From: [redacted]
[redacted]
Subject: Buffalo News article Nov. 15 clarification (UNCLASSIFIED)
Date: Friday, November 18, 2011 1:12:52 PM
Attachments: Clarification for Nov 15 2011 BEN articlepdf.pdf

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Classification: UNCLASSIFIED
Caveats: NONE

[redacted]n,
I am sorry we were unable to connect with you today by telephone. We have prepared a document to clarify some items regarding your Buffalo News article dated November 15. Please let us know if you have additional questions about either the Lake Ontario Ordnance Works (LOOW) Site or the Niagara Falls Storage Site (NFSS).

Additional information is available on our website at
http://www.lrb.usace.army.mil/derpfuds/loow-nfss/index.htm

The direct link to the NFSS website is:
http://www.lrb.usace.army.mil/fusrap/nfss/index.htm

The direct link to the LOOW website is:
http://www.lrb.usace.army.mil/derpfuds/loow/index.htm

Sincerely,

[redacted]
Outreach Program Specialist
Special Projects Branch, Environmental Team U. S. Army Corps of Engineers
1776 Niagara Street
Buffalo, NY 14207

[redacted]

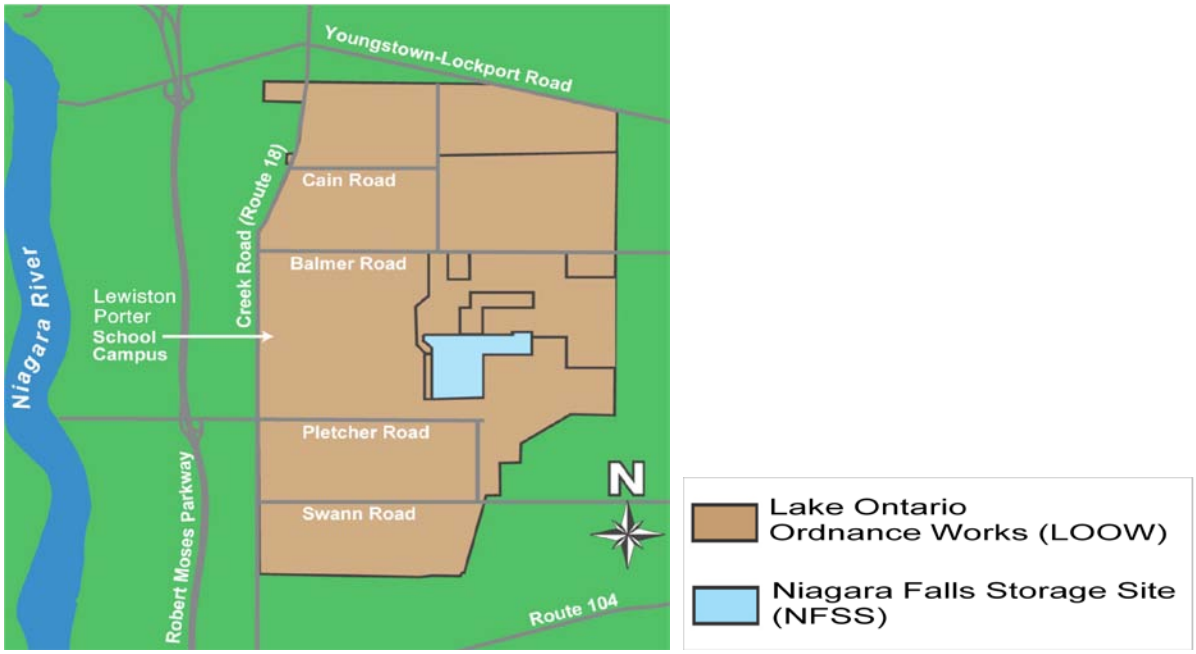
Classification: UNCLASSIFIED
Caveats: NONE

November 15, 2011 ~ LOOW probe is topic of public meeting - The Buffalo News, By Richard E. Baldwin

Statement:

"The Army Corps of Engineers has scheduled a public meeting for 6 p.m. Nov. 30 in the Lewiston Senior Citizens Center, 4361 Lower River Road, to discuss its latest investigation of the former Lake Ontario Ordnance Works, now called the Niagara Falls Storage Site."

Clarification:



LOOW and NFSS are two distinct projects. The workshop that is being held on November 30 is to discuss the LOOW. NFSS will be scheduled on a separate date and time.

LOOW: In 1941 the Department of Defense (DOD) purchased 7,500 acres of land in Niagara County, on which was built the former Lake Ontario Ordnance Works (LOOW), for the purpose of manufacturing trinitrotoluene (TNT) during World War II. The Army Corps of Engineers Buffalo District is investigating this site under the Defense Environmental Restoration Program for Formerly Used Defense Sites (FUDS). The FUDS program focuses on DOD chemical contamination.

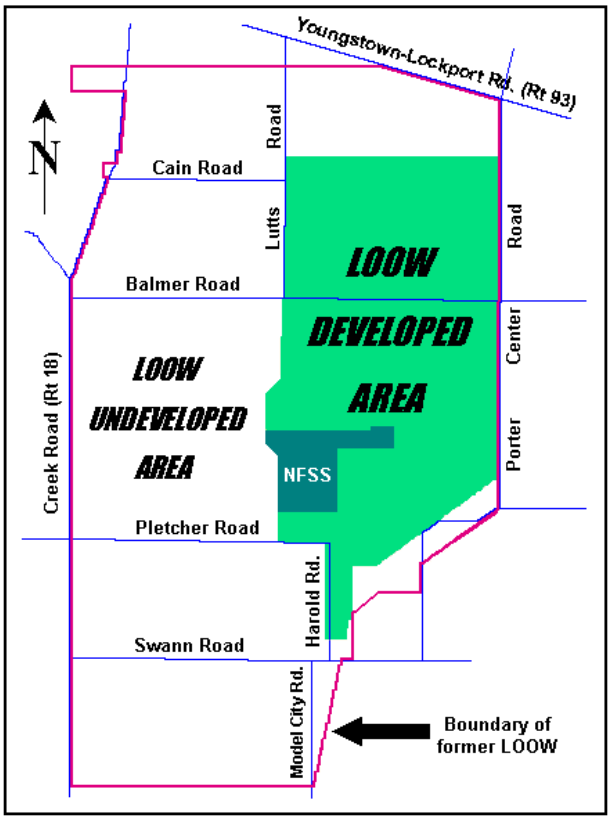
NFSS: In the 1940s approximately 1,500 acres in the southern portion of the LOOW production area were transferred to the Manhattan Engineering District (MED), which later became the Atomic Energy Commission (AEC) and then the Department of Energy (DOE). The DOE still owns 191 acres known as the Niagara Falls Storage Site (NFSS). The Corps is investigating NFSS under the Formerly Utilized Sites Remedial Action Program (FUSRAP). The FUSRAP focuses on addressing radiological contamination from the nation's early atomic energy program.

Statement:

“TNT production lasted for only nine months, but the site later was used for many other defense-related chemical operations and munitions storage, including waste from the Manhattan Project that created the atomic bomb”

Clarification:

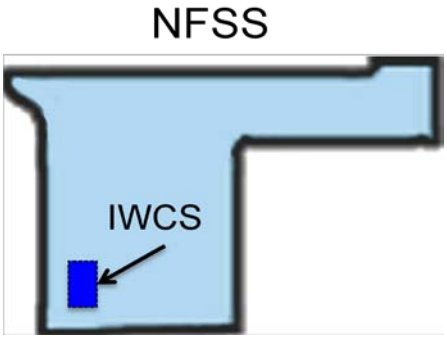
The TNT production, production support, and storage areas of the LOOW were constructed on approximately 2,500 acres. The remaining 5,000 acres, located to the west of the production area, were left undeveloped. During World War II, the Army manufactured TNT for about 9 months at a facility on the site, which included a power plant, hospital, fire department, water supply system, and waste treatment system.



