

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Input regarding News from the Corps
Date: Thursday, May 20, 2010 10:05:40 AM

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From: [REDACTED]
Sent: Thursday, May 20, 2010 9:54 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: News from the Corps

Hello [REDACTED]

I appreciate that the USACE continues to consider recognition of a LOOW RAB. As a local citizen, I remain concerned that the USACE continues to use legal interpretations to set limits on scope of remediation, topics allowed for interactive participation and RAB participation, and openness for subsequent and related issues that should be considered for inclusion. On another consideration and as stated in the handbook, a RAB is to be funded for "independent technical assistance" and administrative funds for outreach.

It is disappointing that the USACE has taken such a restrictive, limited and controlling approach. Since the site has such immense potential impact on the health, welfare, property values and business development of this community; it would seem to be good public relations, basic social responsibility, and courtesy for the USACE to be been more open to allow the local government representatives to be more interactive and co-participating in the process of plan development and pre-draft reviews.

The USACE's "robust public involvement plan" is robust in legal control

and limitations. The workshops continue the same process that was used in the late 1990's that resulted in community unrest. That unrest still has a root cause in that the USACE continues to be restrictive and controlling from the decision process and pre-conclusion documentation. The workshops are orchestrated and structured to only present what has been solidly concluded and thoroughly reviewed by legal resources. It limits comments to coming from individuals (during a brief and limited appointment opportunity) and positions responses to be non-impacting.

This creates tensions that local vested interests are not part of the mission, and this creates considerable distrust in the USACE. It distances the USACE from the public, because the public may sense that the USACE sees more value in controlling the scope of mission than the needs of the community.

Relating to the site, has the USACE really assessed if the storage basement has not become cracked, what assessments have there been on corrosion on the plates covering basement pipeline access, have there been any monitoring to see if there is leakage under the containment, why has so little been said about the sand lenses throughout the clay that could provide routes of migration, will there be perpetual samplings wells that include the drainage ditch, children still roam the site - how has security been strengthened, on the building demolition - are all laws relating to asbestos and lead been followed and has the soil around the outside of the building been sampled for lead, etc.? How will the public be included in any developments to address any other hazards within the LOOW property area, without having to wait until the USACE completes its limited scope?

Future economic development of the area will need to be based on the

future non-existence of this huge amount of radioactive materials in this area. Thus, total removal is needed. We are aware that the USACE is currently favoring the option of leaving in place.

[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]

[REDACTED]