

Former Lake Ontario Ordnance Works Site

Defense Environmental Restoration
Program for Formerly Used Defense Sites

Public Participation through
Restoration Advisory Boards

Lewiston/Porter, New York
March 24, 2010



US Army Corps of Engineers
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**Lake Ontario
Ordnance Works**
Defense Environmental
Restoration Program for
Formerly Used Defense
Sites (DERP-FUDS)

**Niagara Falls
Storage Site**
Formerly Utilized Sites
Remedial Action Program
(FUSRAP)

- Good evening ladies and gentlemen
- Please take your seats so we can get started
- I'd like to briefly go over a few logistical aspects before beginning the presentations
- The facilities are on your left, my right
- There are two emergency exits in the back and the one you came in by the sign-in table
- Please make sure you have a handout package
- I'll just quickly go over the handouts in your folder – there is an acronym table that you can refer to during the presentation in case we forget to tell you what an acronym stands for, a Restoration Advisory Board or RAB fact sheet, the RAB Rule Handbook, a solicitation of interest letter with a feedback form that you can either fill out tonight and drop in the comment box or mail to us, and a copy of the slides from tonight's presentation.
- We would like you to please hold your questions or comments until the discussion portion of the presentation
- I'd like to introduce Lieutenant Colonel Daniel Snead, Commander of the US Army Corps of Engineers Buffalo District.
- Good evening, thank you for attending tonight's workshop. I would also like to thank those that are elected or representing elected officials for being here tonight.
- Before we go further, I would like to introduce our team members for the Lake Ontario Ordnance Works team. If you would please stand when I say your name. Bill Kowalewski, Special Projects Branch Chief; Bill Frederick, Environmental Projects Team Leader; Steve Bousquet Environmental Health Section Team Leader; Dave Frothingham, Environmental Engineering Section Team Leader; John Busse, Niagara Falls Storage Site and Lake Ontario Ordnance Works Program Manager; Mick Senus, Lake Ontario Ordnance Works Project Manager; Jeff Hall, Lake Ontario Ordnance Works Project Engineer, Jeff is also the Project Manager for our Office of Economic Adjustment Work at the Lewiston Waste Water Treatment Plant; and Andrew Lenox, Project Engineer for Niagara Falls Storage Site; also, Arleen Kreuzsch and Natalie Watson, our Outreach Team and Bruce Sanders our Chief of Public Affairs.

AGENDA

- Department of Defense (DoD) Restoration Advisory Boards (RABs) (20 minutes)
- Department of Energy Presentation (20 minutes)
- Poster Session (30 minutes)
- Workshop Discussion (90 minutes)



- I would also like to introduce Candy Walters. Candy is the Public Affairs Specialist for the Defense Environmental Restoration Program for Formerly Used Defense Sites in our Headquarters. Candy will be talking with you about Restoration Advisory Boards
- Chris Clayton of the Department of Energy Office of Legacy Management is on his way here to talk with you about their current review of the completed Niagara Falls Storage Site Vicinity Properties. One of Chris' support contractors, Mike Widdop is travelling with him and two of his support contractors Bob Darr and Joey Gillespie are here now; they are from S. M. Stoller. We will then have a poster session in the back of the room while we are rearranging this side of the room for 30 minutes
- And then we will have the discussion portion of our meeting
- We're here tonight to explain what a Department of Defense or DoD RAB is so that you understand the advantages and limitations of a DoD RAB for the former Lake Ontario Ordnance Works Site and can make an informed decision on the direction you want us to take in our outreach program. We value your input and your participation at these workshops.
- I will now turn this meeting over to Candy.

Public Involvement

- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
- 32 Code of Federal Regulation Part 202



3

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- Thank you LTC Snead, as LTC Snead mentioned, I am a Public Affairs Officer from Corps Headquarters. It is a pleasure to meet with you this evening.
- The Defense Environmental Restoration Program for Formerly Used Defense Sites or DERP-FUDS follows the Comprehensive Environmental Response, Compensation and Liability Act also known as CERCLA.
- CERCLA encourages public involvement in the decision-making process for a site by requiring a public meeting to receive comments on a proposed plan. Because this community has shown a great deal of interest in the Corps' environmental restoration projects, we have been exceeding this requirement by holding quarterly meetings to keep you informed and receive your input.
- For sites being addressed under the DERP-FUDS, we also follow the Code of Federal Regulation which specifically addresses DoD RABs.
- In 2008 the Buffalo District asked for input from the community about formation of a Restoration Advisory Board for the Lake Ontario Ordnance Site
- A determination was made at that time that there was not sufficient interest in forming a DoD RAB
- At a site where a DoD RAB is not operating, the Corps is required by law to reassess possible community interest in forming a DoD RAB every twenty four months

Purpose of a RAB

- Provide a forum for discussion and exchange of information between District decision makers and the affected community regarding the District's ongoing environmental restoration activities under Defense Environmental Restoration Program (DERP) for Formerly Used Defense Sites (FUDS)



4

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- A RAB provides the community with the opportunity to become involved in the environmental restoration process on Formerly Used Defense Sites either as a RAB member or through attendance at RAB meetings.
- RABs offer members the opportunity to influence cleanup decisions through discussion and to provide individual input to the installation decision makers.
- Because representatives of the environmental agencies overseeing the cleanup participate in the RAB, the RAB offers members and the public the opportunity to share their questions, concerns, and ideas with the agencies involved in the cleanup.

