 performed a pilot study of a treatment option. It  
10 would be mechanical separation or physical separation  
11 of the contaminated portion from the soil. We are  
12 currently evaluating the results of that, and we will  
13 be preparing that report and providing it both to the  
14 EPA and DEP; that's why in this case it is an option  
15 within the alternative that's been chosen because we  
16 have not completed that evaluation. What we are  
17 saying here is that if there was treatment employed  
18 at this site, we would look to make sure that any of  
19 the contaminated material that would be above the 15  
20 picocuries per gram, which is the action level that  
21 is established for commercial properties, anything  
22 above that 15 picocuries per gram would have to be  
23 transported and disposed of off site. Materials that  
24 could be separated that would be below that 15  
25 picocuries per gram potentially could be used as

1 backfill only on the government-owned property. We  
2 were not intending to use it as backfill in other  
3 areas, and then that backfill material would be  
4 assured to have at least one foot of clean cover. In  
5 excavations as deep as seven to nine feet, I assure  
6 you it would be having more than one foot of clean  
7 cover.

8 Costs are always established for this.  
9 Alternative one, which was the no action plan, still  
10 has a cost associated with it of \$439,000.  
11 Alternative two, which was the monitoring and  
12 institutional controls, was the \$20,000,000 option.  
13 Alternative three, excavate, transport and dispose of  
14 the materials, is \$254,000,000, and if treatment were  
15 chosen and used and shown to be a viable option for  
16 this project, then that would cost \$244,000,000.

17 The preferred alternative or our proposed plan  
18 has been to choose alternative four because we have,  
19 in keeping treatment open as an option as a  
20 contingency, if treatment has shown to be effective  
21 and usable, and we will also solicit comments here  
22 tonight to determine what the community position is  
23 on that as well, based upon all that information in  
24 concert with discussions on EPA and DEP, we would  
25 then present that to you as to whether this was the

1 best thing to go forward with this site. Until that  
2 time, we are just going to be excavating,  
3 transporting, and disposing of that material.

4 The public involvement opportunity, now one  
5 thing I would like to address, the public comment  
6 period, actually an extension was requested of us,  
7 which we were happy to grant so everyone has an  
8 opportunity to continue to review this and be able to  
9 provide meaningful comment, a 30-day extension has  
10 been granted and is now running till October 12;  
11 that's one correction on that slide. I apologize.

12 We also have all these documents, the  
13 feasibility study, proposed plan, as well as  
14 administrative records and other information that's  
15 been compiled over the years for this site is  
16 available at three public libraries for all three  
17 towns, as well as the information center that's on  
18 West Pleasant Avenue here in town, and we will  
19 address all comments that we receive, whether they be  
20 verbal or written in response of this summary and  
21 that will be made available as well.

22 After we complete this process, we need to get  
23 to a record decision. We prepare the responsiveness  
24 summary, prepare a record decision that would be  
25 coordinated with both the DEP and EPA. EPA and the

1 Corps of Engineers would sign the record decision  
2 saying that this is our contract, this is how we say  
3 we are going to complete this action out here, and  
4 this is what binds us to making sure that we do it as  
5 such. Completion of that record decision gets us  
6 into a phase where we have to prepare remedial design  
7 plans, where we take all the information that we do  
8 know about the site, we prepare work plans, this is  
9 how we plan to excavate it, this is how we plan on  
10 dealing with ground water, this is how we plan on  
11 dealing with air monitoring, and all the different  
12 factions to assure that what we're doing we're doing  
13 in a safe manner, and at that point in time when we  
14 get approval of those work plans, we would go to  
15 remedial action, and that's where we're actually in  
16 the construction phase and remove all contamination  
17 that we have there in accordance with that record  
18 decision. We will also be continuing our monitoring  
19 program, and upon completion there will be  
20 continuation of monitoring activities to assure the  
21 effectiveness of the remedy.

22 As far as a point of contact, I've been  
23 designated as the person to receive all your  
24 comments, and I'll be happy to do such. This is my  
25 address here in the New York office, and as this

1 slide has been corrected to show that they should be  
2 postmarked by October 12. You do have forms on the  
3 side and self-addressed envelopes. Feel free to  
4 write them on the back of the envelope, if that's how  
5 you plan on doing it. We will address all comments  
6 and do welcome all comments.

7 That's it as far as my presentation is  
8 concerned, whether or not anyone wants to take a  
9 couple minutes or a break or you just want to  
10 continue, we can move into the area. We can have  
11 people come up. Please let us know who you are for  
12 the court reporter and then address the comment. We  
13 were going to try to sign in as far as comments.  
14 These are people who have signed up at this point in  
15 time. As far as questions, we'll be happy to try and  
16 address any question that you have.

17 MR. MOHR: Jeff Mohr, M-o-h-r, Maywood.  
18 Could you go into what the treatment entails, the  
19 mechanical treatment? I don't understand the  
20 process. What are the disadvantages of doing that,  
21 the down side?

22 MR. ROOS: Right now, as far as the  
23 treatment is concerned, what we evaluated with this  
24 pilot study was to see if it was feasible to remove  
25 the contaminated portion of the soil, since you're

1 going in with heavy construction equipment, digging  
2 down into a hole, you have captured this amount of  
3 soil. Some of that soil is contaminated, some of it  
4 is not. What we're proposing to do with this  
5 treatment, and we had to evaluate whether it will  
6 even work with the types of soils we have here,  
7 whether we have too much rock, too much sand, too  
8 much clay, the moisture content, you have to look at  
9 all these different factors to make sure that what  
10 you have is something that is conducive for use in  
11 the type of equipment.

12 The type of equipment that we chose to  
13 evaluate is called segmented gate. Segmented gate is  
14 just a soil separation process where there were three  
15 detectors each looking for uranium, thorium, and  
16 radium. Those are the three contaminants of concern  
17 that we have associated at this site. As the soil  
18 column went underneath these detectors, they were on  
19 a conveyor belt. If that detector showed that it was  
20 above the elevation or above the action level it was  
21 set for, then the gauge would engage and then take  
22 that soil and shift it to a pile and say that's  
23 contaminated soil. If as it's passing through those  
24 detectors and you're not registering anything that's  
25 above that action level, then it should be shifted

1 over to a clean pile. At that point then samples  
2 would go on for both of those to make sure that that  
3 was the case, and if it's chosen and that material is  
4 less than the action level, it could potentially be  
5 reused on governmental property, and that was the  
6 process that we evaluated.

7 MR. MOHR: Is this an outdoor process?

8 MR. ROOS: It is an outdoor process.

9 MR. MOHR: As a result of all the  
10 manipulation of soil, will it cause things to be  
11 potentially be blown into the air? Is that a  
12 concern?

13 MR. ROOS: Part of the evaluation is to  
14 ensure how much, at this current time, and as we've  
15 done in years past, and we'll continue to do is, we  
16 use dust suppression methods. You're going to use  
17 water actually that you spray down to keep the soil  
18 sufficiently wetted. Now, we don't want them so that  
19 they're soupy or muddy or clumping together. They  
20 have to be just wet enough so that they're not  
21 becoming airborne, and to ensure that process we have  
22 personal protective equipment on the operators so  
23 that they'll have respirators. They wear a little  
24 air pump here that actually draws in air through a  
25 cartridge, and with that it's the same thing as if

1 they were in the breathing zone. You have one line  
2 of defense in that fashion surrounding anywhere,  
3 whether it be during construction or during this type  
4 of activity.

5 We have a perimeter monitoring established  
6 within the work zone. Then you have something  
7 outside of the work zone, so what we're trying to do  
8 is ensure that we don't have that air emission during  
9 any activity on the site. Whether it be for  
10 treatment or handling any materials or excavation,  
11 the same things are employed. I wish I had a good  
12 picture of it, and I know that many of you have been  
13 around town. When we're out doing our excavation,  
14 our own operators don't need to wear any respiratory  
15 devices because we don't have any problems because of  
16 the measures that we take during our construction  
17 activities, and that's another reason why things take  
18 a little bit longer, because you have to work in a  
19 little bit different fashion than if you were just in  
20 a normal excavation.

21 So there are a number of different things put  
22 in place to ensure that we are not having that air  
23 emission that you're concerned about.

24 MR. MOHR: I'm wondering, if it's only  
25 about two and a half percent lower cost to use

1 alternative four and there's no study necessary, no  
2 additional process necessary to use alternative  
3 three, why not just go with three?

4 MR. ROOS: There is a statutory  
5 requirement within the national contingency plan,  
6 which is part of the CERCLA Superfund regulations,  
7 which their tendency, for lack of a better word, they  
8 are more inclined to go towards treatment as an  
9 option so that you're not just taking material from  
10 one place and moving it to another. If there's some  
11 way to reduce volume, treat it, whether it be  
12 mechanically or chemically, some way to bind the  
13 contamination so it's not able to be released, these  
14 are options that the national contingency plan  
15 prefers being utilized, and cost is not necessarily a  
16 driver toward that. They would prefer to see  
17 treatment being used so that you're not just moving  
18 soil around.

19 COLONEL O'DOWD: Trying to limit the  
20 amount of material ultimately exposed to the site.  
21 You have limited capacity to dispose of the site. So  
22 you're trying to separate it so that only the stuff  
23 that actually has to be disposed of is disposed of.  
24 In a sense, it's almost the same principle as  
25 recycling. You recycle things in part to get volume

1 reduction in garbage, so that your landfill capacity  
2 increases.

3 MR. ROOS: One of the things as well in  
4 this situation, though, is by excavating it here and  
5 bringing it back and putting it through a treatment  
6 program at the site and then doing that separation is  
7 the same thing that we could actually lengthen our  
8 process in the field so that I could have radiation  
9 officers inside the excavation and we could be  
10 looking, scanning that material and say, okay, get  
11 that little bit, no, leave that little bit there,  
12 let's leave that there, and then lengthen that whole  
13 process of excavation as opposed to, I can dig this  
14 up, bring it somewhere, separate it out, speed up the  
15 process, get people back into using their property  
16 and having us out of town quicker. Those are some of  
17 the reasons behind wanting to look and evaluate this,  
18 how could we work with the 24 commercial property  
19 owners. These are people actually running  
20 businesses. If I could get on this property, get the  
21 material off, backfill it and be out of there in a  
22 quicker process, and if this is another way to get me  
23 there because I'm mechanically separating in a field  
24 with a three yard bucket and handheld devices as  
25 well, so I'm going to be doing it there slow and

1 tedious or I'm going to be able to do it more  
2 efficiently through another process.

3 MR. MOHR: What's the dispersion of  
4 this stuff? Is it spread out throughout an entire  
5 site or just in veins or local areas?

6 MR. ROOS: A lot of places you'll see  
7 lenses or veins. Some of those lenses and veins  
8 could be a couple feet thick, and depending on where  
9 you're talking about, when we get further from the  
10 site, when the transport mechanism was at the brooks  
11 and everything was brought down through any storm  
12 water runoff, then you're talking about having more  
13 of those veins that are smaller or finger-type  
14 situations. When you're talking about where it was  
15 actively being processed, part of that process, which  
16 was standard industry practice at the time, here I  
17 have my lagoons for my waste material as I'm  
18 extracting the thorium from its raw state. It's not  
19 a very efficient process. So what's going out with  
20 all the other waste are also sitting out in lagoons  
21 and ponds that were out over on the Maywood site, and  
22 so when you're talking about in there, we're talking  
23 about a few feet of material.

24 MR. MOHR: How does the detection  
25 process work as the soil passes under?

1 MR. ROOS: There are three detectors  
2 that have a certain crystal that is calibrated to  
3 look for a certain energy source. So if you're  
4 talking about looking for uranium, it's going to be  
5 calibrated to look for the energy that uranium is  
6 going to give off, uranium or thorium. We have three  
7 separate detectors. There's a conveyor belt that's  
8 underneath them. Material gets put into a hopper so  
9 that it could easily be put out. It goes underneath,  
10 for lack of better word, a big rolling pin so that  
11 it's uniform in thickness. It goes through those  
12 detectors. At a certain point, if that detector is  
13 registering that there's a problem, it says, okay,  
14 that needs to be diverted to the contaminated pile.  
15 If there's no problem with that soil, then it should  
16 go over to the uncontaminated pile.

17 MR. MOHR: Does it look for spikes?  
18 For instance, if there's just a chunk of radioactive  
19 stuff that went by really fast, a big spike and then  
20 nothing again?

21 MR. ROOS: That material would go off.  
22 I mean, if the machine is calibrated throughout the  
23 process, it can also run tests where they take a  
24 known sample that's only the size of a small rock and  
25 they actually drop that in, and that orange-painted

1 rock better go in the right pile.

2 MR. MOHR: It's not looking for  
3 averages; it's looking for unique, distinct,  
4 discrete?

5 MR. ROOS: It's seeing action levels  
6 and saying that's above the action level and it's  
7 deciding it should go over here.

8 MR. MOHR: Okay.

9 MR. KAMINSKI: Ed Kaminski,  
10 K-a-m-i-n-s-k-i, 108 Stelling Ave. On this machine,  
11 how many times has it been used, and what's the  
12 success ratio?

13 MR. HAYES: We had experience with it  
14 at at least three other locations.

15 MR. KAMINSKI: So this is a guinea pig?

16 MR. HAYES: No. The company that runs  
17 this particular machine that we tested has used it at  
18 many sites.

19 MR. KAMINSKI: Is there any test rates  
20 that you have?

21 MR. HAYES: It's worked on some sites,  
22 and other sites based on the soil characteristics, as  
23 Allen mentioned, moisture content, percent clays, and  
24 contaminants itself, impacts how well it works, and  
25 that's the reason for the pilot study and going

1 through the evaluation to see does it work at  
2 Maywood. It might work somewhere else, but does it  
3 work at Maywood.

4 MR. KAMINSKI: This town has had this  
5 for 20 years. I don't think it wants to go through a  
6 test phase. It just wants it out, and for a 10  
7 million dollar difference on the estimate, we want it  
8 out. Take it out by rail. Take it out. Truck it.  
9 That's it.