The LOOW TNT plant was decommissioned in 1943. In 1945, 5,000 acres outside the production areas (or undeveloped zone) were declared excess and transferred to General Service Administration for disposition to private landowners. The remaining acres were used by various government agencies other than the Department of Defense (DOD). As DOD operations decreased, additional property was sold. Current owners of the site include the Lewiston-Porter Schools, local and federal governments, general residential areas, and private corporations.

In 1944 the Niagara Falls Storage Site (NFSS) was used by the Manhattan Engineer District (MED) to store radioactive residues and wastes from uranium ore processing. Radioactive wastes and residues continued to be brought to the site for storage until 1952. In 1982 the Department of Energy (DOE) began clean-up and consolidation of the radioactive wastes and residues in an

earthen containment cell constructed on the property, which was completed in 1986. This structure is called the Interim Waste Containment Structure (IWCS).



Statement:

"The Corps of Engineers now is considering public comment on the long-range outlook for the waste storage…."

Clarification:

For both the LOOW and NFSS, the Corps follows the Comprehensive Environmental Compensation, Response, and Liability Act (CERCLA). The Remedial Investigation step of the CERCLA process is complete for NFSS and portions of the LOOW. The next step in the process is to prepare Feasibility Studies, which will evaluate a range of remedial alternatives for each of the sites.

For the NFSS, the Corps is using a phased approach for the preparation of the Feasibility Study for the Interim Waste Containment Structure (IWCS) Operable Unit of the NFSS. A series of Technical Memoranda are being prepared and released to the public for comment. The first technical memorandum, Waste Disposal Options and Fernald Lessons Learned, was released for comment in July 2011. The Buffalo District plans to release four additional technical memoranda in 2012 for comment. Comments for each technical memoranda will be considered during the development of the IWCS OU Feasibility Study. This report will evaluate a range of remedial alternatives and propose one of them in a proposed plan. This proposed plan will be released for formal public comment, public comments received on the Proposed Plan will be considered and necessary changes made and the final decision recorded in a Record of Decision or ROD.

Statement:

"…the Nov. 30 meeting could be a vital concern 'for all of the stakeholders."

Clarification:

The Corps encourages all interested citizens to attend the workshop that is being held on November 30 at the Lewiston Senior Center. However, the purpose of the workshop is to discuss the results of the LOOW Phase IV Remedial Investigation of a portion of the former

LOOW Site that is currently owned by the Town of Lewiston. The workshop will also include discussion regarding the Human Health Risk Assessment and the Screening Level Ecological Risk Assessment that were performed for the Remedial Investigation Report for this same property.

The Niagara Falls Storage Site will not be discussed at this workshop.

Statement: "The Restoration Advisory Board itself has been the source of some controversy. Some authorities claim it was abolished years ago and has no current function."

Clarification: The Corps recognizes that there are members of the community that are highly interested in our investigations of the LOOW and NFSS. We appreciate the time that they dedicate to following these sites and value the input we receive from all those interested in providing us with comments on our documents. The Corps has engaged a technical facilitator to work with the community for NFSS. The Corps is required by law every two years to poll the community to see if there is sufficient interest in having an official DoD Restoration Advisory Board. The last poll occurred in 2010 and the next will be occurring this coming spring.

Statement:

"The Restoration Advisory Board has prepared a slide show that suggests that one of the alternatives being considered by the Corps of Engineers is the creation of a radioactive waste disposal landfill."

