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M-428

Formerly Utilized Sites Remedial Action Program (FUSRAP)

ADMINISTRATIVE RECORD

for Maywood, New Jersey



U.S. Department of Energy

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U. S. ENVIRONMENTAL PROTECTION AGENCY
REGION II
290 BROADWAY - 18TH FLOOR
NEW YORK, NY 10007-1866

FACSIMILE COVER SHEET

TO SUSAN CANE

OFFICE # 615 576 5724 FAX # 615 576 0956

FROM ANGELA CARDENTER

OFFICE # _____ FAX # 212 - 637-3256

COMMENTS _____

IF YOU THINK BACK ABOUT A YEAR AGO YOU
MAY RECALL DISCUSSIONS ABOUT THIS LETTER. I CAN'T
BELIEVE IT ACTUALLY WENT OUT. EVEN I HAD FOR-
GOTTEN ABOUT IT!

ANGELA

P.S. COULD YOU LET JOHN KNOW ALSO (I'M
SURE HE WON'T BE IN TODAY). THANKS.

NUMBER OF PAGES INCLUDING COVER SHEET _____

SEP 14 1995

Mr. Joe La Grone, Manager
Oak Ridge Operations
U.S. Department of Energy
P.O. Box 2001
Oak Ridge, TN 37831

Re: Draft Proposed Plans for the Maywood and Wayne, NJ Superfund Sites

Dear Mr. La Grone:

This is to confirm that the U.S. Environmental Protection Agency (EPA) has completed its review of the Department of Energy's (DOE) draft Proposed Plans dated May 1994 for remediation of contamination at the Maywood and Wayne, NJ Superfund sites.

As you know, our respective offices have discussed several options for proceeding with these Proposed Plans. Comments on the draft Proposed Plans are discussed below.

Overall the Proposed Plans conceptually incorporate the terms of our resolution of dispute over cleanup levels as set forth in EPA's March 24, 1994 letter to you. That letter specifically addressed the Maywood dispute but has application to issues raised at the Wayne site. Please note however, that EPA's review indicates that some modifications are necessary if the Proposed Plans are to more completely and accurately reflect the dispute resolution as well as additional recent actions taken or being considered by DOE (e.g., removal actions).

Pursuant to the resolution of dispute for the Maywood site, the cleanup criterion for residential soil is 5 picocuries per gram (pCi/g) at all soil depths. Non-residential properties will be excavated to 5 pCi/g for surface soil and 15 pCi/g (with a goal of 5 pCi/g) for subsurface soil.

The proposed alternative for the Maywood site calls for 2 phases of remediation. During phase I, contaminated soil from all residential properties, one commercial property, and several government properties will be excavated and shipped off-site for commercial disposal. Since the Proposed Plan was originally drafted, disposal of the MISS pile has been undertaken as part of a non-time critical removal action and DOE is also accelerating response at the residential properties with a similar removal action. Both actions have undergone regulatory review and public comment and are being implemented. The status of these actions should be reflected in the Proposed Plan.

While removal of the pile is proceeding without treatment and may be completed in 1996, the dispute resolution provided that, if treatment were to become viable and cost effective during remediation of the MISS pile, DOE could institute treatment of the pile. However, the language as currently drafted by DOE in the Proposed Plan regarding treatment could be misinterpreted as allowing treatment to also be a component of remediation for the remaining phase I residential properties. This would be contrary to the dispute resolution and this language should be clarified to indicate that treatment is not applicable to remaining phase I properties.

During phase II, DOE has proposed to remediate the remaining properties through a combination of treatment and disposal if, as discussed above, treatment becomes viable and cost effective. The concentrated residuals (exceeding 15 pCi/g) from treatment and any material that cannot be treated to agreed upon levels will be transported to a commercial disposal facility while the treated soil (< 15 pCi/g) would be used as backfill on the MISS and portions of adjacent commercial facilities. Discussion of 5 pCi/g as an "as low as reasonably achievable" goal should be incorporated into the text. DOE will place at least a foot of clean topsoil from a commercial supplier on top of the backfilled material. DOE will take future remedial actions if land use at a particular property changes such that the cleanup level achieved is no longer protective (e.g., commercial to residential).

DOE currently owns the entire Wayne site which has historically been used commercially, therefore, EPA agrees that remediation to the commercial use criteria (5 pCi/g for surface soil and 15 pCi/g for subsurface soil) would be appropriate if DOE can ensure adequate institutional controls. Should future land use change from commercial to residential then EPA would require use of 5 pCi/g as a cleanup criterion, consistent with that used at Maywood. The Proposed Plan as drafted by DOE for the Wayne site, like Maywood, also calls for two phases of remediation and includes removal and treatment (if viable) by soil washing of the waste pile as phase I followed by removal and treatment (if viable) of the contaminated soil below the waste pile as phase II. Since the Proposed Plan was originally drafted, disposal of the Wayne pile has been proposed as part of a non-time critical removal action which has undergone regulatory review and public comment and is being implemented; therefore, the Proposed Plan should be amended to reflect this action. To be consistent with the Maywood Proposed Plan a discussion of 5 pCi/g as an "as low as reasonably achievable" goal should be incorporated into the text. The concentrated residuals (exceeding 15 pCi/g) and any material that cannot be treated to agreed upon levels will be sent to a commercial disposal facility. The treated material (< 15 pCi/g) will be used as backfill on the Wayne site on top of which will be placed at least a foot of clean topsoil from a commercial supplier.

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At both the Maywood and Wayne sites, DOE will perform 5 year reviews to ensure protectiveness at those areas where subsurface soil contamination is above 5 pCi/g. Also, EPA and DOE will request that the local municipalities around the Maywood site provide notification of any land use changes that would affect those properties where contamination remains above 5 pCi/g. Furthermore, because DOE owns both the Wayne site and MISS, it will place commercial land use deed restrictions on these properties if the 5 pCi/g goal is not attained.

I believe that the Proposed Plans for these sites can be readily modified as noted above and my staff is ready to assist your staff as needed. I look forward to proceeding towards public comment without further undue delay.

If you have any questions regarding the subject of this letter, please contact me or have your staff contact Angela Carpenter, EPA Project Manager, at (212) 637-4433.

Sincerely,

/s/ William J. Muszynski
Jeanne M. Fox
Regional Administrator

cc: R. Guimond, DOE
L. Price, DOE
R. Shinn, NJDEP

bcc: A. Carpenter, PSB-FFS