

From: [REDACTED]
To: [REDACTED]
Subject: FW: Agenda Item requests for June 23rd.
Date: Thursday, May 27, 2010 11:06:54 AM

-----Original Message-----

From: [REDACTED]
Sent: Thursday, May 27, 2010 9:19 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Agenda Item requests for June 23rd.

[REDACTED]:

Your response on the request for addition of agenda items is unacceptable. As the representative of the LewPort Schools I DEMAND that you add the topic of transparency to the agenda. What is the purpose of soliciting agenda items if you can simply deny the community's requests. There needs to be a discussion of this, and you and your lawyers can simply state your views. There is serious disagreement on the issues of your discussions behind our backs. No one has any trust of the District's legal approach to controlling information. This is another example of how the community will continue to lack input in how the District make decisions.

The point of attempting to consult the community on agenda items is not to have you simply prepare your responses or choose to ignore the request. If that is how the Buffalo District sees this process, then you are again, wasting our time.

I have participated in your meetings and have attempted to be polite and respectful, as you took the time to write on a board before the last meeting. I'll remind you that in the history of USACE meetings, it was a /*Corp employee*/ bullying a community member that was a key action that led to the reorganization of the RAB in 2002-2003. I know of no times when community members caused such response. If you do not add this item, I will note your intransigence at the meeting on the 23rd, and I have no doubt that the community will respond.

When I continue to receive responses like this, there seems little to encourage us to try to work with you.

I would like [REDACTED] to respond to this, as [REDACTED], you are obviously not in a position to effect a collaborative approach to organizing the meeting.

Sincerely,

[REDACTED]
Chair, LOOW RAB Steering Committee

On 5/25/2010 1:30 PM, [REDACTED] wrote:

>
> Hello [REDACTED],
>
> When asking for items to be added to workshop agendas, it would be
> helpful if you could be specific in your requests. To simply ask that
> DERP or FUDS be added to the agenda is vague since DERP-FUDS is a
> national program. I previously asked [REDACTED] what was meant by this, but
> did not receive clarification. [REDACTED], please clarify your
> request by identifying specific topics/items under DERP or FUDS.

>
> In regard to transparency, interaction with Federal, State and local
> agencies is part of our daily operation when working on our
> environmental restoration programs. Records of this interaction can be
> requested through the Freedom of Information Act (FOIA). However, many
> of these records are interagency memorandums or letters which may not
> be available by law to a party other than an agency in litigation with
> the Corps. Many of these documents are deliberative and fall within
> the scope of Exemption 5 of the FOIA, 5 U.S.C. § 552 (b)(5), which
> exempts from release those documents containing advice, opinions, and
> recommendations, which are part of the pre-decisional deliberative
> process. They have been generally viewed as properly exempt in order
> to encourage the candor and frankness necessary to protect the free
> flow of information within the agency during our work on the sites. As
> such, we won't add this topic to the agenda for our June workshop, but
> you may request such documents through the District FOIA Coordinator
> and if a search reveals documents responsive to your request a
> document-by-document analysis will be conducted by the FOIA Officer
> and Counsel to determine whether the document(s) or portions of the
> document(s) are releasable.

>
> Our response to [REDACTED] letter of February 22, 2010, was provided in an
> email on May 4. The Corps adheres to the requirements of the DERP
> statute and regulations (10 USC Sec. 2705, 32 CFR 202), CERCLA (42
> U.S.C. Sec. 9601 et seq.), NCP (40 CFR 300) and ER 200-3-1 and ER
> 200-4-1 for remediation efforts.

>
> Sincerely,

>
> [REDACTED]

>
> [REDACTED]

>
> US Army Corps of Engineers, Buffalo District

>
> 1776 Niagara Street

>
> Buffalo, NY 14207

>
> [REDACTED]

>
> [REDACTED]

>
> -----Original Message-----

> From: [REDACTED]

> Sent: Monday, May 24, 2010 5:37 PM

> To: [REDACTED] [REDACTED]

> Subject: Re: News from the Corps

>
> [REDACTED]:

>
> I would second the request to add these items to the agenda, please,
> as a request from the full LOOW RAB membership, and in support of
> interests of the LewPort Schools

>
> [REDACTED]

>
> On 5/20/2010 5:59 PM, [REDACTED] wrote:

>

> [REDACTED] -
>
> Would you please add to the agenda: Transparency of interagency
>
> communication regarding closed vicinity properties, the NFSS and the
> LOOW
>
> site. Your email below does not suggest the Corps is interested in
>
> transparency. I'd like to hear the Corps' perspective specifically on
> why it
>
> has been so reluctant to open communication between agencies.
>
> Since I still have not received any information on what is going on
> under
>
> DERP, I ask that also be added to the agenda.
>
> It is a shame to distract from the IWCS, but every time we turn
> around, the
>
> Corps has gone forward on a significant initiative we learn about only
> after
>
> the fact. Or information the Corps supposedly relied upon is not made
>
> available. If you could address these in writing prior to the meeting,
> it
>
> would be nice to dedicate it to your already existing agenda.
>
> Your press release accredits technical reports submitted only by the
>
> scientific and academic community as of value to the Corps. May that
>
> explain why I have not received a response to my Feb. 22, 2010 letter
> to
>
> [REDACTED]? Will I receive a response to each of the concerns
> addressed
>
> in that letter? (beyond the references requested by [REDACTED]
>
> [REDACTED]) If so, when?
>
> DOD guidelines require the Corps to respond to all inquiries. Without
> a
>
> RAB, what guidelines is the Corps using for DERP and FUSRAP?
>
> [REDACTED]
>
> -----Original Message-----
>
> From: [REDACTED]
>
> Sent: Thursday, May 20, 2010 9:07 AM
>
> Subject: News from the Corps