10 MR. ROOS: We appreciate your comment.

11 MR. KAMINSKI: One of the key concerns  
12 of many citizens in this town is the manner in which  
13 contaminated soil is removed from the town. While  
14 alternative three of the proposed plan indicates that  
15 the contaminated soil will be transported to disposal  
16 sites in either Colorado or Utah by rail, the plan  
17 also states the details of the off-site disposal will  
18 be evaluated and finalized during the implementation  
19 process of the other alternative. The summary of  
20 alternative four simply states the contaminated soils  
21 will be shipped from the MISS to the disposal  
22 facility. Both of these statements were rather  
23 vague, the details of the transportation proposal of  
24 the contractor. We'd like it made clear in the  
25 wording of any final plan adopted by the Corps that

1 this material must be shipped by rail simply and  
2 safely directly from MISS. Most people don't even  
3 know it's going by rail. They don't even see it. We  
4 don't want trucks. We do not want the selection of  
5 transportation shipping methods as part of the plan  
6 left up to the contractor. We need to see specific  
7 instructions regarding the direct movement of  
8 contaminated soil by rail from MISS incorporated into  
9 the record of the decision. With rail tracks  
10 located directly adjacent to MISS, it simply makes no  
11 sense to complicate the process by loading  
12 contaminated soil into trucks, dragging it through  
13 the streets of Maywood, Rochelle Park, Saddle Brook,  
14 Elmwood Park or any of our neighboring towns. Along  
15 with being grossly inefficient, that option would be  
16 grossly inconvenient and dangerous for the people of  
17 Maywood.

18 Frankly, we suffered enough over the past two  
19 decades, as we waited and waited to see this site  
20 cleaned up. The last thing we need is 80 to 100  
21 trucks loaded with thorium-contaminated soil rambling  
22 down the streets each month.

23 I'd also like to note that in terms of the  
24 transportation of any type of contaminated or  
25 hazardous material direct rail has been proven to be

1 much safer than trucking. In many cases removal by  
2 rail is the only mode used since the addition of  
3 significant number of truck movements into the  
4 equation increases the possibility of a spill,  
5 release or an accident. We know there are  
6 uncertainties about the various disposal sites in  
7 Colorado and Utah and the contractor needs some  
8 flexibility in creating a disposal plan, but none of  
9 those uncertainties have anything to do with the  
10 manner in which the material moves out of Maywood on  
11 the first leg of the journey. We ask the final  
12 record of decision specifically state that material  
13 must be depart from MISS by rail. We think the  
14 people of Maywood want, need and deserve that  
15 reassurance.

16 I'd also like to state my preference for  
17 alternative three which calls for transportation of  
18 all contaminated material at federally approved  
19 disposal sites. We want to see a permanent cleanup  
20 of these properties. We don't want Maywood to become  
21 a disposal site or the Corps' experiment in treating  
22 and testing. Maywood needs new industry and  
23 commercial establishments. Once the contaminated  
24 soil is completely removed, the site will offer a  
25 golden opportunity for this town to attract new

1 business which would help reduce the already high  
2 burden of tax rates impacting the taxpayers.

3 We do not want the site used in any manner for  
4 a segmented gate system, separating the contaminated  
5 soil as well as the possibility of bringing in more  
6 contaminated soil from other outside locations. The  
7 proposal of the alternative of treating the soil and  
8 backfilling at the site using today's technology is  
9 unacceptable because it will be more cost-effective  
10 than excavating and disposal and can save 10 million  
11 dollars out of the \$254,000,000 plan as proposed.  
12 Who's to say that current environmental regulations  
13 won't change over time and new standards put into  
14 effect and we'll be back to square one with another  
15 contaminated soil situation? The associated cost  
16 will skyrocket, not too mention any potential health  
17 claims that might arise.

18 Simply put, contaminated soil needs to be  
19 fully removed, certified that it's safe to inhabit  
20 and redevelopment of the site initiated. Thank you.

21 MR. ROOS: Mr. Nolan was next on the  
22 floor.

23 MR. NOLAN: My name is Michael J.  
24 Nolan, N-o-l-a-n. I live at 69 Lennox Avenue,  
25 Maywood. The article in The Record today, soil

1 cleanup land states, quoting Mr. Roos, "This is what  
2 people have been waiting for for a number of years.  
3 This is it." No, no, no. This is what we feared was  
4 going to happen for all these years, and we tried all  
5 efforts that we could muster to get this done long  
6 ago because Mr. Roos also says that the public's  
7 input will affect what direction the Corps takes. We  
8 can't believe that. We can't believe that. They  
9 have known the people's wishes since way back when.  
10 In fact, in 1993, not only that, but they put out a  
11 proposed plan and feasibility study, and when I asked  
12 for a copy of the proposed plan, they couldn't find  
13 it, but I had a copy of the brochure they put out and  
14 it said in there, under community acceptance, this  
15 criteria is not evaluated formally until comments on  
16 the feasibility study and proposed plan are received;  
17 however, they established and maintained the  
18 community relations program for the Maywood site and  
19 has received extensive comments from the local  
20 community. The community has expressed a preference  
21 for removal of all contaminated materials,  
22 particularly of the storage pile and for the  
23 out-of-state disposal of the contaminated materials.  
24 Now, can we all go home? Do they know now what they  
25 knew in 1993? We should be able to, but here we are

1 back saying that based on what you say now, this  
2 could affect what the Corps says. Well, if you look  
3 at the other page of this, and I won't go through it,  
4 it shows you the proposed plan as of 1993, and maybe  
5 they ought to put out a flier and show us the  
6 difference between 1993 and 2002.

7 Now, we have been crying up and out. We put  
8 out brochures, fliers, what have you, and in 1993,  
9 the Department of Energy was fully aware of Maywood's  
10 concerns, including a 1991 referendum vote of 2,447  
11 to 231 for cleanup and removal of all contaminated  
12 waste, excavating up and out. Maywood spoke for  
13 itself. Other than that, there have been other  
14 petitions and comments. I have a box there with a  
15 pile of documents. They've been totally ignored  
16 going back right to the beginning. So this is what  
17 has been our position all these years, and I don't  
18 think they're going to change on it. So I do hope  
19 that they are going to change on it.

20 Maywood deserves the same cleanup as Lodi, up  
21 and out to five pCi/g level for unrestrictive  
22 residential use. No treatment. We have been getting  
23 mistreatment, but we should all be treated the same  
24 as Rochelle Park's property, commercial property,  
25 cleaned up to five pCi/g. We should insist on our

1 commercial properties, but in addition to that, you  
2 have Lodi, Rochelle Park, Montclair cleaned up to  
3 five pCi/g. I don't know why we should be treated  
4 differently.

5 So since 1993, because of the ongoing Maywood  
6 concerns about soil testing and cleanup standards,  
7 they have refused to release the proposed plan to the  
8 public for cleaning up the Maywood sites. This is  
9 not a cleanup. This is not a final cleanup. You see  
10 the word "operable unit"? Operable unit means part  
11 of the cleanup because ground water is not included  
12 in this project. Chemicals are not in this project.  
13 The hundreds of drums under Sears are not in this  
14 project. I think I will leave some of this kind of  
15 stuff. We're going to have a disposal site under any  
16 circumstances with what they leave behind. That was  
17 established up in Wayne, and they said what happens  
18 when you have residual waste? Well, then you have a  
19 disposal site, but they haven't touched the chemicals  
20 and not touching the drums, which I understand could  
21 be a big project. I haven't seen any cost estimate  
22 of the treatment in the book that they put out.  
23 Perhaps they should want to do that.

24 I can go on now, but the fact is, they know  
25 the position of the people of Maywood, and it's time

1 the people of Maywood started putting up the  
2 barricades and not let them come in here if they're  
3 not going to clean up the place like they're supposed  
4 to and like they cleaned up other places, and this  
5 treatment business, they're probably going to put out  
6 for the kids treatment cookies. 450,000 tons is the  
7 contract for the Cotter Company. How many tons do  
8 we have here? How many?

9 MR. ROOS: You have approximately 300  
10 some-odd thousand.

11 MR. NOLAN: Where's the rest coming  
12 from?

13 MR. ROOS: That is a not to exceed  
14 contract amount. A number was chosen so it would be  
15 high enough to encompass any materials that were  
16 coming from this site. It's only for materials  
17 generated from this site.

18 MR. NOLAN: They're talking about 10  
19 million dollars. I don't know whether you're aware  
20 of it or not, but the congressional record from 1983  
21 shows that this is supposed to be a combined cleanup  
22 site, in other words, Stepan Company along with the  
23 federal government. I'll just read you a couple  
24 sentences here. It says, as a result of an  
25 agreement, as a result of the agreement that was

1 negotiated by Congressman Torricelli which will clean  
2 up the site with federal and private funds, the  
3 chemical company that now occupies the plant has  
4 agreed to donate land up to three million dollars.  
5 That later was established by the DOE. It was not  
6 meant to all be in cash, but, however, the fact is,  
7 and it's in the congressional record that the Stepan  
8 Chemical Company have agreed to share the cost of the  
9 cleanup. Now, they didn't say to contribute to the  
10 cleanup. They said to share the cost, and I think  
11 that perhaps that's something that you might want to  
12 look into.

13 Now, just to show you how we're ignored, that  
14 big chart I have up there, UAO, we gave a letter to  
15 the Corps April 20, 2000. That's only part of the  
16 list. I gave a page to my new found friend here, the  
17 colonel, with the rest of the list, but I gave that  
18 to them. I gave it to the town. They all have it.  
19 There's nothing in there that indicates that anybody  
20 wants treatment or five to fifteen pCi/g. So I think  
21 that we should get a hind up. Thank you.

22 MR. ROOS: Thank you, sir.

23 MS. STUBBS: My name is Stacy Stubbs.

24 I live about a half a mile from the site with my  
25 family. My credentials, my background, my

1 professional background is that I have two  
2 engineering degrees, my first from Stevens Institute  
3 of Technology and second from the University of  
4 California at Berkeley. My specialty at Berkeley was  
5 environmental engineering with an emphasis on waste  
6 management. Actually, I went to school on a DOE  
7 scholarship emphasizing environmental restoration and  
8 waste management. So it's rather ironic that I'm  
9 dealing with this site so close to home, but my  
10 personal credentials, I believe, are much stronger.  
11 I'm a mother. These are my two stepchildren and my  
12 baby, Rebecca, who is 15 months who some of you have  
13 been meeting throughout the night, and Rebecca lives  
14 at our house since she came home from the hospital.  
15 She learned to crawl on the floors which may have  
16 been contaminated with radioactive soil from the air,  
17 from the dust.

18 I am extremely concerned because of the dust  
19 control measures at the site. I've seen some lax  
20 measures throughout the time that I lived here.  
21 There have been problems with the tarps back before  
22 they had the white building that's now contained in  
23 the soil. There were many times that I would drive  
24 past the pile and the tarps would be down. I would  
25 see dust blowing off. There was a time in February

1 where so much of the pile was uncovered that I grew  
2 alarmed, and I finally called Mr. Roos, finally able  
3 to reach him, and turned out that they were also  
4 aware, but if you look at the site monitoring data  
5 from that time in February, you will see a distinct  
6 rise in the soil coming off that site, a distinct  
7 rise in the thorium that was detected, and that's  
8 public information. I got it out of their reports.  
9 I'm concerned, I'm just a citizen, I would have to  
10 call and complain about dust suppression measures. I  
11 mean, what kind of monitoring are they doing at that  
12 site?

13 I've expressed concern in a letter to Mr. Roos  
14 May 13 of this year, which I haven't the return  
15 receipt that it was received; however, I never got  
16 any response, but there are some real problems with  
17 dust suppression measures. If you look in the  
18 report, if you look in the proposed actions, the  
19 repel monitoring is a good example. I've asked for  
20 some records to see what sort of actual measurements  
21 are coming from those repel monitors, with names  
22 rescinded, of course. I'm not interested in  
23 violating anyone's privacy. I never received those.  
24 I'm not even sure they're being warned.

25 You spoke earlier. You said it wasn't

1 necessary to wear them any longer because of your  
2 good dust control measures?

3 MR. ROOS: I didn't say that.

4 MS. STUBBS: I wasn't clear about what  
5 you said earlier.

6 MR. ROOS: I said we did not have to  
7 wear respiratory --

8 MS. STUBBS: Gear?

9 MR. ROOS: That's correct.

10 MS. STUBBS: I'm concerned about that.  
11 It says in one of the site management plans that if  
12 dust is detected, they should shut the site down;  
13 however, there is a provision in there that if dust  
14 is detected, first they have to see if it's coming  
15 from any off-site sources. During the time they're  
16 investigating whether it's coming from off-site  
17 sources, people like us are getting dust blown off of  
18 the site into our homes.

19 Can you imagine what it's like to have small  
20 children and have to leave the doors and windows  
21 closed on a summer day? We don't have air  
22 conditioning. The first year of her life we didn't  
23 know about the site. We actually had fans blowing  
24 right into her room blowing over her as she slept.  
25 As a mother, this causes me enormous concern. I know

1 what the radiological and chemical profile of thorium  
2 looks like. Even if a few particles were inhaled  
3 deep into the lungs where they won't be exhaled, it  
4 is a very high probability that that person will  
5 develop cancer as a result during some part of their  
6 life. As a mother, it horrifies me to think this  
7 baby may have been exposed to that thorium, that she  
8 may have a time bomb ticking in her body.

9 As an engineer, all I can say is that I want  
10 to express my concerns. I would like to see better  
11 dust control measures taken at the site, and I  
12 clearly oppose this new alternative. If there's any  
13 problem with the dust suppression measures, the more  
14 processing you do, the more dust is created, the more  
15 exposure there is to the residents. It seems like a  
16 no-brainer. A very small amount of 10 million  
17 dollars in a 240 or 50 million dollar project  
18 shouldn't make any difference when you're talking  
19 about the health of the residents. I'm not only  
20 thinking about my own kids here. I'm also thinking  
21 about the future residents of Maywood. There are  
22 kids being born right now that are facing the same  
23 risks. It seems to me that it's clear that we should  
24 not investigate this new proposed measure any further  
25 and that we should take greater care with managing

1 the site, and I appreciate your time in listening.  
2 Thank you.

3 MR. LU: My name is K.M. Lu. I've been  
4 a resident of Maywood 20 years. I'm a retired  
5 person. I received my MBA degree from the Walton  
6 School, University of Pennsylvania, 54 years ago. In  
7 the early '90s, I was on Mayor John Stewart's foreign  
8 advisory committee, and I've been fighting for total  
9 removal for about 15 years. Just a few years ago, we  
10 see the thorium site away, the thorium there totally  
11 removed to a remote place. If the treatment plan is  
12 so effective and reliable, why would we use such a  
13 plan? So I doubt very much the effectiveness and  
14 reliability of the treatment plan, and I just give  
15 two examples. I think thorium is definitely harmful  
16 to human health. A couple of years ago, by evidence  
17 of the settlement lawsuit, the settlement between  
18 Stepan Company and the victims, as a result of that  
19 suit, Stepan Company indemnified the victims of  
20 cancer occurrence and for cancer death. There's no  
21 argument about it.

22 Secondly, it has an adverse effect on home  
23 prices in Maywood. Before retirement, I was a  
24 realtor at a realty agency in Maywood, and just in  
25 the past two or three years, I think they are bias on

1 Maywood houses, sue the agency, remove this closing,  
2 Maywood has a thorium site, and eventually the agency  
3 lost the case, and the plaintiff, the buyer, got  
4 payment for damages.

5 So the thorium in Maywood definitely has two  
6 adverse effects, firstly on human health and secondly  
7 on home prices. So I'm now age 80. I'm will not  
8 live to the day when I see thorium will be totally  
9 removed from the town of Maywood, but I hope to see  
10 that Maywood will rid itself of this curse. I  
11 believe that would be to the benefit of the residents  
12 of Maywood as a whole from the time being and also  
13 for the good of future generations living in Maywood.  
14 Thank you.

15 MR. ROOS: Thank you, sir.

16 MR. GAFFNEY: Tom Gaffney,  
17 G-a-f-f-n-e-y. I hope he is here to see it gone.  
18 May 4 in the booklet that you had sent me is in  
19 reference to seven of 24 properties are currently  
20 being remediated by the removal action in support of  
21 New Jersey Department of Transportation listed in  
22 there. My question to you is, does Maywood take a  
23 back seat while we're waiting for the Department of  
24 Transportation to put all their bad dirt in the  
25 gondolas to ship them out? Do we take a back seat

1 and wait until that's all finished and then work on  
2 some of the properties that are in Maywood to get  
3 that stuff out of here? Is that what's going on?

4 MR. ROOS: No, sir. We are currently  
5 negotiating for access with a number of the  
6 properties that are located in Maywood while we're  
7 continuing to do some of the work in Lodi, and when  
8 the record decision is in place, so we will be able  
9 to work on the other properties. We were proposing,  
10 and depending on how the funding goes, having  
11 multiple teams and multiple excavations so we will be  
12 able to work on Maywood properties at the same time.

13 MR. GAFFNEY: What are we doing now?  
14 Please don't tell me what's down the road. Are we  
15 getting Maywood dirt out of here now?

16 MR. ROOS: I would say for privacy  
17 issues, I will not discuss but --

18 MR. GAFFNEY: You don't want to tell  
19 me? That's fine.

20 MR. ROOS: I have not been given access  
21 to a Maywood property, sir.

22 MR. GAFFNEY: The dirt that's on the  
23 MISS site, maybe I'm calling it wrong, the dirt  
24 that's on the MISS site that's contaminated, is that  
25 being sent out?

1 MR. ROOS: Yes, it is.

2 MR. GAFFNEY: Quantity? 10 gallons a  
3 day, a week, a month?

4 MR. ROOS: We're not even generating  
5 enough material right now. Those types of volumes  
6 have not been generated. So we would say  
7 approximating 30 gondolas maybe a month.

8 MR. GAFFNEY: Who asked for the  
9 extension to October 12 for this? You say somebody  
10 did. What's wrong with the date we had set, and  
11 let's get it going and let's start it moving? Why do  
12 we now extend that date to October 12?

13 MR. ROOS: There is a requirement  
14 within CERCLA that we would have to at least look at  
15 or honor a request if it's received in a timely  
16 manner.

17 MR. GAFFNEY: My question is, who asked  
18 for the extension? Is that a private issue that  
19 can't be disclosed?

20 MR. ROOS: I do not know the answer to  
21 that.

22 MR. GAFFNEY: Can you find out for us?

23 MR. ROOS: I will find out for you.

24 MR. GAFFNEY: Page seven, and the  
25 gentleman was right, 10 million dollars, nickels and

1 dimes to you guys, throwing stuff around like that.  
2 For 10 million dollars, it's got to go. It comes in.  
3 It's got to go. I've been on the council for nine  
4 years. Tom Richards has been on longer. From day  
5 one, it was always let's get it out of town. We  
6 don't want it here. I don't know why we need  
7 alternative one, alternative two, alternative three,  
8 alternative four, when you know the answer and your  
9 predecessor knows the answer that we want the stuff  
10 out of town. I don't what know what else can be  
11 said.

12 What's the average pickup for when it's  
13 disposed of to get it out of town? We the council  
14 requested within 48 hours, whatever dirt shows up on  
15 the property, that the gondolas would be in place and  
16 the dirt would be moved out. Is that being processed  
17 now?

18 MR. ROOS: We could not turn around in  
19 48 hours. It's not an effective way to manage the  
20 material. What we've been agreeing with and trying  
21 to stay within those agreements with the borough is  
22 not to have more than 1500 cubic yards of material to  
23 be generated before transportation effort is in  
24 place.

25 MR. GAFFNEY: Now, there was a letter

1 sent from your department to the town council to that  
2 effect.

3 MR. ROOS: Yes, sir.

4 MR. GAFFNEY: Could you get me a copy?  
5 I've never seen that. The only letters I've seen was  
6 the other way where we asked for it to be moved out  
7 of town within a specific amount of time, and nobody  
8 said nothing any different to me.

9 MR. ROOS: Just as a matter of record,  
10 I am not aware of the township requesting me to do  
11 anything in 48 hours until we had our last council  
12 meeting where you had actually brought it up.

13 MR. GAFFNEY: Your predecessor, which I  
14 thought would just continue on. Knowing it went to  
15 the Corps of Engineers, I guess we should have sent  
16 out another letter saying we wanted the stuff  
17 removed, but we didn't. We just figured that you'd  
18 pick up where your predecessor left and you'd pick up  
19 from there, but that's a mistake probably on our  
20 part.

21 MR. ROOS: I don't agree that that's a  
22 mistake on your part. I would say that it would be  
23 very difficult to say you're going to agree to a  
24 48-hour turnaround in the way that this material is  
25 excavated and brought back, if you want it done in a

1 manner that's safely handled and managed on site, so  
2 this way we're not saying a 250 million dollar  
3 cleanup becomes a 300 million dollar cleanup because  
4 we want to move every grain off site as soon as it  
5 hits the site is not a way --

6 MR. GAFFNEY: We also spoke about five  
7 picocuries. Now, on that type of property, you could  
8 put a home, you could put a playground.

9 MR. ROOS: That is correct.

10 MR. GAFFNEY: On a 15 picocuries, we  
11 can't put a playground up for kids. We can't put a  
12 home on a property.

13 MR. ROOS: That is correct.

14 MR. GAFFNEY: We have to put buildings,  
15 hotels, motels, whatever it is, warehouses and  
16 whatnot to get them out of here, but why do we go  
17 from five back to fifteen when everybody seemed to be  
18 happy with five? If we could put a playground in  
19 that area for the kids in town, and I know when you  
20 scoop it up, you'll get 14 or 12 because you'll never  
21 get exactly 15, and I know if you scoop to five,  
22 you'll get four or three. It's lower than what the  
23 number is that we're asking for, but that's another  
24 thing we ask for. Now, this 15 picocuries goes back  
25 up into to play. I don't know if you're listening to

1 us, I really don't.

2 MR. ROOS: To address the five,  
3 fifteen, that came actually out of a formal dispute  
4 resolution, that those numbers were modeled, and it  
5 was determined based on the residential character of  
6 the zoning of that property where the five was  
7 established and where the fifteen was established for  
8 the commercial or light industrial use properties.  
9 So to be consistent with what the current zoning and  
10 future land use scenarios are for that property,  
11 that's where the five or fifteen would then be  
12 applied.

13 MR. GAFFNEY: That's up to our latest  
14 master plan that we set up that you have seen?  
15 Because I'm under the impression it's five and that  
16 we could put a playground down there, but after  
17 reading the material and finding out you couldn't put  
18 a playground nor a home on the site, I was under the  
19 impression, there again probably listening to the  
20 wrong people, that we could do it. Now, you're  
21 saying at fifteen we just can't do that, but we can't  
22 lower it to five. I know they can. I honest and  
23 truthfully know what they can do if they wanted to do  
24 it, but it's just not going to happen.

25 Would you put your grand kids on that site to

1 play at 15? Let me answer for you. I wouldn't put  
2 my grand kids there. Okay.

3 MR. ROOS: The 15 is established for a  
4 commercial use. A commercial use is not a  
5 playground.

6 MR. GAFFNEY: I understand what you're  
7 saying. You're not listening. I'm talking about a  
8 playground. I'm talking about kids. This is what we  
9 want you to bring back for this ROD. We don't want  
10 you to bring back 15 because it's for industrial.  
11 That's that repetition.

12 MR. ROOS: That is also the requirement  
13 as per the CERCLA legislation.

14 MR. GAFFNEY: You can bring it back to  
15 them and say the townspeople are looking for five,  
16 let's help them out.

17 MR. ROOS: And we are here now  
18 listening to that, and please provide that comment,  
19 and then we can move on from there, and Mr. Nolan  
20 correctly pointed out, we're asking for your comment  
21 on the feasibility study and proposed plan so that we  
22 can take that in. We do not take the community  
23 thought process and we can't prejudice any decisions  
24 until everyone has an opportunity to read the  
25 proposed plan.

1 MR. GAFFNEY: I want you to take it  
2 back to whoever the powers that be and emphasize our  
3 side of the story unless you want us to talk to the  
4 powers that be. If it's the colonel, the colonel  
5 hears me. Maybe you and him can sit down later and  
6 discuss it. This is what we want. Come on. Up and  
7 out. There's times I don't go with Mr. Nolan, but I  
8 have from the beginning. It's in the bucket and out  
9 of town. That's the bottom line. That's what we  
10 always asked for, and now we're going to go through  
11 this cleaning stage, which I was down there, and it  
12 swings back and forth. It's a beautiful thing. It  
13 really is nice to watch the thing go like that and  
14 the dirt falls here and dirt falls here, and I didn't  
15 know the lady had the problem with that air. I was  
16 never told or alerted from the site that it's  
17 airborne, it's flowing in the air, it's going on  
18 properties.

19 MR. ROOS: We use all the requirements  
20 that the Corps imposes on itself as well as national  
21 emissions requirements.

22 MR. GAFFNEY: You're telling me that  
23 that doesn't happen?

24 MR. ROOS: We have not had a problem,  
25 an emission problem from our site, that is correct.

1 MR. GAFFNEY: Yet the meters say  
2 something different during that time period when it  
3 happened.

4 MR. ROOS: It was well within  
5 acceptable level as established.

6 MR. GAFFNEY: Well, if I had a  
7 grandchild, I wouldn't want that to be the level and  
8 wait for years to happen. Thank you very much.

9 MR. ROOS: Thank you, sir. Mike Sorce?

10 MR. SORCE: I'm 11 years old, and Stacy  
11 Stubbs is my stepmom. We live about a half a mile  
12 away. My mom had cancer, and she died from it, and  
13 I don't want anybody else to have to go through that  
14 because it's really a horrible thing. So that's why  
15 we want this dust to just leave. If the project  
16 keeps going and remove it, then it won't harm as many  
17 people as it will right here in this town.

18 MR. ROOS: Thank you. Ms. Bell?

19 MS. BELL: Martha Bell, M-a-r-t-h-a  
20 B-e-l-l. I have a vested interest in this project,  
21 and, in fact, in the valley, like in Hackensack off  
22 of Central Avenue, we get dust on top of dust. We  
23 have water problems down there, combination sewer  
24 systems, some no sewers, and I've always felt there  
25 is a possibility of whatever is up in that area is

1 blowing down on us, too. There is no guaranty  
2 whatsoever of the shift of the earth or dirt. We  
3 don't know which way it's going to be shift, the air  
4 either, and the lady is right, it is airborne. I  
5 have three friends that worked in the neighborhood  
6 site up there on West Hunter Avenue and my husband  
7 all died of cancer, lung cancer. I'm afraid too  
8 because I was up there every day with my children,  
9 and I want to say to Maywood don't take no  
10 alternatives whatsoever. Have them get that stuff  
11 out of here because it's affected everybody, not only  
12 Maywood. It's airborne, like that lady said, believe  
13 it. Nobody knows where it goes. The World Trade  
14 Center came down. Did we get some of that dust? Did  
15 we? We sure did. You can smell it. Same thing  
16 happening over there, but we're not cognizant of the  
17 fact that it's happened, and I beg you, for the sake  
18 of all of the surrounding towns, and especially  
19 Maywood, to have them remove it, and I thank you.

20 MR. ROOS: Thank you, Ms. Bell. Bob  
21 Bressan?

22 MR. BRESSAN: Bob Bressan,  
23 B-r-e-s-s-a-n. I live in Maywood. I retired in  
24 1997, and as a going-away present from my job, I was  
25 diagnosed with cancer in my gut. I had an operation

1 in 1998, and I'm standing here today, but I'd like to  
2 know, this soil separation, is this going to require  
3 a building? Is this a portable unit? What is it?

