

M-767

Formerly Utilized Sites Remedial Action Program (FUSRAP)

ADMINISTRATIVE RECORD

for the Maywood Site, New Jersey



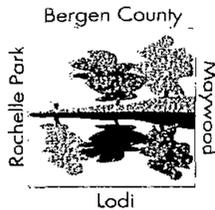
**US Army Corps
of Engineers®**

U-767

MEETING AGENDA

August 13, 1998

- 7 p.m. Call to Order**
Reminder to sign in
- 7:05 p.m. Approval of Minutes**
June 11, 1998 CGG meeting
July 13, 1998 CGG meeting
- 7:15 p.m. USACE Status Report**
Cleanup progress
Status of Proposed Plan Availability Schedule
- 7:30 p.m. USEPA Status Report**
- 7:45 p.m. Proposed Plan Subcommittee**
Purpose
Membership
- 8:00 p.m. Old Business**
Status of Letter to Remediated Property Owners
- 8:15 p.m. New Business**
Agenda for September meeting
- 8:30 p.m. Public Comment**
- Adjourn**



Cooperative Guidance Group

P.O. Box 811 • Maywood, NJ 07607-0811

James Signorelli
Chairman

Stephen B. Ross
Facilitator

SUMMARY MINUTES OF AUGUST 13, 1998 MEETING

FINAL

The Maywood Cooperative Guidance Group (CGG) met on August 13, 1998, at the U.S. Army Corps of Engineers FUSRAP Public Information Center in Maywood, NJ. The meeting was convened at 7:09 p.m. by Chairman Jim Signorelli.

CGG members attending:

Mary Carton
Eugene Christian
John Perkins
Louise Ponce
Tony Savarese
James Signorelli

Others attending:

Sterrett Daniels, USACE
Jackie DeCarlo
Lisa Eidel
Hany Lansing, USACE
Gladys Leddy
K Lickfield
Cassandra Maiskell
Victor Osokov, NJIT
Lillian Single, Alliance to Protect Maywood
Karen Strick, Holt and Ross
Gene Urbanik, USACE
Janet Walsh

Ex-officio members attending:

Allen Roos, USACE
Jim Taradash, Bergen Co. Health Dept.

Contractors and subcontractors attending:

Steve Wilkinson, Bechtel National Inc.
Sarah Snyder, Bechtel National Inc.
Steve Ross, Holt & Ross Inc

Approval of Minutes

The summary minutes of the June 13, 1998 meeting were approved as amended. The summary minutes of the July 13, 1998 meeting were approved without amendment.

A tape of the meeting is available for review from 8 a.m. to 4:30 p.m. Monday, Wednesday and Friday at the FUSRAP Public Information Center, 55 West Pleasant Avenue, Maywood.

USACE Status Report

Allen Roos informed the CGG that he is the project manager for the Maywood Site because Ben Wood's temporary assignment in the district has ended and he has returned to his home district. Mr. Roos said he will serve as the point of contact for questions about the project in Maywood.

Mr. Roos said the Army Corps has started holding restoration meetings with homeowners on Hancock Street, with meetings scheduled for Branca Court residents within the next two weeks. He said the Army Corps is planning on moving homeowners back to their primary residences in October.

He said that the Army Corps has excavated a greater volume of contaminated soil than first estimated. Mr. Roos also said the Army Corps has had to gain access to several adjacent properties, either to "chase" contamination beyond a property line or to complete excavation of the contaminated property safely.

Ms. Ponce expressed concern about children possibly playing on a contaminated property. She cited 142 West Central as a property that was not designated for cleanup, but that apparently has thorium contamination on the property.

Steve Wilkinson said that there are four properties where contamination is being chased. He added that without the homeowner's permission to test on 142 West Central, all that is known is that the contamination on 136 West Central goes to the property line.

Ms. Ponce said she had requested information about all the residences on West Central Avenue and only one property, 136 West Central, was designated. Mr. Wilkinson explained that only when actual cleanup excavation is underway is it possible to learn the true extent of the contamination. Then excavation continues until all the contamination is removed and verified by an independent agency. This process of excavating contamination onto adjacent properties is sometimes called "chasing the contamination."

Ms. Ponce expressed concern about the fact that there may still be contaminated properties and no one would know about them. For example, she said there could be vein of contamination throughout this community at a depth of 12 feet. But if the testing only went to a depth of four feet, people could have no knowledge that their properties may be contaminated.

