



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAY 21 2010

Lt. Col. Daniel B. Snead, P.E., District Commander
U.S. Army Corps of Engineers – Buffalo District
1776 Niagara Street
Buffalo, NY 14207-3199


Dear Lt. Col. Snead:

This is in response to your letter of April 1, 2010 to me in which you solicited U.S. Environmental Protection Agency (EPA) input on the establishment of a Department of Defense (DoD) Restoration Advisory Board (RAB) for the portion of the U.S. Army Corps of Engineers (USACE) project to be performed at the Lake Ontario Ordnance Works under the Defense Environmental Restoration Program for Formerly Used Defense Sites (DERP-FUDS).

I believe that USACE should do whatever is necessary to actively engage the public on the cleanup activities to be performed at the Lake Ontario Ordnance Works site and the Niagara Falls Storage Site, under the relevant DERP-FUDS program or the Formerly Utilized Sites Remedial Action Program. I support the use of the RAB forum, as allowed, and suggest that you also consider a citizens advisory group process in the absence of the RAB, or any other similar process to facilitate increased public access and involvement. I further believe that the federal government should make it as easy as possible for members of the public to obtain information and offer input on the future of this highly contaminated site. It is time to pick up the pace of clean up while continuing to welcome public input on the important decisions being made on this highly complex site.

Thank you for requesting our input on this matter. If you have further questions, feel free to contact me directly at 212-637-5000.

Sincerely,


Judith A. Enck
Regional Administrator

cc: Mr. Alexander Grannis, Commissioner DEC

New York State Department of Environmental Conservation

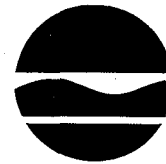
Division of Solid & Hazardous Materials

Office of the Director, 9th Floor

625 Broadway, Albany, New York 12233-7250

Phone: (518) 402-8651 • Fax: (518) 402-9024

Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

RECEIVED

MAY 10 2010

Via E-Mail

May 7, 2010

LTC Daniel B. Snead
Commander
U.S. Army Corps of Engineers
DERP-FUDS Team
1776 Niagara Street
Buffalo, NY 14207

Dear Colonel Snead:

Re: Lake Ontario Ordnance Works (LOOW) – Towns of Lewiston and Porter
Niagara County, Clarification of April 23, 2010 Letter

The purpose of this letter is to clarify my April 23 letter on the above subject that the New York State Department of Environmental Conservation (Department) does understand that the Radiation Advisory Board (RAB) process is specific to DERP/FUDS cleanups and not to FUSRAP cleanups.


The Department's statement in my April 23 letter, "The RAB Rule allows for a RAB to address multiple facilities," could be misread to infer that "legally" a RAB could address both DERP/FUDS cleanups as well as FUSRAP cleanups – this is not the case, nor did the Department infer to make a legal interpretation of the Department of Defense rules on this matter.

The Department's original comment relative to this point is that we believe there are important environmental matters that exist in the area of the LOOW site that likewise need to be given due consideration in the development of the remedial strategy being proposed for the LOOW site. Understanding this reality, the USACE should not only be seeking an integrated remedial strategy for the cleanup of these sites but should establish a means for engaging public participation for the entire area, including the Niagara Falls Storage Site.

If further clarification of this matter is necessary, please contact Robert J. Phaneuf, P.E., Acting Director of our Bureau of Hazardous Waste & Radiation Management, at (518) 402-8605.

As expressed in our April 23 reply, thank you for the opportunity to comment and we look forward to the USACE's timely resolution of this matter.

Sincerely,


Edwin E. Dassatti, P.E.
Director
Division of Solid & Hazardous Materials

cc: Senator Gillibrand
Senator Schumer
Congresswoman Slaughter
A. Snyder, NYSDEC Region 9
C. Stein, USEPA Region 2
A. Salame-Alfie, NYSDOH

New York State Department of Environmental Conservation

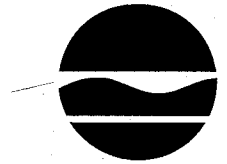
Division of Solid & Hazardous Materials

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Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

APR 23 2010

LTC Daniel B. Snead
Commander
U.S. Army Corps of Engineers
1776 Niagara Street
Buffalo, NY 14207

Dear Colonel Snead:

Re: Lake Ontario Ordnance Works
Town of Lewiston and Porter, Niagara County

The New York State Department of Environmental Conservation (Department) has received the U.S. Army Corps of Engineers' (USACE) April 1, 2010 letter requesting input with respect to establishing a Restoration Advisory Board (RAB) for the former Lake Ontario Ordnance Works (LOOW) site. As you are aware, the Department has been involved with Department of Defense public participation activities at the LOOW site since 1987.

In response to your request, the Department strongly believes that there is continued and sufficient interest in the community to justify the need for a RAB for the LOOW/NFSS site. The Department's position is based on past and present involvement/attendance by the public at sponsored forums, interest by local elected officials, and coverage by the local news media of events involving the USACE's remedial activities for these facilities.


The Department is concerned with the growing sentiment expressed at recent public forums that the USACE is not being responsive to the public's concerns. Comments expressed at the meetings illustrate the discontent and frustration felt by the public with respect to input on the remedial process being undertaken for these facilities. The Department is aware of other instances where federal facilities have successfully used facilitators on projects where public concerns have resulted in contentious meetings. In the interest of improving future public involvement, the USACE should consider the utilization of such facilitation services to improve the effectiveness of gaining public input at its public forums.