4 MR. ROOS: It is something that is  
5 brought in. It is truck mounted. It is brought to  
6 the site. It's not done inside of a building. It is  
7 done, just as our pilot study, it's carried on  
8 outside.

9 MR. BRESSAN: Well, I would suggest  
10 that this unit, I don't see how it can be trucked in.  
11 I think it should be trucked to every site where  
12 you're removing soil, have the soil separation done  
13 at that site, and any soil that is deemed safe put  
14 right back into the site after you excavated the  
15 complete site, because I live on Central Avenue about  
16 a quarter mile from Stepan, and I sit outside  
17 sometimes, and I remember when the trucks used to be  
18 coming through, just as Mr. Kaminski noted. The way  
19 the soil comes into town, they come in on Central  
20 Avenue, Rochelle Park, all the way up Central Avenue,  
21 make a right on Maywood, make a right on West Hunter,  
22 and goes into the Stepan site. I watched trucks go  
23 by. I watched trucks that were partially covered on  
24 top, but I could see what was inside of it, and I  
25 knew what they were. They were the trucks that were

1 going to dump the contaminated soil onto the Stepan  
2 property. These trucks are not covered completely.  
3 If I can see something inside of it, it's not  
4 covered, and if it's not covered, it can leak out. I  
5 saw a few times where things actually bounced out of  
6 a truck and landed in the roadway. Now, by the time  
7 somebody was notified to come and check it, of  
8 course, the area, whatever was in the air was  
9 completely dissipated, because the only way you can  
10 check it is if you check it instantaneously, and  
11 that's not possible. I think if you're going to  
12 separate soil and say you have good soil and got bad  
13 soil, let's do each one of these commercial sites.  
14 Let's bring your separator on your flat bed or  
15 whatever truck you have, bring it back to the  
16 commercial site and do the separation right there.  
17 Don't do it in Steppen's property or my back yard or  
18 whatever. Do it right at that commercial site. Do  
19 it right there. When you say your workers have no  
20 ill effects from it, how many hours are they there  
21 during the week? 40 hours at the maximum? The  
22 people who are in town are in town 168 hours a week.  
23 So we're facing four times the amount that one of  
24 your workers is facing. They're only there  
25 temporarily. We're here permanently. You can't

1 compare a worker with somebody that lives near the  
2 site that's here 24 hours a day, sleeps, breathes,  
3 and eats here every day. It doesn't make sense. Do  
4 it at the site. Do it over there. Don't bring it  
5 into the MISS site because the MISS site is becoming  
6 a permanent site. Do it where you find the  
7 contamination. Don't truck it into Maywood from Lodi  
8 or Rochelle Park. Do it right there. Let's share  
9 the wealth.

10 If we can't afford the extra 10 million  
11 dollars, maybe we can do what Robert Torricelli says,  
12 our senator. He wants the chemical companies who are  
13 responsible for all contamination to help pay for it,  
14 even though he negotiated the deal with Stepan back  
15 in the '80s where he removed them from any financial  
16 burden, but now he wants to turn it the other way and  
17 say the company should pay for the cleanups. Now  
18 that he's a senator, now he's on a different side. I  
19 think Stepan is responsible for it because they took  
20 over the site. They should help pay for the removal.  
21 They can afford the 10 million dollars. Thank you.

22 MS. BELL: I had one question. When  
23 you are shipping the soil out by rail, which way does  
24 it go? The railroad down Central?

25 MR. ROOS: I believe it travels west

1 and north of the site.

2 MS. BELL: Towards New York?

3 MR. ROOS: I believe it's west. It's  
4 not towards Hackensack.

5 MR. RICHARDS: Tom Richards, 347 Golf  
6 Avenue. I've been playing with this project since  
7 1983. I was on the council in 1983 when they first  
8 discovered it, when they did the flyover, and through  
9 the negotiations in 1984, 1985 with the first  
10 remediation. The initial remediations of Maywood  
11 were done on residential properties, and they were  
12 done very quickly and very cost effectively. I have  
13 some concerns about Central Avenue and the amount of  
14 money spent on Central Avenue, which I believe for  
15 the one property was outrageous, but that's something  
16 you folks have to deal with, and since I don't have  
17 that golden fleece award anymore, there's nobody I  
18 can call about it, but I can tell you, quite frankly,  
19 that on one particular issue that was brought up  
20 here, the thought of trucking this, I understand  
21 there is some talk, whether it's hearsay or not, it  
22 hasn't reached members of the council, with respect  
23 to an alternative, a train or railroad company  
24 looking to bid on the removal of the material, moving  
25 it by truck from here to Paterson and then from

1 Paterson to wherever you want to move it. I can  
2 tell you that we will oppose that. The council will  
3 oppose that. If we have to pass a resolution, you  
4 will get that in the form of resolution. The only  
5 way we want it out of here is by rail.

6 I was in favor of and took a lot of heat for  
7 cleaning up the residential properties in Lodi  
8 because I thought their residents are entitled to the  
9 same level of life and quality of life as people of  
10 Maywood, and we had to truck that in, and I think  
11 from a moral standpoint that was the right thing to  
12 do, but I see no reason since we have been the host  
13 community for so many years that there should be any  
14 other commercial property or any other state or  
15 federal agencies that should take precedent over  
16 Maywood for the cleanup.

17 The Department of Energy wants to put a ramp  
18 up on Route 17. They want to take the material.  
19 They want to take down what we desperately need in  
20 this community and put a ramp up through Route 17 and  
21 put our cleanup back months, if not years. That's  
22 unacceptable. I think I can speak for those members  
23 of the council that are here. It's unacceptable for  
24 the council. It's unacceptable for this community.

25 MR. ROOS: If I may respond to that

1 comment, it would not be the way that I would view  
2 that action because we are not holding up anything  
3 going on as far as cleanup of Maywood materials. In  
4 fact, what we're able to use is as a justification to  
5 continue and do more work and get more material out  
6 of this area was being able to use that as nontime  
7 critical removal action and justify being able to do  
8 work before the record decision was in place.

9 MR. RICHARDS: First of all, we don't  
10 want the rent to begin with. If you say you're not  
11 cleaning up, you're going to help us a lot. The  
12 other thing, we're in the process of tasking our  
13 planning board to come up with a redevelopment plan  
14 for this whole area, the MISS site and also the Sears  
15 site. The Sears site alone is 30 acres, most of it  
16 undeveloped, and to develop it would greatly reduce  
17 the tax burden to everyone. We have precious little  
18 to begin with.

19 In looking at the information that was made  
20 available to the council, I see that in the  
21 restricted areas you have 21,185 cubic yards of  
22 material that you plan to leave in place on three  
23 areas. You have 20,000 cubic yards.

24 MR. ROOS: That would be considered  
25 inaccessible materials.

1 MR. RICHARDS: Let's talk about that.  
2 20,000 cubic yards under Stepan, 185 on the  
3 Skinnell's property. Skinnell's property, I think,  
4 is accessible. Is that the property we're talking  
5 about in back of Jack's Car Wash?

6 MR. ROOS: I would say we're talking  
7 about what's inaccessible to under that railroad, the  
8 Lodi industrial line, which is adjacent to that  
9 property.

10 MR. RICHARDS: One of the problems  
11 there, and we talked about this before, it is less  
12 than a hundred feet, maybe less than 75 feet from the  
13 apartments, and in the summertime many of those  
14 people don't have air conditioning because the  
15 electrical capacity in those apartments don't allow  
16 them to be able to have decent air conditioning. So  
17 the windows are open, you got thorium that's open and  
18 accessible even if it's under the tracks, under the  
19 ballast. I don't know.

20 MR. ROOS: I'd say it's subsurface.

21 MR. RICHARDS: In any event, the 20,000  
22 cubic yards of Sears, is that what we are talking  
23 about under the building?

24 MR. ROOS: Correct.

25 MR. RICHARDS: If we redevelop that,

1 it's a tilt-up building on a slant. If that area is  
2 redeveloped, that 20,000 cubic yards is going to come  
3 out. What would be the time frame? If we said to  
4 you we're going to redevelop it, we've got a  
5 redeveloper coming in and putting up three hotels and  
6 four office buildings in that area, are we going to  
7 be 10 years to get that cleaned up or something where  
8 they say, okay, we're going to do it tomorrow? If  
9 this facility is out of here in five years, if you  
10 clean up everything but left that property there,  
11 where does that leave us?

12 MR. ROOS: Unfortunately, I  
13 specifically can't answer or address to say it's  
14 going to happen the next day or 10 years. I would  
15 hope to think it's not going to be in a 10-year  
16 cycle. The inaccessible soils, as part of these  
17 buildings, we're going to have to actually sit down  
18 and work that situation out to determine how that  
19 will be because I would say the most important factor  
20 is the budgetary and ensuring providing funds for a  
21 future fiscal year. So if you were to say in March  
22 that that building is going to come down the  
23 following March and that we would be putting in for  
24 that funding request so that we would be able to  
25 accommodate that action.

1 MR. RICHARDS: The material that you  
2 cleaned up in Lodi along Route 46, was that  
3 commercial property?

4 MR. ROOS: The ramp on 46 on Money  
5 Street, that is commercial property.

6 MR. RICHARDS: What was that cleaned up  
7 to what level?

8 MR. ROOS: That was cleaned up to five  
9 picocuries per gram.

10 MR. RICHARDS: If you can clean up  
11 commercial property in Lodi, why can't we clean up  
12 the Maywood properties to five picocuries? Quite  
13 frankly, why were commercial properties in Lodi,  
14 which were found after and designated after Maywood  
15 commercial properties, why do we go to the bottom of  
16 the list continuously? I have to tell you, quite  
17 frankly, I have been a supporter of the federal  
18 government because you're the guys with the  
19 pocketbook, with the checkbook. We could never  
20 afford to clean this up, and my support of the  
21 agency, not my support of some of the policies that  
22 you've taken, but the fact you guys have the  
23 checkbook has, especially for Mr. Nolan, who's under  
24 a lot of criticism, it boggles my mind to see how  
25 patient we have been and what we have endured and to

1 allow other areas in other towns with commercial  
2 properties be cleaned up to a level that you refuse  
3 to clean up in Maywood. 15 picocuries, if it's not  
4 good enough for Lodi, and if that's what you're doing  
5 in Lodi, it better be done here in this community  
6 because we're not without some influence with  
7 Mr. Torricelli, Mr. Rothman and other people in the  
8 government, and we can exercise whatever levels we  
9 can there, but, quite frankly, gentlemen, you've got  
10 to get off it.

11 Colonel, I beg you, as a former NCO, I beg  
12 you, please, this cannot be acceptable. Five  
13 picocuries, nothing else.

14 MR. ROOS: We have one more person.  
15 There's Jim Petrie.

16 MR. PETRIE: I'm a Maywood resident.  
17 I'm a council member in Maywood, and any day now I'm  
18 going to be a father raising my first child here in  
19 Maywood. Much like everyone else here, I'm looking  
20 for an environment in which my children can play in  
21 the streets and the playground. I want an  
22 environment which is safe and healthful, and I think  
23 it's fair to say the Borough of Maywood, as a council  
24 member, I think it's fair to say we're willing to  
25 work with you guys. I think it's fair to say the

1 residents of Maywood are willing to work with you  
2 guys. We've been working with you for 20 or so  
3 years. However, I think it's important to note that  
4 we will not work with you at the expense of  
5 compromising the health and welfare of our children  
6 and residents. I think that absent concrete evidence  
7 that this separation equipment is 100 percent  
8 foolproof, our support will not go with you on that  
9 option. I think it's important that we get some  
10 evidence. If that's the way you guys are leaning, I  
11 think it's important we get some evidence that this  
12 machinery is a hundred percent accurate and  
13 foolproof, and two to three test projects, in my  
14 book, is not an acceptable sample. I think we need  
15 better evidence than that, and if you can't provide  
16 that to us, then we need to go a different route, and  
17 I think the consensus here is mostly the people want  
18 this soil up and out. Thank you.

19 MR. ROOS: Thank you, sir.

20 MS. MC MULLEN: Mrs. McMullen,  
21 M-c-M-u-l-l-e-n. I live about three blocks from  
22 here, from the site, and there are three of my  
23 neighbors that have died of cancer, and there are two  
24 sick with cancer now, and I'm not well myself. I  
25 would either like to have it out of here or else I

1 will make the exodus. Thank you.

2 MR. ROOS: Thank you, ma'am. I don't  
3 have anyone else signed up. I can open up the floor  
4 for anyone else who has additional comments. We will  
5 be here to continue to accept those.

6 MR. FERENGE: John Ference,  
7 F-e-r-e-n-c-e, 32 West Fairmount Avenue. It's  
8 obvious that we want it out. It's a danger to the  
9 health and residents of this town, period.

10 MS. SINGLE: Lillian Single, 55 West  
11 Passaic Street. I've been in Maywood 39 years, and I  
12 attended many meetings, two long years of the DOE, if  
13 you pardon the expression, two long years with the  
14 CGG. I heard all of the alternatives. I got all the  
15 material, and I, too, am totally opposed to anything  
16 but up and out. Treatment is a euphemism. Soil  
17 separation, soil washing is irrelevant. It has to be  
18 up and out.

19 One thing that hasn't been addressed, although  
20 I don't know if you want to consider it at all  
21 anyway, has anyone asked the decibels of the  
22 machinery and equipment involved in the soil  
23 treatment? As I understood it, one of the  
24 alternatives was, and I don't remember the number of  
25 the decibels, but it was the equivalent of subway

1 trains rushing past your house, and literally this  
2 was in writing, and also the fact that the treatment  
3 would be running seven, eight, ten hours a day, week  
4 after week, 24/7 for X number of months. So even if  
5 it was to be considered, the neighbors there would  
6 really be surprised, but as far as I'm concerned,  
7 it's not to be considered.