What is a RAB?

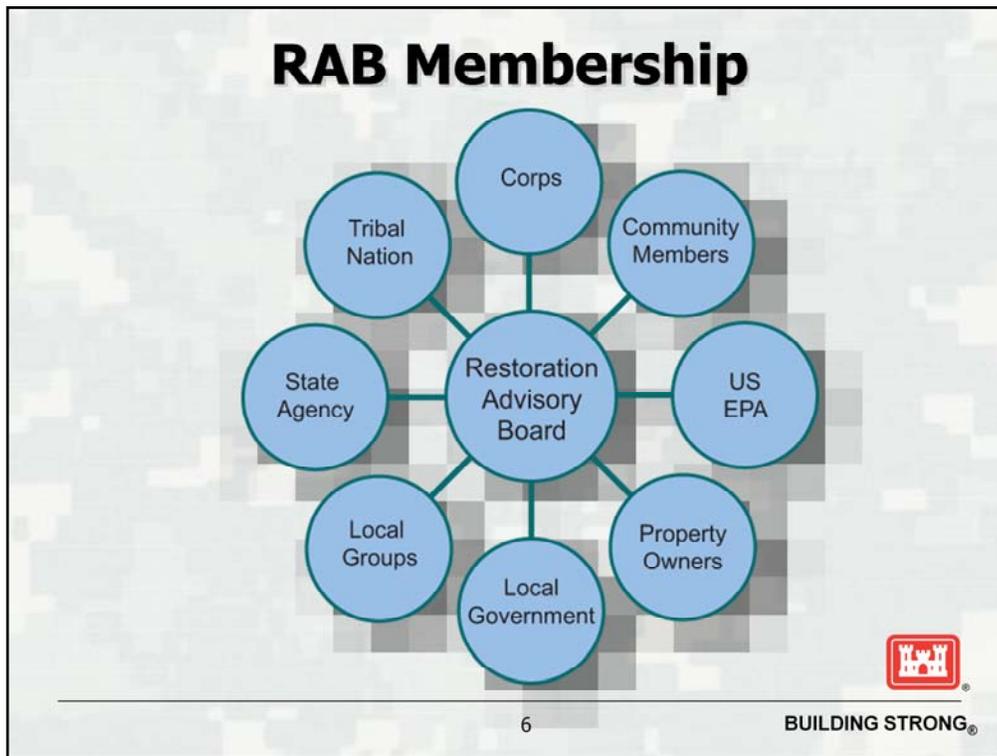
- DoD organization
- Limited to DERP activities funded by DoD appropriations
- Authorized, established, and led by the District Engineer



5

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- A RAB is a DoD organization that provides input to the District Engineer.
- A RAB meets on a regular basis to discuss environmental restoration of a specific property that is either currently or was formerly owned by the DoD, where the DoD oversees the environmental restoration process.
- RABs enable people **who** live and/or work within the affected community surrounding a specific site to exchange information with representatives of regulatory agencies, the Corps district and the community.
- RABs are limited to DERP activities funded by DoD appropriations. The DoD has no authority to establish a RAB to address the Formerly Utilized Sites Remedial Action Program's Niagara Falls Storage Site.



- A RAB represents a cross section of the community and reflects the community's diverse makeup.
- A RAB is comprised of representatives of Tribal, Federal, state, local governments and the affected community
- If an individual lives and/or works in an area affected by the site he or she may be eligible for membership.
- Examples of community interests that might be represented on the RAB are:
 - o Affected community
 - o Business community
 - o Homeowner associations
 - o Local environmental groups
 - o Environmental justice groups
 - o Health officials
 - o Senior citizen associations
 - o Civic groups

What can a RAB do?

- Review and comment on publicly available environmental restoration documents and activities
- Receive input from and voice concerns of the community
- Provide information to the community
- Obtain information regarding schedule, type and status of environmental restoration activities



7

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- Examples of activities a RAB may undertake are listed on this slide.
- A RAB provides stakeholder opportunities to:
 - o Participate in the restoration process
 - o Monitor and review restoration progress
 - o Make community views/concerns known
- RABs may only address issues associated with the Corps' environmental restoration activities.
- RAB meetings are open to the entire community and meet at convenient times and locations.