The Department is further concerned with the USACE's position that activities conducted at the Niagara Falls Storage Site (NFSS) are not subject to RAB discussion. While the NFSS remedial program is governed under a separate program, significant technical issues associated with the two sites are intertwined and are of interest to the same community. The RAB Rule allows for a RAB to address multiple facilities. The USACE should not let bureaucratically established thresholds limit the public's opportunity for effective input and involvement on both of the LOOW and NFSS remedial programs.

The Department's 20 plus years of experience with the USACE's public involvement process and the public concerns regarding these facilities justifies the need and interest of the community to have an opportunity to provide meaningful continued public input on the USACE's remedial action activities that are important to New York State.

Thank you for the opportunity to comment on this matter. We look forward to the USACE's timely resolution of this matter.

Sincerely,


Edwin E. Dassatti, P.E.
Director
Division of Solid & Hazardous Materials

cc: Senator Gillibrand
Senator Schumer
Congresswoman Slaughter
A. Snyder, NYSDEC Region 9
C. Stein, USEPA Region II
A. Salame-Alfie, NYSDOH

RANKING MINORITY MEMBER
JUDICIARY

COMMITTEE MEMBER
CRIME VICTIMS, CRIME & CORRECTION
ENERGY
FINANCE
HIGHER EDUCATION

THE SENATE
STATE OF NEW YORK



GEORGE D. MAZIARZ
Senator, 62nd District

RECEIVED

MAY 10 2010

ALBANY OFFICE:
ROOM 515
LEGISLATIVE OFFICE BUILDING
ALBANY, NY 12247
(518) 455-2024
FAX: (518) 426-6987

DISTRICT OFFICE:
2578 NIAGARA FALLS BOULEVARD
WHEATFIELD, NY 14304
(716) 731-8740
FAX: (716) 731-8746

INTERNET ADDRESS:
maziarz@senate.state.ny.us

May 5, 2010

U.S. Army Corps of Engineers
Buffalo District
DEPR-FUDS Team
1776 Niagara Street
Buffalo, NY 14207

To Whom It May Concern:

Thank you very much for the opportunity to formally express my wholehearted support for the creation of a Department of Defense (DoD) Restoration Advisory Board (RAB) at the former Lake Ontario Ordnance Works (LOOW) site, located in the Towns of Lewiston and Porter.

As you have witnessed during your participation in our community roundtable discussions on LOOW, there is overwhelming support from all of our local and state officials, as well as many of our federal representatives for a DoD RAB to be formed. Not to mention the active participation from many of our citizens who continually provide such vital feedback about this process.

As this area's representative in the State Senate and in the best interest of our community, I would ask that the process to formally re-establish our LOOW-RAB site as an official Department of Defense (DoD) RAB begin immediately.

Thank you for your attention to this matter. Should you wish to speak to me personally, I can be reached at (716)731-8740.

Sincerely,


George D. Maziarz
State Senate

Cc: Daniel B. Snead, P.E., Lieutenant Colonel, Corps of Engineers

Hello,

My input regarding the establishment of an official Department of Defense Restoration Advisory Board for the former Lake Ontario Ordnance Works Site that is being addressed under the Defense Environmental Restoration Program for Formerly Used Defense Sites is below:

For the life of me I can't understand why the very government, once stated as "by the people, for the people, of the people" is and has continuously resisted input from the public in the affected area? The Corps has operated with a totally dictatorial attitude. What is the Corps afraid of? The RAB is constituted with so few public members they couldn't even win in a fist fight. I represent the 220,000 residents of Niagara County and have sponsored legislation at every level of Village, Town, County and State Representative who have unanimously supported community member input. We fight for the health + safety of our citizens, how about you!

Sincerely,

I am interested in being added to the site mailing list; my name and address are below:

Name: Clyde L. Burnmaster, Vice Chair

Organization: NIAGARA COUNTY LEGISLATURE

Address:

I am interested in being added to the electronic list service for News from the Corps about the LOOW project.

My e-mail address is: _____ (Please print)

TOWN OF WILSON

375 Lake Street
P.O. Box 537
Wilson, New York 14172-0537



Joseph A. Jastrzemski, Supervisor
(716) 751-6704 Fax (716) 751-6706

Wanda E. Burrows, Town Clerk
(716) 751-6704 Fax (716) 751-6706

www.wilsonnewyork.com

I, Wanda E. Burrows, Town Clerk of the Town of Wilson, do hereby certify the attached to be a true and exact copy of a Resolution adopted by the Town of Wilson Town Board at a regularly held meeting March 18, 2009.



Wanda E. Burrows

Date

THE LOOW RAB RESOLUTION

Authorized by leaders and elected officials Niagara County

March 18, 2009

URGING THE U.S. ARMY CORPS OF ENGINEERS TO RECOGNIZE AND SUPPORT THE CURRENT LAKE ONTARIO ORDNANCE WORKS RESTORATION ADVISORY BOARD AND REQUESTING THE APPOINTMENT OF AN INDEPENDENT, EXPERIENCED THIRD PARTY TO FACILITATE DIFFERENCES.