Mr. Roos said that the properties in Lodi primarily were contaminated from the former Lodi Brook. The contaminated properties on Avenue C in Lodi and 136 West Central were contaminated by deposition of fill.

John Perkins noted that it is believed that landscapers and developers obtained fill from the former Maywood Chemical Works when that facility was expanding.

Steve Ross said that if contamination is present on properties not adjacent to the contaminated properties, it would be because the developer would have used fill in spots. Mr. Wilkinson concurred, adding that there has been a logical, systematic look at

the whole town.

Ms. Ponce asked why the government did not perform detailed testing on all homes that are within about 400 feet of a thorium processing plant. Mr. Wilkinson said there was no evidence that the company disposed of material anywhere other than in its drying beds. That contamination was carried downstream by overflow during heavy rains. The other properties were contaminated by imported fill. He stated that he was not aware of any evidence that Stepan or the Maywood Chemical Works dumped material off their property.

Mr. Ross said the concern seems to be whether a Maywood resident can be assured that there is no contamination on his property. He said the Army Corps should develop a response to this concern.

Gene Christian asked what happens to chemicals stored at the Stepan property if the company closes the facility there. Mr. Roos said that Stepan's license requires that the chemicals be cleaned up.

USEPA Status Report

Mr. Ross said that Angela Carpenter could not attend the meeting. However, she provided a written report, which will be attached to the minutes.

Proposed Plan Subcommittee

Mr. Roos said the Army Corps still plans to develop the Proposed Plan for the Maywood Site by late summer. The public comment period for the Proposed Plan will be 60 days, he added.

The CGG decided not to meet in September, but to have the proposed plan subcommittee meet if the Proposed Plan is published. Mr. Signorelli, Ms. Carton and Ms. Ponce volunteered to serve on the subcommittee.

Mr. Ross explained that the Army Corps would distribute the plan. Mr. Signorelli said a copy also needs to be transmitted to the New Jersey Institute of Technology.

He asked Mr. Roos whether there were a problem with his attending the October CGG meeting. Mr. Roos said he could attend, but that he could not talk about the Proposed Plan.

The next meeting of the CGG was scheduled for 7 p.m. on October 8.

Old Business

Mr. Ross asked about the status of letters for remediated property owners. Mr. Roos said the Army Corps still is waiting for the letter to be reviewed by counsel.

Public Comment

Lillian Single said she would like to address the responsibility of real estate agents on disclosing information about properties. The NJ real estate sales disclosure law addresses undeveloped land and developers. She cited the obligations of licensees to the public and to each other, Sections 11:5-1.23, which is attached to the minutes.

She said she will continue researching the laws that apply for property owners selling directly, without a real estate agent

Gladys Leddy said she wanted a complete update on the status of her home at 136 West Central. Mr. Roos said he would be happy to provide that information.

Mr. Wilkinson said the property has been cleaned close to the property line, but the government needs permission to clean all the way up to the property next door. A piece of foundation that had asbestos coating on inside has to be removed as well. An asbestos contractor will perform that work.

Mrs. Leddy also said her phone service has been disconnected because the government and its contractors have not paid the bill.

Mr. Roos said he would do his best to rectify the situation, now that he is aware of it.

Ms. Ponce asked if some kind of barrier can be erected between 136 and 142 West Central as a safety precaution. The Army Corps said they would do so on 136 West Central Avenue.

The meeting adjourned at 9:31 p.m.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

DATE: August 13, 1998
SUBJECT: EPA Update and Clarification of Question on RRB
FROM: Angela Carpenter, Project Manager
Federal Facilities Section
TO: Maywood Cooperative Guidance Group

Update

- Stepan Pilot Test -The Environmental Protection Agency's (EPA) review of the Stepan groundwater pilot test has been completed. EPA's review of the technical memorandum (prepared by CH2M Hill on behalf of Stepan Company) which documented the results of the pilot test was sent to Stepan at the end of July. Several complications were encountered during the pilot test such as: heavy rainfall contributing to the potential release of BTEX compounds into the groundwater from the soils, and the apparent influx of contamination from an upgradient plume.

Based on the data presented in the technical memorandum EPA concluded that the results of the test were inconclusive. Stepan has requested an opportunity to meet with EPA and discuss EPA's concerns. This meeting will be scheduled for September.

