M-707

Formerly Utilized Sites Remedial Action Program (FUSRAP)

ADMINISTRATIVE RECORD

for the Maywood Site, New Jersey

US Army Corps of Engineers®

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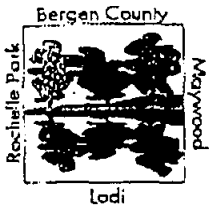

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M-707

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RECOMMENDATIONS ON MAYWOOD CLEANUP ALTERNATIVES

A Report to the U.S. Army Corps of Engineers by
the Maywood Cooperative Guidance Group
November 26, 1997

The Maywood Cooperative Guidance Group (CGG) has been meeting since March 25, 1997, to develop a set of recommendations on the cleanup alternatives under consideration for remediation of the Phase II thorium-contaminated properties at the Maywood Formerly Utilized Sites Remedial Action Program (FUSRAP) site. The site contains properties located in Maywood, Lodi and Rochelle Park. As of the date of this report, the Group has held 15 meetings of the full CGG and five meetings of the Report-Writing Subcommittee.

COMMUNITY ACCEPTANCE CRITERIA

One of the first tasks undertaken by the CGG was development of a set of community acceptance criteria to be used in evaluating remedial alternatives. While these closely parallel the nine criteria for evaluating cleanup alternatives mandated by the federal Superfund law (the Comprehensive Environmental Response, Compensation, Liability Act, or "CERCLA"), they reflect the first consensus reached by the Group, namely that the following issues need to be addressed satisfactorily by any remedial alternative in order to receive a "passing grade":

- **Health Impacts** - human health must be protected, now and in the future.
- **Safety** - the safety of community residents must be assured.
- **Environmental Impacts** - plants and animals, air quality and water quality must be protected.
- **Comparative Costs** - the costs of alternatives need to be compared as measured against their comparative ability to satisfy the other cleanup criteria and objectives as well.
- **Comparative Effectiveness** - the ability of each alternative to satisfy these criteria should be compared.
- **Economic/Tax/Property Value Impacts** – to protect the economic health of the community, remediation alternatives should not adversely affect property values or municipal tax base and should allow restoration of the remediated properties to productive commercial, public or community use.

• **Quality of Life Impacts** - the comparative effect of remedial alternatives on noise, traffic, aesthetics and related concerns should be considered.

• **Timing/Timeliness** - the sooner a remedial alternative satisfying these criteria can be implemented, the better.

• **Perception/Reality** - community concerns based on unwarranted assumptions or misperceptions about remedial alternatives must be addressed constructively and aligned with reality in order to achieve a timely, implementable cleanup that satisfies all criteria.

• **Implementability** - a cleanup alternative must be implementable in order to be feasible - e.g., it must be acceptable to the community, it must be fundable, technologically workable, etc.

REMEDIATION ALTERNATIVES

The Cooperative Guidance Group has reviewed the six remediation alternatives currently under study by USACE and has the following comments.

General Comments and Recommendations

Accessibility: The CGG agrees that - except in the case of parking lots and burial pits on the Stepan property - contaminated soils located beneath Route 17 and Route 80, the Sears building, and other occupied commercial structures should be considered inaccessible and safely contained, as long as the present program of periodic monitoring continues to be carried out for as long as those contaminants remain in the community. The CGG believes the cost, community disruption and economic dislocation to commercial businesses of demolishing streets and operating buildings to excavate materials that federal studies report are not causing – and not likely to cause – any public health problems would not be offset by any corresponding benefit.

Stepan Burial Pits: The CGG recommends that - because of the concentration and intensity of contamination they contain, and the intense concern about them felt by residential neighbors - all burial pits on the Stepan property be remediated through excavation and removal of contaminants, including those located beneath Stepan buildings, since those structures should not have been erected over those burial pits in the first place.

Prioritized Cleanup Sequence: The CGG recommends that the sequence of properties to be remediated should be prioritized based on exposure risks, so that high-priority properties are cleaned up first, to protect against the impact of unexpected funding disruptions or shortages.

Use of the Maywood Interim Storage Site (MISS) as Stockpile Area: Long-term storage of excavated soils at the MISS is a major, long-standing community issue of great concern in Maywood. Therefore, the CGG recommends that, from the standpoint of planning and funding, removal of excavated soil from the MISS must receive the same priority as its excavation from contaminated properties. The CGG further recommends that the Corps' goal be to transport offsite as much soil each fiscal year as was excavated that year. In addition, the CGG recommends that – to facilitate community acceptance – soils stockpiled at the MISS should be transported offsite as quickly as possible and in no case should such soil remain at the site for more than six months after its excavation from a contaminated property. All excavated soils should be removed by the end of fiscal year 2002.

Coordination Between United States Army Corps of Engineers (USACE) and United States Environmental Protection Agency (USEPA): The CGG strongly believes that chemical contamination at the Maywood site is at least as serious and perhaps even more serious of a community risk than the radiological contamination, and the two forms of contamination should not be considered – or remediated – in isolation from each other. Therefore, the Group recommends that USEPA and USACE coordinate closely on their plans, activities and schedules regarding the Maywood site to assure that the two remediation programs in general, and the remediation of specific properties in particular, are implemented and completed as safely, efficiently, cost-effectively and quickly as possible.

