NT WM letter to OSD and DOJ April 2009

NFSS. 8.01

CWM CHEMICAL SERVICES, LLC
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April 17, 2009

Robert M. Gates
Secretary of the United States
Department of Defense
1400 Defense Pentagon
Washington, DC 20301-1400

Eric Holder, Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Re: Former Lake Ontario Ordinance Works Site
Niagara County, New York

Dear Sirs:

CWM Chemical Services, LLC ("CWM") is the current owner of approximately 700 acres in the Towns of Porter and Lewiston, Niagara County, New York. The CWM owned property was part of the former Lake Ontario Ordinance Works ("LOOW"). Various areas of the LOOW have been addressed by the Department of Defense through the Defense Environmental Restoration Program ("DERP") administered by the United States Army Corps of Engineers.

Various areas of the CWM owned property were formerly used by the Department of Defense as a TNT manufacturing facility and as a disposal area for several types of wastes, including low level radioactive wastes from the Manhattan Project. The CWM owned property is currently used as a fully permitted hazardous and industrial waste treatment, storage and disposal facility, subject to regulation and oversight by the New York State Department of Environmental Conservation and the United States Environmental Protection Agency.

Because of community concerns related to historic low level radioactive contamination in the vicinity of the LOOW, CWM's current operating permit requires that it conduct a radiological survey of the entire CWM owned property. As a result of that survey, the area generally encompassed by former Fac Pond 8 was identified as having radioactive contamination in the soils above acceptable levels. Thus, remediation is required. By letter dated January 25, 2008 (copy enclosed), CWM provided the Army Corps of Engineers with the details of that site survey.

The purpose of this letter is to advise you of the Department of Defense related radioactive contamination at and in the vicinity of former Fac Pond 8 and to request that the Department of Defense/United States Army Corps of Engineers promptly remove that contamination. If the Department of Defense/Army Corps of Engineers fail to address this contamination in a timely fashion, CWM will do so and will seek to recover all of its costs from the United States.

If you need further information regarding the nature and extent of this contamination, please contact the undersigned.

Very truly yours,
CWM Chemical Services, LLC

Michael D. Mahar
District Manager

Enc.

cc: [redacted], P.E., P.M.P.
Department of the Army
Buffalo District, Corps of Engineers
1776 Niagara Street
Buffalo, NY 14207

Michael Mahar -CWM/Model City
Daniel Darragh -Cohen & Grigsby
EMD File

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January 25, 2008

Mr. William E. Kowalewski, P.E., P.M.P.
Department of the Army
Buffalo District, Corps of Engineers
1776 Niagara Street
Buffalo, New York 14207-3199

Re: Sitewide Radiation Survey of CWM's Property

Dear Mr. Kowalewski:

CWM Chemical Services, LLC (CWM) engaged URS to perform a sitewide radiation survey in accordance with the facility's NYS DEC and NYS DOH approved survey plan. The plan includes a walk over survey of approximately 400 acres of CWM's property that is zoned Heavy Industrial and may be used for hazardous waste activities. The plan required the use of 2"x2" sodium iodide NaI(Tl) at one foot above grade. Additionally, the plan requires that readings above 16,000 cpm are to be investigated.

The majority of the walkover and data recording has been completed and approximately half of the areas with one or more readings above 16,000 cpm have been investigated. The majority of the areas with elevated readings lead to a "source" of rock-like material. Once the rock is removed, the reading in the area returns to background. Examples include the following:

- A "rock" removed from closed landfill SLF10 had the following activity: 794 pCi/g Ra-226, 421 pCi/g Th-230, 802 pCi/g Bi-214, 66 pCi/g U-234, 2.45 pCi/g U-235 and 66.3 pCi/g U-238. About a dozen similar "rocks" were located and removed from the cap of landfill SLF 11. Based on a field survey by DEC personnel, Ra-226 is the predominant radioisotope.

- As CWM performed some limited excavation work to improve drainage around a groundwater well east of SLF 11, several similar "rocks" were identified and removed. Laboratory analysis of one of the "rocks" showed 1020 pCi/g Ra-226, 1328 pCi/g Th-230, 1030 pCi/g Bi-214, 67.9 pCi/g U-234, 3.75 pCi/g U-235 and 67.7 pCi/g U-238.

- Two items (dime to nickel size) were identified with much higher activity. One was found in the cap of SLF 7; the field survey showed Ra-226 to be the major

radioisotope with an exposure estimated at 25 mrem/hr on contact. The other item was found along with two "rocks" on the Syms property side of our common stormwater ditch, across from SLF 12.

- Another higher activity item includes a 16" piece of 2.5" diameter stainless steel pipe, whose ends are plugged with soil that was found buried in the clay liner of Fac Pond 8. There is contamination on the surface of the pipe as well as the source contained within the pipe. The exterior exposure is 2.5 mrem/hr on contact with the pipe. A field survey by DEC personnel identified the major radioisotope as Ra-226.

With the elevated presence of U-238 progeny and the lower levels of U-238 and U-234, it would appear that the materials we are encountering are residues from the Manhattan Engineer District (MED) uranium recovery project. We currently have about 20 pounds of "rocks" collected to date.

Fac Pond 8 is one area that does not appear to have a discreet "source(s)". The pond is in the footprint of the proposed RMU-2 landfill. Fac Pond 8 has been partially drained. During the sitewide radiation survey, readings above the investigation level were obtained. A follow up walkover was performed in October 2007, however, access was limited due to accumulated precipitation in the pond. At that time, many readings of greater than 16,000 cpm were obtained in the bottom of the pond. Unlike other areas of the site, the investigation did not lead to the identification of "rocks", but rather "flakes" or small chunks of rust colored material scattered throughout the constructed clay liner of the pond. Samples taken and analyzed by DEC showed preliminary Ra-226 concentrations of 2490 - 264,996 pCi/g (sample included a rust colored chunk); these analyses also identified U-235 progeny: Rn-219 (62.3 pCi/g) and Th-227 (5,250 pCi/g). Soil samples collected by URS and sent to Pace Analytical for analysis showed Ra-226 from background to 27.8 pCi/g. For the sample with 27.8 pCi/g of Ra-226, the soil also showed 12.6 pCi/g Th-230, 35.8 pCi/g Bi-214, 6.97 pCi/g U-234, 0.565 pCi/g U-235 and 7.93 pCi/g U-238. Similar to the "rocks", the uranium activity is lower than the U-238 progeny indicating uranium recovery residue. CWM is working with DEC to develop a plan to transfer the remaining water in the Pond to another pond this spring in order to complete the detailed survey of the pond floor/clay liner still covered by water.

Very recently, another area of interest was located just west of CWM's surface water monitoring ditch and north of M street. There is an open brick lined manhole in a small stand of trees with readings of about 30,000 cpm. Almost due east from the manhole, there is an area of about 10 feet by 10 feet above the edge of the ditch with scattered elevated readings. The maximum reading in this area was 20,000 cpm at one foot and 250,000 on contact. The readings returned to background as the scan progressed over the top edge of the ditch. With snow on the ground, we were unable to tell whether the manhole and area were related. We would like to review with you whether this area is currently included in the ongoing Underground Utilities investigation.

CWM would appreciate assistance from USACE in managing the historical residues and artifacts that have been identified thus far during its Sitewide Survey Project. CWM is also requesting the USACE re-open Vicinity Property C, in which Fac Pond 8 is located. If you would like additional information about the locations, the field data, the analytical data, etc., please give me a call at 716/754-0246.

Sincerely,
CWM Chemical Services, LLC

Jill A. Banaszak
Technical Manager
Model City Facility