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In the Matter of:	)
Public Meeting on Seaway Site	) September 24, 2008
Proposed Plan	)

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3200 Elmwood Avenue, Buffalo, New York 14217

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P R O C E E D I N G S

LIEUTENANT COLONEL SNEAD: Well, good evening. It's good to see everybody this evening and what a nice day. It's funny. I grew up in Florida and I've been here about three months commanding the Buffalo District of the US Army Corps of Engineers, and there's no doubt in my mind, this was the coldest August I've ever experienced in my entire life. But it's been wonderful and I guess I anticipate that the winters will be a little bit different than what I had in Florida as well.

Well, good evening. My name is Dan Snead and I'm the Commander of the Buffalo District. And I'd like to welcome everybody here tonight. Also, before I start I'd like to acknowledge some of the elected officials or the representatives that are here today in the audience.

First off, representing Congresswoman Slaughter, Kathy Lenihan. Good to see you, Kathy. Also here representing Robin Schimminger from the New York State Assemblyman, Terry Weigler, and Mr. Anthony Caruana, the Supervisor for the Town of Tonawanda. Good to see you, sir.

I want to thank everybody for coming out

tonight and listen to our presentation on the Proposed Plan for the Seaway Site. And just to assure you that your participation today and in the process of taking on public input is very welcome and very appreciated. Next slide.

This is the agenda of what we're going to follow today, but before I start, I want to point out some of the folks that are our Project Delivery Team with the Corps of Engineers at Buffalo. Jim Karsten, he's our Program Manager for our overall FUSRAP program, and I'll explain a little bit more what FUSRAP is, a little further. Steve Buechi, he's our Project Manager for the Seaway Site. Janna Hummel, she's our Project Engineer and she's got the incredible task of trying to explain the science in terms that everybody can understand this evening. So I applaud her in advance to do that. Colin Ozanne, with our Office of Counsel. Hank Spector, Health Physicist. Bruce Sanders, Public Affairs Officer, and Arleen Kreusch, our Outreach Program Specialist. And she's helping to collect folks' names that would like to make a comment.

Also we have, as Kathy has pointed out here to me, Paul Grants with Erie County Environmental

Planning and Mike Hetler who's here to represent Senator Rath. Good to see you, sir.

Also, in addition to the project delivery team that's here tonight, we have some of our senior leaders. Dave Conboy, he's my Chief of Technical Services Division at the Buffalo District and also, Ron Church who at our higher level, our division office, he manages the FUSRAP program at our higher level out of, actually, Chicago, correct? You're in Cincinnati. I know some folks are Chicago, I get confused with that. Okay, great.

Again, welcome. As an overview of tonight's meeting I'll be continuing with the introductory slides. I'll be followed by Janna, our project engineer, who will give the brief on the technical aspects of the project and how we arrived at the preferred alternative for addressing the site. We will then open up the floor to record your comments regarding the Proposed Plan and the transcript from tonight's meeting will be posted on our website when it becomes available.

When you came in, you should have filled out and returned a sign in card. If anyone did not, please contact our folks, Arleen, right over here,

she can get you a card so you can fill one out if you have any comments that you would like to make this evening or even a written comment. On the card, there is a box to mark if you which to make a statement or ask a question. If, during this meeting, you decide you would like to speak and did not check the box, please see Arleen and we'll make sure that you have an opportunity to speak this evening.

And just a reminder, we've put out the Proposed Plan approximately thirty days ago and we still have until the 27th of October to receive comments so after we leave today if you still have any comments, and I'll make sure that you have all the contact information either through email, phone or if you would like to write a letter; any of those options, I'll make sure that you have that information before you leave. But we will be accepting those comments from now until the 27th of October. Next slide.

There's two things that I'd like you to take away from this slide. There's two terms that you'll hear myself and Janna use throughout the presentation this evening. The first one is FUSRAP and the second one is CERCLA.

FUSRAP stands for Formerly Utilized Sites Remedial Action Program. It was a program that was created by the Federal government in 1974 and its mission is to identify, investigate and, if necessary, clean up sites that were contaminated from past activities associated with the Federal government's early atomic energy and weapons program. What the mission really means is, it is our duty to protect the human health and the environment now and into the future. We can't change what happened at that site in the past and we don't have the right authority to evaluate potential past health impacts but we are going to evaluate what the potential threat is of that site and clean it up so that it is safe for future use.