What doesn't a RAB do?

- A RAB is not a decision-making body
- A RAB does not need to reach consensus
- A RAB does not address Corps activities under the Formerly Utilized Sites Remedial Action Program
- A RAB cannot lobby Congress
- A RAB cannot address other environmental concerns within the community



- RABs are not decision-making bodies.
- Consensus is not necessary. The DoD is trying to make decisions based on input from as many constituencies as possible and appreciates the input of the individual RAB members.
- The Corps decision makers will listen closely to and consider the input RAB members provide regarding environmental restoration activities; however, the Corps is not required to follow RAB recommendations.
- RABs cannot lobby Congress or address other environmental concerns within the community.
- As I mentioned previously, there is no authority for a RAB for the Formerly Utilized Sites Remedial Action Program Niagara Falls Storage Site
- The RAB Rule published in the Federal Register sets the criteria for DoD RABs and we must follow those rules.

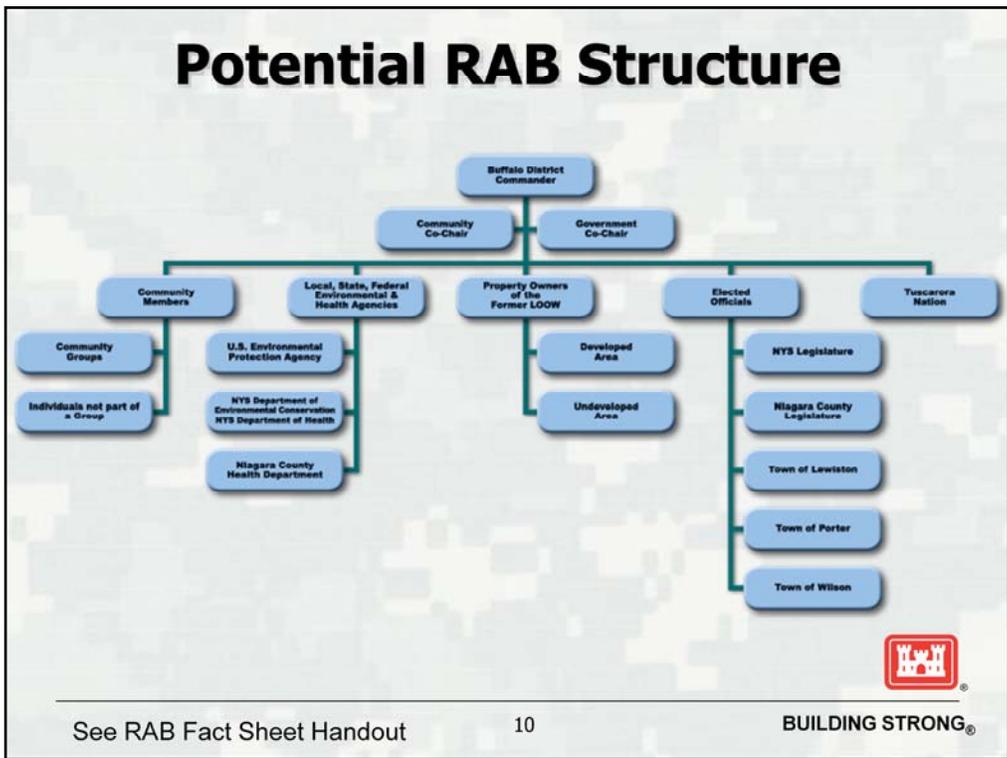
RAB Membership

- Shared goals
- Open and honest communication
- Large enough to represent diverse interests
- Small enough to be workable
- Committed to participating in good faith
- Committed to building trust
- Serve as a conduit for flow of information to and from the community
- Restricted to those individuals who live or work in the affected communities



- It is suggested that a RAB be no larger than 30 individuals to maintain a constructive dialog.
- A RAB should not be so small that the community's diverse interests are not adequately represented.
- Emphasis is placed on the diversity an individual brings to the RAB and the individual's expressed commitment toward achieving the RAB's goals.
- Is time consuming, not only are members expected to participate at the meetings, but they will need to read and comment on the reports and share information with those who they represent.

Potential RAB Structure



- This is the potential membership makeup of a DoD RAB for the former LOOW Site.
- The actual structure will be determined based on an analysis of the input received and interest expressed in participation.
- A RAB would be lead by the Buffalo District Commander through a Corps appointed and community co-chair.
- The community co-chair is selected by the community members who serve on the RAB.

