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Formerly Utilized Sites Remedial Action Program (FUSRAP)

ADMINISTRATIVE RECORD

for Maywood, New Jersey



U.S. Department of Energy



Department of Energy
Washington, DC 20585

JUL 19 1991

The Honorable Robert G. Torricelli
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Torricelli:

As a follow-up to yesterday's telephone conversation with Jack Baublitz of my staff, I am writing to update you on recent actions taken by the Department of Energy (DOE) to remove thorium-contaminated building materials from a residence in Lodi, New Jersey. These materials were transported to the Maywood Interim Storage Site (MISS) for storage until a disposal site is identified using a process that is prescribed under the Comprehensive Environmental Response, Liability, and Compensation Act, as amended (CERCLA).

At your urging, we have agreed to work with the other parties in the CERCLA-mandated process to remove the wastes stored in Maywood at the earliest opportunity possible. Although these materials are not wastes generated by the DOE, we will take every action to support the removal of these wastes from Maywood earlier than currently scheduled.

You may recall, from previous briefings conducted by my staff, that the DOE has identified properties in Maywood, Rochelle Park, and Lodi that have been contaminated with thorium which originated from the former Maywood Chemical Works. In most instances, this contamination poses no threat to the community. It is only in those unusual circumstances where the contamination is readily accessible and in close physical proximity to people that the DOE takes action to eliminate any possible harm from unneeded exposure to radiation. This is the problem we identified at a residence located at 90 Avenue C in Lodi and explains why the DOE has removed thorium-contaminated building materials from the home as a "time critical removal action" under the provisions of CERCLA.

Radiological measurements taken in the house in Lodi and the adjacent community indicate that the potential existed for exposure to radiation levels that could exceed established standards for members of the public under certain "worst case" scenarios. A more realistic analysis by a consultant to the Borough of Maywood Council indicated that the material in Maywood is of low risk. Adding the material from the Lodi residence would only increase the total stored at Maywood by 0.001 percent. The contaminated building material was apparently brought to the home many years ago from the former Maywood Chemical Works (which processed thorium ore) for use in a home remodeling project. As

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you know, the Federal Government had no connection to the thorium processing that took place in Maywood years ago, although the DOE was directed by Congress to clean up any contamination which could jeopardize public safety.

The DOE removed approximately 36 cubic yards of contaminated building materials (dirt, wood, wallboard, concrete, etc.) from the property to eliminate any excessive levels of radiation to which the residents may be exposed. This material was transported to the Maywood Interim Storage Site, where it will be added to the approximately 35,000 cubic yards of contaminated waste materials stored there from previous cleanup projects undertaken in the area. This material, as I previously stated, represents less than 0.001 percent of the total volume stored at Maywood.

DOE representatives met with the Borough Council last March to explain the process we would use at the Lodi residence, our plans to use the MISS to store the material, and the urgency to act as soon as possible. We contacted Borough officials recently, and have agreed to meet with them in August to discuss our plans for Maywood.

Contrary to reports printed in the media, the license possessed by the owners of the Envirocare facility in Utah does not permit the company to dispose of the type of thorium-contaminated materials stored at Maywood. The owners of the Utah facility have filed an application with the Nuclear Regulatory Commission to accept the Maywood-type of thorium waste for disposal. This is not an action where the DOE is involved. However, to expedite future action if a favorable decision is made by the NRC on this application, the DOE has started the process to negotiate a contract for the disposal of the kinds of waste stored in Maywood. The DOE could be criticized for proceeding in this fashion because it could appear to some that we have prejudged the outcome of required environmental analyses. Instead, we are making every attempt to shorten the time it will take to implement an agreed-upon course of action.

As you know, a number of factors have been involved in addressing this situation. We have done our best to safely remove these contaminants from the Lodi residence. We felt action was needed to deal with the unusual circumstances this situation presented. The additional 36 cubic yards added to the Maywood storage site represents a near-zero threat to the community. We have consolidated the waste material in a controlled location while the necessary permits are obtained to ship the material to an acceptable disposal site. Moreover, it removed material from a residence where the potential exposure of a family to radiation concerned us.

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I hope you will agree that the publicity these events have generated do not match the threat these actions pose to the health and safety of the citizens of New Jersey. I have been in contact with Maywood officials in an attempt to explain this situation. I hope this summary of the situation is helpful, and I am available to meet with you to discuss this matter any time you desire.

Sincerely,



Leo P. Duffy
Director
Office of Environmental Restoration
and Waste Management