Former Lake Ontario Ordnance Works (LOOW) Management Action Plan Workshop

Lewiston, New York
December 2, 2009

US Army Corps of Engineers
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Workshop Agenda

- Presentation of Management Action Plan (30 minutes)
  - Purpose
  - Organization and content
  - Parcel groupings
  - Summary of current environmental response status
- Department of Energy (DOE) presentation (15 minutes)
- Poster breakout session (30 minutes)
  - Station 1 – General environmental response as defined by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
  - Station 2 – Management Action Plan parcel grouping and methodology
  - Station 3 – U.S. Department of Energy
- Round Table Discussion (1 hour and 30 minutes)

See handouts 2 BUILDING STRONG®

The poster session will be an opportunity for one-on-one discussion with US Army Corps of Engineers (USACE), the US Department of Energy (DOE), and contractor representatives.

The USACE technical team, US DOE, and contractors will also be available for additional one on one discussion following the round table.

Several handouts are available for reference during the presentation, including an Acronym List for reference throughout. All of the handouts are numbered, and the slides with associated handouts have a handout number listed (typically) in the bottom left hand corner of the slide. Handouts are organized in the order in which they are referenced in the presentation. The handouts are:
1.Acronym list (for reference throughout the presentation)
2.Copy of the presentation
3.Management Action Plan Fact Sheet (first referenced on Slide 5, figure included in Fact Sheet is referenced on Slide 10)
4.Parcel Grouping Logic Tree (first referenced on Slide 9)
5.Table 4-2 of the Management Action Plan - Summary of Status and Funding Requirements for LOOW Formerly Used Defense Sites (FUDS) Projects (first referenced on Slide 10)
6.Figure 2-1 of the Management Action Plan - Formerly Utilized Sites Remedial Action Program (FUSRAP), Niagara Falls Storage Site (NFSS) Vicinity Properties (first referenced on Slide 12)
7.Table ES-2 from the Schools Property Management Action Plan, Defense Environmental Restoration Program for Formerly Used Defense Sits (DERP-FUDS) Project Status for Parcels in Parcel Group 03:Speccons-School as of 02/04/09 (first referenced on Slide 14)
8.Table 1 from the Schools Property Management Action Plan, Summary of HTRW Project Status and Strategy (first referenced on Slide 15)

Purpose of Presentation

- Present the purpose of the Management Action Plan
- Describe the organization and content of the Management Action Plan
- Explain parcel groups and parcel grouping methodology
- Describe the five project types defined by the Defense Environmental Restoration Program – Formerly Used Defense Sites (DERP-FUDS)
- Present an overview of the status of environmental response for the parcel groups

See handouts 2 and 3

3

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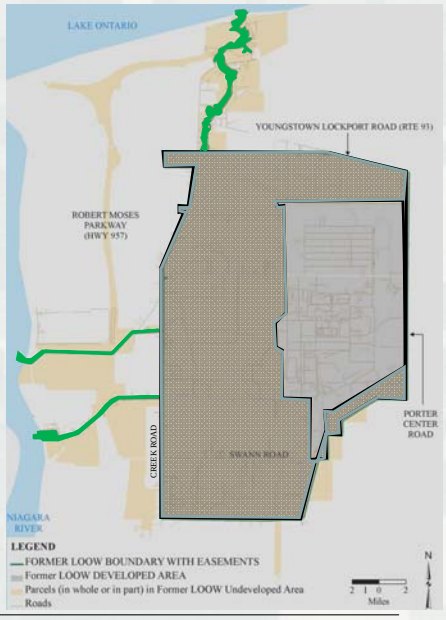
The Management Action Plan and associated Property Management Action Plans (PMAPs) present a summary of the U.S. Army Corps of Engineers (USACE) strategy for completing and closing, on a real property basis, the parcels comprising the former Lake Ontario Ordnance Works (LOOW) that meet the definition of a Formerly Used Defense Site (FUDS) under the Department of Defense (DoD) Defense Environmental Restoration Program (DERP).

This presentation is an introduction to the Management Action Plan and how to use it to understand the USACE planned strategy for reaching closure of the LOOW site.

LOOW Review and Definitions

- LOOW - Review
  - Built in 1941-1942 to produce trinitrotoluene (TNT)
  - 7,567 acres total: approximately 2,500 acres developed by Department of Defense (DoD) and 5,000 acres essentially undeveloped
  - DoD activities primarily in developed area
  - Multiphase remedial investigation (RI) ongoing
  - Multiple areas of possible DoD use and/or impact
- Definitions
  - Formerly Used Defense Site (FUDS) and eligibility
  - LOOW boundary
  - Developed zone or area
  - Undeveloped area or buffer zone
  - Easement
  - Parcel
  - Parcel group



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Subsequent to the closing of the 7,567-acre LOOW, the eastern "developed area" of LOOW was utilized for other DoD facilities including Air Force Plant-68 (AFP-68) and the Navy Interim Production Pilot Plant (both constructed for production of borane fuels), a NIKE Base, Air Force Plant-38 (AFP-38) (an engine testing facility), a chemical warfare depot, and a storage area for radiological wastes.

Some terms that will be used throughout this evenings presentation include the following.

Formerly Used Defense Site (FUDS): Real property transferred from DoD control prior to October 17, 1986 that was under the jurisdiction of the Secretary of Defense and owned by, leased by, or otherwise possessed by the United States, and those real properties where accountability rested with the DoD but where the activities at the property were conducted by government contractors. Properties that meet the criteria of a FUDS may be eligible for funding of an environmental response under the Defense Environmental Restoration Program.

LOOW Boundary: The contiguous acreage acquired by the DoD for construction of the LOOW. The area loosely bounded by Youngstown-Lockport Road (Route 93) to the north, Porter Center Road to the east, Creek Road (Route 18) to the west, and a former east-west trending right of way located approximately 1,000 feet south of Swann Road. The term does not include acreage on the Niagara River acquired for the freshwater intake pump house, and easements acquired for the freshwater intake line, 30-inch outfall line, and along Four Mile Creek.

Developed zone or area: That area of the former LOOW where the majority of the manufacturing took place. It is generally considered to consist of approximately 2,500 acres of the eastern portion of LOOW, and is comprised of the former trinitrotoluene (TNT) storage bunkers, the nitration area, the wastewater treatment plant (WWTP), the shops and acid concentration area, and the administrative area.

Undeveloped area or buffer zone: That area of the former LOOW where no manufacturing took place. It is generally considered to consist of approximately 5,000 acres of the western, northern, and southern portion of LOOW. No significant former DoD structures were located in this area, with the exception of an open shed formerly used as part of the transportation area, and a fenced storage area.

Easement: A non-possessory interest to use real property in possession of another person for a stated purpose. The DoD obtained easements for areas outside the LOOW boundary for the freshwater intake line and 30-inch outfall line in order to be able to maintain the lines, and along Four Mile Creek because of the potential for increased flow in the creek as a result of DoD activities at the LOOW.