WHEREAS, the health, safety and economic well being of the citizens of Niagara County is of utmost importance; and

WHEREAS, we are mindful of the need for open, transparent and participatory democracy; and

WHEREAS, we are conscious that in achieving these goals there must be open communication and cooperation; and

WHEREAS, there exists at the Lake Ontario Ordnance Works site in the Towns of Lewiston and Porter hazardous remains from the WW II Manhattan Project; and

WHEREAS, the Lake Ontario Ordnance Works Restoration Advisory Board was created by the federal government to promote the satisfactory remediation of the L.O.O.W.; and

WHEREAS, the Restoration Advisory Board is composed of many dedicated, experienced, and qualified individuals; and

WHEREAS, Niagara County citizens, and elected and public officials have become deeply disturbed by the breakdown of open, transparent and participatory democracy as it relates to the involvement of their representatives on the Restoration Advisory Board;

NOW, Therefore;

BE IT RESOLVED that Niagara County elected and public officials, as representatives of the citizens and support the current Lake Ontario Ordnance Works Restoration Advisory Board as an official Department of Defense entity; and

BE IT FURTHER RESOLVED that the federal government through the United States Army Corps of Engineers provide administrative and technical support to the current Restoration Advisory Board; and

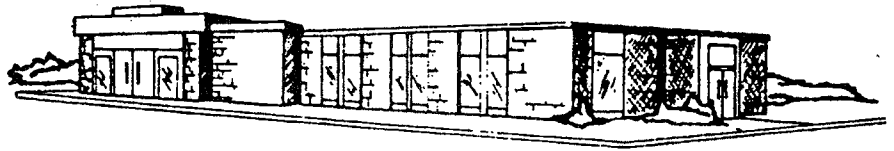
BE IT FURTHER RESOLVED that an independent, qualified third party be employed by the United States Army Corps of Engineers to facilitate resolution of any existing differences between the Corps and the current Restoration Advisory Board; and

BE IT FURTHER RESOLVED that once these differences are resolved the United States Army Corps of Engineers and the Restoration Advisory Board resume working together on the successful remedial cleanup at the L.O.O.W. site; and

BE IT FURTHER RESOLVED that a copy of this resolution is forwarded to U. S. Senator Kirsten Gillibrand, U.S. Congresswoman Louise M. Slaughter, NYS Senator George Maziarz and NYS Assemblywoman Francine DelMonte for their consideration and response.

Town of Lewiston

P.O. Box 330
1375 Ridge Road
Lewiston, New York 14092
Phone: (716) 754-8213 or 754-8214
Fax: (716) 754-2821



SUPERVISOR
Steven Reiter

DEPUTY SUPERVISOR
Gary Catlin

COUNCIL MEMBERS
Alfonso M. Bax
Michael A. Johnson
Michael Marra
Ernest C. Palmer

TOWN CLERK
Carol J. Brandon
Box 330
Lewiston, NY 14092

RECEIVER OF TAXES
Joan Brandel Stephens

HIGHWAY
1445 Swann Road
Lewiston, New York
754-8218

TOWN JUSTICES
Thomas J. Sheeran
Hugh C. Gee

ASSESSOR
Gene J. Virtuoso

ATTORNEY
Michael Dowd
920 Center Street
Lewiston NY 14092
754-7865

ATTORNEY
Mark Gabriele
800 Main Street
Niagara Falls, NY 14301
285-1536

**BUILDING INSPECTOR
PLANNING-ZONING**
Timothy R. Masters
754-8213

CHIEF OF POLICE
Christopher P. Salada
754-8477

**LWPCC
ADMINISTRATOR &
CHIEF OPERATOR**
Timothy R. Lockhart
754-8291

WATER DEPARTMENT
754-8213

SENIOR SERVICES
Jeanette L. Collesano
754-2071

April 5, 2010

Daniel B. Snead, P.E.
Lieutenant Colonel, Corps of Engineers
District Commander
Buffalo District Corps of Engineers
1776 Niagara Street
Buffalo, New York 14207

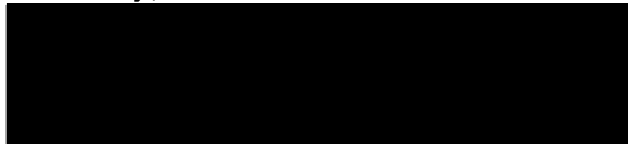
Dear Sir,

On March 24, 2010, the Town of Lewiston Environmental Commission met and discussed the creation of an official Department of Defense Restoration Advisory Board (DoD RAB) for the former Lake Ontario Ordnance Works Site.

The Environmental Commission strongly urges the Corps to take whatever steps are necessary to work with the members of the old RAB and re-establish genuine communication with the community through this group as soon as possible. They have data and research that is helpful to this project. This will allow the Lewiston Community to be properly represented at the table with the Corps.

Possibly a facilitator is needed to help bring these two groups together.


Sincerely,



Jerry Wolfgang – Chairman
Town of Lewiston Environmental Commission

RECEIVED

MAY 07 2010



May 6, 2010

Lieutenant Daniel Snead
U. S. Army Corps of Engineers, Buffalo District
DERP-FUDS Team
1776 Niagara Street
Buffalo, NY 14207

Dear Lieutenant Snead:

Thank you for this opportunity to provide my input regarding the Lake Ontario Ordnance Works Restoration Advisory Board. I am a life-long resident of the Lewiston-Porter area, and am well aware of the history of the LOOW site. I am also a member of the Lewiston-Porter Central School District Board of Education and President of Residents for Responsible Government.

It is absolutely imperative that this community have a functioning RAB. I further request that the existing RAB, or, at least, the latest version of the RAB on file be maintained, with the same community members sitting on the board.