>
> Hello from the US Army Corps of Engineers Buffalo District:
>
> Thank you to those that provided us with input in regard to the
>
> establishment
>
> of an official Department of Defense (DoD) Restoration Advisory Board
> (RAB)
>
> for the former Lake Ontario Ordnance Works (LOOW) Site that is being
>
> addressed under the Defense Environmental Restoration Program for
> Formerly
>
> Used Defense Sites (DERP-FUDS). We are carefully reviewing the input
>
> received in accordance with the RAB Rule before we determine our path
>
> forward
>
> for community outreach.
>
> The DoD has unique authority under the DERP to establish RABs at DERP
> sites,
>
> such as the FUDS site at the former LOOW. Formerly Utilized Sites
> Remedial
>
> Action Program (FUSRAP) projects are not part of DERP and are not
> subject to
>
> the DoD RAB authority or regulations. Thus, the Corps has no authority
> to
>
> establish RABs for FUSRAP sites such as the Niagara Falls Storage Site
>
> (NFSS). We have a robust public involvement plan that has been
> tailored to
>
> the former LOOW Site and NFSS and is consistent with Army authority.
> The
>
> plan is available on our website at
>
> www.lrb.usace.army.mil/derpfuds/loow-nfss/index.htm#Documents. It is
>
> designed to ensure participation of all interested members of the
> community.
>
> It is clear that there is a group of highly dedicated citizens that
> wants to
>
> provide input to the cleanup process for both the former LOOW Site and
> the
>
> NFSS. The Buffalo District recognizes the value of community
> involvement in
>
> its restoration programs, genuinely welcomes input from diverse

> interests
>
> within the community, and uses the input we receive in our decision
>
> processes.
>
> The Corps acknowledges that members of the scientific and academic
> community
>
> have devoted a great deal of time and effort studying the NFSS and the
>
> Corps'
>
> technical products. We welcome their input and will continue to review
> and
>
> discuss their scientific analyses, reports and written critiques of
> the
>
> Corps' work.
>
> In regard to NFSS, the Corps' responsibility is to identify a wide
> range of
>
> potential long-term remedies for the radioactive materials stored in
> the
>
> Interim Waste Containment Structure (IWCS) and evaluate the potential
>
> long-term remedies against the criteria established in the
> Comprehensive,
>
> Environmental Response, Compensation, and Liability Act (CERCLA). This
>
> process will be documented, and provided to the public for review and
>
> discussion, in a Feasibility Study.
>
> The Corps altered its process for completing a Feasibility Study at
> the NFSS
>
> to maximize public participation. Rather than waiting until the
> Feasibility
>
> Study is complete before seeking public review and discussion, the
> Corps
>
> will
>
> be engaging the public as the Feasibility Study progresses and
> discussing
>
> chapters of the study as they are developed.
>
> Removal of the radioactive materials within the Interim Waste
> Containment
>
> Structure (IWCS) at the NFSS is one of many potential long-term
> alternatives
>

> that will be evaluated by the Corps in the Feasibility Study and
> discussed
>
> with the community through our outreach program in an open and
> transparent
>
> manner.
>
> Currently, we want to assure the community that the Corps' extensive
>
> environmental monitoring program for NFSS and our remedial
> investigation of
>
> the site indicate that the IWCS is performing as designed and
> continues to
>
> be
>
> protective of human health and the environment.
>
> All members of the community are encouraged to provide us with input
> for the
>
> restoration process at LOOW and NFSS through public involvement as
> discussed
>
> in the public involvement plan which provides for outreach and
> engagement of
>
> the full community, and is intended to ensure transparency of the process.
>
> The plan includes public workshops with discussions with our technical
> team.
>
> All persons in the community are encouraged to participate in the
> public
>
> activities described in the plan.
>
> Our next quarterly workshop will be held at the Lewiston Porter Senior
>
> Center
>
> at 4361 Lower River Road, Youngstown, NY on Wednesday, June 23, 2010,
> at 6
>
> p.m. We will be discussing the status of the Niagara Falls Storage
> Site
>
> (NFSS) Building 401 demolition and the recent sampling at NFSS in
> support of
>
> the Remedial Investigation Addendum.
>
> Sincerely,
>
> [REDACTED]
>
> [REDACTED]
>

> US Army Corps of Engineers, Buffalo District

>

> 1776 Niagara Street

>

> Buffalo, NY 14207

>

> [REDACTED]

>

> Fax: 716 [REDACTED]

[REDACTED]