

US. ARMY CORPS OF ENGINEERS
Buffalo District
1776 Niagara Street
Buffalo, New York 14207-3199

+ - - - - - +

In the Matter of: +

EA ENGINEERING SCIENCE AND +
TECHNOLOGY

FORMER LAKE ONTARIO ORDNANCE +
WORKS (LOOW) MANAGEMENT ACTION PLAN
WORKSHOP +

+

December 2, 2009

+ - - - - - +

Transcript of proceedings held in the above-entitled matter at Lewiston Senior Center 4361 Lower River Road, Youngstown, New York 14174 on December 2, 2009 at 6:00 p.m. pursuant to notice.

PRESENTATION BY: MICK SENUS PROJECT MANAGER

SAVANNAH LIVINGSTON CONTRACTOR

CHRISTOPHER CLAYTON DEPARTMENT OF ENERGY

ASSISTING: ARLEEN KREUSCH, OUTREACH PROGRAM SPECIALIST

TRANSCRIPTION SERVICE: Associated Reporting Service
Post Office Box 674
229 West Genesee Street
Buffalo, New York 14201-0674
(716) 885-2081

Proceedings recorded by electronic sound recording, transcript produced by transcription service.

INDEX

SPEAKERS	PAGE
ARLEEN KREUSCH	3
MICK SENUS	4
SAVANNAH LIVINGSTON	6
CHRIS CLAYTON	23
AMY WITRYOL	30
BILL KOWALEWSKI	31
JOEY GILLESPIE	32
KEITH FOX	35
SANDY STAIGERWALD	37
CHRIS ZELTMANN	38
DR. W. BOECK	45
FRED NEWLIN	47
KENT JOHNSON	56
KEVIN MYERS	56
SHARRON DaCOSTA	58
TOM PAPURA	63
MICHELLE BARKER	63
GUY ZACZEK	66
BILL CHOBOY	82

1 Senus, he is the project manager for the Former Lake
2 Ontario Ordnance Works site. Mick.

3 MR. SENUS: Thanks, Arleen. Welcome and
4 thank you for attending the fourth Niagara Falls
5 Storage Site and Former Lake Ontario Ordnance Works,
6 public workshop of 2009. Our next public workshop
7 is tentatively set, scheduled for Wednesday March
8 24th. Can everybody hear me in the back of the room?
9 My name is Mick Senus, I'm the acting LOOW project
10 manager. Tonight we'll present an overview of the
11 LOOW Management Action Plan. The plan devised the
12 former LOOW site into 33 separate parcel groups and
13 establishes a planning document in which the Corps
14 communicates findings, conclusions and a framework
15 to achieve the objectives of the Corps environmental
16 responsibilities at the site.

17 If you have a property within the boundary
18 of the former LOOW and are interested in looking
19 your property up in the Management Action Plan,
20 please have your tax ID number available and we'll
21 help you look it up during the poster session. As
22 an aside, can I get a show of hands who has their
23 tax ID or is interested in seeing their property.

24 (Show of hands)

25 MR. SENUS: Okay, at least a couple.

1 Immediately after the Management Action Plan
2 presentation, the Department of Energy will present
3 their role in the formerly utilized sites, remedial
4 action program, or FUSRAP, and their current
5 activities involving the completed NFSS vicinity
6 properties. Following both presentations there will
7 be 30 minute poster session located behind the
8 projection screen, where you'll have an opportunity
9 to talk one on one with the technical team.

10 Then we'll reconvene here at 7:15 for a 90
11 minute round table discussion. Please note there
12 are red folder packets and copies of tonight's
13 presentation at the front entrance, if you haven't
14 received one already, you can grab that either now
15 or right before the poster presentation. Before we
16 begin tonight, I'd like to introduce the NFSS LOOW
17 technical team members that are here tonight. If
18 you could please stand as you are introduced.
19 Michele Barker, formerly Michele Rhodes, NFSS LOOW
20 Program manager. Jeff Hall, LOOW project engineer.
21 Andrew Lenox, acting NFSS project engineer. Dr.
22 Karen Keil NFSS risk assessor. Liza Finley, LOOW
23 risk assessor. Steve Bosquet environmental health
24 team leader. Bill Kowalewski, special projects
25 branch chief. And our outreach team, Arleen Kreusch

1 and Natalie Watson. And our DOE representatives
2 here tonight, Mr. Chris Clayton, the FUSRAP program
3 manager from DOE's Office of Legacy Management in
4 D.C. And from the Colorado offices of S.M. Stoler,
5 Bob Darr and Joey Gillespie. Lastly, I'd like to
6 introduce Sandy Staigerwald, PM for LOOW and
7 Savannah Livingston, Task Manager for the Management
8 Action Plan from E.A. Engineering Science and
9 Technology. Please look for both Sandy and Savannah
10 during the poster sessions, they'll have two lap
11 tops behind the screen projection system, and
12 they'll be able to help you electronically look up
13 your parcels. Savannah will begin tonight's
14 presentation. Savannah.

15 MS. LIVINGSTON: Good evening. Tonight's
16 workshop will follow a standard format, first we'll
17 have the presentation of the Management Action Plan
18 followed by a presentation by the Department of
19 Energy. We'll then have the poster session and a
20 round table discussion, which will be your
21 opportunity to ask any questions of the Corps, the
22 Department of Energy or we contractors.

23 There are packets of handouts available
24 that include information pertinent to tonight's
25 discussion, and I'll just take a moment to quickly

1 go over a few of the handouts that are important.
2 You'll notice on the bottom corner of the handouts,
3 each one has a number and if a slide has a handout
4 associated with it, it'll be noted on the bottom
5 left corner of the slide. The first handout is an
6 acronym list that you might want to refer to
7 throughout the evening. The second handout is a
8 copy of the presentation with some room for you to
9 take notes. The third handout is a fax sheet about
10 the Management Action Plan, and that includes a
11 figure that we'll be referencing later in the
12 presentation. And then the remaining handouts,
13 handouts four through eight are a few tables and
14 figures that we will be referencing in this
15 presentation. The purpose of this presentation is
16 to introduce you to the Management Action Plan. The
17 Management Action Plan is a document that summarizes
18 the Corps strategy for reaching closure for each of
19 the parcels within the Former Lake Ontario Ordnance
20 Works site. In this presentation I'll be explaining
21 how the document is organized, the methodology that
22 was used to identify parcel groups which are key to
23 the structure of the Management Action Plan.

24 And we'll also go over the five project
25 types of the Defense Environmental Restoration

1 Program. Before we get into the Management Action
2 Plan, I want to give you a brief recap of what the
3 Lake Ontario Ordnance Works site is, and go over a
4 few terms that are important for this evenings
5 discussion. The Lake Ontario Ordnance Works site is
6 about 7500 acres of land located between the
7 Youngstown-Lockport Road, Porter Center Road, a
8 little bit of land south of Swan Road and Creek Road.
9 The land was purchased by the Department of Defense
10 in the early 1940's, and about 2,500 acres were
11 developed for a Trinitrotoluene manufacturing
12 facility. The Corps currently has a multi phase re-
13 medial investigation ongoing at the site.

14 Some of the terms that are important for
15 tonight are a Formerly Used Defense Site, or FUDS. A
16 Formerly Used Defense Site is land that's owned,
17 leased or possessed by the Department of Defense and
18 was transferred from their control prior to October
19 17, 1986. When we talk about the LOOW Boundary,
20 we're referring to the contiguous acreage that was
21 acquired by the Department of the Defense for
22 construction of the LOOW site. When we mention the
23 Developed Zone, we're referring to 2500 acres on the
24 eastern portion of the site that were developed for
25 the manufacturing facility. The undeveloped area or

1 buffer zone refers to the 5,000; approximately 5,000
2 acres where there was no development for the
3 manufacturing facility, but where there is some
4 evidence of historic Department of Defense activity.
5 An easement is a non possessory interest to use real
6 property that's owned by another person, and the
7 Department of Defense had three areas of easements
8 associated with the former LOOW site.

9 A parcel is a unit of land as identified by
10 the Niagara County Department of Real Property Tax
11 and Parcel Group, this term was developed
12 specifically for the Management Action Plan and
13 refers to a single parcel or group of parcels with
14 similar characteristics causing them to have a
15 similar strategy for project closure, and this is an
16 important term to try to remember for tonight's
17 discussion. So what is the Management Action Plan?
18 The Management Action Plan is a planning document
19 that's used by the Corps to present the status with
20 respect to environmental response of each parcel
21 within the former Lake Ontario Ordnance Works site.
22 It was developed because the Corps wants to clearly
23 communicate the regulatory constraints within which
24 they're working and their strategy for reaching
25 project closure at the parcels. The Management

1 Action Plan is also a forum for you the stakeholder
2 to provide input to the Corps regarding their
3 selected strategy. One important aspect of the
4 Management Action Plan is that it's considered a
5 living document, and will be updated periodically to
6 reflect changes in parcel status. The Management
7 Action Plan currently consists of three volumes.

8 The first volume is a small binder that
9 presents the method used for identifying the parcel
10 groups and presents summary of the status for each
11 parcel group. Volumes 2 and 3 are large binders that
12 present the property management action plans for each
13 of the parcel groups identified in volume 1.

14 There is one property management plan for
15 each parcel group, and it discusses property history,
16 environmental impacts and the Corps strategy for the
17 parcels in that group. Future revisions of the
18 Management Action Plan will include a responsiveness
19 summary that will present comments received on the
20 document and the Corps responses to those comments.
21 The property Management Action Plans which are found
22 in volumes 2 and 3 of the document are the real
23 substance of the overall Management Action Plan.

24 So I'm going to go over their structure a
25 little bit. Sections 1 through 4 of each Property

1 Management Action Plan present the same background
2 information. The Property Management Action Plans
3 were designed to be read as essentially stand alone
4 documents, so there's a little bit of repetition
5 among them. Sections 5 through 12 present parcel
6 group specific information that impacts the strategy
7 adopted by the Corps for that group, and this
8 includes information about property history,
9 environmental impacts and eligibility.

10 So now you have an idea of what the
11 Management Action Plan is and how all of the
12 available information is presented in the document;
13 I'll go into a little more detail about how we
14 developed the Management Action Plan and identified
15 the parcel groups. To meet the purpose of the
16 Management Action Plan, the Corps wanted to present
17 their strategy in as concise a manner as possible, to
18 do that we researched and reviewed multiple sources
19 of information including environmental databases,
20 historic documents, public records and so forth to
21 identified characteristics that would impact the
22 Corps strategy for closure. These kind of
23 characteristics include things like confirmed and
24 unconfirmed Department of Defense Activities and
25 Confirmed Department of Defense and non Department of

1 Defense impacts. Based on these characteristics and
2 a few others, we identified parcel groups. And I'll
3 go into a little more detail about how we identified
4 the groups in the next slide. Based on the
5 information we gathered, we also determined the
6 status of the environmental response and identified
7 any potential data gaps. All right, now I know this
8 slide is a bit busy, so it might help if you look at
9 handout number 4 to follow along, it'll be easier to
10 read as well. This slide is also prepared as a
11 poster for you to view during the poster session and
12 we'll be available for any questions. This is the
13 logic tree, your flow diagram that we use to identify
14 parcel groups.

15 It can be read basically as a series of
16 yes/no questions that were followed to identify what
17 parcel group a parcel was placed into. Because any
18 one parcel might have more than one grouping
19 characteristic, a hierarchy of assignment into a
20 group was established and is represented by the order
21 in which the characteristics are listed in this logic
22 tree. This hierarchy was developed only for grouping
23 purposes and is not representative of a level of
24 importance of the characteristics.