Parcel: An area of real property as identified and described by Niagara County Department of Real Property Tax.

Parcel Group: A single parcel or multiple parcels with similar characteristics with regard to FUDS property eligibility requirements, location relative to the developed area of LOOW, current ownership, known or suspected DoD impacts, and land use. It is the unit for which each Property Management Action Plan (PMAP) was developed.

Purpose of Management Action Plan

- What is the Management Action Plan?
  - Planning document that will describe the
    - Current status of the site within the Defense Environmental Restoration Program for Formerly Used Defense Sites environmental response program
    - Steps required to gain administrative closure
- Why do we need a Management Action Plan?
  - Articulate the US Army Corps of Engineers (USACE) position with regard to federal and programmatic authority and eligible project scope
  - Describe path toward closure for all parcels
  - Provide summary of DoD and non-DoD activities and impacts, investigations, and conclusions to date for each parcel/parcel group
  - Identify data gaps
  - Provide framework for future statements of work
  - Present a consolidated overview for USACE stakeholder review
  - Provide a format for a "living summary" of LOOW with provisions for periodic updates

See handout 3 5 BUILDING STRONG®

Please see the Fact Sheet provided as handout 3.
The points identified on this slide are the keynotes for tonight's meeting.

Due to the size of the former LOOW (7,567 acres), the number of current real estate tax parcels (over 550), and variability in site use (e.g., school to a Subtitle C landfill), the planning, funding, and execution of environmental response activities (including closure of those areas not adversely impacted) has been challenging. The purpose of the LOOW Management Action Plan is to:
•integrate and evaluate information from prior USACE reports and relevant non-USACE sources ,
•establish a single comprehensive agency planning document in which USACE formally communicates findings, conclusions, and,
•present a framework to achieve the objectives of the USACE Comprehensive Environmental Response Compensation and Liability Act (CERCLA) responsibilities at the former LOOW site.

The LOOW Management Action Plan is not intended to replace or serve as a formal CERCLA decision document (i.e. Proposed Plan or Record of Decision). It is a planning document presenting the anticipated path forward for completion of the environmental responses at the property parcels comprising the former LOOW.

Because the Management Action Plan is a management tool, the USACE plans to update the Management Action Plan periodically, and to issue revisions of those Property Management Action Plans that incurred significant change in strategy or status from the previous submittal. When revisions are made, they will include a summary of those comments received from community and stakeholder input and comments.

Layout of Management Action Plan

- Part I (Volume 1) – Management Action Plan
  - Purpose, methodologies (parcel groupings), and sources of information
  - USACE and regulatory authorities and responsibilities
  - Summary of status of all parcel groups
- Part II (Appendix A, Volumes 2 and 3) – Property Management Action Plans (PMAPs)
  - Property Management Action Plans for all 33 parcel groups defined in the Management Action Plan
  - DoD and non-DoD activities and confirmed and suspected impacts
  - USACE response strategy and response status
- Part III (Appendix B, Volume 4) – Responsiveness Summary
  - Stakeholder comments and USACE responses

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The Management Action Plan currently consists of three Parts that are currently presented in three volumes – i.e., three 3-ring binders for the hard copy report and three separate files for the electronic copy of the report.

Part I (Volume 1) is the main text of the Management Action Plan and presents the following: objectives; methodologies; USACE and other Federal, State, and local agency authority and responsibilities; summary of findings and strategy; and explains why and how each of the real property parcels, defined by the Niagara County Department of Real Property, were combined into “parcel groups”.

Part II (Volumes 2 and 3) present Property Management Action Plans for each of 33 parcel groups.

Subsequent releases of the Management Action Plan will have a third part (Part III) that will include comments received from stakeholders.

Outline and Content of PMAPs

ES	Executive Summary
1.0	Introduction
2.0 - 4.0	Statutory and Regulatory Authority and Organizational Responsibility
5.0	Available Information
6.0	Property History
	► DoD and non-DoD activities
7.0	Property Environmental Impacts
	► DoD and Non-DoD confirmed and suspected impacts
8.0	Property Eligibility
9.0	Project Eligibility
10.0	USACE Response Strategy
11.0	USACE Response Status
12.0	Stakeholder Input

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Sections 1 through 4 predominantly present the same information within all Property Management Action Plans (PMAPs), while the information in Sections 5 through 12 is very specific to each parcel group.

Section 5.0 summarizes the sources reviewed in preparing the individual PMAPs and references a master list of resources that is presented in Part I of the Management Action Plan.
Section 6.0 details the known and suspected activities on the property from both DoD use and non-DoD use, including activities suspected based on anecdotal information as well as more definitive historical documentation.
Section 7.0 details whether there is confirmed or suspected impact from those activities, and presents summaries of investigations conducted at or relating to the parcels addressed in the PMAP. Sections 6.0 and 7.0 draw distinctions between activities and impacts. An activity on a site may not necessarily result in a harmful impact.
Section 8.0 is a simple statement of whether the parcels are eligible for inclusion into an environmental response within the Defense Environmental Restoration Program for Formerly Used Defense Sites (DERP-FUDS). Recall that eligibility with regard to a FUDS refers to if a property was utilized by the DoD and was transferred or sold prior to October 17, 1986.
Section 9.0 is similar to 8.0 but summarizes whether the activities and impacts on the parcel group are eligible for an environmental response under one of the five specific project types within DERP-FUDS. The project types will be discussed later in the presentation (see Slide 11).
Section 10.0 presents the environmental response strategy planned for each project type. As per DERP-FUDS guidance, the USACE response strategy follows the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) process, with the short-term goal of reaching a “no DoD Action Indicated” (NDAI) (no further action necessary) determination for a parcel group and the ultimate goal of regulatory closure for the parcel group and eventually for the LOOW FUDS site as a whole.
Section 11.0 presents the status of the environmental response for the parcel group.
Section 12.0 summarizes major public comments or concerns regarding the specific parcel or parcel group addressed by the PMAP. The USACE released the initial version of each PMAP and will capture public input specific to each PMAP through receipt of comments. Subsequent versions of the PMAPs will be updated to reflect a summary of public input received.
Section 13.0 is a reference to the master reference list, which is included as Table 3-2 in the Management Action Plan (Volume 1).