8 MR. ROOS: I appreciate your comments.  
9 I want to quickly address the one we did take into  
10 consideration, where that equipment would be staged  
11 in relation to the homes that are along Central Ave.  
12 that back up to that property. We also looked into  
13 whether screening devices would be necessary. We  
14 actually even had the health officer from the Borough  
15 of Maywood out, and they did decibel readings, and,  
16 quite frankly, you're getting more noise off of Route  
17 17 than any of our equipment. There is not a noise  
18 problem from that equipment.

19 MR. KAMINSKI: In addition to the  
20 health problem, there's also another factor that is a  
21 minus, which is property values are going to suffer  
22 as a result of the fact that it really remains a  
23 disposal site if you leave the contamination there.  
24 We have that in writing, as I said before.

25 MR. SORCE: I'm a little concerned

1 about this dusting issue. Is there anything  
2 monitored on a regular basis in that area? Rooftops,  
3 anything like that?

4 MR. ROOS: We do perimeter monitoring,  
5 do all kind of monitoring. We have background source  
6 for monitoring to ensure we are staying within the  
7 acceptable limits that would be mandated for the  
8 site.

9 MR. SORCE: How is that tested?

10 MR. ROOS: Dave Hayes will address  
11 that. He is our health physicist. He can do it more  
12 justice.

13 MR. HAYES: First thing, we collect air  
14 samples from the site perimeter from work zones, as  
15 Allen described earlier. Those are counted on site  
16 initially to get a gross count, give us a feel where  
17 we are with laboratory instruments, and then  
18 additionally sent off site to a commercial lab to  
19 establish what levels of contaminants, if any, are  
20 leaving the site, but more importantly, what we do is  
21 comply with the EPA's regulations and the clean air  
22 act. In that compliance, we use a computer code that  
23 EPA had developed, takes into account every gram of  
24 dirt that we move, what we've done with it, how high  
25 we dropped it, and by that I mean from a bulldozer

1 into a rail car. All these inputs go into that  
2 computer model to generate an estimated or  
3 calculation of potential dose to the nearest  
4 resident, nearest worker. We have always been well  
5 below, I mean, hundreds of times below the regulatory  
6 limits for those emissions.

7 MR. SORCE: You'll go on record saying  
8 nothing has blown from that site by airborne  
9 emission?

10 MR. HAYES: I guess that's the rub.  
11 Atoms have left the site. Atoms of thorium have left  
12 the site. Whether that poses a health hazard or not  
13 given --

14 MR. SORCE: We need to know that.  
15 That's floating.

16 MR. HAYES: That's where we're kind of  
17 stuck. I can't say nothing has ever left the site.  
18 What I can say is that anything that has left the  
19 site has been well below the levels determined to be  
20 appropriate.

21 MR. SORCE: When you hear something  
22 like that, it's got to go. It can't sit. No  
23 remediation, just get it out.

24 MR. MOHR: Where is the pilot study  
25 being conducted?

1 MR. ROOS: The study itself running the  
2 machinery through its paces has been completed  
3 already. We've gone on government-owned property.

4 MR. MOHR: Using that machine?

5 MR. ROOS: That's correct.

6 MR. MOHR: How long did it run?

7 MR. ROOS: I believe we began in August  
8 and was completed at the end of October.

9 MR. MOHR: So then about, I guess, two  
10 months, 60 days?

11 MR. ROOS: Yeah, two, three months.

12 MR. MOHR: Is the soil in all the  
13 different places in Maywood that is contaminated all  
14 the same consistency? In other words, where the test  
15 was run, did you take soil from each location to make  
16 sure it was compatible with this machinery?

17 MR. ROOS: We did do test pits, yes.  
18 There were a lot of soil studies that have been  
19 completed before we came on board, and we used all  
20 the data plus the data that we collected from when we  
21 did excavations on the other properties to get an  
22 idea is this going to be representative when we chose  
23 the material that was going to be processed, is that  
24 representative of the site.

25 MR. MOHR: What's the difference

1 between identical and representative? In other  
2 words, how much wiggle room is there?

3 MR. ROOS: As far as the soil is  
4 concerned, you're more concerned with are you talking  
5 about having more sand, having more clay, having more  
6 stones, boulders, rocks. Is it a very wet, loamy  
7 material because it comes from low-lying areas, those  
8 types of things. We're not talking about are these  
9 New Brunswick shales and these are keystone soils.  
10 So it's not specifics to the soil but the percentages  
11 of organic matter to sand matter to clay.

12 MR. MOHR: Who runs the machine? Is it  
13 the company itself, or is it the government? Do you  
14 purchase the machine?

15 MR. ROOS: We did not purchase. We  
16 actually leased the equipment for this, and we would  
17 lease the equipment in the future. The technicians  
18 that run the equipment are trained to run that  
19 equipment, so they're not government employees, no,  
20 but they would be under our quality control, quality  
21 assurance. We would run inspections just as we did  
22 during the pilot study to make sure that the  
23 calibrations are done properly, that someone is  
24 running a random sample with that known piece to make  
25 sure it's still operating properly.

1 MR. MOHR: Do the technicians work for  
2 the contractor or for the manufacturer?

3 MR. ROOS: For the contractor.  
4 Actually, that is the manufacturer.

5 MR. MOHR: They're one and the same.  
6 Did you have any communication with the technicians  
7 while the test was running?

8 MR. ROOS: Certainly. They're under  
9 contract to us.

10 MR. MOHR: So these technicians, they,  
11 I guess, had experience using the machine in other  
12 places?

13 MR. ROOS: I can't answer that. I  
14 would say yes.

15 MR. MOHR: So they couldn't have been  
16 brand-new employees?

17 MR. ROOS: Sure, but I don't know. I  
18 didn't speak to anyone directly.

19 MR. MOHR: You didn't speak to any of  
20 them directly?

21 MR. ROOS: No. The Corps would be  
22 involved. I would have other technical people since  
23 that is not my forte to have conversations with the  
24 technicians.

25 MR. MOHR: Are any of these people here

1       tonight?

2                   MR. ROOS:  I think Dave.  I don't know.  
3       Have you been involved yourself?

4                   MR. HAYES:  Certainly.

5                   MR. MOHR:  Dave, did you ever have  
6       coffee with these guys and talk to them about what  
7       their impression was of the soil in Maywood, what  
8       they thought, whether the machine was amenable to  
9       this environment or not?  Just in conversation, what  
10      did they think?

11                  MR. HAYES:  They thought their system  
12      could treat or segregate the contamination at the  
13      site level.

14                  MR. MOHR:  So they felt pretty  
15      confident that their machine could handle Maywood?

16                  MR. HAYES:  Right.  That's why we did  
17      the study to determine ourselves, correct.

18                  MR. MOHR:  They also have a profit  
19      motive involved?

20                  MR. HAYES:  Certainly.

21                  MR. MOHR:  They probably make a lot of  
22      money.  They have like a mixed -- I don't want to say  
23      mixed motive.  They have a conflict of interest  
24      because no matter how much of the data you were able  
25      to verify and how much of the data is just from this

1 company, that's going to make a considerable amount  
2 of money.

3 MR. HAYES: We're going through that  
4 process now. Before we even allow them to come here  
5 and try it, we set up a test protocol as you would  
6 for any scientific test, and that was carried out,  
7 and we're evaluating that data now. All that's  
8 being evaluated by our contractor, Shaw, not by the  
9 people that said what the machine could do.

10 MR. MOHR: Say the results come through  
11 and they say this machine is made for Maywood, it's  
12 got Maywood's name written all over it; is that the  
13 final criterium for the decision, or is there then a  
14 weighing process between the needs and wants of the  
15 community and the effectiveness of the machine, and  
16 which one would take precedence given the arguments  
17 we heard tonight against using the machine?

18 MR. ROOS: Upon completion of the  
19 evaluation within the Corps of Engineers and its  
20 contractors in preparation of this report, we were  
21 going to submit that report to both EPA and DEP where  
22 they would be able to review it, provide their  
23 comments on whether or not they agree with any of the  
24 statements, and they look at all that data themselves  
25 to see if whether or not they're even in agreement

1 with that. However, as you correctly point out,  
2 that's why we have part of this proposed plan now, so  
3 that we can solicit your comments, and your comments  
4 here tonight will be taken into consideration as part  
5 of it, as a percentage of weighing on how that all  
6 plays out. I've never specifically seen it broken  
7 out, nor have I broken it out to say that only covers  
8 10 percent and this is 15 or that's 20. It's an  
9 all-encompassing evaluation dependent upon what the  
10 study says it can do, can't do, where we would be  
11 able to use it, if we're able to use it, what  
12 parameters you're going to use it under, and then you  
13 have the community that's going to come in and has  
14 its voices, its opinion on all these different  
15 things, and that whole process is going to be a  
16 sit-down conversation saying how we want to go  
17 forward.

18 MR. MOHR: Who participates in the  
19 conversation?

20 MR. ROOS: EPA and DEP and Corps of  
21 Engineers.

22 MR. MOHR: So tonight or between now  
23 and October 12, is this like our final appeal?

24 MR. ROOS: This is your opportunity to  
25 provide comment; however, as it states in the

1 proposed plan, we would not institute a treatment  
2 option if our evaluation determined with all this in  
3 place, if we were going to step back and say this is  
4 something we really need to do, we would present that  
5 to the public and give you all the information and  
6 allow you to review that.

7 COLONEL O'DOWD: I think I'm correct,  
8 Allen, in what we're saying is if, in fact, the  
9 decision is made to go with some level of on-site  
10 treatment, that decision itself would be once again  
11 open for public comment or give an opportunity for  
12 review.

13 MR. ROOS: We will give an opportunity.  
14 We will provide it to you guys. I know the township  
15 had different consultants under its auspices. There  
16 are tag grants that are offered. I know that New  
17 Jersey Institute of Technology actually was aligning  
18 and was going to be reviewing documentation that was  
19 going to be coming out from a feasibility study a  
20 while back and we had the community guidance group.  
21 Whether all these things are still in place, I do not  
22 know. We will give the public ample opportunity to  
23 review and make a determination on whether or not  
24 they are saying that they agree or don't agree with  
25 this, but I do not believe we were going to open it

1 up for another round of public comment. This is your  
2 opportunity to provide that comment.

3 MR. MOHR: And since it's  
4 overwhelmingly negative, once the decision is made,  
5 that negative vote will be heard and basically  
6 dismissed.

7 MR. ROOS: Not necessarily so. I would  
8 not agree with that.

9 MR. BRESSAN: I think you're doing a  
10 lot of monitoring at the MISS site. Have you ever  
11 put up monitoring devices along the roadways that  
12 this soil enters Maywood and winds up at the MISS  
13 site, preferably where it comes into our town on the  
14 Maywood border and Rochelle Park, up on Central, down  
15 on Hunter and Maywood Avenue? Have you ever put up  
16 monitoring devices to check the air quality that  
17 these vehicles pass by when they go by in convoys  
18 when you start moving the soil into town?

19 MR. ROOS: I do not believe we  
20 specifically ever set up monitoring stations along  
21 that transportation route; however, I would like to  
22 say that before a truck leaves an area where an  
23 excavation is being done, that truck is lined with  
24 plastic first, then the material is placed in that  
25 truck, that plastic tarp is then folded over within

1 that truck, and there is another layer of tarp on top  
2 of it.

3 MR. BRESSAN: Not so. When the trucks  
4 start coming by, I'll take a picture of the ones that  
5 I see with soil sticking out of the back. I'll  
6 forward it to you.

7 MR. ROOS: I would very much appreciate  
8 that. I also am aware that numerous complaints have  
9 been done in the past years, even in the Department  
10 of Energy, where the Borough of Maywood had people  
11 actually go out and follow trucks to see if that was  
12 the case, and I do not believe that has been reported  
13 as a problem at our site. Those trucks do not leave  
14 our area without being buttoned up tight. They are  
15 screened by radiation technician officers. They go  
16 over and they take wipes, they take wipes around  
17 anything that's on the surfaces, on the tires. That  
18 truck doesn't even enter the contaminated zone. It's  
19 on plastic before, and that is loaded from the side.  
20 Then it gets buttoned up and gets tested before it  
21 leaves that spot. You do not see truck dirt trailing  
22 off our tires as you would see from a normal  
23 construction site. I disagree.

24 MR. BRESSAN: You're calling me a liar?

25 MR. ROOS: No, sir.

1 MR. BRESSAN: Yes, you are.

2 MR. ROOS: I know the protocols that we  
3 established.

4 MR. BRESSAN: Well, you might have  
5 established some protocols, but it's not being  
6 followed all the time, if I can sit outside my front  
7 of my house and I see the trucks go by are open on  
8 top.

9 COLONEL O'DOWD: Sir, if you can get us  
10 a picture of the truck, we will deal with that. I  
11 visited this site a number of times. I've also been  
12 at most of our other sites. I can tell you that the  
13 procedures that Allen outlined are the procedures  
14 that are supposed to be followed. It's the  
15 procedures that our inspectors enforce. Now, is our  
16 inspector physically at every single truck? Perhaps  
17 they may not be there when one particular truck load  
18 goes out. If you catch one, you let us know, and  
19 we'll deal with the contractor.

20 MR. ROOS: In no way do I mean to  
21 offend you, sir.

22 MR. BRESSAN: I understand that, but  
23 I'll back my car out of my driveway and leave the  
24 truck there until I call Mary Carton or 911, and they  
25 can come by and verify it.

1 MR. ROOS: We do not want that to  
2 occur. We don't benefit in any way, shape or form  
3 from that occurrence. If someone is cutting those  
4 corners, we actually appreciate your eyes and ears.

5 COLONEL O'DOWD: Our safety plans  
6 specify in great detail the procedures they're  
7 supposed to follow. If you catch them, help us, let  
8 us know.