25 But we wanted to make sure that each parcel

1 was grouped into only one group. I will quickly walk
2 through the slide to help explain how it works. At
3 the top it mentions parcels associated with this
4 site. Any parcel addressed in the Management Action
5 Plan was either owned by the Department of Defense or
6 they held an easement on the parcel. The first
7 yes/no question we ask is, is the parcel eligible for
8 evaluation in the Formerly Used Defense Site Program?
9 If no, then it's ineligible for a specific reason
10 such as the DOD currently owns the parcel or it was
11 transferred from their control after October 17,
12 1986. Parcels that fall on this branch of the logic
13 tree were grouped by property owner. If the parcel
14 is eligible for evaluation and is within the LOOW
15 boundary, we then asked is it within the former LOOW
16 developed zone? If yes, contiguous parcels were
17 grouped again by property owner. For instance the
18 first one listed here is the modern affiliated
19 companies. If a parcel is eligible, is within the
20 LOOW boundary and is within the undeveloped zone, we
21 then ask a series of questions relating to former
22 Department of Defense activity and grouped parcels
23 based on either property owner, such as the schools
24 parcel group, based on former Department of Defense
25 activity, such as a type of support facility or based

1 on current land use, such as residential land use.

2 If a parcel is eligible, is outside of the
3 LOOW boundary, we then looked at whether or not the
4 parcel had been owned by the Department of Defense or
5 if they had just held an easement on the parcel. And
6 we grouped the parcels according to this information
7 as well as the type of activity that had occurred
8 there. Using this logic tree we identified a total
9 of 33 parcel groups. While looking at this next
10 slide you might like to refer to the figure in
11 handout 3.

12 This figure is also prepared as a poster for
13 you to look at during the poster session. This is a
14 graphical representation of the distribution of
15 parcel groups identified using the logic tree we've
16 just discussed. As I mentioned using the logic tree,
17 we identified 33 parcel groups, and a property
18 Management Action Plan was prepared for each one. 2
19 of the 33 groups did not meet the definition of a
20 Formerly Used defense site and are ineligible for
21 evaluation. 7 of the 33 groups are in the developed
22 area. 20 of the 33 groups are in the undeveloped
23 area and 4 of the 33 groups are outside of the LOOW
24 boundary. For each of the parcel groups, Department
25 of Defense activities and impacts were evaluated to

1 determine if the impacts were eligible for inclusion
2 into any one of the five formerly used defense site
3 project types. These 5 projects are, HGRW or
4 Hazardous Toxic and Radioactive Waste. And these are
5 the typical types of waste that you think of when
6 talking about environmental contamination. A CON
7 HGRW project or Containerized Hazardous Toxic and
8 Radioactive waste in this type of project addresses
9 things like underground storage tanks and
10 transformers. An MM or MMRP project or Military
11 Munitions Response Program, this project type
12 addresses munitions and explosives including
13 unexploded Ordnance and discarded munitions.

14 A BDDR project, or Building Demolition and
15 Debris Removal project which addresses unsafe
16 buildings and structures and finally the PRP project
17 type, or Potentially Responsible Party. And these
18 projects address those instances where the Department
19 of Defense and other entities may both have liability
20 for the hazards. While we're talking about project
21 types, I want to mention another federal program
22 that's addressing a site that falls within the LOOW
23 boundary, and this figure is also presented as
24 handout 6. And please note that this figure is
25 zoomed in on a small portion of the Lake Ontario

1 Ordnance Works site. The Niagara Falls Storage site
2 or NFFSS, which is in the center of this figure is
3 being addressed under the Formerly Utilized Sites
4 Remedial Action Program also known as FUSRAP.
5 FUSRAP is different from the Defense Environmental
6 Restoration Program for Formerly Used Defense Sites,
7 which is the program the Management Action Plan was
8 developed under. The FUSRAP was initiated to address
9 sites that were part of the nation's early atomic
10 energy and weapons program. You'll notice on the
11 figure which again is handout 6 that are a number of
12 vicinity properties associated with the Niagara Falls
13 storage site, and vicinity property is shortened to
14 VP on the figure. The Property Management Action
15 Plans do identify whether or not vicinity properties
16 are on the parcels in that parcel group.

17 But this presentation is focusing on the
18 formerly used defense site program rather than
19 FUSRAP, and as you know the Department of Energy will
20 presenting next and they'll be available for
21 questions later tonight. So as I mentioned the
22 Property Management Action Plans identify whether or
23 not any vicinity properties fall within the parcel
24 group and they also identify whether or not the
25 status of these vicinity properties is open or

1 closed. But we're going to focus on the five
2 Formerly Used Defense Site Project types that we
3 discussed earlier. For these five project types we
4 identified a response action classification including
5 ineligible, which is used if the property doesn't
6 meet the definition of a formerly used defense site
7 or doesn't meet the eligibility requirements of that
8 specific project type. Inactive is used if a
9 response has not yet been initiated.

10 Active ongoing is for sites, excuse me,
11 projects where the response action is moving forward
12 and response complete if no further Department of
13 Defense action is required. This is often referred
14 to as NDAI, or No Department of Defense Action
15 Indicated. And this finding can be reached at any
16 number of points in the environmental response
17 process. The Property Management Action Plans also
18 note whether or not regulatory concurrence with
19 Department of Defense conclusions has been obtained.
20 These next few slides present examples of the tables
21 found within the Management Action Plan and the
22 Property Management Action Plans, and they summarize
23 the status and strategy of the environmental
24 response. For this slide you may want to refer to
25 handout 7. This table, or this example table

1 presents -- this table is an example of one found in
2 the executive summaries of each Property Management
3 Action Plan, and it is specific to a parcel group.
4 You'll see that each of the five project types are
5 listed across the top of the table along with a brief
6 description of what that project type -- what that
7 project addresses. Down the left side of the table
8 are each of the status classifications that we
9 discussed in a previous slide. The body of the table
10 shows the number of parcels in that parcel group that
11 have a specific status classification for each
12 project type. So for example at the school's parcel
13 group there are two parcels that are active ongoing
14 for the hazardous, toxic and radioactive waste
15 project type. This next table is provided as handout
16 number 8. So while the previous table presented a
17 summary of the project status for all five project
18 types for one parcel group, this table is more
19 specific. It presents detailed status information
20 for one project type for one parcel group.

21 And the project type and parcel group are
22 identified in the table's title. Only parcel groups
23 with numerous areas of concern have detailed tables
24 like this. Now I'll explain how the table is laid
25 out. Across the top are the individual standardized

1 steps that make up the environmental response
2 process, and as a side note this process is displayed
3 in a poster that you can look at during the poster
4 session. Down the left side of the table are listed
5 the areas of concern specific to the project and
6 parcel group, and again, those are identified in the
7 table title. The body of the table indicates what
8 has been completed at each area of concern and what
9 the strategy for closeout will involve, for example,
10 additional evaluation or simply site closure. In
11 this example the 30 inch outfall line is identified
12 as an area of concern for the hazardous toxic and
13 radioactive waste project at the school's parcel
14 group. The inventory project report or preliminary
15 assessment indicated that additional evaluation was
16 required. Additional evaluation took place during
17 the remedial investigation, and a No Department of
18 Defense Action Indicated category 3 finding is
19 expected. The two previous slides showed how we
20 communicate the Corps strategy for reaching project
21 closure and the status of their efforts for each area
22 of concern and parcel group. Overall, of the 33
23 parcel groups, formerly used defense site projects
24 are not required for four groups because they do not
25 meet the definition of a FUDS, they do not contain

1 any parcels or liability for an environmental
2 response has been resolved through a judicial consent
3 decree. Of the remaining 29 parcel groups, 13 have
4 active ongoing military munitions response program
5 projects, 2 have active ongoing containerized
6 hazardous toxic or radioactive waste projects, and 18
7 have active ongoing hazardous toxic and radioactive
8 waste projects. These overall parcel group project
9 statuses are presented in table 4-2 of the Management
10 Action Plan. And this table is provided to you as
11 handout number 5 in your packet. This table lists
12 the 5 project types across the top, and all 33 parcel
13 groups are presented in the left hand column. The
14 body of the table presents the overall parcel group
15 project status which may be different from an
16 individual parcel's project status. Now, you use the
17 school's parcel group as an example to explain how to
18 read the table.

19 And it's highlighted at the bottom here on
20 the screen in yellow. For the hazardous toxic and
21 radioactive waste project, this parcel group has a
22 status of active ongoing as well as it's also active
23 ongoing for the military munitions response program
24 project. For the containerized hazardous toxic and
25 radioactive waste project type it's considered

1 response complete for the parcel group. For the
2 building demolition and debris removal project, the
3 parcel group status is ineligible. And for the
4 potentially responsible party project type, it has a
5 status of inactive. Project status is also presented
6 graphically in the management action plan. One
7 figure is presented for each project type and it
8 shows an individual parcel's project status. So the
9 table we just looked at presented the project status
10 on a parcel group basis, while this figure presents
11 status on a parcel by parcel basis. Now that
12 Management Action Plan has been released, it's
13 available for state COLA review and comment, and in
14 fact we've received some information from a concerned
15 resident regarding some non Department of Defense
16 activity within the 42 inch intake parcels.

17 And information such as this is likely to be
18 included in future revisions of the Management Action
19 Plan. Including -- in addition to including
20 information provided to us from stakeholders if
21 appropriate, then we will also be including some --
22 all written comments received on the document as well
23 as the Corps responses. Currently for the parcel
24 groups with no Department of Defense action
25 indicated, the Corps is going to seek regulatory

1 concurrence and site closure.

2 The Corps of course is continuing their
3 evaluation of parcel groups with an active ongoing
4 status. Copies of the Management Action Plan are
5 available at a number of locations as noted on the
6 slide, and we have a paper copy with us tonight as
7 well as electronic copies. Comments may be submitted
8 at any time via email or through the US Postal
9 Service. For those of you that are interested in
10 reading the Property Management Action Plan for a
11 specific parcel, there are a few ways to find out
12 what Property Management Action Plan you want to
13 look at. First of all if you have the property tax
14 ID number with you tonight, we'll be happy to help
15 you during the poster session. If you don't have the
16 number with you tonight, you can look at some of the
17 posters that we have and we'll help you figure out
18 what property -- if you can locate your parcel, we'll
19 help you figure out what Property Management Action
20 Plan to look at. Directions for identifying the
21 Property Management Action Plan you want to look at
22 will also be available in the note section of this
23 presentation, which is going to be posted on the
24 Corps website tomorrow morning. If you want to look
25 at the electronic version of the document to find the

1 parcel, the Property Management Action Plan for the
2 parcel you're interested in, you can open either
3 volume, the file for volume 2 or volume 3 of the
4 document. And the -- you can use the find function
5 in Adobe Reader, you can use that either by hitting
6 control F on your keyboard or going to the edit menu
7 selecting find. And this find box will pop up and
8 you'll enter your tax identification number including
9 periods and dashes and hit next. And the first
10 occurrence of your search criteria will be
11 highlighted. You'll want to make sure that you're
12 looking at table ES 1 and that will tell you which
13 parcel group includes the parcel you're interested
14 in. That concludes the presentation on the
15 Management Action Plan. Now I'll be followed by
16 Chris Clayton of the Department of Energy. Thank
17 you.

18 MR. CLAYTON: Thank you, Savannah. I'd just
19 like to thank Buffalo District for inviting me for an
20 opportunity to present. I'd like to thank you all
21 for taking time out to come to our presentation this
22 evening. And the main thing I'm going to attempt to
23 do this evening is outline what DOE's role within the
24 FUSRAP actually is at this point in time.

25 In 1998 and 1999 Congress decided that the

1 Corps of Engineers would be better suited to do the
2 remedial action of the sites that have been
3 identified. And they transferred that cleanup role
4 to the Corps of Engineers in October of 1997. There
5 were some issues that were raised between the
6 Department and the Corps, so we solidified what roles
7 and responsibilities were and clarified those in a
8 March of 1999 memorandum about understanding between
9 our two organizations. And the one thing, DOE's
10 primary role is determining the eligibility of sites
11 for potential inclusion into FUSRAP as well as
12 providing the long term care of sites that have been
13 completed at that time. There are three ways that
14 the -- a site either completed or new can be looked
15 at by us. The first is a third party
16 characterization, our survey reveals existing MED or
17 AEC related contamination. The second is a review of
18 DOE records that were previously un-assessed or
19 unavailable indicate that there is potential for
20 existing MED/AEC related contamination. Or a former
21 worker comes forward with credible verifiable
22 evidence that we did not assess at the time. The
23 original assessments occurred back in 1976 to 1982
24 time frame.