Methodology

- Research
  - Historical documents – real estate transfer records and maps, facility records
  - Environmental database searches
  - Niagara County Department of Real Property Tax
  - Lewiston and Porter Comprehensive Plans (land use and zoning)
  - USACE and non-USACE reports on investigations and aerial photograph reviews
  - Historical knowledge and information from stakeholders
  - Regulations, authorities, responsibilities
- Data compilation and categorization of parcels
  - Confirmed and/or suspected DoD and non-DoD activities
  - Confirmed and/or suspected areas of concern on the parcels
  - Confirmed DoD and non-DoD impacts on the parcels
- Determination of parcel groupings
- Determination of status of environmental response and identification of potential data gaps

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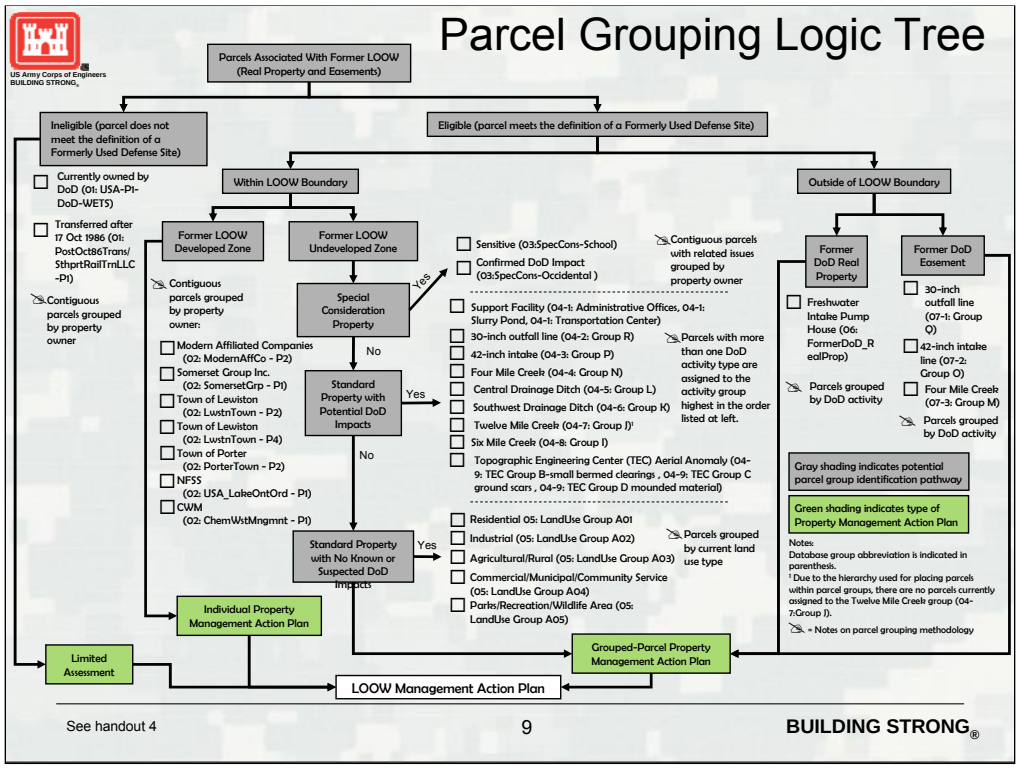
Multiple sources of information were reviewed to compile data for the Management Action Plan. Sources included historical documentation, environmental investigations performed by USACE and others, information provided to the USACE through cooperative collaborations (i.e., the Lew-Port school campus investigations), tax and real estate sources, US environmental laws and regulations, DoD regulations, etc.

The information was compiled into a database to determine the parcel-specific past, current, and future land use, DoD and non-DoD activities, and suspected and confirmed impacts.

The information was then used to begin separating and grouping individual parcels into parcel groups based on characteristics determined during the research.

The current status, data gaps, and the proposed strategy of the environmental response at the parcel group was determined.



Determining parcel characteristics and developing parcel groups was a main task of the Management Action Plan. This figure presents the parcel grouping decision tree and is provided as handout #4.

Numerous characteristics were used in assigning each parcel into a parcel group. Because many characteristics are not mutually exclusive (e.g. a single parcel may have more than one of the characteristics) a hierarchy for assignment into a parcel group was established and is represented by the Parcel Grouping Logic Tree. A parcel can be assigned to only one parcel group.

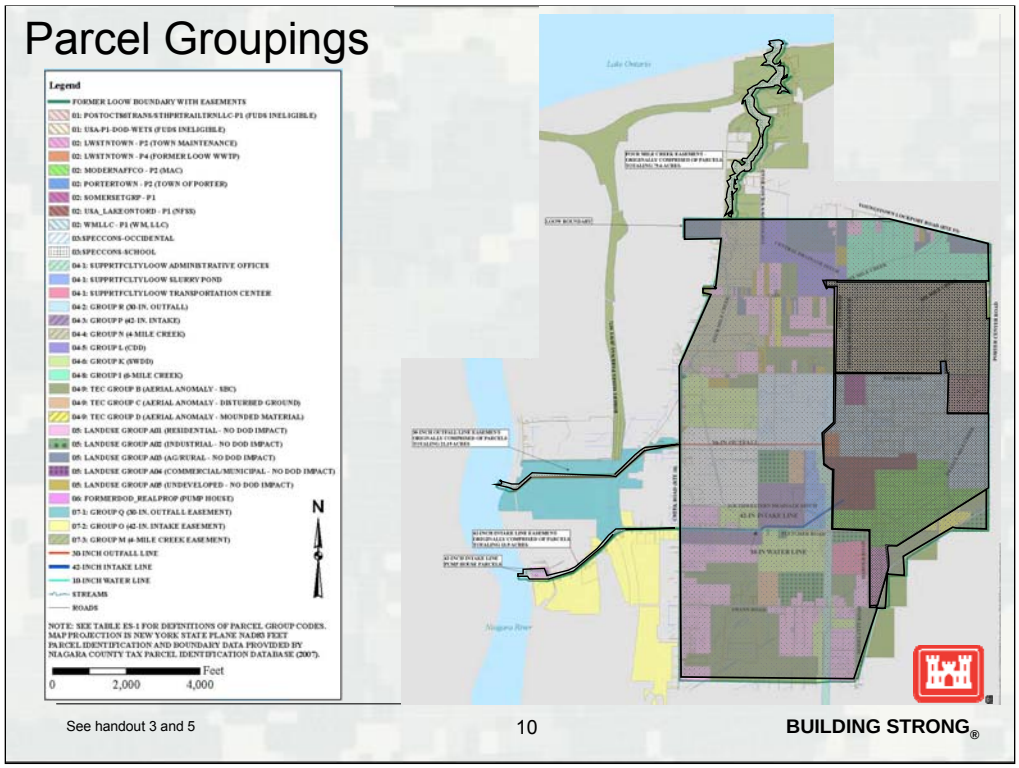
This Logic Tree presents the characteristics used in placing parcels within parcel groups. It is a flow diagram that can be followed by determining whether or not the statement in the gray box applies to the parcel in question. For example, the first step in grouping parcels was to determine: is the parcel (or a portion of the parcel) a formerly used defense site (FUDS) – i.e., does it meet the formal definition and requirements of a FUDS. If not, the parcels were deemed ineligible and were grouped based on the reason for ineligibility (i.e. currently owned by the DoD or transferred from DoD ownership after October 17, 1986). Contiguous parcels (adjacent parcels that share a property boundary) having the same criteria were grouped by property owner.