9 MR. ROOS: I'm make the commitment as  
10 well. I'll ensure we have our project engineers.  
11 That's what the colonel is referring to. I'm going  
12 to have those guys randomly doing those same checks  
13 themselves, and we'll institute are own program  
14 without any of the contractor's knowledge, and we  
15 will see if we can't put a stop to that as well.  
16 Shaw is the prime contractor. We'll set up our own  
17 quality control, quality assurance of that to make  
18 sure our protocols are being followed. Quite  
19 frankly, there's no monetary gain by those guys  
20 cutting that corner.

21 MR. BRESSAN: Laziness.

22 MR. ROOS: Well, we appreciate that  
23 comment, and I tell you I take it very seriously.  
24 We'll ensure that's not going on.

25 MR. ZAJAC: Mike Zajac, Z-a-j-a-c.

1 Since this problem is a problem with airborne  
2 contaminants, have you considered doing some sort of  
3 container structure around this dirt so it doesn't  
4 fly up?

5 MR. ROOS: Currently, we do have what  
6 we refer to as fabric structure. It is fabric that  
7 is stretched over.

8 MR. ZAJAC: Like a tarp?

9 MR. ROOS: No. It is a building that  
10 was built, but it happens to have ribs.

11 COLONEL O'DOWD: It's like tent.

12 MR. ZAJAC: You can see it from Route  
13 17 as you go north?

14 MR. ROOS: That is correct.

15 MR. ZAJAC: It looks like plastic over  
16 a pile of dirt.

17 COLONEL O'DOWD: That structure that is  
18 there has got a steel frame.

19 MR. ROOS: That had been the previous  
20 way of doing business, that is correct, when they  
21 were tarps. Quite frankly, one of the reasons we  
22 would want to do this structure this way is it's  
23 better protection for our workers who would have to  
24 climb up on those tarps every day, unbutton them, do  
25 a load out, button it back up. There was a lot of

1 different things. You got slip, trip and fall  
2 hazards, many different conditions. So this actually  
3 was a better viable option that we had presented to  
4 make sure that we can try and eliminate some of those  
5 same concerns that we're hearing as far as future  
6 test emissions.

7 MR. KAMINSKI: That structure, how much  
8 dirt is contained in there right now?

9 MR. ROOS: Right now, I believe there's  
10 about 400 cubic yards of material. I can't be sure  
11 how much.

12 MR. KAMINSKI: 350,000 cubic yards,  
13 where's the rest of the dirt?

14 MR. ROOS: Still in the ground.

15 MR. KAMINSKI: How deep?

16 MR. ROOS: Anywhere from one to two  
17 feet or seven to nine feet depending on the property.

18 MR. KAMINSKI: Ground water?

19 MR. ROOS: Ground water does not  
20 indicate because the thorium, as far as our  
21 containers are concerned, are not shown to be very  
22 soluble, so therefore it's not migrating in that  
23 fashion.

24 MR. KAMINSKI: Back to the trucks,  
25 they're lined?

1 MR. ROOS: They are lined.

2 MR. KAMINSKI: With what?

3 MR. ROOS: A polyplastic film.

4 MR. KAMINSKI: Suppose it tears; can  
5 you reuse it?

6 MR. HAYES: It goes in the pile with  
7 the dirt and ultimately into the rail car.

8 MR. KAMINSKI: These are back dumping  
9 trucks, like regular dump truck-type, or are they  
10 contained where it's like a rotary dump?

11 MR. HAYES: We use dump trucks.  
12 Currently, we're using roll-offs, backward dumps.

13 MR. KAMINSKI: So if something tears  
14 it, can it technically leak out? I'm driving down  
15 Route 80. I don't know how many broken windows I had  
16 with rocks kicking up over dump trucks. They're  
17 supposed to be water-tight. If the truck is not  
18 self-contained, what happens if it's in an accident?

19 MR. ROOS: That can occur, yes, that is  
20 correct.

21 MR. KAMINSKI: Why are they not  
22 self-contained?

23 MR. ROOS: An intermodal would be  
24 another way of utilizing that. I think I heard from  
25 a number of different people that they don't want to

1 see increased truck traffic. So to switch over to an  
2 intermodal would mean I would be trucking all that  
3 material to a different site or trucking it to this  
4 site in an intermodal.

5 COLONEL O'DOWD: There's a lot of dump  
6 trucks out there. I'm not saying you didn't see one  
7 of ours. You may have, but if you catch one of ours,  
8 give us the evidence, and we'll go after them.

9 MR. RICHARDS: In deference to both the  
10 Department of Energy and the Army Corps, I have been  
11 on a number of sites in Lodi, both identifying myself  
12 and not identifying myself, to look at specifically  
13 that situation, and you're right, the town has in the  
14 past when we had these complaints, we had the health  
15 department, correct, Mary? We have the health  
16 inspector here. We had the health inspector follow  
17 the trucks, and in all of those investigations, both  
18 private and municipal, we have never seen the  
19 complaints manifest themselves in any way, shape or  
20 form. With respect to that, I can only congratulate  
21 you for that.

22 COLONEL O'DOWD: Help us out. Safety  
23 is everybody's job. If you see something, we'll  
24 listen. I watched it a number of times. I was  
25 amazed at what we go through. These trucks don't

1 touch the ground until they get off the site.

2 MS. CARTON: Mary Carton, C-a-r-t-o-n.  
3 I was down to the Lodi site to see how those trucks  
4 were loaded. They are very careful about swabbing  
5 and making sure they're clean before they leave the  
6 site. I was impressed by that.

7 MR. ZAJAC: In your picture, they show  
8 a rail car. When they load it, that appears to be  
9 out in the open.

10 MR. ROOS: That is correct. Actually,  
11 right over here, this material is brought out of  
12 there and set up in these separate bunkers where we  
13 have a quantitative amount and we know how much we  
14 have there, so when we're digging, we know how many  
15 rail cars, and this way we get proper weight loads.

16 MR. ZAJAC: How can you prevent stuff  
17 from blowing out when you load it?

18 MR. ROOS: There's dust suppression  
19 that's utilized, and this way that material is  
20 sufficiently wetted so it couldn't become airborne.  
21 It's kept at a constant humidity inside that  
22 structure as well. There's actually humidifiers to  
23 keep it at a certain humidity, a certain moisture  
24 content inside the building. It gets brought out and  
25 placed in those piles, and we are then ensuring with

1 people like the radiation safety officer, and she  
2 goes out, has radiation technicians on site and  
3 constantly monitoring to see what's going on and  
4 wetting down soils as necessary.

5 MR. ZAJAC: Do you seal the cars with  
6 plastic?

7 MR. ROOS: Yes. That car is actually  
8 lined with plastic liners as well. It then gets  
9 filled. It gets wrapped, it's buttoned down, then it  
10 gets a covering over the top of the car as well,  
11 because we found we had problems where we're picking  
12 up moisture in the two weeks it takes to travel  
13 across the country.

14 MR. MOHR: Using this machine, will you  
15 ship only 50 percent of the hundred percent? How  
16 much less will you have to cart out? What is your  
17 projection there?

18 MR. ROOS: Tell you the truth, I can't  
19 answer that. We can get the answer for you. I don't  
20 have that answer off the top of my head.

21 MR. MOHR: There is a projection,  
22 though?

23 MR. ROOS: It was used to develop that  
24 there is a 10 million dollar savings in cost, so  
25 there must be some sort of the reduction that we're

1 talking about getting out of it.

2 MR. MOHR: How would they know how  
3 diffuse the contaminants are until they actually turn  
4 the machine on and start separating them out?

5 MR. ROOS: It's the same in the  
6 instance of how do you know how much contamination is  
7 truly out there? We can take our sampling. We can  
8 take our educated guess, so to speak, on that and  
9 then say this is our best estimate of what we believe  
10 is the case, and that's where that's coming from  
11 based upon their type of soil criteria or this type  
12 of contaminant knowing we have this kind of  
13 contamination. Sampling efforts have gone on for a  
14 number of years and kind of give us an idea, and we  
15 then are able to model where we think the  
16 contamination is, how the level has changed, what's  
17 the extent of that contamination, and using those  
18 factors come up with that estimate as to what we  
19 think we would get as far as volume reduction.

20 MR. MOHR: But you can provide us with  
21 that information?

22 MR. ROOS: As soon as we have completed  
23 that report, actually it's undergone its latest round  
24 of comments. We also have what we call within the  
25 Corps hazardous and toxic radioactive waste center of

1 expertise. Our documentation is going to be going to  
2 them for their review. They will evaluate it. They  
3 have a team of scientists, engineers, risk assessors,  
4 health physicists that will generate all the same  
5 type of comments like, well, you say it's going to do  
6 this and it will do that. We go through those paces  
7 before we even release the document to the DEP and  
8 the EPA. Once we go through that, we will definitely  
9 have it available. Even if we do not choose to use  
10 it, it should be a good scientific study, even if  
11 another site came and we can say it didn't work for  
12 Maywood, but maybe we can do it here. It should  
13 never just be a study in how do I spend money to  
14 determine treatment.

15 MR. MOHR: After the process is  
16 complete, the level will be at 15 or somewhere up to  
17 15?

18 MR. ROOS: What we're establishing, as  
19 far as the cleanup level for commercial property, it  
20 should be no more than 15 picocuries per gram radium  
21 and thorium combined, and that machine has to be set  
22 to be able to achieve a level less than that in order  
23 for us to say that could be beneficially used.

24 MR. MOHR: Can you set the meter  
25 anywhere you want?

1 MR. ROOS: It does have a range. We  
2 did put it through the paces. I believe as low as  
3 5.8 picocuries may have been the lowest number we  
4 chose and I think as high as 30. I don't recall the  
5 specific parameters, but you can change the level  
6 where you want the actual level to occur.

7 MR. MOHR: That determines how much  
8 dirt you're actually saving versus shipping?

9 MR. ROOS: That will then establish  
10 that gate. The gate actually is what they call  
11 normally open, so therefore the only time that it  
12 closes and collects soil and shifts it over is if it  
13 was considered clean. So everything going through  
14 that gate or going through that system is always  
15 going to drop off and be as a default, the  
16 contaminated pile. The gate comes in and closes when  
17 there's an indicator saying it's below the action  
18 level. So it grabs that soil, and whatever spills  
19 out over the top of that gate that's trying to  
20 collect that soil goes into the default pile. So it  
21 works in normally the open position constantly going  
22 through contamination and saying, no, grab that, it's  
23 clean.

24 MR. KAMINSKI: You're loading this dry  
25 with some humidity. Have you ever looked into like

1 sludge, such as a container car?

2 MR. ROOS: We would then have to get  
3 involved with how you're going to deal with all that.  
4 You're going to have to dry the materials because  
5 there are moisture content requirements at disposal  
6 facilities. So I have to be like between 18 and 20  
7 percent moisture content to get to an Envirocare  
8 facility; otherwise, they would turn the car around.

9 MR. KAMINSKI: Envirocare won't take  
10 liquid.

11 MR. ROOS: That material, in that  
12 facility that we're talking about, it cannot be part  
13 of a free-standing liquid.

14 MR. KAMINSKI: What about Mexico?

15 MR. ZAJAC: Dump it in the ocean.

16 MR. KAMINSKI: It's just another  
17 option. Get around certain things. You may find the  
18 costs are lower.

19 MR. ROOS: We can always look at other  
20 options. I know one of the comments was saying it  
21 wasn't very specific as to how you're going to do  
22 this, do that. You'll find a lot of information like  
23 that in the record decision. Then if other options  
24 come up that are better, more cost effective or  
25 efficient from the perspective of public health and

1 environment, I now have a record decision saying I  
2 can't do anything but this.

3 MR. KAMINSKI: A lot of municipalities  
4 ship sludge.

5 MR. ROOS: Understood.

6 MR. PETRIE: Can you give us your best  
7 guess as far as what the estimated completion date  
8 is? That completion date, does it differ from your  
9 total removal program as opposed to other removal  
10 option?

11 MR. ROOS: No. We did not look at a  
12 change. If anything, we hoped it would be able to  
13 expedite the process if treatment was found to be  
14 effective; however, we're talking about a six-year  
15 schedule from the time of the record decision, five  
16 or six years.

17 MR. PETRIE: That's an optimistic  
18 projection?

19 MR. ROOS: That should be something we  
20 should relatively meet, yes, but the biggest problem  
21 that we have, and not to try to cast any aspersions,  
22 is the fact I have to work with individual  
23 privately-owned entities, that it's not just like one  
24 big open field that I get to excavate, transport and  
25 dispose of material from. So the logistics involved

1 in trying to maintain that operation, ensuring those  
2 employees that are coming every day are safe, and how  
3 I work out those issues end up driving cost and  
4 efficiency on a job. If I would excavate a couple  
5 hundred yards a day on a normal, I'm down to a  
6 hundred, a hundred fifty a day, if at best, and less  
7 because of the fact you're dealing with active  
8 commercial facilities. So that's really what's  
9 driving the schedule.

10 I tell you this much as well, your  
11 congressional support that you mentioned, Senator  
12 Torricelli, Congressman Rothman, always make sure  
13 this is a high priority site for them, as well as the  
14 colonel mentioned earlier that funding is something  
15 that is looked at. Everything looks like it is going  
16 to be fine on the horizon. What's driving a lot of  
17 things is logistics of work on the property.

18 MR. PETRIE: Is there really any  
19 susceptibility to this project to budgetary  
20 constraints?

21 MR. ROOS: Could never say never.

22 COLONEL O'DOWD: We can't answer that.  
23 Right now, the budget forecast looks good.  
24 Generally, once a project is in construction, it's  
25 more likely that the funding stream will continue to

1 complete that. It's tougher to get things to  
2 construction than it is to keep them going because  
3 they realize if we to demobilize a contractor because  
4 of lack of funds and remobilize a contractor, it  
5 costs money. More times than not, once we get  
6 things under construction, they like to keep the  
7 funding stream to finish up, but from one year to the  
8 next, I don't know what's going to happen next year  
9 in the world that's going to cause our dollars to go  
10 somewhere. Who can say?

11 MR. ZAJAC: Under radioactive waste,  
12 don't they put it in barrels and put it in salt  
13 mines? Why don't they do that with this?