The context of this statement requires additional context and perspective otherwise the intent of this statement could be misconstrued by a general reader. During the September 2011 workshop for the Fernald Lessons Learned Technical Memorandum, the Corps posed four questions during the small group discussions that followed the technical memorandum presentation [presentation and other materials are located at http://www.lrb.usace.army.mil/fusrap/nfss/index.htm]. One question posed during the small group discussions dealt with the range of remedial alternatives with the question as follows:

"As you saw in tonight's presentation, safe removal and disposal of these types of residues is expensive and risky. Risk and cost associated with removal options for the IWCS will be evaluated in detail in the IWCS OU Feasibility Study. All options are on the table and we will conduct a detailed analysis of each one. What issues are most important to you as we consider the following range of alternatives:

a. *remove the high activity residues (K-65s and others) and create an on-site disposal cell for the remaining lower activity wastes (similar to what was done at Fernald) or*
b. *remove everything in the IWCS and dispose of off-site.*
c. *enhance the cap and leave everything in place"*

Based on the article's statement, it appears that this presentation was focused on item a (or Alternative 3 listed below). To provide further context for your education and awareness, the Corps listed preliminary remedial alternatives in a document entitled *Niagara Falls Storage Site*

Feasibility Study Work Plan, December 2009. The preliminary remedial alternatives were as follows:

- Alternative 1: Removal of the Entire IWCS Contents with Off-site Disposal
- Alternative 2: Removal of all Residues, excluding the R-10 Materials, with Off-site Disposal
- Alternative 3: Removal of K-65 Residues with Off-site Disposal
- Alternative 4: Removal of Residues with Placement in a New, Engineered, On-site, Long-term Storage Facility
- Alternative 5: Limited Action – Enhanced IWCS Containment and Environmental Monitoring
- Alternative 6: No Further Action
- Alternative 7: No Action

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 is the law which established the response authority and cleanup fund (Superfund) for the nation's cleanup of hazardous waste sites. CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants.

The Corps will conduct a detailed analysis of each IWCS alternative (including security, maintenance, and monitoring requirements), consisting of an individual analysis of each alternative against the first seven of the nine CERCLA evaluation criteria per the National Contingency Plan (40 CFR 300.430). The nine evaluation criteria, as specified in *Guidance for Conducting Remedial Investigations and Feasibility Studies under CERCLA*, are as follows:

(1) Overall Protection of Human Health and the Environment
(2) Compliance with ARARs
(3) Long-Term Effectiveness and Permanence
(4) Reduction of Toxicity, Mobility, or Volume Through Treatment
(5) Short-term Effectiveness
(6) Implementability
(7) Cost
(8) State Acceptance (Support Agencies)
(9) Community Acceptance

The final two criteria (State and Community Acceptance) will be addressed in the Record of Decision after comments on the Proposed Plan have been received in accordance with CERCLA. Therefore, the final two criteria will not be included in the Draft and Final versions of the FS Report. The individual IWCS FS remedial alternative analysis will include:

(1) A technical description of each IWCS alternative that outlines the waste management strategy involved and identifies the ARARs associated with each alternative
(2) A discussion profiling the performance of that alternative with respect to each of the evaluation criteria.

‘Creation of a radioactive waste disposal landfill provides a general reader with a false perception regarding the remedial alternatives being considered by the Corps. Alternative 3 is apparently being referenced in the article sentence referenced above. This remedial alternative was defined as follows:

Alternative 3: Removal of K-65 Residues with Off-site Disposal
This alternative would involve the removal of only the K-65 residues within the IWCS. As the K-65 residues are being removed, they would be processed and packaged in a manner necessary to meet the waste acceptance criteria for the selected disposal facility. The IWCS would then be backfilled and the containment system enhanced to provide the necessary level of protectiveness for the waste materials remaining in the IWCS.

There is a degree of uncertainty as to whether this alternative will be feasible with respect to meeting the disposal facility waste acceptance criteria. Removal of only the K-65 residues may not be feasible should the transportation or waste acceptance criteria be too restrictive with respect to the allowable radium concentration per unit weight of waste. Removal and consolidation of other IWCS residues and waste materials with the K-65 residues may be required to achieve lower radium concentrations necessary to meet the disposal facility waste acceptance criteria. A determination as to whether additional material would need to be removed from the IWCS will be made during the development of this alternative in the IWCS OU FS. If it is determined that other residues must be removed, as in IWCS OU Alternative 2, this alternative would be identified as being inappropriate during the alternative screening process.