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# LOOW CAC or LOOW RAB: What gives?

by Terry Duffy

Over past weeks, area residents have seen reports of a new Lake Ontario Ordnance Works Citizens Action Committee and the re-emergence of the LOOW Restoration Advisory Board.

The two very like groups consist of concerned, highly educated and well-intended individuals from various professions in the Niagara County and Buffalo area – all focused on the problems and hoped-for remediation objectives at the LOOW site.

Two groups with very similar intents, but two groups also eyed quite differently by the Buffalo District U.S. Army Corps of Engineers, government overseers of the significant contamination problems at LOOW, when it comes to their recognition.

What gives?

Well, first some history.

Over the course of its 10-year-plus existence, members of the LOOW RAB often experienced strained relations in their earlier sessions with the Army Corps. Longtime RAB members, such as Dr. Nils Olsen, in past conversations with this writer, told of profound disagreements that existed between the two over Corps' lack of recognition, acceptance, the sharing of information and the RAB's inclusion in LOOW planning, etc. In fact, at earlier meetings on the Lewiston-Porter campus in the early 2000s, some attended by this writer, there was outright antagonism directed at local RAB members and local residents by officials of the then seemingly highly military structured and secretive Corps.

Those strained relations ultimately contributed to the Corps' determination against the local RAB as an officially recognized group to work with it on LOOW issues. Corps officials cited conflicts that existed in Department of Defense regulations over the RAB's structure, plus conflicts with government environmental

## Two groups with major interests in the LOOW site

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act regulations as its reasons for the RAB's inability to be recognized.

While Corps-RAB relations improved over the years as Buffalo District Corps staffing changed and DOD regulations were modified, Corps resistance on establishing the group as an officially recognized RAB nonetheless continued.

The Corps did soften its stance on utilizing the RAB group's expertise on LOOW site issues.

But most recently, following close to three years of intense discussions, which included community forums in Youngstown that involved local, state and federal officials and the Corps – all targeted at having the RAB recognized as an official entity, the Corps again denied the RAB its official recognition.

In a report in the July 3, 2010, Sentinel, then Buffalo District Commander Lt. Col. Daniel B. Snead stated that the Corps' decision was due to its conflicts in having to adhere to "acceptable regulations" under the DOD.

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"Under current DOD rules, an official DOD RAB would only be able to address issues with the former LOOW site under the Defense Environmental Restoration Program for Formerly Used Defense Sites," stated Snead, "and thus would not meet the needs of the community and local stakeholders regarding the Niagara Falls Storage Site and, more specifically, the Interim Waste Containment Structure."

In other words, the local RAB did not meet Corps criteria as a working unit, particularly under the Corps requirements of having to abide with the Comprehensive Environmental Compensation, Response, and Liability Act under DOD, which covers Corps projects managed at LOOW, namely the NFSS and IWCS.

Snead said at the time the Corps will continue its latest approach, that of holding periodic discussion workshops with the local community on both the LOOW and NFSS properties.

Of its continued workings with the local RAB, which the Corps has regarded as a highly talented

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and respected group, both in educational background and professional expertise, on their addressing the very complex LOOW site issues, Snead remarked, "It is very clear that highly interested members of the community and stakeholders seek to contribute their expertise on technical issues in greater detail, especially regarding the IWCS. Because of this, we have reached out to the U.S. Environmental Protection Agency to gain their lessons learned with technical facilitators at other environmental cleanup sites.

Snead has since left the Buffalo District command and been replaced by Lt. Col. Stephen H. Bales. However the Corps' position regarding its official recognition of the local RAB per its DOD guidelines has not changed.

In response to Snead's directive to reach out and consult EPA regarding technical facilitators, Douglas J. Sarno, president of the Forum Facilitation Group Inc. of Hamsville, Md., was retained earlier this year as technical facilitator by the Corps for the IWCS feasibility project at NFSS. And like he did at an earlier EPA-Corps \$4 billion remediation project in Fernald, Ohio, Sarno was instructed to form a new CAC to work with him in his association with the Corps Buffalo District as it begins the lengthy feasibility study and anticipated remediation process at IWCS.

As a result of meetings with Sarno, Steering Committee members of the most recent LOOW RAB, led by Dr. Joe Gardella, a University at Buffalo Larkin Chemistry professor, and Dr. William Boeck, retired professor of physics at Niagara University, voted in late July to dissolve that group and establish what is now the LOOW CAC to work with the Corps.

Soon following, in early August,

Bill Choboy, chair of the now dissolved RAB, announced a re-energizing of the group with new elections. "The RAB has not been dissolved," said Choboy. "To the contrary, the RAB is gearing up to evaluate and communicate risks at the LOOW site from federal legacy chemical and radiological contamination. These risks will heavily influence which potential solutions the Army Corps of Engineers selects in the next two years to clean up the site."

LOOW RAB members since re-organized, again as a steering committee, recently met. At a meeting over the past month the group re-enlisted past members, organized its structure and announced a new website, LOOWRAB.com. They announced an upcoming meeting, for Tuesday, Dec. 6, at 6 p.m. in the Alumni Room of the Community Resource Center on the Lew-Port campus.

For further information, contact Choboy at 745-7790.

In the meantime, Sarno, who has been working with Gardella, Boeck and others in an effort to clarify the confusion on CAC, offered the following statement:

"The LOOW CAC was established to overcome the longstanding anger and frustration of the past and create an open and transparent process for the Lewiston-Porter community to discuss long-term solutions for the Niagara Falls Storage Site. Our hope is to create a diverse and open place for community dialogue, get full information about the risks and costs of remedial options, and provide meaningful community input to the Corps."

Sarno continued, "The action of the CAC to change its name from the RAB was part of this process. While we all are disappointed that the Corps chose not to continue the formal RAB process, we felt

that to continue fighting the Corps on this issue would only distract from the real work at hand, which is to provide coordinated and informed input to upcoming Corps decisions.

"The Corps evaluates whether to organize a formal RAB every two years, however, even if a new RAB is formed, it would only address vicinity properties and not the NFSS or the Interim Waste Containment Structure. Regardless of its name, no group is formally recognized as a RAB by the Corps at this time.

"The Corps has begun its formal feasibility study process, but has not released any significant technical information or begun to develop options. Throughout 2012, they will release a number of technical memorandum which will evaluate the risks and possible options for addressing the IWCS."

Sarno said that no disposal options have been developed yet for the IWCS wastes and the Corps has not identified a preferred option or approach. Options will be developed for discussion in the summer of 2012. "The CAC will be integrally involved in the FS process for the IWCS throughout the coming year and the Corps has agreed to attend CAC meetings," said Sarno.

He closed by saying that everyone is invited to participate in the CAC. No formal membership is required. The CAC has set its next meeting for Wednesday, Dec. 14, at 6 p.m., also taking place in the Alumni Room of the Community Resource Center on the Lew-Port campus.

The CAC website, [www.loow-cac.org](http://www.loow-cac.org) is expected to be live by Dec. 1.

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