Parcels that are FUDS eligible were further categorized based on whether or not they are located within the LOOW boundary or outside of the LOOW boundary. If the parcel is located within the LOOW boundary, it was then determined whether or not it is located within the former developed zone or the undeveloped zone. Contiguous parcels within the former developed zone were grouped by property owner. Properties in the undeveloped zone were grouped based on certain parcel attributes, and the hierarchy of attributes is represented by the order in which they are listed on the logic tree. The hierarchy was developed only for assigning parcel groups, and is not representative of a “level of importance”.

Parcels that are FUDS eligible and are outside of the LOOW boundary were evaluated to determine whether they were formerly owned by the DoD or if the DoD formerly held an easement on the property. Contiguous parcels were grouped based on historic DoD ownership (e.g. real property or easement), and then based on historic DoD activity that occurred on the parcel.

The hierarchy resulted in 33 parcel groups that are made up of one or more parcels. Each parcel group has a property management action plan (PMAP); thus there are 33 PMAPs in Appendix A (Volumes 2 and 3) of the Management Action Plan.

Because the Management Action Plan was designed as a planning document for DERP-FUDS and not the Formerly Utilized Sites Remedial Action Program (FUSRAP), FUSRAP related issues were not a parcel grouping parameter. The PMAPs do discuss FUSRAP issues that apply to the parcels in that group. FUSRAP is discussed further in slide 12.



This is a pictorial representation of the parcel groupings. This figure appears in the Management Action Plan as Figure 4-1 and as an 11x17 inch figure in handout 3. It is also presented as a poster available for viewing during the poster session. The parcel boundaries, as obtained from the Niagara County Department of Taxation, are presented on this figure. If anyone owns a parcel within the LOOW boundary and can recognize their parcel, this figure will indicate which parcel group the parcel was assigned to.

- 2 of 33 parcel groups did not meet the definition of a formerly used defense site (FUDS) and were not eligible (Group 01 on logic tree)
- 7 parcel groups were in the developed area (CWM, Town of Lewiston WWTP, Town of Lewiston Garages, Modern, Town of Porter, Somerset Group, and NFSS) (Group 02)
- 20 parcel groups were in the undeveloped area
    - 2 special consideration parcel groups (Schools and Occidental) (Group 03)
    - 13 parcel groups with DoD activity (Group 04)
        - 3 former LOOW support facilities (Administrative Offices Area, Slurry Pond, and Transportation Center)
        - 2 traversed by utilities (30-inch outfall line and 42-inch intake line)
        - 5 creeks/drainages (Four Mile Creek, Central Drainage Ditch, Southwest Drainage Ditch, Twelve Mile Creek, Six Mile Creek)
        - 3 Topographic Engineering Center aerial anomaly types (Small Bermed Clearings [SBCs], ground scars, and mounded material)
    - 5 parcel groups with no suspected DoD activity, sorted by land use (Group 5)
- 4 parcel groups were outside of the LOOW boundary
    - 1 parcel group for a support facility located on former DoD real property (freshwater intake pump house) (Group 6)
    - 3 parcel groups for the easements held by the DoD (30-inch outfall line, 42-inch intake line, and Four Mile Creek) (Group 7).

DERP-FUDS Project Types and Eligibility

- DoD activities and impacts were evaluated to determine if and which hazards were eligible for inclusion into a project for environmental response
- A document called the Inventory Project Report (INPR) summarizes findings, determines if site hazards are eligible for authorization of a Defense Environmental Restoration Program for Formerly Used Defense Sites (DERP-FUDS) project, and gives the USACE authority to initiate the project(s)
- There are five project types:
  1. HTRW - hazardous, toxic, and radioactive waste
  2. CON/HTRW - containerized HTRW hazards (e.g., underground storage tanks)
  3. MMRP - military munitions response program
  4. BD/DR - building demolition and debris removal from unsafe buildings and structures
  5. PRP/HTRW - potentially responsible parties, where the DoD and other entities may both have some liability for HTRW hazards
- For LOOW, HTRW, CON/HTRW, MMRP, and PRP/HTRW projects were authorized

See handout 1 for definition of acronyms 11 BUILDING STRONG®

Following identification of parcel groups, the history of the parcels in each parcel group was reviewed again, but with regard to whether the activities/impacts (referred to as "hazards") were eligible for inclusion into one of five project types (listed below) defined in the regulations for the Defense Environmental Restoration Program for Formerly Used Defense Sites (DERP-FUDS). Similar information is documented in the Inventory Project Report (INPR), a document required by FUDS regulation which presents a determination of eligibility for authorization of a project type.

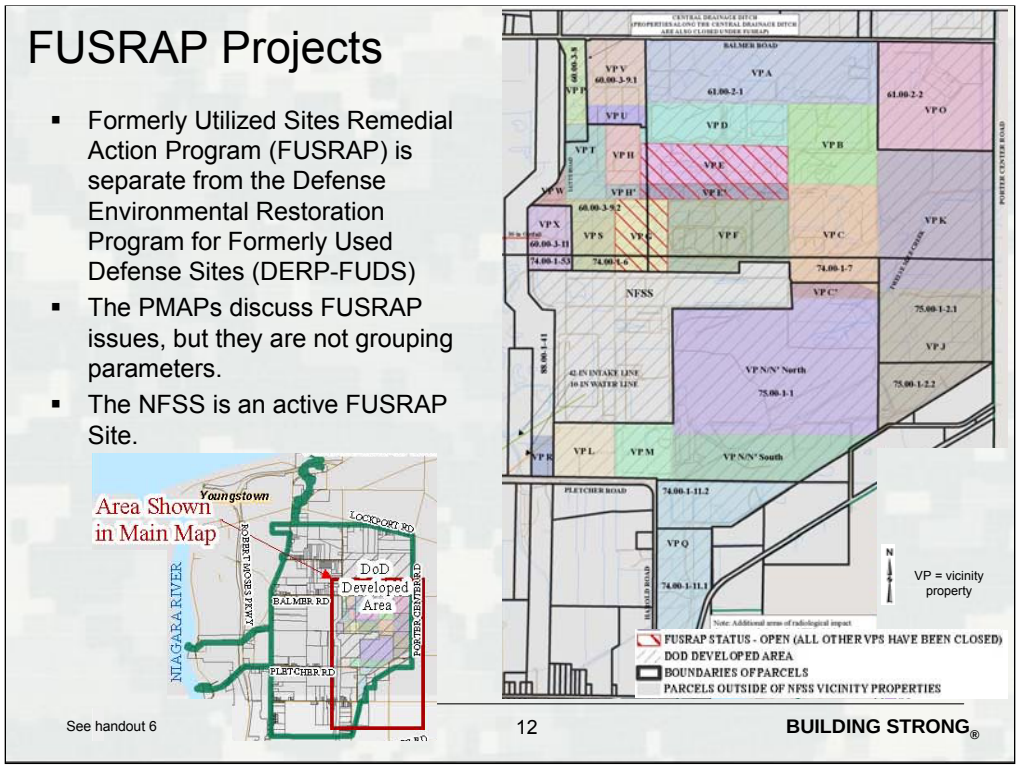
Project types:
1. Hazardous, Toxic, and Radioactive Waste (HTRW) hazards are: hazardous substances, pollutants, and contaminants as defined in the Comprehensive Environmental Restoration, Compensation, and Liability Act (CERCLA); petroleum, oil, or lubricants; DoD-unique materials; hazardous wastes or hazardous waste constituents; low-level radioactive materials or low-level radioactive wastes (not being addressed under the purview of the Formerly Utilized Sites Remedial Action Program (FUSRAP); and explosive compounds released to soil, surface water, sediments, or groundwater as a result of ammunition or explosives production or manufacturing at ammunition plants.

