

From: Read, Marcia W Ms CIV USA ASA IE [marcia.w.read@conus.army.mil]
Sent: Wednesday, May 20, 2009 1:35 PM
To: Linda White
Cc: Wright, Ann L Ms CIV USA OGC; Walters, Candice S HQ02; Chu, Julian T HQ02; Ozanne, Colin R LRB; Kreusch, Arleen K LRB; Kowalewski, William E LRB; Frey, Bryan M Mr CIV USA ACSIM; Carey, Chris D HQ02; Beauchamp, Suzanne M HQ02
Subject: Response to Inquiry Regarding LOOW Community Group
Attachments: NFSS LOOW PIP 20 May 09 Final.pdf



NFSS LOOW PIP 20

May 09 Final....

Linda-

Thank you for sending me extensive information on the LOOW community group. It is clear to me that this group of citizens is highly dedicated and wants to provide input to the cleanup process at both the LOOW FUDS and the NFSS FUSRAP sites. I assure you that the Army recognizes the value of community involvement in its restoration programs, genuinely welcomes input from diverse interests within the community, and uses it in the decision processes.

My review of the situation of this community group at the LOOW FUDS indicates that the US Army Corps of Engineers followed the DoD RAB regulation and Army guidance in determining community interest for a RAB. As you know, the Corps conducted a survey and received 18 responses, 5 of which indicated interest in an official DoD RAB. It appears that there is intense, long term interest on the part of a small group of individuals who have the support of certain local officials and yourself. However, the interest expressed is significantly less than the 50 person threshold dictated by the regulation and may not be representative of the diverse interests within the community. Another concern is the fact that the group has a broad agenda to address all Federal and even private sites in the area, whereas the scope of a DoD RAB is limited to the Department of Defense environmental restoration program (DERP). In fact, the primary interest and environmental concern of the community may be the NFSS rather than the LOOW. The Army does not have authority to expand the scope of a RAB to sites outside of the FUDS Program. It is my understanding that FUSRAP, being a separate program not part of the DERP, is not subject to the DoD RAB regulation, although it has a robust public outreach program with all interested members of the community.

I believe that this community group can continue to provide valuable input to the restoration process at LOOW and NFSS through public involvement initiatives identified by the Corps. The Corps developed the attached 2009-2010 Public Involvement Plan (PIP) which addresses both sites. This coordinated approach is actually quite novel because the sites are managed and funded by two separate programs under differing authorities. This PIP provides for outreach and engagement of the full community, and I believe its intent is to ensure transparency of the process. It designates an outreach program specialist, and includes public workshops and technical meetings. All persons in the community, including members of this community group, are encouraged to participate in the public activities described in the PIP.

One point that I must clarify is the role of the community in the cleanup process. Members of the public and RABs provide input; they are not decision makers. I note frustration that the Army may not be deferring to the recommendations of the community group. Establishment of a DoD RAB would not affect the role of this group as that of providing public comment along with all other interested members of the public to the Army. In fact, it is not clear to me what additional advantage the group would gain if a DoD RAB is established because it would be separate from this group and would involve a broader outreach to the whole community. The Corps will assess community interest in

establishing a DoD RAB again in 2010, and will provide a full range of public involvement opportunities in the meantime to all persons in the local community.

Since you have contacted the Army in your capacity as part of the New York Office of the Attorney General, please direct any further inquiries to Ann Wright in the Army Office of the General Counsel. Her email address is provided as a CC to this message. Her telephone number is 703-697-5127. We appreciate your interest in the Army's cleanup programs, and look forward to the active involvement of the whole community as the cleanup work proceeds at the LOOW FUDS and at the FUSRAP NFSS.

Sincerely,
Marcia Read
Office of the Deputy Assistant Secretary of the Army Environment, Safety and Occupational Health