

**BROWNING-FERRIS INDUSTRIES**

FEB 27 1 32 PM '95

P.O. BOX 3151 • HOUSTON, TEXAS 77253 • 713/670-8100

[REDACTED]
Senior Environmental Counsel
Direct Line • 870-7694

February 18, 1995

[REDACTED]
Site Manager
Former Sites Restoration Division
United States Department of Energy
Oak Ridge Operation
P.O. 2001
Oak Ridge, Tennessee 37831-8723

Re: Seaway Industrial Park

Dear [REDACTED]

As you know, Niagara Landfill, Inc. ("NLI") formerly leased and operated part of the Niagara Landfill located in Tonawanda, NY on behalf of Seaway Industrial Park Development Co., Inc.. Prior to its operation of the landfill the Department of Energy ("DOE") deposited radioactive residual earth associated with the Manhattan Project in a part of the landfill separate from the portion operated by NLI. Currently, NLI, through Browning-Ferris Gas Systems, Inc., is in the process of installing an active gas extraction system as part of its closure obligation on the part of the landfill it leased and operated. This installation is being conducted under the supervision of the New York State Department of Environmental Conservation ("NYDEC").

As you are further aware, low levels of radioactive material emanating from the Manhattan Engineer District (MED) waste (now the DOE's responsibility) have been detected in the landfill gas. We believe that the level of radioactive material is below regulatory concern. Nonetheless, the presence of the radioactive material in the landfill gas may cause NLI to incur significant costs, trigger permitting requirements, and expose NLI to legal claims without regard to the fact that NLI had no connection with or responsibility for the MED waste. As the entity responsible for the radioactive material, NLI will look to the Department of Energy to ensure that the levels of radioactive material in the gas do not exceed New York State DEC regulatory concern or present any threat to human health or the environment. Moreover, NLI will look to the DOE to reimburse it for any costs or liabilities that it may incur as a result of the MED's radioactive materials.

Please call me if you have any questions or need any additional information.

Sincerely,



Counsel for Niagara Landfill, Inc.,
Browning-Ferris Gas Systems, Inc. and
Niagara Recycling, Inc.

cc:

