

M-774

Formerly Utilized Sites Remedial Action Program (FUSRAP)

ADMINISTRATIVE RECORD

for the Maywood Site, New Jersey



**US Army Corps
of Engineers®**

057150



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278

NOV 15 1988

Robert Atkin
Site Manager-Maywood
Technical Services Division
U.S. Department of Energy
Oak Ridge Operation
P.O. Box E
Oak Ridge, Tenn. 37831

Re: Maywood Chemical Co. Superfund Site;
FUSRAP Jurisdiction

Dear Mr. Atkin:

I am writing to memorialize certain discussions between the Environmental Protection Agency Region 2 (EPA) and the Department of Energy (DOE) concerning the extent of DOE's jurisdiction under its Formerly Utilized Site Remedial Action Program (FUSRAP) cleanup authority, during the meeting at EPA offices in New York on August 25, 1988. That meeting was attended by representatives of DOE, Bechtel, the Argonne National Laboratory, and EPA Region 2 and included in its agenda discussion of DOE's remedial plan for the Wayne, Maywood, and Middlesex sites, and federal facilities agreements for the general disposal of radioactive waste in the State of New Jersey.

I understand from our discussions on August 25, 1988 that it is DOE's position that DOE's cleanup responsibility extends to all contamination, both radiological and chemical, and whether commingled or not, on and/or emanating from the Maywood Interim Storage Site ("MISS") which is owned by DOE. DOE also remains responsible for all radiological contamination above its action levels and related to the past Maywood Chemical Company thorium extraction processes, occurring anywhere on the Maywood Chemical Co. Superfund Site ("Maywood Site") and properties which are identified in the surrounding area. However, chemical (that is, non-radiological) contamination on the "vicinity" properties, by which DOE means the Stepan property as well as the Sears and other vicinity properties, all of which comprise the Maywood Site, would only come under DOE's FUSRAP jurisdiction in the following circumstances:

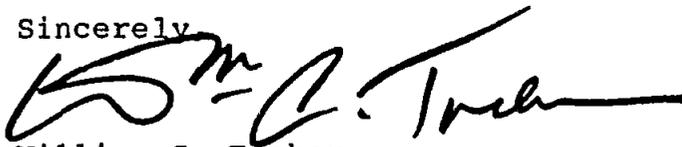
- (1) Where the chemical waste was mixed or commingled with radiological contamination above DOE's action level; or
- (2) Where the chemical waste has been shown to have emanated from the MISS; or

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- (3) Where it has been shown that the chemical waste originated in--or was associated with--the specific manufacturing or processing activities which resulted in the radiological contamination.

In the case of the Maywood Site, it appears unlikely that chemical contamination found on-site can be traced to the thorium-extraction process, the most likely source of most of the Maywood Site's radiological contamination. Chemicals used in thorium extraction are common to other chemical processes and are not process-specific. Nor is EPA aware of any evidence presently available that would show that chemical contamination on the "vicinity" properties emanated from the MISS. Therefore, DOE has taken the position that, in the absence of new or additional information that any chemical waste outside the MIS either emanated from the MISS or was related to the process which produced the radiological contamination, such chemical waste does not come under DOE's FUSRAP jurisdiction unless it is commingled with radiological contamination above DOE's action level. DOE does not have the responsibility for developing such new or additional information, nor the burden of demonstrating that the above conditions have or have not been met in the absence of evidence to the contrary.

Sincerely,



William C. Tucker
Assistant Regional Counsel



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Department of Energy
Washington, D.C. 20545

AUG 18 1983

Ms. Jacqueline Schafer
Regional Administrator
Environmental Protection Agency
Region II
26 Federal Plaza
New York, New York 10278

Dear Ms. Schafer:

This letter summarizes the meeting with Mr. R. N. Ogg of your staff on July 26, 1983, concerning the Environmental Protection Agency's (EPA) and the Department of Energy's (DOE) responsibilities at the Maywood, New Jersey, site of the Stepan Chemical Company. The congressional direction in the House-Senate conference record for the FY 1984 Energy and Water Appropriations Act is that DOE is to initiate an R&D project for decontamination of the site and vicinity properties at Maywood, New Jersey. It was agreed at the meeting that the DOE will be the lead agency for the decontamination effort at Maywood, New Jersey, and that the DOE will take responsibility for the offsite action previously planned under the EPA Superfund. The project will be made part of the Formerly Utilized Sites Remedial Action Program (FUSRAP). It was further agreed that the DOE will consult with the EPA Region II relative to the cleanup standards for the offsite properties. In addition, we will keep you informed of the work progress and status. For this purpose, we will send you the applicable portions of the FUSRAP monthly reports.

It is understood that the EPA Region II Superfund assessments of the offsite properties have been completed, and a report is being prepared. Mr. Ogg stated that we could have access to this report and associated data by approximately September 1, 1983. Our general approach to the project is to give priority to the decontamination of the offsite properties with interim storage of the waste onsite pending long-term actions for decontamination of the site. The long-term action depends upon identification of a suitable disposal site. It appears to us that it is likely that the disposal site will have to be located in the State of New Jersey.

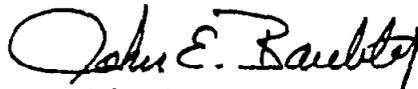
We appreciate the cooperation and responsiveness displayed by you through Mr. Ogg and look forward to working with you to bring the

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Maywood situation to a prompt and satisfactory conclusion. If there are any further questions, please call me on FTS 233-5272.

Sincerely,



John E. Baublitz, Director
Division of Remedial Action Projects
Office of Terminal Waste Disposal
and Remedial Action
Office of Nuclear Energy

cc:
F. E. Coffman, NE-20, DOE