There is no dearth of support for a RAB in this community. I hope you will establish the LOOW-RAB by reinstating the RAB that was "dissolved" and get down to the business of caring for and protecting this community. We deserve a real, powerful, functioning RAB and the USACE must provide one.

Sincerely,



Wendy Swearingen
President, Residents for Responsible Government

Hello,

My input regarding the establishment of an official Department of Defense Restoration Advisory Board for the former Lake Ontario Ordnance Works Site that is being addressed under the Defense Environmental Restoration Program for Formerly Used Defense Sites is below:

I am in favor of the establishment of a DoD RAB
I would like to see a census taken to ascertain
the amount of people in the immediate area who
now have or have died from cancer. I know that
this is not under ~~to~~ your realm of operations,
but perhaps you could exert some influence
to have it ~~done~~ done.


Sincerely,



I am interested in being added to the site mailing list; my name and address are below:

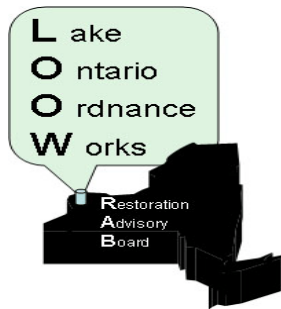
Name: 

Organization: ROGE

Address: 

I am interested in being added to the electronic list service for News from the Corps about the LOOW project.

My e-mail address is: _____ (Please print)



**P.O. Box 181
Youngstown, New York 14174
www.loowrab.org**

Commander Daniel Snead
US Army Corp of Engineers
Buffalo District
1776 Niagara Street
Buffalo, NY 14207

Re: Consideration of Buffalo District regarding RAB at the LOOW Site

Dear Commander Snead:

I offer my comments regarding the solicitation of citizen and community interest in a RAB, as requested by the April 1, 2010 letter from William Kowalewski, Special Projects Branch Chief.

My comments are consistent with my public statement at the March meeting held to describe the Buffalo District's incorrect interpretation of the RAB Rules.

The Corp should recognize the following position held by the Lewiston Porter Schools, which I represent. These also constitute the basis of my comments.

There is an existing RAB, which should be supported appropriately. The claim that the LOOW RAB was dissolved in 2003 is a fiction, a lie, and is only promoted by the Buffalo District as a shallow attempt to bully the community. The "legal determination" is simply a tortured legal opinion about the RAB and the presentation about a DoD RAB structure is incorrect and inconsistent with federal DoD RAB Rule. The Buffalo District has never responded to the legal opinion, documented carefully in the following attached documents, that the treatment of the LOOW RAB by the District was illegal.

- 1. The USACE Buffalo District should appoint an independent facilitator to resolve open issues about the existing LOOW RAB*
- 2. At this time I do not support steps to form a new RAB to replace the existing RAB.*
- 3. I support improved and open access to information, dialogue and input with project technical staff for Corps activities at the LOOW.*
- 4. The membership of the LOOW RAB Should continue to represent stakeholders and not be geographically limited by an incorrect and narrow interpretation of the RAB Rule.*

I realize that this opinion will likely be dismissed because it is inconsistent with the legal approach to limiting public information under the current Public Involvement Plan.

The structure and outcomes of the public meetings sponsored by the Corp are a waste of money, ineffective, poorly structured and poorly presented. I find the powerpoint presentations unprofessional and impossible to interpret and evaluate for the technical data. The cost of a court reporter is a complete waste of funding. The budget spent on this activity could be productively used for real public participation.

I would like to offer a personal view based on my 30 years of linking science, engineering and public policy with community environmental work, the past 20 in Western New York. The LOOW site and associated properties are the most politically complex environmental site I know of in the US. The roles and responsibilities are extremely difficult to communicate to the public, and the public's role in funding and supporting the federal, state and local facilities, in a residential community with homes and schools in close proximity must be respected. The need for a RAB is imperative, and limiting the responsibilities of the RAB, a mistake.

I find the unwillingness of USACE's leadership to engage the LOOW RAB in meaningful, collaborative ways counter productive. I accepted the responsibility asked of me by the Lewiston Porter School District as their representative on the RAB, as I have accepted the responsibility asked me by the Steering Committee, to chair the LOOW RAB, as serious efforts, calling on my technical expertise and my willingness to learn and engage the public policy components with a balanced eye to representing all sides of issues and coming to compromises on moving projects forward. I cannot do the jobs asked of me by the LewPort Schools and the community representatives with the current stance of the USACE leadership. It is a terrible waste of the expertise, enthusiasm and work ethic of community experts, ordinary citizens and representatives of local government and industry active in making the LOOW RAB work to simply ignore and devolve the LOOW RAB by fiat.

Sincerely,

A black rectangular redaction box covering the signature of Joseph A. Gardella, Jr.

Joseph A. Gardella, Jr., Ph.D.
Professor and Larkin Chair of Chemistry, University at Buffalo

Chair, LOOW-RAB Steering Committee

cc: Representative Louise Slaughter
Senator Charles Schumer
Senator Kirsten Gillibrand
Lewiston Porter Schools

Hello,

My input regarding the establishment of an official Department of Defense Restoration Advisory Board for the former Lake Ontario Ordnance Works Site that is being addressed under the Defense Environmental Restoration Program for Formerly Used Defense Sites is below:

I believe we should have a RAB and I know that there are many qualified people serving and others interested in serving to ask questions and ^{to request} for further information. Your new ruling for the RAB does not appear that you want advice and suggestions from the community where the site is located. You are more interested in protecting your department from law suits or anything that will effect your budget and time-line. The history of the U.S. government at the LOOW Site has been one of secrecy, deception, lost records, and it is difficult to believe that you are working for the people who are U.S. citizens. Yes, I think we need a RAB and one that listens and works with the residents and community and ARCE, DEC, etc.

Sincerely,




I am interested in being added to the site mailing list; my name and address are below:

Name: _____

Organization: _____

Address: _____



I am interested in being added to the electronic list service for News from the Corps about the LOOW project.

My e-mail address is: you have correct address. (Please print)

Hello,

My input regarding the establishment of an official Department of Defense Restoration Advisory Board for the former Lake Ontario Ordnance Works Site that is being addressed under the Defense Environmental Restoration Program for Formerly Used Defense Sites is below:

I have attended several of the community-wide meetings of the ACE, and am concerned that the process of selection of board members of the RAB is flawed. Why would citizens volunteer for this advisory panel, when the ACE only want a rubber stamp to approve what they are doing? The very knowledgeable volunteers we have had in the past are being rejected, go through an arduous screening, only to be rejected by the Corp hierarchy and told that we will have to wait 2 more years before another RAB panel can be selected.

We are in danger here! We need a citizen board to monitor the clean-up and disposal of the hazardous materials which if left can leak into our water supply, cause cancer and contaminate our environment. It is so complicated, not everyone can grasp what the Corps is doing, or can verbalize concerns and issues. Doing away with the RAB is not the answer.

Sincerely,

I am interested in being added to the site mailing list; my name and address are below:

Name:

Organization:

Address:

I am interested in being added to the electronic list service for News from the Corps about the LOOW project.


My e-mail address is: _____ (Please print)

Hello,


My input regarding the establishment of an official Department of Defense Restoration Advisory Board for the former Lake Ontario Ordnance Works Site that is being addressed under the Defense Environmental Restoration Program for Formerly Used Defense Sites is below:

I believe that a resident advisory board comprised primarily of persons from the immediate communities of Jewiston and Porter would be the proper and appropriate panel to receive new information and provide community response to the ACOE site evaluation and proposed remediation. I believe that such individuals should be selected by the ACOE from volunteers; officers or experts from involved local environmental organizations; town, school district or village officials; and engineers or consultants engaged by municipalities affected. At any significant juncture or determination by the COE, public meetings must be conducted and all board meetings must be open.


sincerely,



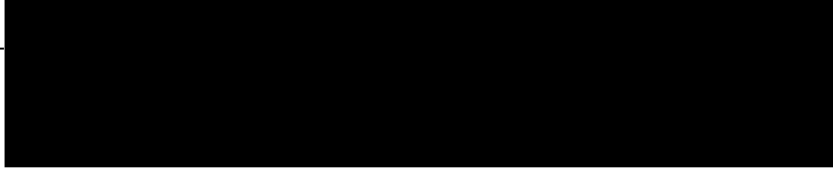
I am interested in being added to the site mailing list; my name and address are below:

Name: 

Organization: ^{N/A} CONCERNED CITIZEN

Address: 

I am interested in being added to the electronic list service for News from the Corps about the LOOW project.

My e-mail address is:  (Please print)

From: [REDACTED]
To: [Derpfuds LRB](#)
Subject: DoD RAB for LOOW Site
Date: Monday, April 05, 2010 11:33:06 AM

Good morning,

I recently received a flyer in the Lewiston-Porter Sentinel suggesting we submit comments and opinions regarding the establishment of an official DoD RAB for the LOOW Site.

In short, I feel strongly that there should be a RAB established and recognized by the Department. No one has a greater stake in the outcome at this site than the local community and while I understand that we are painfully passionate about the topic, it's for good cause.

Thank you for taking my input under consideration. Please add me to your mailing lists for future updates. Regards,

[REDACTED]

From: [REDACTED]
To: [Derpfuds LRB](#)
Subject: Interest in LOOW DoD RAB
Date: Sunday, April 04, 2010 4:43:07 PM

I am a resident of Lewiston and writing to express interest in the formation of a DoD RAB for the local DERP FUDS.

If local press coverage of the recent meeting in Lewiston is remotely accurate an additional forum is required, given the apparently arrogant and intransigent attitude of the Corps representatives.

Thank you for making this opportunity available.

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Derpfuds LRB](#)
Cc: [REDACTED]
Subject: Department of Defense Restoration Advisory Board
Date: Tuesday, April 06, 2010 3:55:38 PM
Attachments: [image002.png](#)

Colonel Snead,

I have received your letter and response form. As instructed, I am taking the option to respond by e-mail.

As a summary, please record my input as positively stating my personal interest in having a DoD RAB.

However, I am disappointed in the position taken by the local Congresswoman and by the USACE in restricting the public by hiding behind the restrictive legal definitions and interpreted mission scope.

In contrast, please consider what is experienced by the residents. There are concerns on health (as an example, note the high incidents of prostate cancer in the immediate area), property value (as an example note that many of the area residents have special clauses on the deeds that indicate that radioactive materials are present and that the government has the right to mine the remaining materials), and development (there is an inhibition for outside companies to develop near an unresolved environmental issue). Bottom line is that the residents did not put those materials there, they don't want them left there, and there are negative impacts on the residents in their being there. Notice that the issues of what is not wanted by the community include chemicals, radioactive materials from any source. The end desire is to not just complete your stated mission; but, to totally remediate the whole site from all objectionable issues.