Dislocations to Commercial Businesses: The CGG recommends that, if remediation work would have a substantially negative impact on the business operations of a commercial property owner, then such cleanup work should be expedited to minimize the period of disruption. In addition, the Group recommends that, on a case by case basis, small business owners whose business would be substantially – or potentially fatally - damaged due to disruptions caused by remediation of their property should be compensated for lost business.

Recalcitrant Property Owners: The CGG is concerned that some property owners may refuse to allow remediation activities on their premises. In such cases, the Group recommends that all efforts be made to induce such property owners to accept environmental deed restrictions, to assure that they and their successors not conduct any inappropriate construction activities that could increase thorium-related environmental or human health risks. Should such property owners refuse to have their property environmentally deed-restricted, then the appropriate federal, state and local agencies should be notified to assure that local approvals for inappropriate activities will not be issued.

Cleanup Timelines: The duration of the five action alternatives (ranging from 2.3-2.8 years) developed by Science Applications International Corp. (SAIC) is unrealistically and misleadingly short and would certainly lead to community misperceptions without an accompanying explanation. While SAIC's basic underlying assumption is that full funding

is immediately available, there are many other variables that could - and in some cases almost certainly would - greatly extend these timelines, such as community acceptability, technological effectiveness, and the risk of unexpected discoveries.

This is especially important to any comparative assessment of the cleanup alternatives since timing is a major evaluation criterion from the standpoint of the community as well as the CERCLA 9, and at present a sound basis for comparing alternatives against this criterion does not exist. Therefore, the CGG recommends that the timelines for cleanup alternatives under serious consideration be carefully explained and projected on a more realistic basis before a preferred alternative is selected.

Credibility of Assertions about Health Risks: The CGG believes that great skepticism exists in the community regarding government assertions about health risks from Phase II contaminated properties. Therefore, the Group requests funding for a highly qualified independent environmental and community health consultant to advise the CGG and the community on the health risks from the current situation and related to each cleanup alternative involving soil treatment and/or unremediated inaccessible soils.

Specific Comments and Recommendations

Alternative 1 - No Action:
The CGG recommends that this alternative be rejected because it is not protective of human health and the environment, would have a tremendously adverse impact on the community's image and economic health, and would be unacceptable to the community.

Alternative 2 - Excavation and Offsite Disposal:
The CGG is concerned that the cost and timing for completion of this alternative could be prohibitive, based on historic funding levels. However, if the necessary funding is available, this alternative would address community concerns.

Alternative 3 - Excavation, Treatment and Offsite Disposal:
This option appears to have several advantages compared to the others due to its more realistic cost and fundability, as well as its compliance with CERCLA's preference for treatment as a component of remediation. However, the CGG believes that great skepticism exists in the community regarding government assertions about the appropriateness of treatment technologies from the standpoint of feasibility, effectiveness, environmental, health, social (especially noise and dust) and economic impacts. Therefore, if this alternative receives serious USACE consideration, to help boost community confidence in the safety and effectiveness of treatment, the CGG recommends:

A. Funding for a qualified independent technical expert to advise on the suitability of any proposed treatment method to assure it will perform as intended on Maywood soils, to the benefit of the community.

B. The opportunity for two of its members to see the proposed treatment system in operation on Maywood soils at an appropriate testing location.
C. Utilization of an independent laboratory to do a confirmatory analysis of the effectiveness of treatment on Maywood soils in producing residual soils that have been decontaminated to safe levels.
D. Mitigation measures to control noise and dust impacts on residents living near the onsite treatment location, in compliance with local and state ordinances.

Alternative 4 - Excavation, Treatment and Onsite Disposal:
Based on the information we have been provided, the CGG recommends that this alternative not be selected. Onsite disposal is more expensive and takes longer to complete than the treatment alternatives utilizing off-site disposal, and would be unacceptable to the community because it would preclude the restoration of the MISS to productive community or commercial use.

Alternative 5 - Complete Excavation and Offsite Disposal:
The CGG believes that the costs of this alternative are prohibitively high, and even so, appear to be greatly understated, due to the failure to include the costs associated with disruptions to businesses, traffic and community lifestyle. The Group further believes that funding of this magnitude is unlikely to be forthcoming from Congress. Indeed, selection of this alternative might actually delay implementation of a cleanup because of the inability to secure the necessary Congressional funding. Even if it were implementable, this alternative would be very likely to entail significant disruptions to the community's quality of life, due to the extensive demolition of roads and buildings it would entail. Subject to the input we receive from the independent health consultant recommended above, the CGG believes that these disruptions would be disproportionate to the benefits the community would receive. This does not apply, however, to the much higher level of contamination located in Stepan burial pits, which the CGG recommends be remediated regardless of current accessibility.

Alternative 6 - Limited Excavation and Offsite Disposal:
The CGG believes that restrictions on commercial use would be detrimental to current property owners, would devalue property values, and adversely impact the municipal tax base. While this option appears to take the least time and money to implement, it is very important to the community that the MISS be remediated to the point where it can be returned to productive use. Therefore, unless the MISS could be restored to productive commercial use as a community asset, this alternative is unlikely to receive community support.