2. Containerized HTRW (CON/HTRW) projects address HTRW hazards that are containerized. That is, underground storage tanks (USTs), above ground storage tanks (ASTs), transformers, hydraulic systems, investigative derived waste (IDW), and abandoned inactive monitoring wells.

3. Military Munitions Response Program (MMRP) hazards include munitions and explosives of concern (MEC) such as unexploded ordnance and discarded munitions, and includes munitions constituents (MC) that are present as the result of DoD activities at FUDS. MMRP hazards also include recovered chemical warfare materiels.

4. BD/DR hazards include unsafe buildings, structures, and debris. The conditions must have been hazardous as a result of prior DoD use and must have been inherently hazardous when the property was transferred before 17 October 1986.

5. Potentially Responsible Party (PRP) projects involve activities where DoD may bear potential CERCLA liability for hazards or hazardous substance releases along with a non-DoD entity. A PRP is anyone related to a property that is a current owner or operator, a past owner or operator at the time of disposal of any hazardous substance, pollutant, or contaminant, a person who arranges for disposal, treatment, or transport for disposal or treatment of hazardous substances, or a transporter who has selected the site for the disposal of a hazardous substance.



Information about Niagara Falls Storage Site (NFSS) and the associated Vicinity Properties is also included in the Management Action Plan. NFSS is being invested under the Formerly Utilized Sites Remedial Action Program (FUSRAP), a program initiated in 1974 to identify, investigate, and clean up or control sites that were part of the Nation's early atomic energy and weapons program. Activities conducted at the site by the Manhattan Engineering District (MED) or the Atomic Energy Commission (AEC), both predecessors of the Department of Energy (DOE), are eligible for inclusion in FUSRAP.

A Vicinity Property is a parcel of land, together with any improvements thereon, which is located outside the boundary of an active FUSRAP site, is adjacent to or near such a site, and is known or suspected to be contaminated with radioactive and/or hazardous material from an active FUSRAP site.

Numerous Vicinity Properties associated with the NFSS, designated with letters, are located in the former LOOW developed area. As of March 1999 all but three of the NFSS Vicinity Properties were designated "completed FUSRAP Sites". The USACE is responsible for response action activities at FUSRAP sites until two years after site closeout, at which point the DOE assumes responsibility for any required activities at the site. Therefore, authority and responsibility for these sites lies with the DOE, and not with the USACE.

NFSS Vicinity Properties were not a parcel grouping parameter for the Management Action Plan, although they are identified in the PMAPs and historic DOE activities are discussed. Table ES-3 in the executive summary section of each Property Management Action Plan (PMAP) identifies whether there are any Vicinity Properties in the parcel group, which ones, and whether or not they are "open" or "closed".

Representatives of the US DOE are here this evening to talk about the FUSRAP Vicinity Properties following this presentation.

Parcel Group Project Status

Each parcel group was evaluated with respect to FUDS project eligible hazards and was assigned a "status" with regard to response actions within each specific project type.

- Ineligible – property does not meet the definition of a FUDS, or, for BD/DR projects, do not meet the ownership criteria for inclusion
- Inactive – response may be required, but has not been initiated
- Active/Ongoing – response action moving forward
- Response Complete (NDAI = No DoD Action Indicated)
  - NDAI Category I – no known impacts or hazards
  - NDAI Categories II through IV - impacts were investigated and no longer present an impact (no risk or the site was remediated)
  - NDAI – PRP for parcels that may still have areas of combined DoD and non-DoD impacts
- Regulatory Concurrence – the primary regulator (New York State) has concurred with DoD conclusions

See handout 1 for definition of acronyms

13

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After determination of eligibility for a specific project (presented in Section 9 of the Property Management Action Plan [PMAP]), presentation of the strategy for the environmental response (presented in Section 10 of the PMAP), the status of the environmental response within the project is presented (in Section 11).

Status is described as one of the following: ineligible, inactive, active/ongoing, response complete (referred to as No DoD Action Indicated [NDAI]), and regulatory concurrence. Note that "response" refers to environmental response as presented in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Additional details on NDAI categories:
NDAI Category I - After completion of Inventory Project Report (INPR) efforts, the USACE determined that hazards were not attributable to the DoD, or the project is not approved for policy reasons.
NDAI Category II - After completion of a Site Investigation, the USACE determined that hazards do not pose a risk to human health or the environment, nor do they pose an explosives safety hazard.
NDAI Category III - After completion of a Remedial Investigation/Feasibility Study, the USACE determined that hazards do not require further response actions.
NDAI Category IV - A response action, including the full period required for long term monitoring, has been completed.
NDAI-PRP - The only remaining areas of possible past DoD impacts that have not been fully addressed under the HTRW environmental response process are areas with a high likelihood of impacts by non-DoD parties, and the policy decision has been made to discontinue the investigation/response action under HTRW due to those non-DoD impacts.

Reference slide 11 for explanation of the different project types.