Thus, artificial and contrived scopes and definitions and legal interpretations have really no bearing on the community's real concern. All that manipulation has done is to set up an inherent and deep distrust on your goals and motives. Even these legal limitations could simply be adjusted by Congress (as stated by Bill Kowalski). Thus, the issues are very real; but the limitations are administratively contrived.

To try and convince the public that the USACE is not just interested simply in the mission; but also in the welfare of the citizens of this Country, a RAB must include the following points:

1) IF THERE IS TO BE A RAB THAT MEETS THE NEEDS OF THE CITIZENS OF THE COMMUNITY, IT MUST MEET THE FOLLOWING CHALLENGES:

a. If you Recognize the public's LOOW RAB or form a new

RAB, will you allow the representatives to actually be integrated into the plans, drafts, considerations and formulation of conclusions; or, will you continue to not allow representatives of the public into this process by only releasing polished and attorney cleared conclusions and limiting public involvement to few minutes at a staged and managed/controlled microphone?

- b. If you Recognize the public's LOOW RAB or form a new RAB, will you continue to demand to limit by means of restrictive definitions that the public's assigned representatives, to the RAB, only be allowed to meet with you on the few select pre-defined topics and refuse to allow these public representatives to involve additional information, considerations, etc? We do not see, as area residents, that there is a validity to say that a RAB (public) is only allowed to talk on FUSRAP limited definitions and not be allowed to interact on DERP-FUDS. In fact, the residents are interested in the whole site and all of its issues. We have vested interests. Our health and financial concerns are not limited by your restrictive and artificial definitions. If there was a validity to these artificial distinctions, why do you have the same USACE team on both issues and not allow the public to also be involved on both issues.
- c. If you would recognize a RAB, would you follow the DOD RAB Code and Handbook and provide funds for the RAB's administrative costs for public outreach and also follow those documents to provide funds for the community representatives to fund "independent technical" resources to evaluate your positions?
- d. As required in the DOD RAB Code and Handbook, will you allow the RAB community representatives to be "interactive" in your process: or, will they be limited to what you alone allow?
- e. If you finally recognize a LOOW RAB and its community

assigned representatives will you control representation by editing the selections to only who you allow?

- f. If you finally recognize a LOOW RAB, will you direct who is in charge of all meetings and who will authorized limited and restricted agenda items.

- g. Even though the USACE's current direction is toward statements that the current containment is safe and that the materials should be left alone; would the USACE allow the Community, through the public's representation in the RAB, to introduce new reference materials on handling these radioactive materials that would definitely end up with the conclusion that these materials would need to be removed into an out of area defined permanent entombment?

[REDACTED]

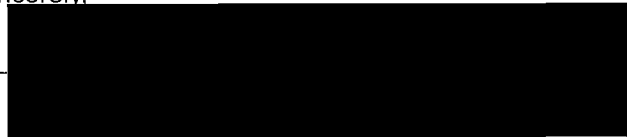
[REDACTED]

Hello,

My input regarding the establishment of an official Department of Defense Restoration Advisory Board for the former Lake Ontario Ordnance Works Site that is being addressed under the Defense Environmental Restoration Program for Formerly Used Defense Sites is below:

I believe it is imperative that a RAB be established in this community. NOTHING has been done to clean up this beautiful area in years. We should be promoting this area for tourism but instead we are fighting with the government to clean up the mess they made! Shame on them. Count me in for changing this community for our children to enjoy. We live here!! Do you ???

Sincerely,



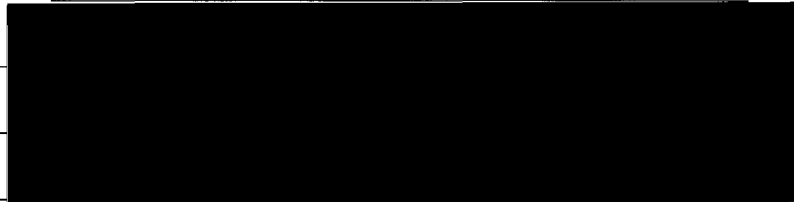
I am interested in being added to the site mailing list; my name and address are below:

Name:



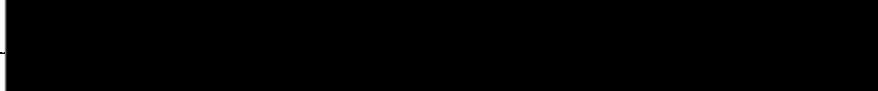
Organization:

Address:



I am interested in being added to the electronic list service for News from the Corps about the LOOW project.


My e-mail address is:



(Please print)

Hello,

My input regarding the establishment of an official Department of Defense Restoration Advisory Board for the former Lake Ontario Ordnance Works Site that is being addressed under the Defense Environmental Restoration Program for Formerly Used Defense Sites is below:

I believe there should be a Dept. of Defense Restoration Advisory Board for the Corps of Engineers at the former LOOW site. I attend N.Co Reg. Meetings, Industrial Dev. meetings (N.Co), Niagara Co. Community College Trustees, Niagara Wheatfield School Board, and Lewiston Town Board - some allow the public to speak 2 or 3 minutes some on agenda items only. some not at all. I realize they don't have to. Some times the public feels frustrated nothing change - Please Sincerely,  allow public input.