25 At that time 46 sites were determined

1 eligible for cleanup under FUSRAP, of which we have
2 the Niagara Falls Storage site as well as it's
3 associated vicinity properties. When we do a
4 determination, we look at where there any DEC related
5 activities? Okay. Where there radioactive materials
6 being used? Okay. If that's the case, is there the
7 potential for contamination? And then is the United
8 States government authorized to clean it up? And the
9 one thing that you need to be aware of, FUSRAP was
10 created to address the radiological contamination of
11 sites, not necessarily chemical, not necessarily
12 Ordnance. And again that assignment is with the
13 Corps of Engineers. There are associated processes
14 that chemical contamination could have been used or a
15 direct consequence of FUSRAP related radiological
16 activity and then those would be considered.

17 But generally FUSRAP is for the radiological
18 contamination at the site. If everything in the
19 first box is a yes, we then notify the Corps of
20 Engineers, we send them our documentation, our
21 recommendation for further characterization and
22 assessment. The Corps of Engineers would then look
23 at our data, if they concur it goes through their
24 process to have the site officially added into FUSRAP
25 and therefore they can start expending taxpayer

1 dollars to clean it up. If not, they will notify us
2 that they non concur and we'll have to look at are
3 there other programs within the Department or within
4 the Federal Government that these particular sites
5 could be cleaned up for. And again, you can see they
6 select a remedy, they conduct the cleanup, they
7 obtain a regulatory concurrence, they declare that
8 the remediation is complete and then they perform a
9 two year O and M of the site to ensure that there's
10 something that they did not miss. And if they're
11 doing a groundwater monitoring program, that it's
12 operating and they're capturing everything.

13 If everything is a go, then in two years the
14 Corps transfers the site -- transitions the site back
15 to the Department of Energy and then we perform long
16 term surveillance and maintenance activities for that
17 particular parcel. Next please. Right now as it
18 pertains to the Niagara Falls site and its associated
19 vicinity properties, DOE's primary role is to
20 maintain and provide access to all historical records
21 and documentation and we respond to requests for
22 information and do limited evaluations as concerns or
23 issues are raised. We review assessments of remedial
24 action, verification of records for which ever
25 selected property there is, we evaluate the risk at

1 the time of closure. And under current land use
2 conditions we ensure that the record collection is
3 complete, that there are no data gaps. And then if
4 we do, do evaluations; we capture the findings in a
5 report that can be disseminated to stakeholders and
6 future stewards of the property. Next slide please.
7 One of the things that we are currently in the
8 process of doing, and it was based on a concerned
9 citizen stakeholder raised concerning the central
10 drainage ditch area. We are now expanding that
11 evaluation to include vicinity properties Q,R,X,S,T
12 and W as well as further looking at the central
13 drainage ditch and the west drainage ditch. As you
14 see the rationale for selecting Q,R,X, the central
15 drainage ditch and the west drainage ditch are all
16 accessible by the public, there is an extreme
17 stakeholder interest in vicinity property X.

18 And then since there is that interest in X,
19 we are doing the properties that are adjacent and
20 border X,-S,T and W, as well as trying to include all
21 properties associated with the central drainage ditch
22 as well as the west drainage ditch. Next slide,
23 please. In our preliminary findings that we did, DOE
24 remediated the soil contamination that was assessed,
25 all assessable areas of the site surface were

1 assessed, any contamination that was identified was
2 remediated. We did release the sites for existing
3 use without restriction, however the land use has not
4 been reviewed upon completion. So that's been
5 probably in the neighborhood of about 10 or 12 years,
6 we have not looked at what the current land use for
7 those properties are. And again, that's part of our
8 evaluation. One thing I would definitely like to
9 stress is we are encouraging stakeholder input.

10 If there are issues, concerns that you have
11 with particular closed vicinity properties, and
12 again, that's what DOE is looking at. The Corps of
13 Engineers has three vicinity properties that are
14 still open as well as the Niagara Falls Storage Site
15 proper itself. The Corps of Engineers has that
16 mission. And could you go back one slide please.
17 And again, you can see we're looking at all the
18 property shaded in green right here.

19 The Niagara Falls Storage Site property is
20 being addressed by the Corps of Engineers as well as
21 C, and C prime (sic). We are trying to look at the
22 central, or the west drainage ditch that comes down
23 through here as well as the central drainage ditch
24 down to here. S, or -- I can't see. T and our --
25 we're looking at T, but P seemed a little bit further

1 out. My team went out this afternoon and looked at
2 it, it's fairly well restricted. The access to the
3 public within those areas isn't that great, but
4 again, we're trying to concentrate our efforts on
5 vicinity property X and its surrounding properties.
6 Go back to where we were, please. Upon completion of
7 the review of the identified vicinity properties, we
8 are hoping to have a report, a summary report
9 release-able on March of 2010. We're going to assess
10 the protectiveness and compliance of the former
11 Department of Energy cleanups of those vicinity
12 properties, we're going to evaluate any additional or
13 new information as it became available and we're
14 going to prevent recommendations and a path forward
15 on what to do with those properties, much like we did
16 with the central drainage ditch evaluation that we
17 did.

18 The cleanup that was done and the assessment
19 that we did, the conclusions still held true. The
20 New York Department of Health needed some additional
21 information that we provided, but they generally
22 concurred with the assessment that we performed on
23 the central drainage ditch, but we want to assess the
24 other areas as well. And just to provide assurance
25 to you and the local community, the cleanups that

1 were performed back in the mid to late '90's was
2 effective and is still protective of human health and
3 the environment.

4 And that's it for my -- oh, next slide,
5 please. Primarily Bob Darr was introduced, if you
6 have issues, concerns, his contact information is
7 there. Some of you do have my contact information as
8 well, and I'll be providing that at our round table.
9 But Bob Darr would be the first and best point of
10 contact for any initial concerns or issues. On that,
11 thank you.

12 MR. SENUS: Thanks, Chris. We're going to go
13 ahead and turn the lights on and move to behind the
14 projection system. We'll go ahead and reconvene at
15 7:15.

16 (Poster session off the record)

17 (Round table Session on the record.)

18 MS. KREUSCH: Okay, with that we'll get
19 started. Is there anyone that would like to be the
20 first person to ask a question? Amy.

21 MS. WITRYOL: Is Chris still here, Chris
22 Clayton?

23 MR. CLAYTON: Right here.

24 MS. KREUSCH: Your microphone isn't working.
25 Can you get more sound on her? Okay.

1 MS. WITRYOL: Okay. Chris, I wonder if you
2 could elaborate a little bit more about what
3 properties have been evaluated and why. What
4 information was used to draw your preliminary
5 conclusions, who was it provided by, what
6 stakeholders, you know, other than myself have made
7 requests? And also you mentioned that the Army Corps
8 of Engineers is working on vicinity property C and C
9 primes. Bill is saying no.

10 MR. CLAYTON: E and E prime?

11 MR. KOWALEWSKI: E and E prime.

12 MS. WITRYOL: Oh, E and E prime.

13 MR. CLAYTON: I mis-spoke.

14 MS. WITRYOL: Oh, okay.

15 MR. CLAYTON: I mis-spoke.

16 MS. WITRYOL: Okay. But, you know, what
17 information you've been provided by the Corps, and
18 what by stakeholders and are you speaking with any
19 stakeholders or agencies before, during or after the
20 meeting. Just general elaboration on basically
21 what's going on with the review of the closed
22 vicinity properties.

23 MR. CLAYTON: Basically as you're aware, you
24 contacted me on several occasions --

25 MS. WITRYOL: Right.

1 MR. CLAYTON: -- that initiated some of our
2 looking at the closed vicinity properties. But then
3 we received through various means an email from a
4 concerned citizen --

5 MS. WITRYOL: Right.

6 MR. CLAYTON: -- within your group. I don't
7 know if they're here tonight or not. But they raised
8 certain issues directly relating to the central
9 drainage ditch itself.

10 MS. WITRYOL: Right.

11 MR. CLAYTON: So I had my technical team,
12 Joey Gillespie, Mike Whitta (sic) and their
13 associates take a look at everything that the
14 Department of Energy did as it related to the central
15 drainage ditch area. Upon the review of our cleanup
16 criteria on what the identified land use was, it was
17 a drainage ditch, it still is a drainage ditch. The
18 potential for exposure, the amounts of occupation and
19 everything; the results that we came up with of our
20 assessment was that it is still protective of human
21 health and the environment as it's currently in.

22 MS. WITRYOL: Just on that topic, to do that
23 evaluation, did you look at anything other than the
24 DOE surveys that were conducted in the early '80's?

25 MR. CLAYTON: Joey.

1 MR. GILLESPIE: We looked at all the records
2 that we could get our hands on concerning the central
3 drainage ditch, which were in our considered sites
4 database in the library.

5 MS. WITRYOL: Would it be possible to make a
6 list of those records available? I'm guessing that a
7 lot of them had been available to us from the Army
8 Corps, but certainly it would help us to know what
9 informed your view, so if there are documents that --
10 without sending you the thousands and thousands that
11 we've reviewed, if there are documents that we think
12 are particularly relevant that aren't on your list,
13 we can certainly add to that if that's helpful to
14 you.

15 MR. GILLESPIE: Very much so.

16 MS. WITRYOL: So it's possible to get a whole
17 list of the documents that can form the review?

18 MS. GILLESPIE: Yes, ma'am.

19 MS. WITRYOL: Okay, great. And in terms of
20 the review that's the second step of this?

21 MR. CLAYTON: Basically as I indicated during
22 the presentation, what we were looking at, one; there
23 has been a very high interest in vicinity property X
24 due to its accessibility by the general public. It
25 was relayed to us that the township of Lewiston was

1 very much interested in vicinity property Q, so
2 that's how those two properties were initially
3 selected. And then --

4 MS. WITRYOL: Excuse me. This vicinity
5 property X, I believe is the property that's owned by
6 the Town of Lewiston?

7 MR. CLAYTON: Vicinity property Q is owned by
8 the Town of Lewiston.

9 MS. WITRYOL: Oh, oh, I see. Yeah, right.
10 Both properties are owned by the Town of Lewiston.

11 MR. CLAYTON: That's what I initially
12 thought. But, Joey, vicinity property X has joint
13 ownership, does it not?

14 MR. GILLESPIE: I believe it does. Yes, I
15 think that's right.

16 MR. CLAYTON: According to our property
17 records that we are able to obtain, the vicinity
18 property X has joint ownership of the Town of
19 Lewiston as well as Chemical Waste Management.

20 MR. KOWALEWSKI: No.

21 MR. CLAYTON: No?

22 MR. KOWALEWSKI: No. It's in two towns, but
23 one ownership.

24 MS. WITRYOL: The property owned by Lewiston
25 straddles Lewiston and Porter property line. But

1 you're saying that some portion of vicinity property
2 X might be owned by CWM?

3 MR. CLAYTON: Bill, no?

4 MR. KOWALEWSKI: Not to my knowledge.

5 MR. CLAYTON: Because with the real estate,
6 real property records that we received and our
7 research, it looked like Chemical Waste Management
8 owned a smidgeon, at least on the border side of X.

9 MS. WITRYOL: Okay, but it's not, but it's
10 not joint ownership of the property, it's just they
11 have a tiny part of X as opposed to Lewiston.

12 MR. CLAYTON: Correct.

13 MS. WITRYOL: Okay.

14 MR. CLAYTON: Yes, ma'am.

15 MS. WITRYOL: Got you. It's possible.

16 MR. FOX: Well, this X,Y and Z stuff is a
17 little bit confusing to me.

18 MS. WITRYOL: This one?

19 MR. FOX: But it would be to my opinion, this
20 property that we're talking about would be the old
21 wastewater treatment plant.