14 MR. ROOS: Currently, we have a  
15 disposal facility. We don't need to do that. We can  
16 truck it in bulk or take it by rail car in bulk.  
17 Those facilities are lined, regulated, permitted with  
18 all the subsequent bells and whistles, so to speak,  
19 to ensure that material is contained where it is  
20 supposed to be.

21 MR. ZAJAC: Is that what Envirocare  
22 does with it, put it in mines?

23 MR. ROOS: No. I don't think that's  
24 even a viable option for a lot of the materials we  
25 have. We don't have levels high enough to make it

1 commercially viable to remove the thorium.

2 MR. ZAJAC: What do they do with it?

3 MR. ROOS: It goes into a big facility.

4 MR. ZAJAC: To another Maywood out in  
5 the midwest?

6 MR. ROOS: In Utah, a regulated  
7 facility that they established and set up their  
8 disposal cells, which are lined. This is where they  
9 put the material.

10 COLONEL O'DOWD: Licensed, regulated  
11 landfill which is covered and capped and sealed,  
12 monitored.

13 MR. ZAJAC: Is this the cheapest way to  
14 do this type of disposal, what you're doing?

15 MR. ROOS: From what we looked at and  
16 what contracts that we have even on a national level  
17 from the Corps' contractor that we're using, I think  
18 that we have established some of the better rates for  
19 doing this type of operation.

20 MR. ZAJAC: Is this also the fastest  
21 way of doing it or slowest way?

22 MR. ROOS: I don't know how many  
23 different ways you can excavate a hole.

24 MR. ZAJAC: But the thing is disposing  
25 of it, is this the most efficient way? I think the

1 concern is up and out. Is there a way to speed up  
2 this process to take it and ship it in larger bulk or  
3 cheaper ways to get it out of town?

4 MR. ROOS: I know we heard it from a  
5 number of different people. One of the things that  
6 we do want to try and do here is not have a storage  
7 pile or not have material laying on site. Moving  
8 into drums to get it off any faster, that won't help  
9 that situation. We can only generate so much  
10 material because we have to have health and safety  
11 precautions. If you start throwing some of those  
12 things out of the way and say, okay, let's just dig  
13 and move dirt, then it runs contrary to other people  
14 and ourselves who say this is not the way we should  
15 conduct our business. So in order to contain this  
16 material and safely excavate and transport it and  
17 dispose of it, it takes X, Y, and Z time.

18 MR. ZAJAC: I think you said you have  
19 about 300,000 tons of this stuff?

20 MR. ROOS: Approximate, yes.

21 MR. ZAJAC: When you ship out these  
22 gondolas, how many tons do you ship? How many per  
23 month?

24 MR. ROOS: Well, right now, because of  
25 the properties that we're working on and the amount

1 of material that we're generating, I would say  
2 approximately doing about 30, 35 a month.

3 MR. ZAJAC: What is that in tons?

4 MR. ROOS: I believe it's 80 tons a  
5 rail car.

6 MR. ZAJAC: 80 times 30 would be?

7 MR. ROOS: A hundred tons.

8 MR. ZAJAC: A hundred tons a month?

9 MR. ROOS: A hundred tons a car, so  
10 3,000 tons in a month.

11 MR. HAYES: At our current effort.

12 MR. ZAJAC: So it would take you a  
13 hundred months?

14 MR. ROOS: If we were to maintain the  
15 way we are going at this moment, that's correct.

16 COLONEL O'DOWD: Understand what Allen  
17 is saying is that the sites were cleaned a little  
18 tiny piece here, a little tiny piece there. You can  
19 load more rail cars if you had it coming. We're  
20 trying to balance cost with safety with time. We  
21 understand you want to get it out of here. We're  
22 trying to trade-off all those things and balance it.  
23 To be honest, the contractors generally are driven by  
24 get this job, then they can get another job and they  
25 can move on and make money. They try to find the

1 most efficient way. Sometimes what we're trying to  
2 do is balance all the different needs, those people  
3 who want to get it done fast, those people who want  
4 it done safety, those people who want it done  
5 cheaply.

6 MR. ZAJAC: You're in the most densely  
7 populated state in the country. You probably run the  
8 risk of down the line having all illnesses due to  
9 cancer due to this radioactive material. It would  
10 probably be in the government's interest to get it  
11 out even faster.

12 COLONEL O'DOWD: We'd like to get it  
13 out as fast as we could. We got to do it in a safe  
14 way. We got to negotiate access to all the sites, do  
15 it around the commercial industry. The quickest way  
16 might be go in there, dig it up and dump it into the  
17 cars and go, but that's not safe.

18 MR. ZAJAC: At this rate at 3,000 tons  
19 a month, you're looking at a hundred months.

20 MR. ROOS: That's our current rate of  
21 excavation based upon the fact we're not into any of  
22 the bigger properties just yet. We're working on  
23 small fringe areas. If we're opening up two teams  
24 once the record decision is in place --

25 MR. ZAJAC: But you have 300,000 tons.

1 So, in other words, what you're saying, you're  
2 trucking the stuff in here using this as a  
3 distribution point.

4 MR. ROOS: That is correct. Goes by  
5 rail from this site.

6 MR. ZAJAC: So that's 300,000. How  
7 much more?

8 MR. ROOS: 50 percent of the 300,000  
9 tons is not a Maywood interim storage site. 80  
10 percent is between the Maywood site, the Stepan site,  
11 and Sears. So that triangle is 80 percent of that  
12 contamination. The remaining 21 properties make up  
13 that last 20 percent of contamination.

14 MR. ZAJAC: So that's about 60,000  
15 tons, that 20 percent, you're saying, that you're  
16 shipping outside of Maywood?

17 MR. ROOS: That includes Maywood  
18 property, yeah. They're not all outside Maywood.

19 MR. BRESSAN: You don't do any of this  
20 excavation in wintertime. You only do it in the  
21 springtime, summer months. You don't do it once the  
22 weather starts to turn cold. Everything stops.

23 MR. ROOS: That's not true, sir. We  
24 began removal actually that we're currently working  
25 on at the end of January. We can be

1 weather-dependent. If we got a couple feet of snow,  
2 nobody is digging that day. We have to clear that  
3 area, but the ground in this area does not freeze  
4 solid so that this equipment does not dig. So as far  
5 as work stoppages for the winter, that would really  
6 be based upon very adverse weather conditions.

7 COLONEL O'DOWD: I don't think, Allen,  
8 the limits we have are much different than a  
9 construction site would be. You're not going to  
10 build a highway where you're doing dirt work in the  
11 middle of a thunder storm.

12 MR. BRESSAN: When there was a delay a  
13 while back and soil wasn't being shipped out in the  
14 railroad cars, the answer that we got were the  
15 weather is not conducive to ship it out at this time  
16 of the year and we have to wait to springtime to  
17 start up again. Is that not true?

18 MR. ROOS: I don't know specifically  
19 what you're talking about, sir. I don't know if you  
20 can help.

21 MS. CARTON: He may be referring to the  
22 fact that last time when we started moving the big  
23 plow out, you ran out of gondolas or the  
24 accessibility of gondolas, that was a problem and  
25 that's what held it up. Do you anticipate a problem

1 with getting the gondolas you need?

2 MR. ROOS: We do not anticipate that  
3 problem because of the contacts that we actually  
4 established which are setting up a dedicated fleet  
5 for dealing with our materials.

6 MS. CARTON: I think that's what he was  
7 referring to.

8 MR. MOHR: Colonel, you just said  
9 before you were trying to balance cost with safety,  
10 and I think that's really the only issue here, is the  
11 balance of cost against safety. Along those lines,  
12 I'm just wondering how much of the cost, the  
13 estimates are Envirocare? What percentage is actual  
14 disposal, or is that included in these costs?

15 MR. ROOS: That's actually an  
16 all-inclusive cost for excavation, transportation,  
17 disposal cost, contractor cost to run that job, to do  
18 that, to choose that plan of action. That is what we  
19 are estimating the cost.

20 MR. MOHR: Between alternative three  
21 and alternative four, how much of the pie belongs to  
22 Envirocare, and how much does that change?

23 MR. ROOS: It depends really what your  
24 contracting costs are at the time. I'm not sure I'm  
25 at liberty to discuss Corps contract matters as far

1 as Envirocare, what we charge for per cubic yard. I  
2 don't know.

3 MR. ZAJAC: Should be public record.

4 MR. ROOS: A lot of times these things  
5 get redacted because they say they're proprietary  
6 because it would allow their competitors to determine  
7 how they set rates and then could get other cuts.

8 MR. ZAJAC: Still public record.

9 COLONEL O'DOWD: I'm trying to figure  
10 out where you're going. The difference that you  
11 have, 10 million dollars is a combination of savings  
12 and that you don't have as much material to  
13 transport, you don't have as much material to dispose  
14 of, so you get savings in the transportation and  
15 disposal fee. You probably have a cost increase of  
16 handling on the site because you got to rent the  
17 separation equipment. In our estimated process, when  
18 it balanced all those things based upon what it  
19 determined the quantities would be, and that's all  
20 based on science and engineering, we have geologic  
21 data, core samples, it came out to where when you  
22 take the pluses and minuses, the estimates say that  
23 the separation on site would be about 10 million  
24 dollars. The decision that ultimately has to be made  
25 then between the agencies is, we do trade-offs. We

1 look and say, all right, it's 10 million dollars  
2 cheaper. Things that Allen talked previously when we  
3 get these results back when the record of decision is  
4 ultimately decided, it takes into account everything,  
5 the comments that we receive. We make those kind of  
6 decisions every day with wetlands permitting. We do  
7 the same thing. We listen to all different sides and  
8 we end up making a decision.

9 MR. MOHR: Our concern is that one of  
10 those trade-offs is three times the radiation that's  
11 remaining by the time you guys are done. I mean,  
12 would you buy a house here?

13 COLONEL O'DOWD: I'd probably live in  
14 Bergenfield if I wanted to come back to New Jersey.  
15 I grew up here. I'm not far from here.

16 MR. MOHR: Your employees don't get  
17 sick because they're not wearing protection day to  
18 day. We're talking about something that doesn't show  
19 up for years and years, but it does show up and shows  
20 up in a cruel way, and we're a little concerned. We  
21 were balancing cost with safety. I think you said  
22 safety is everyone's job a little while before.

23 COLONEL O'DOWD: Yes, it is, and we got  
24 the message that you all want five. Right now, the  
25 regulations and rules that we are required to follow

1 say if it's commercial property, the standard is 15.  
2 I don't know what the procedure is for us to go back  
3 and say is that really the way we want it. We  
4 understand what you want.

5 MR. MOHR: It's commercial property  
6 right in the middle of a bunch of residential  
7 property.

8 COLONEL O'DOWD: I understand what  
9 you're saying. I'm telling you that's part of why  
10 we're here tonight to hear those kind of things. I  
11 can't tell you what the outcome will be. I can tell  
12 you it's been recorded and will be heard.

13 MR. ZAJAC: Who mandated that?

14 MR. ROOS: A long process that you're  
15 all more painfully aware of than I am that began many  
16 years ago with the Department of Energy and  
17 determined within the CERCLA regulation you need to  
18 determine is there applicable regulation or is there  
19 appropriate relevant regulation out there that would  
20 apply, or how does it look, how we want to do this  
21 type of cleanup, if there's not one specifically  
22 tailored for it, and what was used at the time.  
23 Someone looked at what was going on out west, and  
24 there was established protocol on how you conduct  
25 your business. The Department of Energy argued that

1 would be the way to go for Maywood because it's a  
2 similar type of situation, so it's relevant and  
3 appropriate, and we want to apply this type of  
4 regulation at this site because there's not one  
5 specifically dealt with for dealing with this site,  
6 and EPA's decision was that that really doesn't apply  
7 here because there's too many factors that are  
8 completely different than what that was meant to do,  
9 and they got into a dispute, and that ended up in a  
10 formal dispute, and that formal dispute, the  
11 resolution of that established a five picocuries per  
12 gram level for residential properties, 15 picocuries  
13 per gram level for commercial properties. That was  
14 based on modeling to determine risk so that it meets  
15 the CERCLA criteria to say that we have a successful  
16 remedy for the property. So it took into those  
17 accounts and established a five and fifteen.

18 MR. ZAJAC: It was a bureaucratic  
19 decision to do it this way. It wasn't something from  
20 input from the public. It was something debated in  
21 Washington.

22 MR. ROOS: That was definitely not  
23 input from the public, that is correct. It's based  
24 upon the science that shows that these levels would  
25 then turn around and end up with a 15 millirem dose

1 per year. So if you had five picocuries per gram  
2 combined radium and thorium on the property, that  
3 your increased dose from the radiation you're exposed  
4 to every day on this planet, you are only getting an  
5 additional 15 millirems, millions of rems, or what's  
6 used as counts as far as determining that energy  
7 source. There's only going to be 15 more of those  
8 millirems added onto the approximately 360 millirems  
9 you get because you are a resident in this country.  
10 That's the national average, 360 millirems. So the  
11 15 millirem dose has actually been quantified by DEP  
12 by regulations recently. They said that all your  
13 cleanups need to meet this 15 millirem dose because  
14 that's equivalent to what our national background is  
15 as it varies across the state. So the numbers are  
16 coming from what's here naturally, what is going on  
17 nationally, and what is an acceptable risk for a  
18 level of cleanup determined.