To assure you, safety is our highest priority. We conduct our investigations and clean ups in a manner that is safe for both our workers and to the public and we are also charged with efficient use of the resources we're in entrusted with to execute the FUSRAP program. We are only authorized to address contamination that is a result of past Federal government atomic energy program activities. Any contamination at a site that is from another source is beyond our

authority to investigate and clean up unless it is mixed in with the FUSRAP material that we are actually in the process of cleaning up.

Finally, to get to the second piece, CERCLA. CERCLA stands for Comprehensive Environmental Response Compensation and Liability Act. CERCLA is the law that we use and it really defines the criteria that we adhere to when we decide on different ways and alternatives on cleaning up the different sites under this program. It is a Federal law that specifies the process we must follow in investigating and cleaning up our FUSRAP sites. The CERCLA was enacted in 1980 and it was, the most recent update to that was in 2002.

Also, just so you know, with the FUSRAP program, initially it fell under the Department of Energy until 1997 when that mission was handed over from the Department of Energy to the US Army Corps of Engineers and we've had it ever since. Next slide please.

Just to give you a little background on our district. We are currently managing fourteen FUSRAP sites. Not only in New York, but also in Ohio and one in the state of Pennsylvania. We have successfully cleaned up three of these sites

to date and since 1997 when the program was transferred to the Corps. That includes the Ashland 1 and 2 sites that are co-located with the Seaway site and Janna will point out those locations when she provides her presentation to you.

We have an excellent safety record with respect to the workers on the job. During remediation, we also protect the surrounding community with engineering controls and monitoring to ensure that no contaminated material is released from the site. We use an experienced, multi-disciplinary team including environmental engineers, health physicists, risk assessors, chemists and construction managers. And the reports and plans we prepare go through an extensive technical review process that includes a review from the US Army Corps of Engineers Center of Expertise; located in Omaha, Nebraska and others within the industry. We work with and provide information to the state regulatory agencies and our local stakeholders and we provide information to and make our investigation reports available to the public. Next slide.

This is just a basic schematic that shows the

process that we go through when we get a site designated and tasked to our district. Currently with the Seaway project site, if you see the little yellow "we are here", that's where we're at. We put out the Proposed Plan approximately 30 days ago and we still have an additional approximate 30 days, up to the 27th of October to receive public comment in reference to this Proposed Plan.

Once we go from there, we'll move to a record of decision on where we go with the Proposed Plan. Next slide.

This meeting tonight, it's for you. We really want to make sure that we get your comments. And I emphasize that the public input during this period, this sixty day period, not just this evening, is very important. And this is your opportunity to make your opinions on the project and the Proposed Plan known and have them recorded in the public record.

Just to know, the Proposed Plan is not the final decision on action at the site. It is the Corps recommendation based on our investigations. A final decision on site action will not be made until after all the public comments have been

considered and responded to. If you make comments, you can look for response to them in the record of decision. A transcript of this meeting, along with all the comments and responses to everything will be there.

And finally, I would just suggest to everyone, that, to everyone, that when you submit comments, you make them as specific as possible so we can better understand what the point is that you're trying to make. Let us know exactly what your concerns are and what additional information you think we need to incorporate into our assessment. Viewpoints are important, however, specific concerns and information would result in a more effective comment evaluation process.

I will now turn things over to our project engineer, Janna Hummel and she will cover the technical portion of the presentation. I'll tell you, the technical piece of this, it is complicated and again, if you have any questions at the end, feel free to ask them in reference to the brief but I've asked Janna to make sure that we take our time and explain it in such a way that everybody can walk away at least understanding the process and our overall recommendation. With

that, Janna.

JANNA HUMMEL: Thank you. My name is Janna Hummel. I work as an Environmental Engineer at the Buffalo District. Thank you for coming out to hear our presentation about Seaway. I'm going to talk about some general information and background on Seaway, what sort of contamination is present at the site, risk and regulations that pertain to Seaway. I'll tell you about the remedial alternatives, that is the remedies we looked at, how we selected our preferred alternative and I'll go into some detail about that alternative.

This will be a brief and general presentation. If you want more information, you can read the Proposed Plan; its about fifty pages long. Even more detailed information is available in the Feasibility Study Addendum. These documents and all documentation about Seaway are contained in the administrative record for the site.

Colonel Snead will talk about the ways to get to the administrative record and it's also in the fax sheet handout. Next slide.

The Seaway landfill is located along River Road in Tonawanda. You can see it as you drive on

the 190 near the River Road exit and the Grand Island Bridge.