DERP-FUDS Project Status Table - Example

Example Table ES-2 from the Schools PMAP illustrates the status of each project type

See handout 7 for example table, and handout 1 for definition of acronyms

Project Type:	HTRW		CON/HTRW		MMRP		PRP-HTRW		BD/DR	
Project Purpose	Address DoD Chemical Contamination		Address DoD Storage Tanks and Containers		Address DoD Munitions, Explosives, Chemical Warfare Material		Address DoD Liability at Areas with Multiple Responsible Parties		Address Physical Hazards from DoD Structures	
Funding Outlook	Funding Required	Funding Not Required	Funding Required	Funding Not Required	Funding Required	Funding Not Required	Funding Required	Funding Not Required	Funding Required	Funding Not Required
Project Ineligible										2
Inactive								2		
Active/Ongoing	2				2					
Response Complete (NDAI - Cat. I)				2						
Response Complete (NDAI - Cat. II)										
Response Complete (NDAI - Cat. III)										
Response Complete (NDAI - Cat. IV)										
Response Complete (NDAI/PRP)										
Regulatory Concurrence on Property Closeout Requested										
Regulatory Concurrence of Property Closeout Obtained										
Regulatory Concurrence of NDAI obtained?	No (2) Yes (0)		No (2) Yes (0)		No (2) Yes (0)		No (2) Yes (0)		No (2) Yes (0)	

The next few slides present examples of the tables found within the Management Action Plan and Property Management Action Plans that summarize the status and strategy for the environmental response.

This example table presents the status of parcels within the School parcel group with regard to each of the five project types. The full version of this table is provided as handout 7.

The numbers shown in the tables (“2” in this example) are the number of parcels in the parcel group with that status.

The table illustrates that the HTRW and MMRP projects are active and ongoing for the School parcel group. The CON/HTRW project is considered response complete (No DoD Action Indicated) Category I because no “hazards” e.g., tanks are located on the parcels. The parcel group is not eligible for a BD/DR project and the PRP-HTRW project is currently inactive.

HTRW-Specific Status Table – Example

Example Table 1 from the Schools PMAP illustrates the status of the HTRW project

See handout 8 for example table and handout 1 for acronyms

HTRW Project Areas of Concern	INVENTORY PROJECT REPORT/PRELIMINARY ASSESSMENT			REMEDIAL RESPONSE												REMOVAL RESPONSE	PROJECT CLOSURE	
				Site Inspection				Remedial Investigation				Proposed Plan/Design			Remedial Action	Removal Action	Response Complete	
	Suspect HTRW Eligible Hazards Present?	NDAI-I	Additional Evaluation	Investigation	Relative Risk Ranking	NDAI-II	Additional Evaluation	Investigation	Risk Assessment	NDAI- III	Additional Evaluation	Feasibility Study/ Proposed Plan	Decision Document	Design	Construction Operation LTM 5 yr review	Time Critical and Non-Time Critical	NDAI IV	Regulatory Concurrence
Underground lines (30-in. outfall line)	Yes		X					X	X	O								O
Aerial Anomalies[2]	Yes		XO	O		O	O											O
Southwest Drainage Ditch[2]	Yes		X					X		O[1]	O[1]							O
Schedule for Completion				2009		2010	2010			2010	TBD							TBD

Blank Cell = Phase not required for response strategy. Response strategy is based upon current information and may change upon receipt of new information. Strategy will be updated during subsequent revisions of the PMAP.

X = phase completed
XO = phase is active/ongoing
O = phase may be required part of strategy, but not yet confirmed or initiated

[1] The USACE is not ready to make a final conclusion on response strategy and will defer regulatory concurrence until evaluation of potential DOD, FUSRAP, and non-DOD impacts is complete, and coordination with USDOE, agencies, and the public, renders a FUDS HTRW decision in the future.

[2] Anomalies other than small bermed clearings (which have already been addressed).

This example table is provided as handout 8.

For parcel groups with multiple areas of concern and active/ongoing status within the Hazardous, Toxic, and Radioactive Waste (HTRW), Containerized HTRW (CON/HTRW), and/or Military Munitions Response Program (MMRP) project types, a table similar to this one is provided in the Property Management Action Plan (PMAP) for that parcel group and provides the following information: the area of concern, status of environmental response, and currently proposed environmental response strategy. One table is presented for each project type, as appropriate.

The table illustrates what has been completed to date at each area of concern within the parcel group and what the strategy for close out will involve, e.g., additional evaluation or remediation or closure.

Handout 8 and the tables within the PMAP contain additional detail. For the slide presentation, some subcategories/tasks within the general response tasks have been removed to make the table/slide more readable. For example, a USACE required document, the project declaration statement, has been removed from the example table above.

Overall Parcel Group Project Status Summary

For 4 of the 33 parcel groups:

- 2 do not meet the definition of a Formerly Used Defense Site (FUDS)
- 1 does not contain any individual properties, as the properties were placed into other parcel groups based on the hierarchy
- 1 is no longer eligible because Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) liability was resolved through Judicial Consent Decree.

For 29 of the 33 parcel groups, with regards to:

- BD/DR – 3 are eligible for a BD/DR project, but are response complete (NDAI – Category I)
- MMRP – 13 are active/ongoing and 16 are response complete (NDAI Categories I-II)
- CON/HTRW – 2 are active/ongoing, 27 are response complete (NDAI Category I)
- HTRW –
  - 1 parcel group was characterized as response complete except for areas of combined past DoD and non-DoD potential hazards (status = NDAI Category III/PRP)
  - 9 have no known DoD impact and are response complete - NDAI Category I
  - 1 was deemed response completed after initial evaluation indicated no impact (response complete – NDAI Category II)
  - 18 are in an active/ongoing HTRW project, including the NFSS parcel, which is being investigated under the Formerly Utilized Sites Remedial Action Program (FUSRAP).
- HTRW-PRP – 14 parcel groups had no areas of combined DoD and non-DoD impact (response completed – NDAI Category I) and 15 are inactive.

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Of the 13 parcel groups that are active/ongoing for MMRP, 12 of them have that status because of the presence of ground disturbances identified in historic aerial photographs by the Topographic Engineering Center (TEC). The USACE is conducting a historical analysis and archive search regarding ordnance and munitions impacts related to the LOOW to determine whether a MMRP hazard currently exists at these locations. The remaining parcel group is 02: ChemWstMngmnt – P1 (CWM). MMRP hazards associated with this parcel group include the former reported presence of phosgene cylinders, possible storage of materials associated with the Northeast Chemical Warfare Depot, and the potential for trinitrotoluene (TNT) associated with underground utility lines, in addition to ground disturbances identified in historic aerial photographs.

The TNT waste lines at the WWTP are also being addressed by the ongoing HTRW project. Samples to confirm that the interim removal action was successful and that no TNT residue remains in the soil in the vicinity of the lines is being performed during Phase IV of the ongoing RI.