I am interested in being added to the site mailing list; my name and address are below:

Name: _____

Organization: _____

Address: _____

I am interested in being added to the electronic list service for News from the Corps about the LOOW project.

My e-mail address is: _____ (Please print)

Hello,

My input regarding the establishment of an official Department of Defense Restoration Advisory Board for the former Lake Ontario Ordnance Works Site that is being addressed under the Defense Environmental Restoration Program for Formerly Used Defense Sites is below:

→ I think it is AN Excellent - Community Input is very important. I live in the Town of Lewiston my children attend Lewiston - Porten high school. I have AN vested interest in this community and believe that the citizen and Federal Government need to work together to ensure that the Best Course of Action is taken.

Sincerely,

I am interested in being added to the site mailing list; my name and address are below:

Name: _____

Organization: _____

Address: _____

I am interested in being added to the electronic list service for News from the Corps about the LOOW project.

My e-mail address is: _____ (Please print)

Hello,


My input regarding the establishment of an official Department of Defense Restoration Advisory Board for the former Lake Ontario Ordnance Works Site that is being addressed under the Defense Environmental Restoration Program for Formerly Used Defense Sites is below:

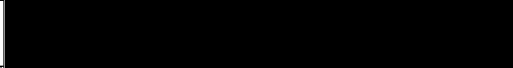
There is great interest in having a RAB, and complete support for the current RAB. We do not want a new RAB. If a RAB must be appointed by you, appoint the present members. If there is a problem bring in a facilitator. Please Sen Schumer to change regulations so you can use the current RAB. The communities are united in expecting you to honor the people by utilizing the current RAB. Remember you work for us.

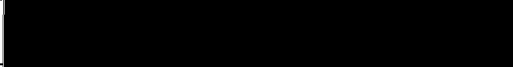
Sincerely,




I am interested in being added to the site mailing list; my name and address are below:

Name: 

Organization: 

Address: 

I am interested in being added to the electronic list service for News from the Corps about the LOOW project.

My e-mail address is:  (Please print)

Hello,

My input regarding the establishment of an official Department of Defense Restoration Advisory Board for the former Lake Ontario Ordnance Works Site that is being addressed under the Defense Environmental Restoration Program for Formerly Contaminated Defense Sites is below:

There already is a restoration advisory board chaired by Dr. Joe Cardella. **RECOGNIZE IT!** The community does not want a NEW group but has real interest and **CONFIDENCE** in the present group.

Sincerely,

I am interested in being added to the site mailing list; my name and address are below:

Name: _____

Organization: _____

Address: _____

I am interested in being added to the electronic list service for News from the Corps about the LOOW project.

My e-mail address is: _____ (Please print)

Hello,

My input regarding the establishment of an official Department of Defense Restoration Advisory Board for the former Lake Ontario Ordnance Works Site that is being addressed under the Defense Environmental Restoration Program for Formerly Used Defense Sites is below:

I am perfectly satisfied with the local representative organization and would prefer that you work with them for the betterment of the community.

Sincerely,

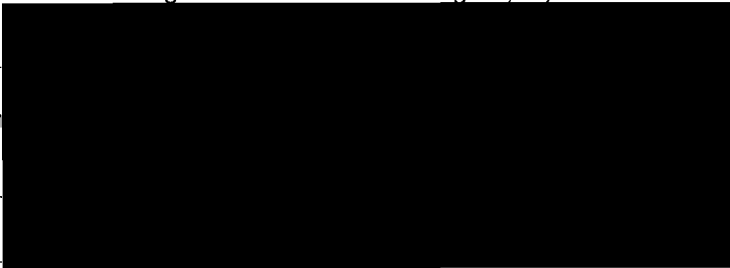


I am interested in being added to the site mailing list; my name and address are below:

Name: _____

Organization: _____

Address: _____



I am interested in being added to the electronic list service for News from the Corps about the LOOW project.

My e-mail address is: _____ (Please print)

Hello,

My input regarding the establishment of an official Department of Defense Restoration Advisory Board for the former Lake Ontario Ordnance Works Site that is being addressed under the Defense Environmental Restoration Program for Formerly Used Defense Sites is below:

I was under the impression we had a functioning RAB.

If you every 2 years have to review its membership, I see no problem giving the existing members, willing to continue to volunteer for local citizen-input (Advisory only function) the opportunity. At such a time, any other DDC could be invited to join.

Continued maintenance and up-dated information needs to be communicated to the neighboring public.

Sincerely,



I am interested in being added to the site mailing list; my name and address are below:

Name: _____

Organization: _____

Address: _____



I am interested in being added to the electronic list service for News from the Corps about the LOOW project.

My e-mail address is: _____ (Please print)

Hello,

My input regarding the establishment of an official Department of Defense Restoration Advisory Board for the former Lake Ontario Ordnance Works Site that is being addressed under the Defense Environmental Restoration Program for Formerly Used Defense Sites is below:

PERHAPS I HAVE BEEN MISINFORMED, BUT I WAS UNDER THE IMPRESSION THAT WE ALREADY HAVE A HIGHLY QUALIFIED AND DEDICATED R.A.B. CHAIRED BY NILS OLSON AND WITH PARTICIPATION OF AMY WITRYL, ETC. MAYBE I HAVE THE WRONG ORGANIZATION OR MAYBE YOU ARE LOOKING FOR EXCUSES TO DUMP THE CURRENT R.A.B. AND POPULATE IT WITH LESS INFORMED, MORE OBSEQUIOUS CITIZENS (I.E. STOOGES!)

