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**town of
tonawanda** water resources department

wastewater division

June 7, 2005

██████████
director of water resources

██████████
US Army Corps of Engineers
1776 Niagara Street
Buffalo, NY 14207-3199

Re: Tonawanda Landfill FUSRAP

Dear ██████████:

The Town of Tonawanda would like to take this opportunity to thank the USACE for meeting and reviewing the status of their work on the Tonawanda Landfill site. We understand that this work is being done on behalf of the Department of Defense in an effort to close out the environmental issues relative to the DOE activities.

We understand that the USACE is in the process of performing an analysis of the Tonawanda landfill with regards to the nature and extent of the FUSRAP materials deposited within the site. As such, the project included the preparation of a risk assessment. In the preparation of the risk assessment, two areas were found that contained contaminated FUSRAP material, those are as being the Northern portion of the landfill and a small area in the western portion of the mudflats.

The Town is currently investigating several projects which may be impacted by the final resolution of the FUSRAP contaminated areas. In addition, the Town has entered a consent order with the NYSDEC to close the landfill. The closure of the landfill, and the final end-use of the site, is dependant on DOE making some type of commitment with regard to the FUSRAP area. The projects anticipated include:

Closure of the Landfill

Publicly Accessible End Use
Access Road on the Northern Boundary
Drainage along the Northern Boundary

Mudflats Development

Access Via Landfill Property to Military Road
Access Road on the Northern Boundary

TON_00268

Risk Assessment – Landfill Area

The draft Risk Assessment included analysis of the site being closed with a final cover capping system and the FUSRAP waste remaining within its current boundaries. FUSRAP waste is adjacent to the backyards of the residents along the northern portion of the site. It will be very difficult to install a final cover system along this portion of the site due to the grade, proximity of the homes and the need for a perimeter access road.

In order to reflect the potential final site conditions, the risk assessment should be modified to include the possibility of recreational access to the landfill site, and the need to provide drainage and perimeter access on the northern boundary. In addition, the document should also provide a line illustrating the boundary of FUSRAP impacted area.

Mudflats

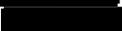
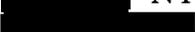
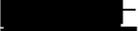
Based upon our recent meeting, no evidence of the FUSRAP material was found on the mudflats property (i.e. the Town owned property on the south of the Niagara Mohawk Right of Way). The draft Risk assessment, which used the newer data in its calculation, indicated that the mudflats area presents no potential health risks and that as far as the USACOE is concerned, the area should have no restrictions. This is critical for the Town's plans to develop this area.

The Town would like to give potential developers a comfort level that the site can be developed with no future liabilities and/or constraints. Based upon your findings, it appears that the site can be developed with no restrictions. We would like to finalize this decision and complete the work associated with the mudflats area. Please provide the Town with a final decision with regard to the mudflats area, which releases the property for use.

The Town has worked with the USACOE and the NYSDEC for over a decade on the landfill closure and final investigation of the mudflats. The Town would like to push forward with the final resolution of the FUSRAP areas in order to develop the mudflats and complete the landfill closure.

Sincerely,


Director of Water Resources

cc:  - NYSDEC
 - NYSDEC
 - NYSDEC
 - Ensol Inc.
 - Ensol Inc.
 - Technical Support
 - Town Attorney