22 MR. CLAYTON: Yes, sir.

23 MR. FOX: Okay. And the 30 inch water line
24 that runs out of it, I believe is also a Town of
25 Lewiston easement running across the Newport school

1 site. And I'm wondering if you're considering that
2 in your evaluation?

3 MS. KREUSCH: For the court recorder that was
4 Mr. Keith Fox.

5 MR. CLAYTON: With regard to outfalls and
6 utilities, Bill, correct me if I'm wrong; the Corps
7 is looking at that as part of your normal
8 investigation of utilities, correct?

9 MR. KOWALEWSKI: The 30 inch outfall is part
10 of our DERP-FUDS, HTRW authority and investigation.

11 MR. CLAYTON: Okay.

12 MR. KOWALEWSKI: And in the course of doing
13 that Chemical investigation, we did some RAD
14 monitoring and sampling as we were excavating in
15 there. But that property, that parcel is not an open
16 vicinity property.

17 MR. CLAYTON: Correct.

18 MR. KOWALEWSKI: So it's not in our FUSRAP
19 program.

20 MR. CLAYTON: Correct. So to answer your
21 question, the Corps of Engineers is addressing that
22 outfall, but it's not an identified open FUSRAP
23 property. They're doing it for the DERP-FUDS side.

24 MR. FOX: Okay. I'm interested in it just
25 for my health and safety point of view. And because

1 part of that is an open pipeline across the
2 southwestern drainage ditch. And kids use that as a
3 foot bridge and it's about ready to fall down.

4 And from the south -- you know, it would be
5 nice to be able to take a steam shovel in there and
6 clear the damn thing out.

7 MS. STAIGERWALD: This is Sandy Staigerwald,
8 for the court reporter. Just to follow up on your
9 question, we did recently complete the risk
10 assessment for that portion of the line.

11 MS. KREUSCH: I don't think everybody can
12 hear you. Hold on till we get your microphone
13 working.

14 MS. STAIGERWALD: Can everybody hear me now?
15 We did recently complete a risk assessment for that
16 portion of the line, and the risk assessment did
17 indicate that from the investigation that we've done
18 as part of the Formerly Used Defense Site
19 investigation, there was no risk along that portion
20 of the line from chemicals.

21 MR. FOX: I know that you --

22 MS. STAIGERWALD: Yeah, physical, or --

23 MR. FOX: Okay, that's one kind of risk. I'm
24 not worried about that either. Actually it was
25 relined by the Town of Lewiston as a ground water

1 drainage.

2 MS. STAIGERWALD: Right.

3 MR. ZELTMANN: My name is Christopher
4 Zeltmann, I'm here representing Congresswoman
5 Slaughter. And I just wanted to ask Bill, this year
6 the Congresswoman was able to secure funding for the
7 Corps to actually take care of some of the physical
8 hazards in the wastewater treatment area, is that
9 right Bill? And maybe if you could say a little bit
10 about how that, and maybe what the DOE is doing with
11 vicinity property X.

12 MR. KOWALEWSKI: The project that Chris is
13 speaking of, we worked with the Town of Lewiston to
14 sort of be responsive to the physical hazards out
15 there and the access issues on vicinity property X,
16 the town's property there. And help them prepare a
17 project scope and a cost estimate on what we could do
18 to try to help them in that regard. Has that project
19 made it through Congress and it's appropriated?

20 MR. ZELTMANN: Yes, yeah.

21 MR. KOWALEWSKI: Okay. Then we will standby
22 to see that come down the DOD channels. And we would
23 immediately pick up with the Town of Lewiston to get
24 going on that.

25 MR. ZELTMANN: Right.

1 MR. KOWALEWSKI: And that project is
2 primarily to help make that site inaccessible to
3 trespassers and kids who might get in there. And to
4 get rid of some of those very extreme physical
5 hazards on the property. We have done a number of
6 chemical investigations and TNT investigations on the
7 property. We have some limited radiological data
8 that we gathered while we were doing those. But as
9 Chris mentioned, vicinity property X is being looked
10 at and they will make the determination on whether
11 to, if you will, fully activate that project for a
12 FUSRAP response.

13 MS. WITYROL: Bill, does there -- is there
14 any sort of interim measure between nothing and
15 reopening that vicinity property because of the
16 limitations of the radiological data that's been
17 gathered on that property?

18 MR. KOWALEWSKI: I would say the Corps has
19 done about all it can do with its authority -- within
20 its authority on the radiological side of vicinity
21 property X.

22 MS. WITRYOL: Well, then a question for you,
23 Chris. If the location and history and also
24 obviously the content of the NFSS remedial
25 investigation raised some questions, could DOE

1 authorize some radiological sampling on the vicinity
2 property X, without reopening the entire property.
3 Or do you really need, you know, incontrovertible
4 evidence to take a closer look so to speak?

5 MR. CLAYTON: In a short answer, yes. And
6 again, within our report of March of 2010, we'll have
7 a path forward in that for that addressing of those
8 areas where we have identified, I don't want to say
9 data gaps, but areas of concern that would require us
10 to go back out in the field and take samples.

11 If that is indeed what one of the
12 recommendations are, then the Department of Energy
13 under its limited long term surveillance and
14 maintenance activity authority would then go do some
15 sampling. On the receipt of those sampling results,
16 if it identifies that there is a radiological hazard
17 that would start the process that I would contact the
18 Buffalo district and start coordinating a potential
19 reactivation of that particular vicinity property.
20 But again, the Corps of Engineers would look at our
21 data that we've accumulated and generated and then
22 they may do some other limited sampling,
23 characterization and assessments. And if they
24 concur, then the site has the potential to become an
25 active FUSRAP site again. But again, if the Corps

1 says department, yeah, but it's not an imminent
2 threat to human health and the environment, the
3 levels are acceptable, yada.

4 MS. WITRYOL: Right.

5 MR. CLAYTON: Then it would come back to us
6 --

7 MS. WITRYOL: Right.

8 MR. CLAYTON: -- for further assessments or
9 see what else we could do from a Department of Energy
10 perspective.

11 MS. WITRYOL: Well, what we would certainly
12 appreciate is the opportunity to provide input once
13 we see that March, 2010 report, particularly the list
14 of documents that informed that. And if there is a
15 path forward for any closer look as an interim step,
16 we would certainly appreciate it if the DOE could
17 encourage the Army Corps of Engineers to share with
18 us a draft sampling and analysis plan and let us
19 comment on it before going forward. Again, if
20 there's an interim step suggested by the outcome of
21 your report. And that's particularly important
22 because we've had examples in recent years where not
23 all of the documentation that informed a decision has
24 been made available to us. And we, last month in
25 response to some questions I had raised about the

1 demolition of building 401 and the documentation used
2 to characterize the radiological contamination, the
3 Corps referenced a document that we haven't seen. I
4 don't know, Bill, if that Bechtel report, I think
5 Bill -- is Bill Frederick here?

6 MR. KOWALEWSKI: He's not here tonight.

7 MS. WITRYOL: Okay. Well, Bill, I think the
8 email came from Bill Frederick. But it -- a 1998
9 Bechtel report called Current Radiological
10 Contamination of the NFSS. And because the nature of
11 my questions, and I'll give you a copy of this,
12 because it's just my one page request and a one page
13 response. Expresses concern about nuclear
14 reprocessing waste that came to the site from the
15 Knolls Atomic Power Laboratory in Schenectady, and
16 there seemed to be some serious data gaps with
17 respect to plutonium. And further, this email -- and
18 this issue, I think, Bill, was more for your camp
19 than for DOE. Bill Frederick's response indicated
20 that there will be more characterization after the
21 demolition takes place. And I would offer that if
22 there's potential for characterizing plutonium,
23 unless we're absolutely sure that there will be no
24 wind whatsoever the day that building is demolished,
25 we would prefer to have those gaps filled before

1 demolition not after demolition because of the
2 exposure risks from any potential plutonium if
3 suspended. Bill's memo says it will be characterized
4 to make sure it's disposed of safely. But, you know,
5 dust rises when buildings fall down or are knocked
6 down, and we 've got CWM workers to the north,
7 Village of Youngstown to the Northwest, the school
8 campus to the west, Modern Workers to the south.

9 And I guess people, Fred, might be concerned
10 about the Town Hall, depending on whether or not
11 there's a Town Board meeting there. Some people may
12 say, go crazy. But obviously it's a significant data
13 gap and it's an example of where we really can -- we
14 have a very well informed community and some real
15 experts on historical documentation.

16 And it doesn't take us more than a few weeks
17 to turn around input. And we don't ask for a, you
18 know, a formal public, you know, period. But just
19 the courtesy of real public input which is to be able
20 to have all the information and be able to provide
21 that input before decisions are made instead of
22 either providing input without all the information or
23 being provided the information after the decision has
24 been made. So to the extent that as the Lewiston
25 property develops, DOE can insure that the infor --

1 whether you provide that information directly to us
2 or through the Army Corps, that we have real
3 transparency and the opportunity for input.

4 MR. KOWALEWSKI: I'd just like to follow up
5 quickly on the concerns about the building 401
6 demolition. And all I want to say is that the Corps
7 got experience dismantling contaminated buildings,
8 and it's not what you see on hotels and other
9 buildings being imploded with this huge cloud of
10 dust. They're basically surgically dismantled and
11 there's a very rigorous health and safety program to
12 control dust and monitor the air. And so you will
13 not see wrecking balls, you will not see a great big
14 collapse of building 401, it's going to be a very
15 methodical, surgical dismantling of that facility.

16 MS. WITRYOL: Bill, I would just add that,
17 you know, we have confidence that the Corps will
18 undertake as many precautions as possible.

19 But keep in mind, you guys will be wearing
20 the protective equipment and nobody else in the
21 community will be. So we would encourage the Corps to
22 consider if it's going to do laboratory analysis
23 anyway, maybe to do some for this particular data gap
24 since it's far more dangerous in terms of inhalation
25 risk than, you know, contact risk. We ask you to

1 reflect on that before the demolition.

2 MR. KOWALEWSKI: I'll pass that on to the
3 team and we'll take care of it.

4 MS. KREUSCH: Dr. Boeck.

5 DR. BOECK: Pertaining to some comments
6 regarding this property. Could we go back to the
7 third slide in this set? Oh, the DOE. Sorry, the
8 DOE slide. Okay. What we have on this particular
9 property, on the southern part of the property not
10 adjacent to the wastewater treatment plant, is a
11 railroad spur. And this railroad spur meets your
12 qualifications because the DOE activities involve
13 both loading and unloading the reactor waste at one
14 time or another as well as loading and unloading the
15 K-65 and the uranium waste at one time or another.
16 Okay. The particular property, the particular
17 loading dock extends onto NFSS and then further north
18 onto property X. The part on the government side has
19 been excavated. The part on the Town of Lewiston
20 side has not been excavated. And I expect the
21 typical handling of barrels, heavy barrels of
22 radioactive materials would produce a certain amount
23 of spillage. And the place to look is now after some
24 30 to 40 years for material washed off the pads as
25 well as any material which is spilled into the

1 railroad bed there. And I think that's another area
2 that meets your criteria because there is, and I
3 can't quite read it; but there certainly is MED
4 activities, radioactive materials were involved,
5 there is certainly a potential for contamination
6 because there likely are spills at handling barrels
7 of this material. And the government should be
8 authorized to clean it up.

9 MR. CLAYTON: Joe, you got all that?

10 MR. GILLESPIE: Yes, sir.

11 MR. CLAYTON: Was that by Harold Road?

12 DR. BOECK: No, this is on the railroad spur.

13 MR. CLAYTON: Where is it on this map?

14 DR. BOECK: The spur shows here and continues
15 up onto this by property X.

16 MR. CLAYTON: Okay.

17 DR. BOECK: I don't think it's quite showing
18 -- yeah, it's showing on there.

19 MS. KREUSCH: Which handout number is that?

20 DR. BOECK: I'm on this guy here, the colored
21 one.

22 MS. KREUSCH: 6?

23 DR. BOECK: Yeah, handout 6. On the corner
24 of the NFSS, you see a double line.

25 MS. KREUSCH: Slide 12.

1 DR. BOECK: Okay, that continues up onto
2 vicinity property X, that was a rail line and that is
3 in documentation indicated as a loading and unloading
4 area.

5 MS. STAIGERWALD: Yeah, I can talk to where
6 he's speaking of. This is Niagara Falls Storage Site
7 property, this is the Town of Lewiston property
8 referred to as vicinity property X. There was a
9 railroad spur that actually kind of looped around
10 here and went up onto vicinity property X.

11 DR. BOECK: Right, and --

12 MS. STAIGERWALD: The loading dock was either
13 side of the railroad property.

14 DR. BOECK: You have a loading dock on either
15 side. And the loading dock extended across that
16 magical line that divides the DOE property from the
17 Town of Lewiston property.

18 MR. CLAYTON: We'll make sure we include that
19 in our evaluation and assessment, sir.

20 DR. BOECK: Okay, thank you.

21 MS. KREUSCH: Thank you. Additional
22 questions? Mr. Newlin?

23 MR. NEWLIN: Thank you. Fred Newlin, Town of
24 Lewiston. I had a couple of questions. First I do
25 want to publicly thank Congress Woman Slaughter's

1 office for getting us some federal funding for
2 helping secure that X property up there.

3 MR. ZELTMANN: And I just want to say, Bill,
4 I think you were right, we did pass the energy and
5 water bill which includes a lot of the Corp Programs,
6 dredging and others is what I'm thinking of.

7 But this funding is in the DOD, which we're
8 still working through the conference report. So we
9 do have it in the house, Bill, pending, but it's not
10 finalized yet. So I just want to clarify that.

11 MR. KOWALEWSKI: Okay.

12 MR. ZELTMANN: But we hope as we finish the
13 budget this month that we'll have that.

14 MR. NEWLIN: Thank you, Chris. But anyway, I
15 do want to thank Slaughter's office for working with
16 the town to get that funded. I had three questions
17 here. One is just a followup from our last workshop,
18 where I had asked, and I don't expect the work to be
19 done yet; but I wonder if the Army Corps of Engineers
20 has made some progress in enumerating and delineating
21 what the outflow pipes were made of. You might
22 remember we had a brief discussion at the last
23 workshop that some of the pipes were made out of
24 wood, some of clay and some maybe of concrete. And I
25 brought up my concern that each one of those

1 substances that might be used in the construction of
2 pipe have different rates of dissemination of the
3 stuff. Have you been able to come up with a -- we
4 just had a map last time, I haven't seen that today;
5 of the different pipes that are leaving this area and
6 I just wonder if you've been able to make any
7 progress on say, okay, this pipe we know is made of
8 wood, this one is made of clay, etcetera.

9 MS. STAIGERWALD: I can take that. This is
10 Sandy Staigerwald, can you hear okay? Sandy
11 Staigerwald. All right, I did actually -- I don't
12 have the information with me this evening, but I was
13 actually looking up something else from a question
14 that came in to the Corps of Engineers. And there
15 was a document that specifically, and this is with
16 regards to the 42 inch intake line.

17 MR. NEWLIN: Right.

18 MS. STAIGERWALD: That did say, there was
19 actually a footage that was listed in that document,
20 that said at this point we've transferred over to
21 wood stave piping. So, obviously you're still
22 interested in that information --

23 MR. NEWLIN: Yeah.

24 MS. STAIGERWALD: -- so I could forward that
25 over to the Corps and they could get that out to you.

1 MR. NEWLIN: Okay, thank you, Sandy. That
2 would be very helpful. And then my next question is
3 for -- well, this is another matter for the Army
4 Corps of Engineers, I just want to make sure they do
5 take into effect the -- into account the observation
6 locally that we're having more heavy rainfalls and
7 whether or not that might have an impact on potential
8 outflows and whatever contamination might be
9 contained therein. We've had something like 4 or 5
10 50-year floods they call them, 50 year rainfalls in
11 the last six years. And whether that is a side
12 effect of global warming or El-Nino or whatever, it's
13 becoming more and more present. And I just hope you
14 take that into account in your calculations.
15 Secondly, this is for the Department of Energy, and
16 Chris I guess might be the person to help me with
17 this. On your first sheet of your, if you look at
18 the handout; your third slide, bottom one, you kind
19 of map out the flow chart for Department of Energy's
20 role in FUSRAP. And I was wondering where, can you
21 tell me or us, where we are in that? Has the process
22 not even begun or are we at the bottom, middle, end,
23 or where are we now with that?

24 MR. CLAYTON: Well with regard to the
25 vicinity of property X, or just within our

1 evaluation, or --

2 MR. NEWLIN: Yeah, X specifically, but then
3 overall.

4 MR. CLAYTON: Typically, since vicinity
5 property X was already identified as a vicinity
6 property within FUSRAP, it's definitely eligible
7 throughout the whole thing. What we're looking at
8 right now is probably on that small DOE section and
9 form, the Corps type area, but it's not in that box
10 yet. Basically we're doing an evaluation of our
11 former cleanup activities, taking a look at what the
12 current land use is and seeing what our raw data as
13 well as our recommendations indicated for the
14 property. And at that point if we need additional
15 information, the Corps or the Department of Energy
16 would then do a physical survey of the area.

17 And looking at Dr. Boeck's comments, if
18 there was, we would definitely concentrate on that
19 portion of vicinity property X. And whatever data we
20 got and what our results demonstrated, we would then
21 interact with the Corps of Engineers, provide them
22 our findings, go through, or allow them to go through
23 their assessments and characterizations. If they
24 concur with our findings, then the site would move
25 into the Corps of Engineers box. So we're a little

1 bit above the second box in the middle of the slide.

2 MR. NEWLIN: Okay, I do want to say for the
3 record that as far as the Town of Lewiston is
4 concerned, we share Dr. Boeck's concerns there with
5 that on loader, or off loading spot that was
6 associated with the rail spur. Dr. Boeck was kind
7 enough to come to my office and explain that to me,
8 but that's a very legitimate concern, I do hope the
9 DOE does some examination of -- some new examinations
10 of the possibility of contamination as a result of
11 spills or whatever other accidents or --

12 MR. CLAYTON: Yes, sir.

13 MR. NEWLIN: -- things might have happened
14 there. So you did say you were doing an evaluation
15 on your prior work there, is that the work that the
16 DOE did back in the '80's, or --

17 MR. CLAYTON: Yes, sir.

18 MR. NEWLIN: I heard you mention that, it
19 sounded to me from your original presentation that
20 you were satisfied with the work in the '80's that
21 had done a pretty good job of containing, but now you
22 just said that --

23 MR. CLAYTON: As it related to the central
24 drainage ditch, sir.

25 MR. NEWLIN: Okay, not to this.

1 MR. CLAYTON: We haven't looked at any of the
2 others. There was --

3 MR. NEWLIN: Okay.

4 MR. CLAYTON: -- very, very specific,
5 discrete evaluation on the work that the Department
6 of Energy did for the central drainage ditch.

7 MR. NEWLIN: Okay, just the ditch, that's it.

8 MR. CLAYTON: That's it, yes, sir.

9 MR. NEWLIN: All right. Then lastly, this is
10 just -- I don't know if you meant it the way I heard
11 it, but you mentioned early on in your comments that
12 you were -- part of this process is trying to assess
13 whether or not the American Government is authorized
14 to cleanup this site. And that strikes me as a
15 little bit of an odd statement. So who does authorize
16 the US Government in situations like this?

17 MR. CLAYTON: Basically what we're doing on
18 that, sir, is one; does it meet the particular
19 criteria for FUSRAP eligibility for one? Was it work
20 performed in former MED/AEC related activities? Does
21 it meet the time frames that we're looking at?

22 MR. NEWLIN: I can't get to my -- a little
23 bit --

24 MR. CLAYTON: Manhattan Engineer District --

25 MR. NEWLIN: Okay, thank you. Got it.

1 MR. CLAYTON: -- Atomic Energy Commission.

2 MR. NEWLIN: Okay.

3 MR. CLAYTON: Does it meet the requisite time
4 frames that were established? And then was there a
5 indemnification clause primarily? If they -- the
6 Department contracted with someone and they were
7 responsible for the cleanup, then the Government
8 would not be authorized to clean it up due to the
9 indemnification clause. Or is there some other
10 program that is authorized to clean it up outside of
11 the Department of Energy? So again, that is US
12 Government authorized to cleanup, that's more with
13 the DOE perspective. And again, it would need to
14 meet the eligibility criteria as was established at
15 the creation of FUSRAP when they went through and
16 considered the sites back in '74 to about '82.

17 MR. NEWLIN: Yeah, I guess even with the
18 indemnification clause, clearly when this material
19 was brought here in the '40's, a lot of the material
20 was brought here in the '40's as a result of the
21 Manhattan project. The world at large and certainly
22 nobody locally really had a good grasp of what
23 radiological contamination was at that point.

24 MR. CLAYTON: Understood, sir.

25 MR. NEWLIN: And I think if we had known all

1 of this at that time, there would have been a lot
2 more resistance locally to having that waste here.
3 But secondly, aside from the dangers of having that
4 material, the idea of where it could -- how it could
5 leave this area, and this being far from an ideal
6 site from any number of important perspectives, it's
7 -- we're on a island really, a peninsula surrounded
8 by water by the river and the lakes here, we have a
9 high water table, there's a lot of clay content which
10 is good in some analysis, but on the other hand it
11 forces water to move laterally more, that's something
12 that we deal with, with the town all the time.

13 But at least that's something I hope the
14 Federal Government keeps into -- in it's mind here,
15 is that when this was brought here the local
16 population nor anyone really understood the real
17 impacts of harboring radiological waste. And
18 certainly we didn't know about the great potential
19 for offsite runoff, and I just hope you keep that in
20 the back of your mind as you try and make opinions
21 and decisions as to what can be done to clean this
22 site up. I thank you for your presence and your
23 direct answers to my questions. That's all I have.
24 Thank you.

25 MS. KREUSCH: Thank you, Supervisor Newlin.

1 Additional questions? Kent.

2 MR. JOHNSON: Hi. Kent Johnson, with DEC. I
3 just have a lot of questions about the wastewater
4 treatment plant, I didn't know if anybody is aware of
5 this, but the Corps of Engineers did a investigation
6 out there this Summer and Fall, and as part of their
7 investigation they did install grates on a number of
8 the structures to prevent access, because I know that
9 was a concern prior. But they have installed grates
10 to prevent access to the subsurface structures out
11 there. So that's a good thing. And I have some
12 pictures of them if anybody is interested.

13 MS. KREUSCH: Thank you, Kent. Yes, sir.
14 Please state your name for the court recorder.

15 MR. MYERS: Kevin Myers, Town of Lewiston. I
16 was wondering if -- I talked to some of the people
17 about the 42 inch out take line, and it seems like
18 most people think since it was an out take line that
19 there's not much reason to check it.

20 But I think it might meet the threshold that
21 somebody might have dumped something in there even
22 after -- afterwards, and then nobody really knows
23 whose responsibility that is. Or maybe the DOD
24 dumped some things in there that they just wanted to
25 get rid of when they left. And there are some

1 pathways there now from new roads and retention ponds
2 down Pletcher Road.

3 So I think it'd be nice to see at least
4 somebody do some testing, because there's a lot of
5 houses there.

6 MS. STAIGERWALD: This is Sandy Staigerwald.
7 Understood, I understand where your concern is coming
8 from, but in that historical documentation, excuse
9 me, the only evidence that we found is that it was
10 used for freshwater intake. That's not to say that,
11 like you just mentioned, that somebody could have
12 used it to dispose of materials. But without having
13 any documentation or even anecdotal evidence of that
14 having happened there's really no authority to go
15 and, you know, try to prove the negative so to speak.
16 You know, try to prove that it didn't happen.

17 MR. MYERS: But there is some anecdotal
18 evidence, because they did find validated levels at
19 the river where it ended when they used it for
20 discharge for the water treatment plant.

21 And there's also evidence that there could
22 have been illegal dumping. And this is just a
23 typical answer, you know, citizens get. You know, it
24 wasn't our fault, we turned it over to Lewiston.
25 Well, the town didn't -- like Fred said, they didn't

1 -- people didn't know what that stuff was and they
2 didn't have the resources to secure that. You know,
3 42 inch in diameter pipe three miles long, that's a
4 lot of volume. So it doesn't make sense that, you
5 know, the Federal Government saying, oh, sorry, it's
6 the Town of Lewiston's problem. That's, you know,
7 it's not ethical. Maybe, you know, the law says it
8 is not your problem. But that's not a very nice
9 statement to make I don't think to -- you know, when
10 you say well there's no evidence because it was an
11 out take pipe, so. But I understand that you're
12 talking based on the law. Thank you.

13 MS. KREUSCH: Thank you, Mr. Myers. Sharron
14 DaCosta has a question.

15 MS. DaCOSTA: Mr. Myers -- Hi, Sharron
16 DaCosta, Corps of Engineers out of D.C. You said
17 they found, who is they?

18 MR. MYERS: When they built the water
19 treatment plant, they -- who, what part --

20 MS. DaCOSTA: You said that they found some
21 levels of contamination, I'm just wondering who --

22 MR. MYERS: Oh, the Town of Lewiston hired a
23 engineering firm, I forgot their name, it starts with
24 an R, maybe Amy remembers. I got the foils from the
25 DEC.

1 MS. WITRYOL: You know, the DEC was involved.
2 When they tied into the end of that 42 inch pipeline,
3 they found I believe some chemical waste, and the
4 town has a report. So that's one thing to look at to
5 see if there are any markers there for DOD activity.
6 But, Sandy, I would also encourage you to look at
7 some of the Atomic Energy Commission documentation,
8 because the -- the time frame and reasons surrounding
9 the capping at the other end on the NFSS, I think do
10 raise a lot of questions. And if you haven't
11 reviewed that documentation, I'd encourage you to do
12 so. And also contact Ann Roberts to get her input on
13 documentation that raises some questions as to why it
14 was cut and plugged, I think after some event.

15 MS. STAIGERWALD: And you're referring --
16 this is Sandy Staigerwald. You're referring to where
17 it had entered into the freshwater treatment plant on
18 --

19 MS. WITRYOL: Yes, yes.

20 MS. STAIGERWALD: Yeah, and I'm sure we can
21 coordinate with the FUSRAP team --

22 MS. WITRYOL: Right.

23 MS. STAIGERWALD: -- on what information
24 that they have found for that.

25 MR. KOWALEWSKI: And that's part of the

1 reason for the input part of the Management Action
2 Plan, is if you got a specific report or some concern
3 on a specific area, then yeah, send it to us. And
4 that's what we're looking for.

5 MR. MYERS: Okay. Especially with the new --
6 like where there some new constructions gone over
7 there, it could create a pathway. And even though
8 evidence that it was an out take pipe points that it
9 wasn't used, you know, to dump and it probably
10 doesn't gravity feed to river because it was
11 pressurized. But still, it's, you know, it's a huge
12 volume of open space. And there was, you know, who
13 knows? Somebody put things in there.

14 MS. KREUSCH: Okay, so just to be clear for
15 the action item, we're going to look further into the
16 fresh water intake that is how many inches?

17 MR. KOWALEWSKI: 42.

18 MS. KREUSCH: Okay. Okay, additional
19 questions. Is there anyone that did not get a chance
20 to look up their property at the -- during the poster
21 session in the Management Action Plan?

22 (No verbal response)

23 MS. KREUSCH: Okay, so we have time for
24 additional questions. I was -- Amy?

25 MS. WITRYOL: If there are no other

1 questions. Chris, could you and Bill talk to us
2 about stakeholder input, and Kent Johnson as well on
3 closed vicinity properties. I'm surprised there's no
4 representation from the largest owner of closed
5 vicinity properties here tonight, CWM. But I would
6 assume that in addition to the Town of Lewiston that
7 CWM, Somerset and maybe a couple of properties on
8 Modern, that those might have been stakeholders who
9 have made requests of the Corps or of DOE or who have
10 asked for information to be passed along either via
11 DEC or Army Corps or DOE. And I wonder if between
12 Kent and Bill and Chris, you could give us any sense
13 for that communication over the past couple of years?

14 MR. KOWALEWSKI: I mean apart from CWM
15 notifying us that they had done some radiological
16 gamma walkover surveys and collected some material on
17 their property. And we're wondering if what they
18 collected could be disposed of under the FUSRAP
19 program. And the letter from January of '08, I
20 believe that's it. We have not really discussed the
21 closed vicinity properties with CWM. To my knowledge
22 we haven't received any correspondence or other
23 communication from them.

24 MR. CLAYTON: I have to echo that as well. I
25 have not received anything from CWM. Incidental or

1 anecdotal type info through our discussions that we
2 have with the Corps on any of the vicinity
3 properties. Direct communications from yourself,
4 Congresswoman's Slaughter's office and then the
5 concerned stakeholder that sent an inquiry through a
6 archaic means, but it came to the right place. So I
7 mean that's the only formal type of communications
8 that I have had.

9 MS. WITRYOL: But you were on their property
10 today, correct?

11 MR. CLAYTON: I personally wasn't.

12 MS. WITRYOL: Oh, I thought you said you were
13 out on the vicinity on --

14 MR. CLAYTON: Joey and Bob did a drive by and
15 looked at vicinity property X.

16 MR. GILLESPIE: That's correct, we were on
17 VPX today.

18 MS. WITRYOL: Oh, okay. I thought --

19 MR. GILLESPIE: We were looking at the access
20 issues or whatever or another.

21 MS. WITRYOL: I'm sorry, I thought you
22 mentioned you walked S&T today.

23 MR. CLAYTON: No, we could not access S&T.

24 MR. JOHNSON: And I only -- with respect to
25 vicinity properties is I also was CC'd on the email

1 from last spring, I believe it was after a workshop
2 meeting. I believe it was last March, last year that
3 a citizen asked me a question about the central
4 drainage ditch. And she followed it up with a email
5 --

6 MS. WITRYOL: Right.

7 MR. JOHNSON: -- to which I sent her the data
8 that we had on the central drainage ditch.

9 MS. WITRYOL: Tom, Michelle, no conversations
10 about the closed vicinity properties with CWM?

11 MR. PAPURA: No, I mean most -- This is Tom
12 Papura. Most of the communications we have, have to
13 do with, you know, weekly and logistical things to do
14 with soil excavations and things. We have not really
15 been in any great conversations about closed vicinity
16 properties, they've not ever come to us asking about
17 that stuff, so.

18 MS. BARKER: I guess the same with me, I just
19 echo what Bill, you know, I've just been -- I'm just,
20 you know, knowledgeable about what Bill has just
21 mentioned. Other than that there hasn't been any
22 discussion of it.

23 MS. WITRYOL: Okay. And Kent, the exclusion
24 of facultative pond 8, which was the subject of a
25 letter to the Corps in January of 2008 was it, or

1 '07?

2 MR. JOHNSON: I believe '08.

3 MS. WITRYOL: You know, it was in the RMU 2
4 -- it was out of the RMU 2 footprint at that time.
5 As of a month ago it's back in the RMU 2 footprint.
6 And given that those issues were radiological in
7 nature, there's been no discussion with them about
8 that?

9 MR. JOHNSON: No, I've had no discussion with
10 respect to fact pond 8 with the Corps of Engineers
11 and --

12 MS. WITRYOL: Or CWM?

13 MR. JOHNSON: -- to CWM, and as far as I
14 know no one from my department has had a discussion
15 with them.

16 MR. PAPURA: I can follow up a little bit
17 more on that. Originally back before we had a pretty
18 rainy summer and things like that, there was going to
19 be an effort to, you know, drain fact pond 8 and get
20 it prepared so that they could go in there and do
21 some more investigative work. Unfortunately the way
22 things went, I don't think that ever came to fruition
23 due to rain events this whole summer. It was a slow
24 process trying to drain that in the first place. And
25 they were hoping for a really dry summer, they may

1 have gotten in there to do a little more
2 investigative work. As far as if it's in or out of
3 RMU 2, you know, I mean the bottom line is if it ever
4 is in RMU 2 and they ever get the green light to go
5 ahead with that whole project, there's still going to
6 be an investigation done, and at that point, you
7 know, maybe there will be some other means to clear
8 that water out quicker, whatever the case is.

9 But right now that's still on the table as
10 far as going in there and investigating that and
11 doing any further work. There's been some proposed
12 plans for going in there and doing surveys and
13 sampling and things like that. But none of that has
14 ever come to fruition because of the fact that, you
15 know, the pond still has not been drained to the
16 point where it can be accessed. So that's still on
17 the table, it's still on the back burner right now as
18 far as I know.

19 MS. WITRYOL: Okay, thank you. And Bill, no
20 requests from Somerset, which is vicinity property V?

21 MR. KOWALEWSKI: Somerset property, no, no
22 requests that I'm aware of to reopen a vicinity
23 property on that.

24 MS. WITRYOL: Why did you do additional work
25 or remediation or anything?

1 MR. KOWALEWSKI: You have to understand that,
2 I mean now I'm not exactly sure of the date. But
3 they had a lawsuit against the Federal Government, it
4 was handled by the Department of Justice, it was
5 settled in court. And so there is no current Corps
6 activity planned on their property, or that vicinity
7 property.

8 MS. WITRYOL: And no requests from Modern
9 either for vicinity property C prime, or the north
10 part of vicinity property N?

11 MR. CLAYTON: Not to DOE.

12 MS. WITRYOL: Okay. Kent, any --

13 MR. JOHNSON: Not here, I haven't heard
14 anything personally.

15 MS. WITRYOL: Okay. Thank you.

16 MS. KREUSCH: Additional questions? Yes, Mr.
17 Zaczek.

18 MR. ZACZEK: Hello, Guy Zaczek. Can you hear
19 me? I wanted to wait until maybe near the end and
20 ask politely. If you go to the Lewiston library and
21 you look at the south wall, okay, it's not a shelf,
22 it's not a couple shelves. It's the whole wall.
23 There's documentation, my guess 50,000 or 100,000
24 pages. When the LOOW asked me to be the historical
25 director, head or whatever, okay? I looked at that

1 assuming there's got to be like a table of contents
2 or something. There's nothing. I take it back,
3 okay, there's certain volumes you can follow through.
4 I had a fun time reading the minutes to the meetings
5 when they first started up and stuff like that. But
6 it's very hard to find things. Many times a theme
7 that kind of runs through all of this is
8 transparency. You have information, we have
9 information, we need to share information.

10 And there's a lot of information going back
11 and forth, okay? This is like 60 years. In my email
12 this past week, it was too big for one attachment, so
13 it was over three attachments. I have this
14 radiological survey of building 401, 403 and the
15 Hitman Building, okay? Now in big letters I wrote
16 down 1995, do you remember what you were doing in
17 1995? This is relatively a new document, okay, for
18 some of the issues that we're bringing up over here.
19 Yet, you know how you wrote that acronym sheet, I was
20 kidding some of my professionals over here, okay, we
21 kind of know what's on that acronym sheet.

22 There are things in this report that are no
23 longer basically what? Recognized terminology. What
24 I'm going to ask nicely, okay, as you move forward
25 if you are an academic and you're doing research, you

1 are expected for maybe 20% of your time to do what's
2 called the document research. To look backwards and
3 say who did it already, what has the data said, okay?
4 How do I move forward, or do I what, repeat the
5 investigation that was done before. But then that's
6 part of your document. Even a Federal law, okay, if
7 it's common law, Federal law, whatever, okay. You
8 put down this is based on what, this statute, this
9 statute, whatever. That would be most helpful,
10 because we would actually see, what? Here's a story
11 line, if you will indulge me for just a couple of
12 minutes, because there is a lot of very good experts
13 in the room here, okay. Remembering this is only 15
14 years back, we're talking about a story that goes for
15 60 years. I want to read you just a couple of
16 sections over here and you can see what I'm talking
17 about. Because I run into this all the time when I'm
18 looking at railroad lines and everything else over
19 here. Let me show you. "The site has been a
20 caretakers status since remediation actions were
21 completed." Now does anybody have an actual
22 definition of what is a caretaker status? Because as
23 far as I know that's not written in any law,
24 legislation, anything that's regulatory, etcetera,
25 etcetera. Yet I -- to be honest, I haven't finished

1 reading this report yet, but I'm curious to see what
2 that is, okay? If you go a little bit further, yes
3 they talk about the DOE and I think we all know that
4 one. Yes, I had to look up Manhattan Engineer
5 District because someone -- somebody just says MED, I
6 don't think of that right away. It says the result
7 and surveys of these facilities determine that
8 residual radiological contamination in excess of the
9 current DOE regulations. Now what that would require
10 me to do is to find out what the current DOE
11 regulations were in 1995, do you see what I mean? So
12 it's kind of time based also in terms of if you're
13 looking at the central drainage ditch or the west
14 drainage ditch, etcetera, etcetera. Could that be
15 much more contaminated now or a lot less contaminated
16 now based on that time line? One more and I'll wrap
17 up.

18 They use terms like radiological use
19 history, and the people in the LOOW hear me say that
20 all the time. When you have a contaminated site,
21 it's not easy, but relatively easy to know this was a
22 garage at one time, what type of contamination am I
23 going to find underneath it? Whatever the use is,
24 you can work backwards and assume this is what the
25 contamination is. Being a TNT plant and an Manhattan

1 Engineer District and all these other things, that's
2 what we do sometimes, okay? Here's a railroad
3 sighting, what do you think happened at the edge of a
4 railroad sighting? That's what you're likely to find
5 at that particular site. And I'll say it like this
6 too, I think that resonates a little bit better with
7 the community, they can relate to that. They can't
8 relate to C prime and X and Z and stuff like that.
9 Although I do like your system for your management
10 plan. Okay, one last one. Yes, the stuff came from
11 New Jersey, from St. Louis, from a whole bunch of
12 other sites. And I was familiar with Bechtel, or
13 Beck, yeah, Bechtel National, all right? It's quite
14 possible that they have what documentation that is
15 not part of the public record. They do talk about
16 formerly utilized sites, remedial action programs.
17 But here's where it gets interesting. Everyone here
18 has heard of Oakridge? There's something called the
19 Oakridge Association Universities. They are actually
20 supposed to be the third party disinterested, okay,
21 organization that -- I'm going to use my terminology
22 here; that gave clearance for this particular site.
23 The exact terminology they used over here was
24 independent verification. Now, it sure sounds like
25 to me that if the DOT is using the Oakridge

1 Associated Universities as being the independent
2 verification for radiological contamination at this
3 site here, at least on the surface, I'll say it like
4 that, it seems like there's some, what, conflict of
5 interest? In other words who basically funds
6 Oakridge, you see what I mean? So I'll repeat it one
7 more time and then somebody else can have the
8 microphone, maybe that wasn't so much a question.
9 When you bring this up, like these maps, okay, there
10 are excellent because what, they are a map on top of
11 a map, on top of a map, on top of a map and they tell
12 a much better story than just what the maps we used
13 to look at, boundary lines and properties. But if I
14 got the source, where did this come from, or what is
15 this report based on? Or historically, what were all
16 of these other reports that were actually done in the
17 past? And now you're studying this, okay.

18 It actually helps to what? Develop the
19 whole larger picture. I'm not -- and I'm directing
20 this to everybody because I don't think it's just
21 within the Department of Energy or whatever else.
22 Actually what I think is, it would help all of your
23 departments to communicate better. Because for a lot
24 of the meetings that I show up over here, you will do
25 the risk assessment and you'll be familiar with that,

1 but when it comes to the radiological, maybe that was
2 drafted in another office. And when it comes to the
3 DERP-FUDS, okay, that's not necessarily -- and I'm
4 going to -- I want to challenge Savannah here. Are
5 you the one who did the flow chart?

6 MS. STAIGERWALD: You mean logic tree that
7 was in the presentation?

8 MR. ZACZEK: Yeah.

9 MS. STAIGERWALD: A name or a credit?

10 MR. ZACZEK: Yeah.

11 MS. STAIGERWALD: Whatever you're going with.

12 MR. ZACZEK: Please do that again, put it
13 onto their website and let people just like a Wiky
14 (sic), let it grow. In other words when somebody
15 comes to you and says they have information about
16 maybe something that happens to what, the 40 inch
17 intake line, add that to the what? Add that to the
18 list, do you see what I mean? So that everyone in
19 the future can say this was an actual what, survey we
20 did, this was an assessment we did, this has happened
21 in the 1940's, this happened in the 1990's, and you'd
22 get a general picture of the whole thing.

23 I know it's not going to fit easily on one
24 piece of paper, but I'm looking at these charts you
25 have in the back here, and some of them are very

1 complex. But that complexity actually what? Answers
2 our questions. Thank you.

3 MS. KREUSCH: Okay, I need to pause for just
4 one second while Joe changes the tape in his
5 recorder.

6 MR. KOWALEWSKI: Okay, Arleen, I want to
7 followup just on the records.

8 MS. KREUSCH: Okay, can you just wait until
9 Joe is back on recording?

10 (Short pause while tape is changed.)

11 MS. KREUSCH: Well, we still have the court
12 recorder, so we would have it on the transcript, but
13 we'd like to get it on the video as well. Should I
14 see a red light? I still don't see a red light on, or
15 anything that indicates it's running. Just give him
16 one second, he has to try a different tape. You can
17 keep working on it and see if you can get it to work.

18 MR. KOWALEWSKI: Bill Kowalewski. Guy, I
19 just wanted to followup with you that from the Corps
20 perspective, we share your pain with dealing with the
21 hundreds of thousands of pages. And I would like to
22 report that what we've done on that front, is within
23 the six months we've secured funding both through
24 FUSRAP and DERP-FUDS. We have contractors at work
25 right now to inventory and catalogue and digitize all

1 of the historical record, all of the Corps record
2 that we've generated since we've been on the project.
3 And our intent is to have essentially a records
4 database that is searchable to make it a lot easier
5 to research all that stuff without having to walk
6 through a wall of paper. And so --

7 MR. ZACZEK: So that's from St. Louis what
8 they're doing over there.

9 MR. KOWALEWSKI: No, that was -- that's an
10 earlier part. They were doing their historical
11 research specifically on the Ordnance activities and
12 --

13 MR. ZACZEK: Right.

14 MR. KOWALEWSKI: -- and that, searching the
15 archives. What I'm talking about is, you know, the
16 wall of reports in the library.

17 MR. ZACZEK: Yeah.

18 MR. KOWALEWSKI: You know, the microfiche and
19 the historical records we got from DOE, the
20 photographs that Dr. Boeck has seen in our office
21 from the construction of the waste containment
22 structure. All of that getting converted from 19th
23 century to 21st century so that we end up with a
24 digital database of those records, which should make
25 it a lot easier and quicker and effective to get your

1 information.

2 MS. STAIGERWALD: This is Sandy. Just to
3 followup a little bit too on what Bill said. One of
4 the things that is nice about the document that's
5 out, the Management Action Plan --

6 MR. ZACZEK: Right.

7 MS. STAIGERWALD: -- is that it does list
8 very specifically the sources that were used to
9 document the impacts and activities that were
10 occurring on the different properties at the time.
11 So it is that one document that we'll kind of list.
12 And in fact there's a master, what we call a master
13 citation list in the first volume that lists all the
14 different documents that we looked at in order to
15 accumulate the information. And of course those are
16 cited as well as you get into each individual
17 Property Management Action Plan. So it'll help a
18 little bit. I think that in concert with what Bill's
19 talking about will definitely help.

20 MR. ZACZEK: It's -- I know on the video
21 it'll pick up all the grey hair and hair missing in
22 the back. But for the next generation, because we
23 are talking about generations here while we're doing
24 this stuff, they appreciate it because they'll go
25 onto a site and then hyperlink to this and hyperlink

1 to that. And when all of the story looks like it's
2 telling the same story, then there seems to be what?
3 Truth to it. Even though these were very detailed
4 reports and stuff that were done, since they were
5 done over a 60 year period by different people with
6 different interests. Just the fact that they look
7 disjointed sort of doesn't lend itself to, let's use
8 the word trust.

9 MR. PAPURA: Guy, I think I can answer your
10 Oakridge Associated University question. Over here,
11 Tom.

12 MR. ZACZEK: Oh, sorry.

13 MR. PAPURA: Yeah.

14 MS. KREUSCH: That's Tom Papura from the DEC.

15 MR. PAPURA: One of the things that's very
16 different in working with the Department of Energy in
17 the past, is the Department of Energy is a self
18 regulating entity. The Department of Energy doesn't
19 actually usually perform the work itself. For
20 instance out there, Bechtel was the contractor.

21 The way I would understand it that it would
22 have gone back then for those things, and they still
23 do it this way to this day in places, Brookhaven
24 National (sic) over in Messina (sic) they do it.
25 KAPL the SCREW Project. They have a contractor they

1 hire to come in and do the work, the remedial action,
2 let's say. When they're done, the contractor will
3 say we went in there, we did our surveys, everything
4 is fine. You know, DOE, you should be happy, you
5 know. Where's our money?

6 MR. ZACZEK: Yeah.

7 MR. PAPURA: What happens at that point is
8 the DOE is going to hire somebody out to verify that.
9 And that's where the Oakridge Associated Universities
10 came in. Now you can say it doesn't sound very
11 independent, but who is just going to come in and say
12 hey, I'll come out there and I'll do the work for
13 free and verify it. Nobody is going to do that.

14 The Department of Energy had to hire an
15 entity, in this case ORAU to come in there and
16 perform surveys and overlook the work that Bechtel
17 had already done. And that's what happened and
18 that's, you know, kind of the flow of things.

19 MR. ZACZEK: Yeah.

20 MR. PAPURA: So, you know, it's kind of hard
21 to say it's an independent verification, I know it
22 doesn't sound like the right nomenclature, but
23 independent from the contractor who actually did the
24 remedial actions. That's what the verification step
25 is. It's independent from the contractor because

1 it's easier for the contractor to say they're done,
2 and you know, somebody needs to come out there and
3 say, okay, did they really do the job that they said
4 they were going to do. Did they clean it up to the
5 levels that they said they were going to, and that's
6 where ORAU came in.

7 MR. ZACZEK: Right.

8 MR. PAPURA: And that's what all the vicinity
9 property surveys and things were. ORAU did all of
10 that work as an independent entity out of Oakridge.
11 They flew up with their team and many of these people
12 have gone on to become, you know, very respected
13 people in the health and physics community. And this
14 is where they cut their teeth on a lot of this stuff.

15 MR. ZACZEK: Yeah.

16 MR. PAPURA: So they went out there and did
17 the verification work following Bechtel's remedial
18 actions.

19 MR. ZACZEK: Thank you. I guess I'll add one
20 more thing real quickly. With this, and I live in
21 the City of Niagara Falls, but I'll talk for
22 citizens, okay? We want it done safe, but we really
23 would like not a caretaker plan, band-aid, okay,
24 final -- just sort of what? The final remediation.
25 And it doesn't have to be perfect, but it has to be

1 what? Good enough for all the clearance measures,
2 let's call it like that, okay? And I figure, our job
3 here, citizens interested, LOOW, however you want to
4 say it, okay. When we show up here, it's hard enough
5 to understand some of the technology and stuff over
6 here. It's probably too much to say we want to hold
7 your feet to the fire, okay? But we want to see if
8 there is going to be verification. The time to
9 question this is not after the work was done, but
10 sort of as the contracts are being let. This is a
11 very big site, whether it was used or unused,
12 developed or undeveloped, etcetera, etcetera.

13 I applaud your efforts to come up with this
14 management plan where you are putting like properties
15 together. Although it would have helped if, how do I
16 say it, volume 2 and volume 3 were something that was
17 online that we could have looked at yesterday or the
18 day before. So --

19 MS. KREUSCH: They've been online since a
20 month ago when we did our first news from the Corps
21 about the meeting.

22 MR. ZACZEK: Oh, okay. My apologies, all
23 right? But when you look at this, okay, like I said
24 before, the more it tells a consistent story, the
25 more there's transparency, the more there's trust,

1 the more we can see this moving forward to a final
2 remediation. Thank you.

3 MS. KREUSCH: Thank you. Additional
4 questions or comments? Amy.

5 MS. WITRYOL: Just to follow up on a few
6 things, issues that people raised. On the management
7 plan obviously even with a month online for anyone
8 who picked up on it on the news from the Corps email,
9 we're going to need some more time to digest that.
10 But one of the concerns about slicing and dicing this
11 property is there's never really been a fate and
12 transport analysis about how certain constituents
13 move in this type of geology. At least those of us
14 who aren't in an agency, we don't have the
15 information to feel confident that we understand for
16 example how ground water moves across the site.
17 We've been told by DOE contractors in other parts of
18 the country that if cesium and plutonium were planted
19 in the same place 65 years ago, it's very improbable
20 that you'll find the plutonium if you use the cesium
21 as the marker. And we've been told by DEC a number
22 of times that they expect to find plutonium based on
23 utilization of cesium as a marker of which they would
24 find through soil analysis to be a gamma
25 instrumentation. So we certainly hope that the

1 management plan would contemplate the larger picture
2 if it means that the LOOW site is going to be closed
3 out in 33 pieces as opposed to understanding how
4 things move on the site as a whole.

5 Secondly, Guy who chairs the historical
6 committee for the Restoration Advisory Board, which
7 is no longer recognized by the Army Corps, is
8 accompanied tonight by Bill Choboy who is the
9 membership committee chair of the Restoration
10 Advisory Board, which is no longer recognized by the
11 Army Corps, who is next to Mary Schreiner who chairs
12 the chemical committee of the Restoration Advisory
13 Board that's no longer recognized by the Army Corps
14 of Engineers. And Bill Boeck who chairs the
15 radiological committee, which is no longer recognized
16 by the Army Corps of Engineers. We've had, you know,
17 some challenges in talking about both the FUDS
18 program and the FUSRAP program in one long very night
19 in an environment that's not conducive to a work
20 session for folks interested in the detail, or the
21 high altitude level that many members of the public
22 could benefit from and be interested in.

23 And I would say as politely as I can, I hope
24 that the Attorney General of the State of New York
25 who has determined that the Army Corps change in

1 status for the Restoration Advisory Board was legal,
2 exercises its rights and gets vigorous support from
3 the New York State DEC to litigate so that the Army
4 Corps of Engineers approach towards public
5 participation in this community is never repeated
6 again anywhere in the United States. Thank you.

7 MS. KREUSCH: Thank you, Amy. Are there
8 additional questions from anyone or comments? Mr.
9 Choboy. Please state your name for the court
10 reporter.

11 MR. CHOBOY: Thank you again, Amy, for that
12 presentation and those words. You've been carrying
13 the ball very well, you've done a great job. I'd
14 also like to ask the question on this Management
15 Action Plan, has the Corps contacted or been meeting
16 with the town officials, the town of Porter and the
17 town of Lewiston? Has there been any contact? Do
18 the towns know what's going on?

19 MR. KOWALEWSKI: Apart from a few discussions
20 with Supervisor Newlin, no we haven't. We're
21 unrolling it formally now. And the intent is to put
22 it out there to let everybody digest it and get back
23 to us, so that if we have to have followup
24 discussions, we can do that.

25 MR. CHOBOY: Well, I think it would behoove

1 you to make sure that the town governments are aware
2 of what's going on. Thank you.

3 MS. KREUSCH: The report was mailed, I
4 believe, to the town supervisors.

5 MR. CHOBOY: I think that's great, but I also
6 think a meeting face to face, calling of and just
7 informing them like you're doing right here, so
8 they're a little bit more educated onto what the
9 problems might be. And it's, you know, it involves
10 more people and gets the message out and the
11 questions may come back. Because these properties
12 may or may not be right for sales, and I think it's
13 important that the communities know which ones and
14 what you want to do with them.

15 MS. KREUSCH: Thank you, Mr. Choboy.
16 Additional questions or comments?

17 (No response.)

18 MS. KREUSCH: Okay, I just would like to
19 read the action items over so that they are in the
20 transcript. I have: research what pipes are made of,
21 it's in the letter to Supervisor Newlin. Do a little
22 bit more looking into the freshwater intake that's 42
23 inches. If we can, try to -- we'll go to libraries
24 and check to make sure about those table of contents.
25 There should be a table of contents for both the Lake

1 Ontario Ordnance Works AR and the Niagara Falls
2 Storage site AR, but we can go to the libraries and
3 make sure they haven't disappeared. Consider links
4 to the citations, I believe was something that you
5 asked for. When we get the electronic version -- my
6 mike is going in and out. To see if we can work that
7 in. Also check with the towns to see if they have
8 any questions about the Management Action Plan. Is
9 there any other action items that you would like us
10 to add to this? Okay, let me just change the paper,
11 Amy, and I'll -- okay, Amy.

12 MS. WITRYOL: The 1988 Bechtel report
13 referred to in Bill Butler's November 4th email to
14 me. Current radiological contamination status of the
15 Niagara Falls Storage Site, buildings 401 and 403.

16 MS. STAIGERWALD: Amy, was that '88 or '98?

17 MS. WITRYOL: '98 --

18 MS. KREUSCH: 1988?

19 MS. WITRYOL: It says 1998.

20 MS. STAIGERWALD: '98.

21 MS. KREUSCH: I just wrote it wrong. Okay,
22 wait a minute. 1998 Bechtel report, Bill Butler
23 email, November 4th for --

24 MR. KOWALEWSKI: Is that Butler or Bill
25 Frederick?

1 MS. KREUSCH: No, it was Bill Butler. It was
2 about the scoping document for building 401.

3 MS. WITRYOL: Yeah. And if that could be
4 sent to the chairman of the Restoration Advisory
5 Board, Joe Gardella (sic) with a copy to Bill Boeck.
6 And are you taking action items for DOE?

7 MS. KREUSCH: Chris, would you like me to?

8 MR. CLAYTON: Please.

9 MS. KREUSCH: Or do you want Joey to? Okay.

10 MR. CLAYTON: Either or. But get them on the
11 board so everything is above board.

12 MS. KREUSCH: Okay, let me change the sheets
13 again, Amy. Okay.

14 MS. WITRYOL: I guess a bibliography for the
15 closed vicinity property review. A bibliography of
16 documents reviewed, is that the best way to summarize
17 it? Chris?

18 MR. CLAYTON: Yes.

19 MS. WITRYOL: Is that doable?

20 MR. CLAYTON: Oh, yeah.

21 MS. WITRYOL: Okay.

22 MR. CLAYTON: We have that pretty much now.

23 MS. WITRYOL: Okay. We'll be happy to have
24 it --

25 MR. CLAYTON: Okay.

1 MS. WITRYOL: -- whenever. And a request
2 that public input be taken on the March 2010 report.
3 It doesn't have to be formal, but, you know, whatever
4 mechanism there is. But to, you know, some -- a
5 decision, I guess would -- the request -- the action
6 item would be to give us a decision as to whether or
7 not DOE would agree to take public comments on any
8 actions on the LOOW site before they occur as opposed
9 to after. So that would be a general way of saying
10 if the March report says we'll look further and take
11 a few samples, the community would like to have the
12 opportunity to look at the sampling plan before
13 that's done, whether that's delegated to the Army
14 Corps or whether or not DOE does that. It goes to
15 Mr. Zaczek's comments that we'd like to have input in
16 realtime not after the fact.

17 MS. KREUSCH: Okay, Amy, I wrote public input
18 on March 2010 report. Look at sampling plan or any
19 other recommendations before actions are taken. Does
20 that reflect what you're asking?

21 (No verbal response)

22 MS. KREUSCH: Okay, and for this one,
23 bibliography of documents, how do you want them to
24 provide that? Is that just a list to you, or?

25 MS. WITRYOL: I would certainly like the

1 Restoration Advisory Board to have it.

2 MS. KREUSCH: Okay, could -- is it something
3 they could just put in the back of their report when
4 they get done, or --

5 MR. CLAYTON: That's what we were planning on
6 doing with it. One of the things, I'm not too sure,
7 and this is just Chris talking off the cuff without
8 my technical team yet. But if the item is, or report
9 is digitally put on, available. We tried to
10 hyperlink each and all the reference documents that
11 we looked at. We've been trying to do that for the
12 completed sites, the older completed sites.

13 But, I mean it's a process, but since this
14 is a new project, we try to do that along the way,
15 which is responsive to your original comment on
16 making everything realtime. So, yes, we were
17 planning on doing that. And, Joey, were we planning
18 on putting that digitally?

19 MR. GILLESPIE: Yes.

20 MR. CLAYTON: So I didn't speak off the cuff.

21 MS. WITRYOL: If you've completed your
22 analysis, then it's certainly not as critical that we
23 see it now. But if you're still looking at things,
24 and, you know, we get a look at the bibliography just
25 to see if there's anything significant that we know

1 of that might inform it. You know, please don't
2 hesitate to email a draft now, and I'll forward it on
3 to the RAB.

4 MR. CLAYTON: I don't have an issue with
5 that. And then that was one of the things that I did
6 state during the presentation, and one of the reasons
7 I'm glad the Buffalo District did invite us to
8 participate this evening. I mean, if you do have
9 documentation or other information that's available,
10 don't hesitate to let us know. I mean, you've got
11 our contact information. Uh --

12 MS. WITRYOL: Yeah. Our issue is there, as
13 Guy alluded to, there are thousands and thousands and
14 thousands of pages of documents. But until we see a
15 report, we see, you know, precisely what we are
16 looking at, we see what the approach is.

17 It's kind of hard to inform that. It's like
18 the Army Corps saying tell us where you want us to
19 sample and what you want us to look for before we can
20 get a look at a sampling and analysis plan in a draft
21 form to provide comments, because obviously, you
22 know, we're not -- you know, we can't predict what
23 approach the agency wants to take. So to the extent
24 that, you know, we have a -- you know, a five minute
25 presentation on what the review entails and the, you

1 know, it includes some of the DOE reports from the
2 early '80's, that it's kind of hard to react and not
3 have us spin our wheels and bury you with documents,
4 so that's why it's helpful to see drafts.

5 MS. KREUSCH: Thank you, Amy. Any additional
6 action items?

7 (No verbal response)

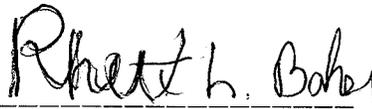
8 MS. KREUSCH: Okay, well thank you very much,
9 everyone for coming. And please if you do have any
10 comments about things you would like us to change
11 about the meetings or future agenda items, there was
12 a comment card in each folder, please fill it out and
13 stick it in the box as you leave. Or mail it back to
14 us, there's an address on the card and you can mail
15 it to us. Thank you again for coming out tonight.

16 (Meeting concluded.)

CERTIFICATE

I, RHETT L. BAKER, certify that the foregoing transcript of proceedings in the matter of US Army Corps of Engineers, Re: Former Lake Ontario Ordnance Works (LOOW) Management Action Plan Workshop Held in Lewiston, New York was recorded on a SONY BM-146 Confer Corder, and transcribed from same machine, and is a true and accurate record of the proceedings herein.

Signature _____



Associated Reporting Service

Post Office Box 674

229 West Genesee Street

Buffalo, New York 14201-0674

Date: 12-12-09