Overall Parcel Group Project Status Summary

Example excerpt from Table 4-2 of the Management Action Plan

Parcel Group Database Code	HTRW Project and Funding Status			CON/HTRW Project and Funding Status			MMRP Project and Funding Status			BD/DR Project and Funding Status			PRP Project and Funding Status		
	Project Status	Funding	NDAI	Project Status	Funding	NDAI	Project Status	Funding	NDAI	Project Status	Funding	NDAI	Project Status	Funding	NDAI
01: PostOct86Trans/SthprtRailTrnLLC-P1	Ineligible	Funding Not Required	No	Ineligible	Funding Not Required	No	Ineligible	Funding Not Required	No	Ineligible	Funding Not Required	No	Ineligible	Funding Not Required	No
02: ChemWstMngmnt - P1	Active/ Ongoing	Funding Required	No	Active/ Ongoing	Funding Required	No	Active/ Ongoing	Funding Required	No	Ineligible	Funding Not Required	No	Inactive	Funding Not Required	No
02: LwstnTown - P2	Response Complete NDAI – Cat. II)	Funding Required	No	Response Complete NDAI – Cat. I)	Funding Not Required	No	Response Complete NDAI – Cat. II)	Funding Required	No	Ineligible	Funding Not Required	No	Response Complete NDAI – Cat. I)	Funding Not Required	No
02: LwstnTown - P4	Active/ Ongoing	Funding Required	No	Active/ Ongoing	Funding Required	No	Active/ Ongoing	Funding Required	No	Ineligible	Funding Not Required	No	Inactive	Funding Not Required	No
02: ModernAffCo - P2	Active/ Ongoing	Funding Required	No	Response Complete NDAI – Cat. I)	Funding Not Required	No	Active/ Ongoing	Funding Required	No	Ineligible	Funding Not Required	No	Inactive	Funding Not Required	No
02: USA_LakeOntOrd - P1	Active/ Ongoing	Funding Not Required	No	Response Complete NDAI – Cat. I)	Funding Not Required	No	Response Complete NDAI – Cat. I)	Funding Not Required	No	Response Complete NDAI – Cat. I)	Funding Not Required	No	Response Complete NDAI – Cat. I)	Funding Not Required	No
03:SpecCons-School	Active/ Ongoing	Funding Required	No	Response Complete NDAI – Cat. I)	Funding Not Required	No	Active/ Ongoing	Funding Required	No	Ineligible	Funding Not Required	No	Inactive	Funding Not Required	No

See handout 5. A "yes" in the no DoD Action indicated (NDAI) column indicates regulatory concurrence has been gained on the NDAI determination.

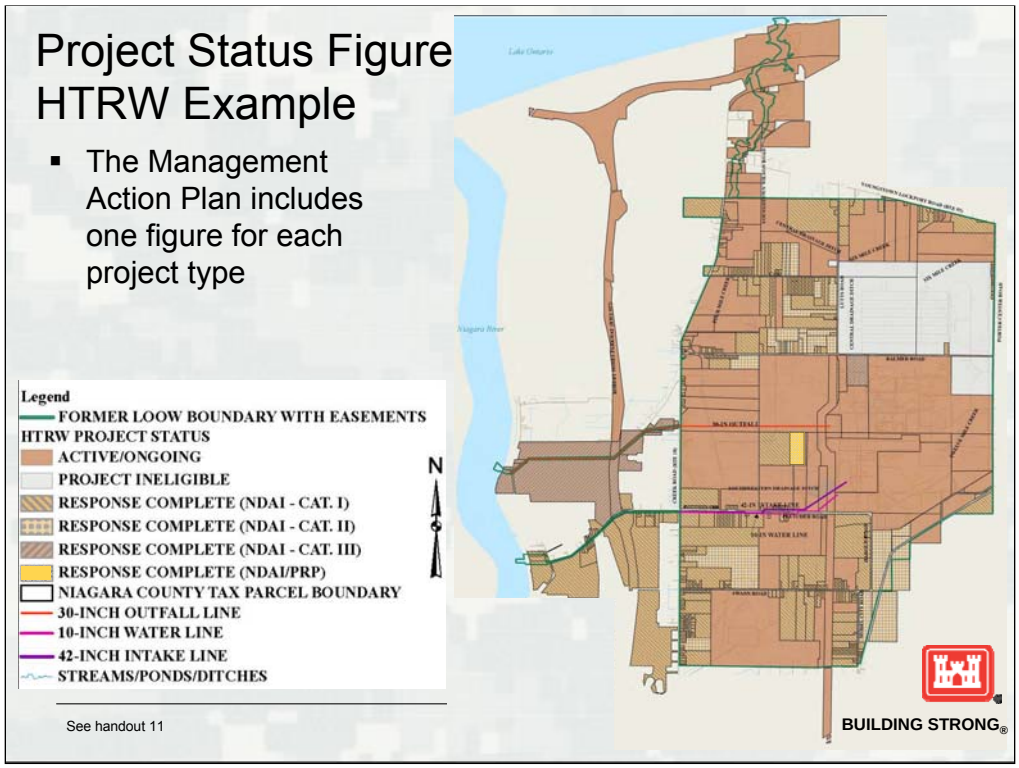
The Management Action Plan presents a summary table of the overall status within each project type for each of the 33 parcel groups. This slide presents an excerpt from the table.
The full version of this table is presented in the Management Action Plan as Table 4-2 and is provided as handout 5.

The status for the School parcel group is highlighted as an example for discussion.

Each of the project types is listed as column headings across the top of the table (see below for project acronyms) and the project status, funding requirements, and whether regulatory concurrence on a no DoD action indicated (NDAI) determination has been gained is indicated.

For the school, the table indicates that the HTRW and MMRP projects are active/ongoing. The response is complete (no DoD action indicated, Category I) for a CON/HTRW project - in other words the parcel group is eligible for a CON/HTRW project, but no hazards were identified.
The school parcel group is not eligible for a BD/DR project (there was a break in ownership from 1946-1948 and there are no former DoD buildings on the property), and the PRP project is inactive.

Note:
HTRW = hazardous, toxic, and radiological waste project
CON/HTRW = containerized HTRW waste project
MMRP = military munitions response program (MMRP) project
BD/DR = building demolition and debris removal project
PRP = potential responsible party project



This figure is an illustration of all parcels within LOOW and the status of the Hazardous, Toxic, and Radioactive Waste (HTRW) project for each parcel. Status is presented on a per-parcel basis. The status of a parcel group will be listed as the highest status category of any single parcel within the parcel group. The majority of the parcels are currently characterized as “active/ongoing” with respect to the HTRW project. As the environmental response is completed on these parcels, the status will eventually change to response complete and eventually, a new category will be added that will indicate whether regulatory concurrence has been gained.

It is an example of the parcel specific project status illustrations presented in the Management Action Plan.

Additional figures are included in the Management Action Plan that illustrate the status of the other project types.

Next Steps

- Receipt of stakeholder comments
  - A responsiveness summary will be prepared to address the comments received on the Management Action Plan and PMAPs
- First revision to Management Action Plan
  - The first revision will be completed once significant changes in status have occurred at one or more parcel groups
  - A summary of the comments and responses will be included as Part III (Appendix B)
- No DoD action indicated parcel groups - closures
  - For those parcel groups with no confirmed or suspected impact from former DoD use, regulatory concurrence on closure will be sought
- Continue evaluation for parcel groups with active/ongoing status
  - The environmental response will continue for those parcels with known DoD impact
  - The PMAPs will be utilized to develop the scope of investigation for parcel groups with identified data gaps

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Documentation of regulatory concurrence on closures will also be included in subsequent revisions of the Management Action Plan.

Report Availability and Comments

- Copies of the Management Action Plan and associated Property Management Action Plans are located at the following:
  - Lewiston and Youngstown Libraries
  - The Corps Buffalo District office (1776 Niagara Street) by appointment
  - or at the USACE website: http://www.lrb.usace.army.mil/derpfuds/loow/index.htm

- Comments on the Management Action Plan can be submitted to:
  - derpfuds@usace.army.mil
  - By postal service to:

    US Army Corps of Engineers
    Environmental Project Management Team
    1776 Niagara Street
    Buffalo, NY 14207

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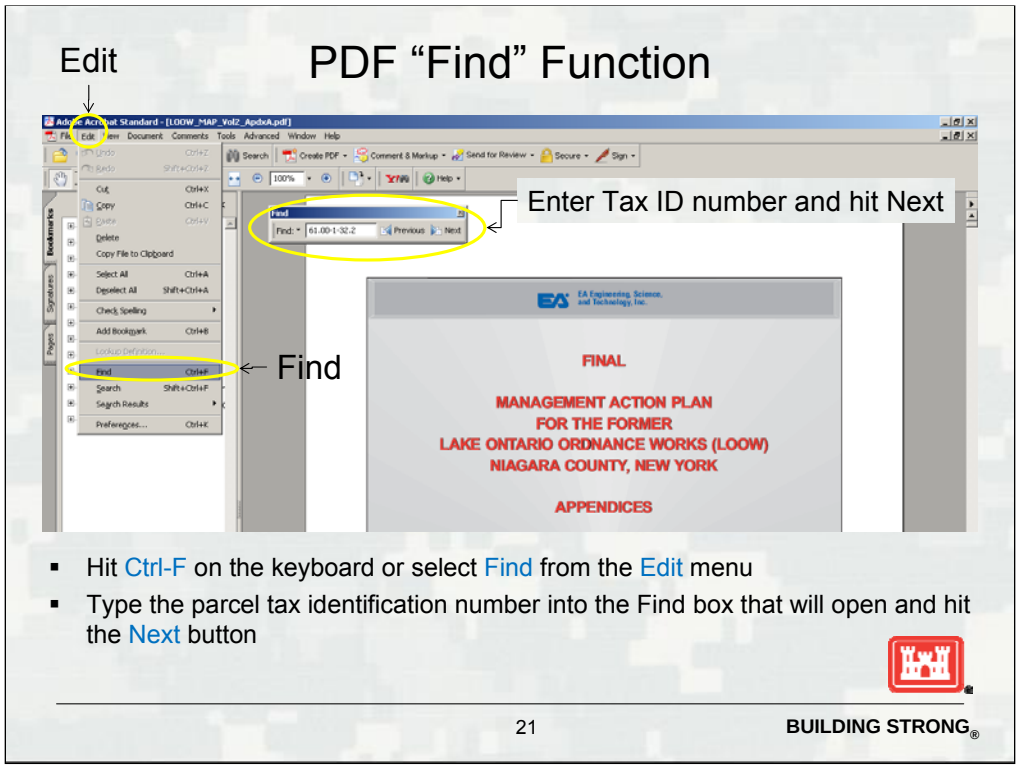
Comments can be submitted at any time. Comments that have not been received prior to the next revision of the Management Action Plan will be incorporated into Revision 2.



These next two slides describe how to determine which Property Management Action Plan (PMAP) to reference for a specific parcel.

Locating a specific parcel within the Management Action Plan will depend upon whether the reader is referencing the paper copy or electronic copy of the report:
For the paper copy of the Management Action Plan:

- Determine the Niagara County property tax identification number of the parcel you are interested in and familiarize yourself with its location.
- Look at Figure 4-1 in the Management Action Plan and identify the parcel of interest based on its location. Note the color of the parcel and use the figure legend to identify the PMAP that includes the parcel.
- Look for the property tax identification number in Table ES-1 of the PMAP to confirm that the parcel is addressed in that PMAP.

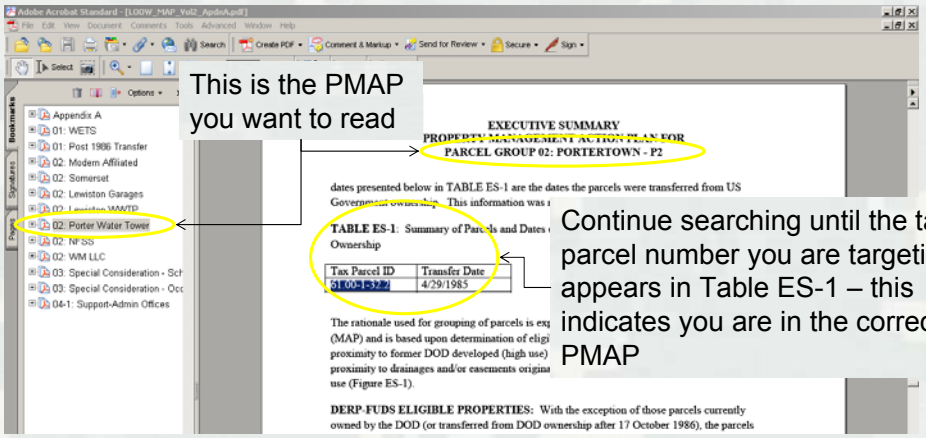
For the electronic copy of the Management Action Plan (PDF):

- Open the file for either Volume 2 or Volume 3
- Hit Ctrl-F on the keyboard or select Find from the Edit menu
- Type the parcel tax identification number into the "Find" box that will open and hit the Next button
- The first occurrence of that tax identification number will be highlighted. Ensure that you are viewing a Table ES-1, as some tax identification numbers may be listed in figures or text of other PMAPs, otherwise continue searching

All of the parcels in the developed area of the former LOOW are included in PMAPs in Volume 2.
Most parcels in the undeveloped area of the former LOOW, (e.g. most residential parcels) are included in PMAPs in Volume 3.

To find out the property tax identification number of a specific address contact the Niagara County Department of Real Property Tax at 716-439-7077.

Parcel Tax ID in Table ES-1



- The first occurrence of that tax identification number will be highlighted. To find the PMAP that includes the parcel you are targeting, search until the you find the parcel listed in Table ES-1. Some tax identification numbers may be listed in figures or text of other PMAPs, prior to the PMAP for the parcel group.

22 BUILDING STRONG®

If the first occurrence of the tax identification number is not in a Table ES-1 (i.e. if it is in the text or on a figure) hit the Next button in the Find box again until you reach the Table ES-1 with the number you are looking for.