District Role in a RAB

- Educates/informs community members about the Defense Environmental Restoration Program and FUDS decision-making process
- Encourages productive community participation
- Provides RAB cleanup alternatives, including implications of choices
- Provides technical support as required



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- As you can see, this slide has four bullets that describe the District's role in the Restoration Advisory Board.
- An additional role for the Corps is to find the meeting space and to handle all the meeting logistics, including advertising the meeting.

RAB Member Responsibilities

- Serve on a voluntary basis
- Attend regular meetings
- Individually advise government decision makers
- Discuss and exchange information
- Review publicly available plans and reports
- Identify proposed project requirements
- Act as a conduit for exchange of information to and from the community



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12

A DoD RAB member:

- Provides individual input in an open, honest and constructive manner
- Represents and communicates community concerns to the DoD RAB
- Acts as a conduit for exchange of information with the public
- Reviews, evaluates and comments on publicly available documents related to the Corps' environmental restoration activities
- Represents and communicates DoD RAB issues to the community
- Serves without compensation on the DoD RAB

RAB formation criteria

- Written responses from at least 50 local citizens request formation of a DoD RAB
 - Tribal, Federal, state, or local government written request for the formation of a DoD RAB
- or
- The District Engineer determines a need for a DoD RAB



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13

- As LTC Snead indicated in the beginning of this presentation, we need your input.
- To form a DoD RAB, one of the three criteria on this slide must be met.
- A DoD RAB will be formed if the community exhibits that it has a sustainable interest in having a DoD RAB.

RAB formation process

- Identify need for a RAB
- Conduct interviews
- Solicit applications for membership from the impacted community
- Convene selection panel of trusted community members
- Panel recommends RAB community members
- Corps reviews recommendation as a whole
- Buffalo District Commander establishes a RAB



14

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- Our advertisements and letters regarding the solicitation of interest in establishing a DoD RAB will be distributed in the community beginning April 1.
- Please provide us with your input before May 8.
- After a thorough review of the input received, the Buffalo District anticipates making their decision in June.
- If it is determined that establishment of a DoD RAB is warranted, the process outlined on this slide will be followed to establish an official DoD RAB.
- The Buffalo District Commander will contact the EPA, tribal, state and local government and/or regulatory agencies to request appointment of respective RAB members
- The Commander will identify the diverse community interests (with input from the EPA, tribal, state and local government and agency representatives)
- The Commander will organize a selection panel of community members (with input from the EPA, tribal, state and local government and agency representatives) to review RAB member applications and nominate the community RAB member panel giving priority to those community members that are directly affected/impacted by the former LOOW Site – Members of the selection panel cannot serve on the RABs
- The Commander will then review the selection panel recommendation and ensure that
 - o Community members live or work in the affected area
 - o The diverse interests of the community are represented
 - o Commander must accept or reject the recommended community RAB members list as a whole

In Summary, A RAB

- Serves as a forum for discussion and exchange of information regarding DoD restoration activities
- Provides an opportunity to participate in the cleanup process and provide input to the Corps
- Complements other community involvement activities
- Reflects the diversity of the affected community



- A RAB provides a forum for discussion and exchange of information between District decision makers and the affected community regarding the District's ongoing environmental activities under the Defense Environmental Restoration Program for Formerly Used Defense Sites.
- RABs offer members the opportunity to influence cleanup decisions through discussion and to provide individual input to the installation decision makers

What if we don't have a RAB?

- Combined LOOW/NFSS community workshops will continue
- Assess community's interest again in 24 months



16

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- A DoD RAB is one forum for the Corps to engage affected communities and enhance the exchange of information and understanding of the LOOW projects and community concerns.
- This is one of the many tools the District uses to share information with and receive input from the community. It's not the only tool.
- The Buffalo District has been holding workshops with the community over the last two years and we have received valuable input from the community during that time.
- If a DoD RAB is established for LOOW, the District will continue to hold workshops with the community solely dedicated to the Niagara Falls Storage Site.

CONTACT US

- USACE Buffalo District DERP-FUDS Team

Website: www.lrb.usace.army.mil/derpfuds/loow

DERP-FUDS e-mail address: derpfuds@usace.army.mil

Mailing address:

U. S. Army Corps of Engineers
DERPFUDS Team
1776 Niagara Street
Buffalo, NY 14207

Telephone:

1-800-833-6390 (Option 4)



17

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- Feel free to contact us if you have any questions about an official Department of Defense Restoration Advisory Board
- Public participation is a key component of the CERLCA remedial action process – please provide us with your input so that we can make an informed decision as to what the community desires!
- There is a tear-off sheet on the back of one of your handouts that you can use to provide us with your information.
- You can either complete it and put it in our comment box or mail it back to us.
- We will now move to the Department of Energy presentation. I would like to introduce Chris Clayton of the Office of Legacy Management for the Department of Energy or Joey Gillespie of SM Stoler.