It's about 160 feet higher than ground elevation at its peak so its very noticeable. The area around the site is highly industrial with petroleum storage previously prevalent. The closest residents are about a half mile away, both across the river in Grand Island and to the southeast of the site in Tonawanda. The site is safe under current conditions. The FUSRAP related contaminants do not pose an immediate risk to the public or to workers.

Adjacent to the site are Ashland 1, Ashland 2 and Rattlesnake Creek. Remediation at each of these FUSRAP sites has already been completed. It's actually all the same contamination at Seaway, Ashland and Rattlesnake Creek, there were not operations at Seaway or Ashland, all the FUSRAP material at Seaway and Ashland was transported from the nearby Linde Site. Uranium processing took place there.

Remediation at Linde is ongoing. What made its way to Seaway was the part of the uranium ore that wasn't useful to the Manhattan Engineer District. It's low level radioactive waste. Next

slide.

Here's a summary of Seaway site history. As I said, the FUSRAP related material was moved from Linde and placed on Ashland between 1944 and 1946. It wasn't moved to Seaway until 1974. This was soil that was removed from Ashland 1 due to the construction of a drainage ditch in bermed area and was moved to Seaway and Ashland 2. The landfill also contains other types of waste that are non-FUSRAP related. The Seaway landfill started accepting material in 1930 and stopped in 1993.

Also, in 1993, the Department of Energy released a Proposed Plan for the Tonawanda site. The Tonawanda site included Linde, Ashland and Seaway. When the Army Corps took over FUSRAP they decided to re-remediate the sites individually. This Proposed Plan is just for Seaway. A final decision, or record decision was never issued for Seaway based on that proposed plan.

USACE was designated as lead Federal agency for FUSRAP in 1997. After that, the Army Corps did a walk over of the site in 1998 and a sub-surface investigation in 2001. Now we're zoomed in the site itself. The road in front is River

Road and we're looking to the southeast.

FUSRAP materials was placed in Areas A, B and C. Areas B and C were once thought to be separate areas but were found to be one area during the Army Corps investigations conducted in 2001. Some of this material has become mixed with soil so nowadays it may be indistinguishable from soil. I can tell you that when we excavated the Ashland sites concentrated pockets of the material often looked like coffee grounds. Much of the material, especially in Areas B and C, has become mixed up with the material around it.

You can see, hopefully from this picture, that these areas don't have a final landfill cap and they aren't at the same elevation as the finished parts of the landfill. These areas were left this way on purpose until a remedy could be established. We also found out, during the 2001 investigation that contamination in the vicinity of Areas B and C goes under some portions of the closed landfill.

Seaway Area D was remediated as part of Ashland 1. It's finished.

Seaway Northside and Southside. These areas were found during the remediation of Ashland 2 and

Ashland 1. Contamination was removed up to the property line but there were some remaining areas and these areas are being addressed under the Seaway Site. Some of this contamination is right at the center of the landfill. Next slide.

I'm going to show you a couple things with this slide. First, how the landfill is configured. There's a thick layer of clay soil at the bottom, greater than forty feet thick. This clay soil inhibits the vertical spread of contaminants. Also, around the base of the landfill, there is a cut-off wall to prevent lateral migration of contamination. Inside that wall is a pipe that collects liquid from the landfill materials so it doesn't pool and can be treated. So that's the first thing.

Secondly, the difference between inside and outside the leachate collection system. I'll talk a lot about this when I talk about the remedies. Material inside is essentially in the landfill and therefore afforded the protections of the landfill. Material outside is not. Material at Seaway Southside and Northside exists both inside and outside the cut off wall. They did not know it was there when they put the slurry wall in.

It's not actually part of the slurry wall. On the outside, you can see, this material is considered outside the leachate collection system and this portion is considered inside the leachate collection system. Next slide please.

The risks from Seaway Media. The soils, groundwater, surface water and air were examined as part of our investigations regarding the nature and extent of contamination from FUSRAP constituents. For soil, there are unacceptable risks for potential future use and they are radiological - radium, thorium and total uranium. The potential future use considered was an industrial worker for all these areas of exposure. For groundwater and surface water, FUSRAP material is not impacting these media. Modeling and sampling shows that these media will not be impacted in the next 1000 years. Air was also studied and no exceedences of guidelines are occurring or are predicted to occur.

This is a list of the standards that apply to Seaway and that we will need to meet. First, any remedy we must develop must be effective for 1000 years. So, any remedy needs to be lasting. Also, for radiological contamination, the exposure

levels do not remain constant as the compounds decay. We look at all the years out to 1000 years and consider the maximum level of exposure. When we remove soils, the remaining level of Radium-226 needs to be 5 picocuries per gram at the surface and 5 pico grams at the subsurface or less.