- EPA has had several discussions with the U.S. Army Corps of Engineers (USACE) on ways to incorporate the comments prepared by EPA's Remedy Review Board (RRB) into the Maywood proposed plan. EPA is awaiting the revised proposed plan for review.
- EPA and the USACE are currently negotiating an Interagency Agreement that would supplement the previously held agreement between the EPA and the Department of Energy (DOE). This agreement would address the roles and responsibilities of both EPA and the USACE with respect to the Site.

RRB Clarification

A clarification was requested during the July meeting on whether the RRB reviewed soil washing or excavation as the preferred alternative for the Site. The RRB was presented with and reviewed all the remedial alternatives previously presented to the CGG by the DOE. Excavation and offsite disposal was identified as the tentative preferred alternative subject to public comment as required by CERCLA.

capacity as a licensed insurance agent or broker, is authorized to place or procure insurance on the property being sold, the licensee benefitting by such a provision shall obtain separate written reaffirmation of such provision by the prospective insured not less than five days prior to the closing of title.

11:5-1.23 Obligations of licensees to the public and to each other

(a) All licensees are subject to and shall strictly comply with the laws of agency and the principles governing fiduciary relationships. In accepting employment as an agent, the licensee pledges himself to protect and promote, as he would his own, the interests of the client or principal he has undertaken to represent; this obligation of absolute fidelity to the client's or principal's interest is primary but does not relieve the licensee from the obligation of dealing fairly with all parties to the transaction.

(b) Every licensee shall make reasonable effort to ascertain all material information concerning the physical condition of every property for which he or she accepts an agency or which he or she is retained to market as a transaction broker, and concerning the financial qualifications of every person for whom he or she submits an offer to his or her client or principal. Information about social conditions and psychological impairments as defined in (d) below is not considered to be information which concerns the physical condition of a property.

① A reasonable effort to ascertain material information shall include at least:

i. Inquiries to the seller or seller's agent about any physical conditions that may affect the property; and

ii. A visual inspection of the property to determine if there are any readily observable physical conditions affecting the property.

② As used in this section, information is "material" if a reasonable person would attach importance to its existence or non-existence in deciding whether or how to proceed in the transaction, or if the licensee knows or has reason to know that the recipient of the information regards, or is likely to regard it as important in deciding whether or how to proceed, although a reasonable person would not so regard it.

(c) Licensees shall disclose all information material to the physical condition of any property which they know or which a reasonable effort to ascertain such information would have revealed to their client or principal and when appropriate to any other party to a transaction. Licensees shall also disclose any actual or potential conflicts of interest which the licensee may reasonably anticipate.

① With respect to off-site conditions which may materially affect the value of the residential real estate, in all sales contracts involving newly constructed residential real estate they prepare, licensees shall include a statement as set forth below. By including this statement in a contract of sale prepared by the licensee, the licensee shall be deemed to have fulfilled his or her disclosure obligations under (c) above with respect to such off-site conditions. The statement shall be in print as large as the predominant size print in the document and shall read as follows:

"NOTIFICATION REGARDING OFF-SITE CONDITIONS

Pursuant to the New Residential Construction Off-Site Conditions Disclosure Act, P.L. 1995, c.253 (C.46:3C-1 et seq.), sellers of newly constructed residential real estate are required to notify purchasers of the availability of lists disclosing the existence and location of off-site conditions which may affect the value of the residential real estate being sold. The lists are to be made available by the municipal clerk of the municipality within which the residential real estate is located and in other municipalities which are within one-half mile of the residential real estate. The address(es) and telephone number(s) of the municipalities relevant to this project and the appropriate municipal offices where the lists are made available are listed below. Purchasers are encouraged to exercise all due diligence in order to obtain any additional or more recent information that they believe may be relevant to their decision to purchase the residential real estate. Purchasers are also encouraged to undertake an independent examination of the general area within which the residential real estate is located in order to become familiar with any and all conditions which may affect the value of the residential real estate.

The purchaser has five (5) business days from the date the contract is executed by the purchaser and the seller to send notice of cancellation of the contract to the seller. The notice of cancellation shall be sent by certified mail. The cancellation will be effective upon the notice of cancellation being mailed. If the purchaser does not send a notice of cancellation to the seller in the time or manner described above, the purchaser will lose the right to cancel the contract as provided in this notice.

Municipality _____

Address _____

Telephone Number _____

The statement shall either be included in the text of the contract itself or attached to the contract as an Addendum.

2. In all residential real estate sale contracts they prepare except contracts for newly constructed residential real estate, licensees shall include a statement as set forth below. The statement shall be in print as large as the predominant size print in the document and shall read as follows: