

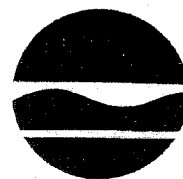
# New York State Department of Environmental Conservation

## Division of Solid and Hazardous Materials, 9<sup>th</sup> Floor

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Alexander B. Grannis  
Commissioner

AUG 03 2007

LTC John S. Hurley, District Commander  
Department of the Army  
Buffalo District, United States Army Corps of Engineers  
1776 Niagara Street  
Buffalo, New York 14207-3199

bcc: V. Washington  
S. Gavitt, DOH  
J. Leithner, USACE  
D. David, Region 9  
K. Johnson  
J. Mitchell  
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Dear LTC Hurley:

We have received the notification from your staff that issuance of the Remedial Investigation Report (RIR) for the Niagara Falls Storage Site (NFSS) has been delayed once again. The data collection for this investigation was completed more than three years ago. While the Corps of Engineers has maintained the site in a safe condition in the interim, there has been no real progress toward final remediation of the NFSS since the field work ended. The US Army Corps of Engineers (USACE) must issue this report without delay.

As you know, the LOOW-RAB Steering Committee has requested an opportunity for the RAB and other parties, including the Department, to review the RIR before it is issued in final. Although we share their interest in the document, we do not believe that further delay in finalizing this report would be in the best interest of the environment. Until the RIR is issued, the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) process cannot proceed, and further delay in completing the RIR will postpone remediation of this site.

In October 2006, the USACE issued its "Fact Sheet on Development of Project Documents under CERCLA," which included a commitment to accept and consider comments or concerns from any party, at any time during the CERCLA process. We ask that you reiterate this commitment when you distribute the RIR as a final document, so that all parties know they have the opportunity to contribute to this process. This Department will carefully review the RIR and plans to submit any comments we have within 120 days of receiving the report.

We look forward to working with USACE on the remediation of the NFSS.

Sincerely,

Edwin D. Dassatti, P. E.  
Acting Director  
Division of Solid & Hazardous Materials

cc: W. Garrow  
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