19 MR. MOHR: Do they consider how close  
20 the commercial property is to residential property?

21 MR. ROOS: We took that into  
22 consideration because if this proposed plan did it in  
23 accordance with exactly that dispute resolution, it  
24 would be looking at 24 properties being cleaned up to  
25 commercial level. We went back and reevaluated the

1 situation and said that we can look at and probably  
2 clean up these 17 properties to that unrestricted  
3 release so we'd be able to offer as many properties  
4 as we possibly can and still keeping seven of those  
5 properties, three of those seven happen to be  
6 transportation corridors. I don't think anybody here  
7 wants me to close Route 17 as I try to excavate and  
8 clean up the material that's contained there. Those  
9 would be deed restrictive properties. I don't think  
10 anyone will ever be building a child care or  
11 playground on 17 or on the New York Susquehanna rail.  
12 If in time the deed restrictions put in place, the  
13 institutional controls put in place, let's say that  
14 always needs to stay commercial or light industrial.  
15 A hundred years from now there's going to be a little  
16 note or piece of paper that says why this property  
17 needs to remain at that level, and EPA and the  
18 government are going to be looking at that every  
19 number of years that that be established whether it's  
20 five years as part of the remedy review process that  
21 they have established in the regulation or they may  
22 say we can do that a little bit more frequently, but  
23 they're going to look at all the properties that have  
24 been determined to be kept at that commercial level,  
25 that they are staying that way.

1 MR. ZAJAC: What is the half life of  
2 this stuff? How long does this stay at 15?

3 MR. ROOS: Thorium, I believe, is in  
4 the tens of thousands a year.

5 MR. ZAJAC: One of the controversies  
6 with dumping radioactive waste is the half life  
7 that's so long. How can you ensure that in the  
8 future that these records are going to be maintained?

9 MR. ROOS: In the same sense that if  
10 you were to do a lead contamination cleanup and  
11 cleaned up to commercial level, that lead doesn't  
12 have a half life. That lead is going to be here for  
13 tens of thousands of years on. How are you going to  
14 keep that at a commercial level? It's the best plan  
15 and best approach that we can do and afford for the  
16 community.

17 MR. ZAJAC: Would it be better to do it  
18 to a five level instead of 15? That way you have  
19 that margin of safety. Then you can go away with a  
20 clear conscious and say, look, there's not going to  
21 be any problem in the future.

22 MR. ROOS: As part of this process we  
23 are presenting so we can solicit public comment so  
24 that comment can be a deciding factor on how things  
25 go on to alter what thought process, the reason

1 being, you have to follow this process and it's  
2 established saying what is a conceivable land use  
3 now, what is a future land use scenario. It is also  
4 not the aim of government to spend all your tax  
5 dollars so you can clean everything up to a  
6 completely unrestricted level everywhere they go  
7 because it's based upon risk case numbers and future  
8 use scenarios. Unfortunately, this is a process we  
9 need to follow because then otherwise we're talking  
10 about being open to third-party suits from anyone  
11 else because we didn't do it this way and just  
12 decided we needed to clean everything out, up and  
13 out. We have no justification, no backup support. I  
14 have not received comments from anyone giving me a  
15 reason to point to doing anything other than what is  
16 statutorily required.

17 MR. RICHARDS: The property that I  
18 mentioned before, the 30 acres, it is the intention  
19 of the community, as I pointed out before, the  
20 planning board has been tasked with the  
21 responsibility of coming up with a plan to include  
22 recreation property on that Sears property, just a  
23 point of information. It may not interest you.

24 MR. ROOS: It interests us very much.

25 MR. RICHARDS: The fact of the matter

1 is, Maywood has the smallest amount of per capita  
2 recreation space in any community in Bergen County  
3 with the exception of Teterboro. They have eight  
4 residents. Saddle Brook has less, but they have a  
5 county park. We don't have any recreation space at  
6 this end of town. It is the desire of the Mayor and  
7 Council, it is the desire of many parents in this  
8 town who schlep their kids to the other end of town  
9 to play ball, to put a ball field at this end of  
10 town. It is the only property available to do that.

11 I go back to the point I made before, if you  
12 clean up Lodi commercial to five picocuries, it's  
13 outrageous to consider 15 picocuries here.

14 MR. ROOS: If you could provide us that  
15 as part of the comment, it is a land use scenario not  
16 presented to us.

17 MR. RICHARDS: You'll have a letter  
18 after the next executive session, which is a week  
19 from tonight.

20 MS. CARTON: What was the criteria used  
21 to clean the Lodi property down to five? There had  
22 to be specific criteria for that particular property  
23 to get cleaned up; that's commercial property, right?

24 MR. ROOS: When we chose to do the  
25 removal action, since we need to be consistent with

1 what your approach will be when you get into a record  
2 decision, and therefore if we're looking at this type  
3 of property with the volume of material that you're  
4 talking in place as an undeveloped piece of property,  
5 to clean it up to a 15 level, it was not going to be  
6 a great volume difference, for one, and, for two, it  
7 would be an institutional control the government  
8 needed to monitor forever, and I guess it also being  
9 adjacent to residential and recreational, so  
10 different considerations are taken into place, and it  
11 was chosen to clean that up to a five.

12 MS. CARTON: Wouldn't you find similar  
13 criteria in the properties in Maywood?

14 MR. ROOS: If you read the proposed  
15 plan, all the other properties that are in Maywood  
16 are also being proposed to clean up to a five except  
17 for the three, and then New York Susquehanna and  
18 whatever is under Route 17, it's transportation  
19 corridors, and those three large commercial entities.  
20 All the other properties are cleaned up to  
21 unrestricted level.

22 MS. CARTON: So Sears property is still  
23 --

24 MR. ROOS: It's considered commercial  
25 property for commercial level.

1 MS. CARTON: Even though it's adjacent  
2 to residential property? It's adjacent to  
3 residential property. It's across the street,  
4 Maywood Avenue. There are residential properties  
5 right across.

6 MR. ROOS: There are properties. I  
7 would not say it's adjacent to residential  
8 properties.

9 MS. CARTON: It's across.

10 MR. ZAJAC: Was a study made to see  
11 what the cost would be to go down to five, or is that  
12 an unknown?

13 MR. ROOS: We have studied the site and  
14 taken samples so that we know the aerial and vertical  
15 extent of the contamination based upon a number of  
16 samples taken. A model has been drawn that says on  
17 this property, this polygon, this is where we believe  
18 contamination is. It's not specifically contained  
19 only in there. It could be more over here, less over  
20 there. It's only based on how many samples did you  
21 take to generate that model.

22 MR. ZAJAC: You came up 215 million to  
23 get it down to 15?

24 MR. ROOS: Five and 15 are 24 different  
25 properties.

1 MR. ZAJAC: Did you do a study to see  
2 how much it would cost to get it down to five for  
3 this property? I mean, is it like 300 million  
4 dollars or 260, or is it a billion dollars? Is it so  
5 prohibitive that it would cost too much to get it  
6 down to five? Is it a matter of spending a couple  
7 million dollars more?

8 MR. ROOS: I don't know the answer to  
9 give you tonight, but as a comment, we'll see what we  
10 can do to address it.

11 MR. LU: I'm retired, so I recall when  
12 we bought houses for our clients, we ordered radon  
13 testing, and it always had to be under four  
14 picocuries.

15 MR. ROOS: Per liter of volume of air,  
16 that's correct.

17 MR. LU: Under four picocuries, just  
18 for your records.

19 MR. ROOS: I know the regulation, but  
20 that is not comparable to five picocuries per gram as  
21 a concentration level within soil. That's four  
22 picocuries per liter of volume of air, so it's a  
23 different standard. They're not apples and apples.

24 MR. SORCE: I'd like to have the answer  
25 to his previous question. Would you buy a house and

1 raise a family here? I like an answer from each  
2 person.

3 MR. ROOS: Would I buy a home and raise  
4 a family here? I would consider it, yes. I grew up  
5 in Totowa, New Jersey, not too far from here. I  
6 currently live in Livingston, New Jersey.

7 MR. SORCE: Ma'am?

8 MS. WANKUM: Yeah.

9 MR. SORCE: You feel it's safe?

10 MS. WANKUM: Yeah. I have a  
11 seven-year-old. I'd bring her out here if I could,  
12 but I'm from Kansas City, I'm inclined to stay in  
13 that area of the country.

14 MR. HAYES: I'll phrase mine from a  
15 radiological standpoint, yes.

16 MR. MOHR: I just had a comment. I  
17 think that the fact that this study is not back yet  
18 for alternative four really puts us at a huge  
19 disadvantage. There's so much pertinent information  
20 we don't have. There's answers to pertinent  
21 questions that you have not been able to provide, not  
22 that you're not on the ball because you obviously  
23 know what you're doing, but how can we have a  
24 complete meeting, how can we provide a complete  
25 answer when we don't have all the facts yet, and the

1 one alternative that you prefer so much more than  
2 anything else, this study is not back? I think that  
3 in itself should really call this whole proceeding  
4 into question based on that, and not to say you  
5 aren't making a great effort here, but how can we  
6 possibly discuss the whole thing without the study?

7 MR. ROOS: I understand where you're  
8 coming from; however, it's considered as an option  
9 because treatment as an option has to be fully  
10 evaluated.

11 MR. MOHR: You say preferred.

12 MR. ROOS: That is our proposed remedial  
13 action plan, that is correct.

14 MR. MOHR: That's a big difference.

15 MR. ROOS: If I were to choose  
16 alternative three without fully evaluating the option  
17 for treatment and chose that as my preferred plan,  
18 then I would prejudice that process. So if I choose  
19 it as that part of the option and let you to provide  
20 me comment whether you care for or do not care for  
21 the treatment being used, whether that treatment is  
22 something that you've been given all the facts and  
23 numbers about, you've now voiced your concern, your  
24 comment concerning treatment which has been evaluated  
25 as part of this option. I think it would be

1 disingenuous not to have chosen another one while we  
2 still haven't completed that evaluation.

3 MR. MOHR: Is it disingenuous to prefer  
4 alternative four when the study is not back?

5 MR. ROOS: We can then take the record  
6 decision and propose plan, we take it back, complete  
7 our evaluation, and we can do this in another year or  
8 so from now. My interest was in moving the project  
9 forward and starting to get some more materials  
10 excavated out of the area. So I left that as  
11 contingency option. Had I wanted to hold up this  
12 process while we waited for the full evaluation,  
13 we're a year away from that. So this allows me then  
14 to move more than the 30 rail cars and have access to  
15 more properties and not limited to the few. If I can  
16 get on as many properties as I can with two or three  
17 different crews, I'm generating more soil, I'm  
18 getting more of it up and out, as you all would like,  
19 under the alternative three option. Then upon  
20 completion of that evaluation, because it wouldn't be  
21 that I would be doing any work on that property in  
22 the near future anyway, so a year from now, if we  
23 take everything into consideration, we evaluate  
24 everything, it would be decided yes or no, and we  
25 present that information to the public. I preferred

1 moving forward with it in this way. My  
2 recommendation of my management was to move forward  
3 this way so that we were actually out there getting  
4 the work done.

5 MR. MOHR: It's great we're having the  
6 meeting, I agree with that, but to say you prefer  
7 alternative four before the study is even back makes  
8 me wonder how things might be.

9 MR. ROOS: Alternative four is written  
10 where that whole situation on treatment is considered  
11 as a contingency or as an option. So the alternative  
12 is alternative three, or let's call it alternative  
13 3-B, because if that option is proven to be the way  
14 to go, then we'll see it in our employees. Our  
15 employees are only going to be limited to one  
16 property. All the other properties all along the  
17 way were excavated, transported and disposed of  
18 material, and my thought was that was the most  
19 prudent way to conduct business since everybody has  
20 been waiting long enough.

21 I've always been trying to find ways in  
22 concert with DPA and EPA to remediate more properties  
23 and move forward on. We're constantly under, say,  
24 the light within all our agencies. Where are you on  
25 Maywood? What's going on? How come this is not

1 done? Constantly saying this came up and now this,  
2 and now this agency is talking about this.

3 This site is very complex. It's got so many  
4 jurisdictional agencies involved between the  
5 regulatory commission, DEP, EPA, drug enforcement  
6 agency, Department of Justice, if you want to look at  
7 who's going to be part of or contributing to or  
8 cost-sharing these cleanups. So with all of these  
9 different factors, you get too many cooks in the  
10 kitchen. We're trying to work all this out as fast  
11 as we can. At this level, outside of you all,  
12 nobody wants to see more construction going on than  
13 me.

14 MR. ZAJAC: Why would you have drug  
15 enforcement and the Department of Justice on this?

16 MR. ROOS: DOJ is involved because you  
17 have to refer things to DOJ if you're looking at  
18 potential responsible parties. That's the whole  
19 process in determining is it the polluter that pays.  
20 It's not done by engineers. Only DOJ can speak and  
21 settle or have anything to do on behalf of the United  
22 States.

23 MR. ZAJAC: I thought it was already  
24 decided that Stepan Chemical is the culprit here.

25 MR. ROOS: It's way out of my realm.

1 MR. ZAJAC: It's really over our heads.

2 MR. ROOS: I'm not an attorney. My  
3 counsel will be very happy that I point that out.

4 MR. ZAJAC: We happen to be the  
5 residents living here.

6 MR. ROOS: I feel I'm a member of this  
7 community. I come to work here every day myself. I  
8 don't live here. I won't apologize for that. I  
9 think you have a fine community. However, we all are  
10 in this together to try to get this thing done, and  
11 we're here to listen.

12 MR. ZAJAC: You're very patient.

13 MR. ROOS: No, sir. This is why I  
14 chose to be in this profession.

15 COLONEL O'DOWD: We appreciate  
16 everybody coming out tonight. As I said up front, we  
17 cannot promise you that what you want is what you  
18 get. What I can tell you is, we heard what you had  
19 to say. It's been recorded. To the extent we can,  
20 we'll make sure that we'll consider it in the  
21 decision that we make and also pass that forward to  
22 the people above us to make the decision. Thank you.

23

24 (Whereupon the proceeding is then  
25 concluded at 9:30 p.m.)

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I, LAURIE A. LANDRIGAN,  
License Number XIO1683, a Certified  
Shorthand Reporter and Notary Public of the  
State of New Jersey, certify that the  
foregoing is a true and accurate transcript  
of the proceeding at the place and on the  
date hereinbefore set forth.

*Laurie A Landrigan*

A Notary Public of the State of New Jersey  
Notary No. 2068191  
My Commission Expires 1/28/05

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