Surface soil is defined as about the top 6 inches or the top 15 centimeters of soil. This surface and sub surface is how the regulation is defined and why we have two sets of clean-up numbers - you'll see them on the next slide.

The next regulation determines clean up levels for the other radionuclides at the site. They are calculated on an equivalent dose of the radium at 5 and 15. The last two regulations only apply when we leave material in place. We have to make sure that Radon flux is less than 20 picocuries per grams per meter squared per second. Radon flux is a measure of the flow of radiation, in this case, coming from the ground.

Also, we have to make sure that the concentration of radiation in the air at or outside the site border is not increased by .5 picocuries per meter.

Considering these regulations, cleanup goals

for contaminants of concerns were derived for an industrial worker and are showed here in picocuries per gram.

Background concentrations, that is, the levels of naturally occurring radiation, are shown in the first column. The average concentration for Area A, which is the highest level area at Seaway, are showing in the second column.

The radium cleanup goals in the last two columns come directly from the standard on the last slide. A benchmark dose, as I mentioned the next regulation on the last slide, is used to develop the Thorium and Uranium cleanup goals. This means the level of exposure for these numbers equals that for the 5 and 15 of Radium.

Okay, so, what does all that mean? How much radiation exposure is that? Exposure to radiation is measured in units called millirem. An average person receives exposure to 360 millirem per year. This is a theoretical tally for me: 28 from cosmic radiation, 46 from the ground, 40 from food and water, 200 from the air (that's radon gas), 5 I would receive from two trips on airplanes I would take this year (one to Florida and one to Texas). I received a mammogram; that resulted in 30

millirems of exposure, 1 from watching TV and 10 from various other sources. It's a total of 360. These numbers come from the National Council on Radiation Protection.

You can also go to epa.gov and type 'calculate your radiation dose' and you'll see something very similar to this table. Okay, so what is exposure like at Seaway? Currently, without any remedies, someone who would spend 3 hours per day around Area A (again, our highest level), for 52 weeks, 3 hours a week for 52 weeks, would receive about 6 millirem of exposure. This amount of time is actually less than what people are out there right now.

If, theoretically, the Army Corps were to proceed with a containment or a capping remedy, an industrial worker (this is someone that spends 8 hours a day at the site for 50 weeks per year based on 7 hours inside the building and 1 hour outside the building), their yearly exposure is less than 1 millirem.

Levels of contamination off the site would be much lower than either of these scenarios. To have exposure to radiation at Seaway, you need to have direct exposure to the materials.

This is a very brief introduction to these concepts. We have several fact sheets available outside the door, if you want to take them home and learn more about radiation.

I'm now going to get into the remedies we considered so here's a few things you need to know about before I go into those.

In 1992, a Waterfront Regional Master Plan was written to address future planning use of the Town of Tonawanda waterfront area. This plan concluded that the landfill, once closed, could be redeveloped and used for low-intensity recreational uses. This is consistent with the way other closed landfills are used across the country.

Due to the heavy presence of industrial land use around the Seaway landfill and uncertainties in future use regarding re-use of the entire property, the Army Corps also considered the possibility that portions of the site might be used for industrial purposes. So, both recreational and industrial scenarios were evaluated. The industrial worker scenarios is more conservative than the recreational user, in this case because the industrial worker receives

more exposure. All the alternatives are protective without further action from the property owner, however, the Army Corps will not close a landfill to its current standard or fill it in to uniform height.

Also, for all the alternatives, any impact of the closed landfill will be mitigated by restoring to the original design configuration that existed prior to re-remediation. Any FUSRAP material that has to be moved due to grading will be shipped off site for disposal. This table identifies the six alternatives that were considered in the Feasibility Study Addendum. Alternative 1 is No action. This is a do nothing alternative that is required by CERCLA as a baseline for our evaluations. Since we have determined that there is potential unacceptable risk at Seaway, this was not considered for implementation.

Alternative 2 is complete excavation.

Alternatives 3 and 5, these were Department of Energy alternatives for the 1993 Tonawanda site Feasibility Study and Proposed Plan. They involved consolidating waste into an engineered cell. These have been dropped from consideration. Material at Ashland and Linde, the other parts of

the Tonawanda site, have been or are in the process of being remediated under separate CERCLA actions and all waste is being shipped off site for disposal. Alternative 4 is partial excavation and Alternative 6 is containment, which is our preferred alternative.

So, of the 6 alternatives here, only 3 were considered by the Army Corps for implementation. Alternatives 2, 4 and 6.

Alternative 2 is complete excavation. Here we address soils by removal of all impacted soils with offsite disposal and backfill. The yellow color represents areas of excavation. After we would implement this alternative, no FUSRAP-related materials above cleanup levels would be left behind. That means that operation and maintenance of the remedy would not be necessary. We don't need land use controls or 5 five-year reviews after implementation.

Let me introduce those charts since I will be using them a lot in the next few slides.

Land use controls are put into place to prevent future access to and disturbance of the contained waste and can include things like deed restrictions. Five-year reviews evaluate any

changes in conditions at the site.

They review the cap itinerary (sic) and ensure that land use controls are being effective. The cost for this alternative is estimated to be 113 million dollars, however, the actual cost may be higher, as I said, contamination around Areas B and C extends into the closed portion of the landfill but our limit of sampling ends at the hatch mark on the slide.

Notice here since it will differ for the other two alternatives that all material for Seaway Southside and Northside, inside and outside the leachate collection system is removed.

Here's the second alternative we considered, partial excavation. For this alternative, we remove accessible soils and contain or cap inaccessible soils. We define accessible as not buried under more than 10 feet of soil or refuse. Yellow is excavation, orange is containment. We looked at the site conditions to determine what was accessible. All of Area A is not deeply covered by landfill material. A portion of Areas B and C is not deeply covered, but this transitions up quickly up a very steep slope. FUSRAP material at the border of the landfill is

covered by 80 feet of other materials.

You can also see the yellow, meaning we would take material outside the leachate collection system for Seaway Northside and Southside. Since some material above the cleanup levels is left behind for this alternative, we need to monitor the remedy and maintain land use controls and do five-year reviews. The four feet of cover consists of multiple layers of various types of soil, fabric and geomembranes that are specifically engineered and layered to provide protection from the radiological contaminations. This alternative represents the best effort to get everything that is easily accessible and not under closed portions of the landfill. Even though the cost approaches that of alternative 2, since we have more finite limits, the cost is more established than alternative 2.

Containment is our preferred alternative. I'll explain how we selected it as our preferred alternative in the next few slides. In this alternative, we only remove contamination above the cleanup levels outside the containment system, you can just see very small yellow areas. We contain the soils inside the leachate collection

system under a minimum of 4 feet, again of various types of soil, fabric and geomembranes designed to provide protection. After this remedy is in place, we need to maintain the cap, maintain land use controls and conduct five-year reviews to see if anything at the site has changed. The cost for this alternative is 30 million dollars.

This slide explains what are the main components of the costs. All our estimates are in 2007 dollars. You can see that transportation disposal which is the dark pink area is the major component of Alternatives 4 and 6. Facilities that accept low level waste are mostly in the Western United States so this material goes on a long trip and disposal costs are very high.

The major cost for containment is capping. Under containment, 18 acres of material would be capped. Only 4 acres are capped under Alternative 4.

Okay, how did we choose the preferred alternative? CERCLA sets 9 criteria to evaluate alternatives and that's what we used.

The first two are Threshold Criteria. They are protection of human health and the environment and compliance with Federal and state

environmental regulations. If an alternative does not meet this criteria, it is not a viable alternative. This would be Alternative 1, it did not meet it. The 2, 4 and 6 did meet it.

Then there are five Balancing Criteria. Long term effectiveness and Permanence, short term effectiveness and Permanence, reduction in toxicity, mobility or volume through treatment, Implementability and cost. These are the ones that have been evaluated already. The two remaining criteria are Modifying Criteria. They are State acceptance and Community acceptance. This is where you come into the picture, this is why we are here tonight.

Okay, here we're going to compare the three alternatives that met the Threshold Criteria.

Long-Term Effectiveness and Permanence: all the alternatives provide long-term effectiveness and permanence as residues are in a waste control disposal facility. I point out this is a difference than the Ashland site. Treatment, there is little treatment for radioactive material of this nature, the only thing really is their minimal consolidation and volume. Short-Term Effectiveness: Opening closed portions of the

landfill creates risks to workers and the public (this condition is also different than Ashland's) as does excavation and transportation in general. Containment also has the shortest duration of construction, which is another factor considered with this criteria.

Complete excavation has the longest duration to complete.

Implementability: Complete excavation has a high degree of complexity due to the impacts to the closed portions of the landfill and removal of large amounts of soil covering FUSRAP-related materials. As I said, 80 feet towards the landfill, even more, as you get into the closed portion of the landfill.

Partial excavation has a medium degree of complexity due to excavation in close proximity to the closed landfill.

Containment is the easiest to implement. Excavation is limited to Seaway Northside and Seaway Southside and cost, 113 million compared with 80 compared with 30 and then the two criteria that have not been evaluated yet.

Let's talk a little bit more about containment. Remedial action will include FUSRAP-

related material within the landfill will be contained under a minimum of 4 feet of types of soil, fabric and geomembranes. Also, FUSRAP-related material outside the landfill will be excavated and shipped off site to achieve cleanup criteria.

After the remedy is in place, we will maintain the remedy, maintain land use controls and conduct five-year reviews to see if conditions at the site have changed. In summary, our preferred remedy is protective of human health and the environment now and in the future. We selected this alternative because it has a high degree of effectiveness and permanence. It's protected by the landfill design. It presents a lower risk to workers and the community during the remediation. It's much more cost effective than the other alternatives and it is the most easily implemented.

The assurances you have are: this alternative would include ensuring that land use controls required pursuant to NY regulations are in place to prevent future access and disturbance of the contained waste. Long-term surveillance and maintenance of the FUSRAP-related contamination

would be performed by the Federal government in accordance with a Land Use Control Plan that would be developed by the Army Corps during the completion of the record of decision. Monitoring of non-FUSRAP-related waste remains the responsibility of the property owner.

And, as required by CERCLA, implementation will include review of the site conditions and cap integrity every five years to ensure that land use controls are effective and that operations and maintenance are conducted in accordance with that plan.

Thank you for your attention tonight. Colonel Snead will take you through the rest of the presentation.

MR. SWEET: Do you have just a minute for a question?

LIEUTENANT COLONEL SNEAD: Sir, we, we will make sure that you ask your questions; if you could just bear with me for just a few more slides, I appreciate it, thank you. Thank you, Janna, as you can see here on the chart, we're at the midway point on the 60 day comment period and we will consider each comment received during this period, not just this evening.

The date of release for the record of decision will depend mainly on the number of comments that we receive from you all. The record of decision, currently, is scheduled to be completed in October of 2009. Of course, that can change, either earlier or later, depending on how many comments we do receive. And then we'll have a decision beyond that regarding the remedy.

And where do we go from there? We begin the remediation process. But to get there we would have to await funding to proceed. There is currently a number of ongoing remedial actions under the FUSRAP program that aren't covered just in the Buffalo district. There's a number of other districts nationwide that have sites just like this that are being remediated. So again, we will have to wait to see how the funding falls out on when we can actually start the remediation process. Next slide.

So, we've come to that piece at the end of our presentation here, I'll have just a few more slides to provide you some information, some ground rules and then we'll accept public comments. Next slide.

Just so you're aware, we do have a

stenographer. He's here to record our comments and that will be entered into the public record. I will ask that everyone be courteous, one person speaking at a time. When called upon or if you want to speak, please come to the microphone that we've provided right there, there's a podium right there. Please state your name and if you're affiliated with an agency or an organization please let us know who that is. I would ask you to please limit your remarks to about, to less than 5 minutes, that way we have an opportunity to hear everybody's comments. And please limit your comments to the Seaway site.

Understand there might be other concerns elsewhere but in most cases we might be able to address those issues. I will also say that we are committed to hearing your comments and we will stay here until everyone has a chance to speak this evening. We will first call upon those people who indicated on a sign in sheet they wanted to make a comment and then we will open the floor to others who wish to make comments. Next slide.

As I stated earlier, if you have written comments that you would like to make, there is our

address. If you would like to make a written comment via email, there is our email. And we do have folks at Buffalo District that check that daily to ensure that we get your comments. I just ask that if you do this, remember, you've got until October 27th to get that into us. Next slide.

As I stated earlier, we are required by the CERCLA process to ensure that all oral and written comments, we respond to all those. And once we receive the Proposed Plan after the public comment period has closed. When the responses are ready there will be made available at the administrative record file locations listed here at the Tonawanda Public Library and also through our headquarters in Buffalo. The administrative record file includes the documents the Corps will use to develop the preferred alternative and Proposed Plan for the site. I encourage you to obtain additional information about the site from those locations. Next slide.

Finally, if you would like any additional information there is our phone numbers, again our email and then our address and we also have additional information on our website in reference

to the program. So, we also have a limited number of copies, I believe, of the presentation we provided tonight if you'd like to get one. They are available at the sign in table when you leave and we will also place a copy of tonight's presentation up on the public website and the transcript will also be made available.

Without further ado, I will now open up the floor so Arleen, if you could, we'll start with the cards and then go from there.

ARLEEN KREUSCH: Supervisor for the Town of Tonawanda, Anthony Caruana, would you please come to the microphone.

ANTHONY CARUANA: Thank you, Colonel Snead and members of the Corps. Ladies and gentlemen, I am Anthony F. Caruana, Brigadier General, United States Army, retired supervisor of the Town of Tonawanda, also recipient of the silver order of the Fluery medal, Army Engineer Association for significant contributions to the Army Engineer, I mean Corps of Engineers.

Town of Tonawanda's position on this matter is the same it has always been, namely that the site should be remediated by removal of the Manhattan Engineering District and the Atomic

Energy Commission contaminants in order to protect the health, safety and welfare of our public.

This study confirms that the site constitutes a public health risk due to radioactive contaminants present in the soil. The best way to remedy the problem is removal, not through containment. While alternative 6 recommendations in your Proposal Plan is the most cost effective at 30 million dollars, it is not the safest.

Alternative 2 is the best alternative since it provides for complete evacuation and disposal at the cost of 113 million dollars. CERCLA's purpose was not to create remedies that are cost effective but to protect the public from the health danger created by hazardous materials on sites. Budgetary concerns should not be put before health concerns. These radioactive contaminants have been present in our town for over 60 years. If they had been removed when they were originally recognized years ago, the cost certainly would have been significantly less than it is now. Once again, however, budgetary concerns should not be put before public health concerns that could be recognized in the future as evidenced by your need for constant monitoring for

a 1000 years to come. Please consider our comments prior to making your final decision on recommendations for the Seaway site. We also reserve our right to make additional comments during the continuous public comment period which ends on October 27th. I thank you for the opportunity to speak tonight.

COURT RECORDER: Sir, how do you spell your last name?

ANTHONY CARUANA: C-A-R-U-A-N-A.

ARLEEN KREUSCH: Mr. Kenneth Swanekamp from the Tonawanda Planning Board.

KENNETH SWANEKAMP: Thank you. I just have some verbal comments. The Planning Board is going to be meeting next week and we'll have some more written comments at that time. And most of these comments are going to be directed towards land use at and around the site.

If you take a look at what has happened recently, after the Corps cleaned up Rattlesnake Creek, that area which had been undeveloped vacant land for decades has now seen incredible demand and development, very high quality industrial uses going on. The industrial park there is being expanded and that was because the remediation was

completed. The ability for this area of the town to grow as the master plan calls for, to be an area for job creation, industrial growth, this is going to be predicated on people being comfortable with the fact that it's completely clean, as Rattlesnake Creek was done and the development that followed. Regardless of how many picocuries you can document, the perception will be the reality. And if people feel that there is a health, even if it's a potential, that area is not going to be able to be developed on or nearby and that will be for a long time.

The other part of it is, the issue of land use controls are a challenge. They have not been effective over the last 40 years. To consider them effective for the next 1000 years is certainly a questionable position to take so as I said, the Planning Board will be meeting next week, we may have more comments but I think if you take a look at what has happened immediately adjacent to the site, just to the northeast, on the vacant property once it was cleaned up completely, the demand and development is there in that environment. It is really important for this to be done properly if the surrounding areas

are going to flourish in the future. And not just be empty areas like they have been for decades in the town. Thank you.

ARLEEN KREUSCH: Thank you. Mr. Phillip Sweet.

MR. PHILLIP SWEET: Good evening. My name is Phillip F. Sweet. I'm a resident of the Town of Tonawanda.

LIEUTENANT COLONEL SNEAD: Good evening.

MR. PHILLIP SWEET: I'm here to discuss the problems we have with -- the children in our community are at risk because of this landfill. Young lady, I wish you had brought up a map showing possibly the close proximity of Hackett Drive to the Tonawanda landfill and as a general comment, just so my five minutes is included later, The Town of Tonawanda, originally their plans was to establish a golf course and your criteria and your final review said that a golfer could only play 15 minutes a day on this landfill when it was completed and also part of the, part of the requirement was to have somebody, a runner, could only run a short distance and what's critical is how he breathed upon finalizing exercises, one little point.

This letter, this evening, is respectfully directed to Colonel Daniel Snead.

Dear Colonel Snead. Thank you for giving me the opportunity this evening to submit this letter and comments regarding the addendum related to the FUSRAP site located in the Town of Tonawanda. In direct relationship to the nuclear health risk dilemma facing Tonawanda is US Army regulation AR700-48 that requires the US Department of Defense to provide medical assistance to residents who are concerned of their health status and well-being. I am hoping that the Department of Army will begin to follow this regulation that will most assuredly enhance long term health considerations and public support. Sadly, the Army has ignored numerous requests for adoption and enactment of their own policy guidelines.

In addition, please allow me to please to enter into record the below information regarding AR700-48 and also the attached cure represents Dr. Rose Liber (Sic) health assessment informational program seminar given at Tonawanda High School on September 19, 2007. Dr. Bertell sends a message of critical radio nuclei educational and moral value that demands the adoption and enactment of

a human blood, urine, body fluid bio-monitoring program.

In addition, I would like to submit photographs for record. Violations of radio nuclei release at the landfill. These are documented, City of Tonawanda town records and with the school, the schools, City of Tonawanda School system. In addition, there is a photograph showing, that I took personally myself, showing radio nuclei release by Ensoil (sic) Corporation, I believe, direct radiation readings that I personally took, documented, asking for support from local officials to validate, and the readings are very high. It's in very close proximity to the Riverview Elementary School and the additional photographs show the landfill itself.

Sir, you need to endorse and sponsor the bio-monitoring, human bio-monitoring program, especially for the children. Thank you very much.

ARLEEN KREUSCH: Thank you, Mr. Sweet.

LIEUTENANT COLONEL SNEAD: Sir, can I just get some clarification? You made a comment, I think, just so I'm clear, Hackett Road? What's the connection?

MR. PHILLIP SWEET: Tonawanda, Tonawanda Landfill.

LIEUTENANT COLONEL SNEAD: You made a comment that Janna did not have a map up there, what's the connection with Hackett?

MR. PHILLIP SWEET: I would have liked to have seen a photograph given. A photograph submitted that shows the close proximity of the Riverview Elementary School.

LIEUTENANT COLONEL SNEAD: Okay.

MR. PHILLIP SWEET: And the residents --

LIEUTENANT COLONEL SNEAD: Sir --

MR. PHILLIP SWEET: Well, it's right in their backyard. I mean, you walk a few feet and you are in radioactive contamination. I mean, this is really serious stuff, this is not little stuff we're talking about, this is little children being administered to this dilemma.

ARLEEN KREUSCH: That is the Tonawanda landfill, though, that you are talking about.

MR. PHILLIP SWEET: Thank you very much.

LIEUTENANT COLONEL SNEAD: I'd also like to make just to, sir, just to clarify, now that you've addressed a certain Army regulation, 700-48, and I'll be honest with you, I'm not familiar

with that but I will make myself very familiar with it. Understand, I want to clarify to you that this site was not contaminated by the Department of the Army. It was a different Federal entity that contaminated. We've been passed it to figure out a remediation with it, but I'm just letting you know to make sure that you understand that the site was not contaminated by the Department of the Army.

MR. PHILLIP SWEET: It's the Army's responsibility, the Army initiated the Manhattan Project, it's up to the Army to make sure that residents, especially children, are secure in their environment. I mean, it's as simple as that. It's your waste, you put it there, it's up to you to take care of it. Thank you very much.

ARLEEN KREUSCH: Thank you, Mr. Sweet. Those are all the cards that I received tonight from people that were in the audience that requested to speak. If there is anyone else that has decided since seeing the presentation, that they would like to make a statement?

(No response.)

MS. KREUSCH: There are no other comments to go on record for the meeting tonight or any

questions or clarifications? Okay, thank you, I am going to turn this meeting back over to Colonel Snead for closure. Thank you.

LIEUTENANT COLONEL SNEAD: Again, I would just like to thank everybody for coming out this evening and providing those comments and again, just to reiterate, you have until 27 October if you would like to make any written comments and we have provided all that information for you so, again, thank you, and it was good to see everyone and have a wonderful evening. Thanks.

(Meeting concluded.)

US Army Corps of Engineers Seaway Site proposed plan

CERTIFICATE

I, [redacted], certify that the foregoing transcript of proceedings in the matter of Public Meeting Seaway Site Proposed plan, Information Session, was recorded utilizing a Sony BM_246, and transcribed from same machine, and is a true and accurate record of the proceedings herein.

Signature [redacted]

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