I CAN TELL YOU FROM PERSONAL EXPERIENCE, THE MORE PEOPLE LEARN OF L.O.O.W. SITE, THE MORE LIVID THEY BECOME THAT OUR COMMUNITY CONTINUES TO BE THE TOILET, NOT ONLY FOR THE N.F.S.S., BUT THE ENTIRE L.O.O.W. SITE AND CWM OPERATION.

I DON'T CARE HOW "STATE OF THE ART" YOUR INVESTIGATION (THEY) OR CWM'S OPERATION MAY BE. BECAUSE 20 YRS FROM NOW, IT WILL LOOK PRIMITIVE BY COMPARISON, AND WE WILL STILL HAVE A TICKING TIME BOMB IN OUR BACK YARD.

Sincerely,

PS. ARE YOU FAMILIAR WITH JACQUELINE'S ROLLING?

I am interested in being added to the site mailing list; my name and address are below:

Name: _____

Organization: _____

Address: _____

I am interested in being added to the electronic list service for News from the Corps about the LOOW project.

My e-mail address is: _____ (Please print)

Hello,

My input regarding the establishment of an official Department of Defense Restoration Advisory Board for the former Lake Ontario Ordnance Works Site that is being addressed under the Defense Environmental Restoration Program for Formerly Used Defense Sites is below:

In order to "meet or exceed" your requirements for public participation in the LOOW site you need to recognize and cooperate with the existing Lake Ontario Ordnance Works Restoration Advisory Board. I am considering leaving this area due to the lack of action on your part towards the LOOW site and actions on CWM which are ongoing. There has been little concern for public safety and opinion. You need to clarify amounts and safety hazards of radioactive leakage issues at the LOOW site. You need to start cooperating with local governments and area residents as well as the existing LOOW RAB which is as qualified as you in making these decisions - We live here Sincerely,
you don't!

I am interested in being added to the site mailing list; my name and address are below:

Name: _____

Organization: _____

Address: _____

I am interested in being added to the electronic list service for News from the Corps about the LOOW project.

My e-mail address is: _____ (Please print)

Hello,

My input regarding the establishment of an official Department of Defense Restoration Advisory Board for the former Lake Ontario Ordnance Works Site that is being addressed under the Defense Environmental Restoration Program for Formerly Used Defense Sites is below:

My view is that we already have an excellent, well-informed RAD which was appointed and represents our local governments and stake holders. This is our official RAB already.

Sincerely,

4/26/10

I am interested in being added to the site mailing list; my name and address are below:

Name: _____

Organization: I am on your list.

Address: _____

I am interested in being added to the electronic list service for News from the Corps about the LOOW project.

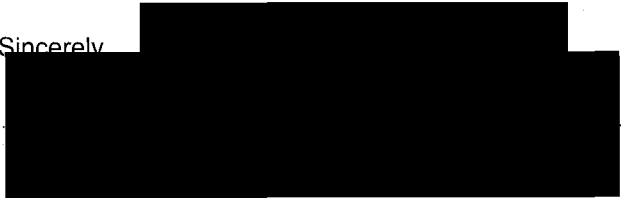
My e-mail address is: you have my email already (Please print)

Hello,

My input regarding the establishment of an official Department of Defense Restoration Advisory Board for the former Lake Ontario Ordnance Works Site that is being addressed under the Defense Environmental Restoration Program for Formerly Used Defense Sites is below:

The LOOW already has an excellent, well-informed RAB appointed by local governments (entire Niagara County) and Stakeholders.

Sincerely,



I am interested in being added to the site mailing list; my name and address are below:

Name: _____

Organization: _____

Address: _____

I am interested in being added to the electronic list service for News from the Corps about the LOOW project.

My e-mail address is: _____ (Please print)

Hello,

My input regarding the establishment of an official Department of Defense Restoration Advisory Board for the former Lake Ontario Ordnance Works Site that is being addressed under the Defense Environmental Restoration Program for Formerly Used Defense Sites is below:

David B. Sneed; P

Lieutenant Colonel; Corp of Engineers

District Commander

I do not believe a D.O.D; R.A.B. for the former LOOW site is needed after 66 years of the Buffalo based U.S. Army Corp of Engineers are well aware of the problems on and inside the 7500 acre site. You have already had this group advise you and it was not valuable to you or a solution of the local project. Very few of the folks I heard speak at any of your meetings are aware of the history of or the problems caused by the LOOW site here in Lewiston, N.Y. The public can locate anything needed in the local libraries.

Thank you

Sincerely,

I am interested in being added to the site mailing list; my name and address are below:

Name: _____

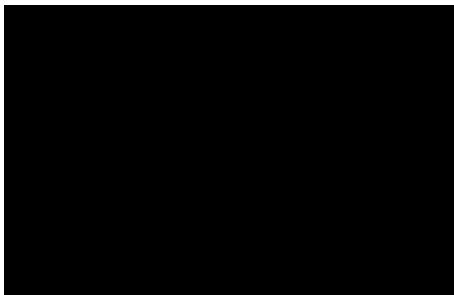
Organization: _____

Address: _____

I am interested in being added to the electronic list service for News from the Corps about the LOOW project.

My e-mail address is: _____ (Please print)

May 3, 2010



To: U.S. Army Corps of Engineers, Buffalo District
DERP-FUDS Team
1776 Niagara Street,
Buffalo, NY 14207

Dear Sirs:

This letter is in response to a public request by Daniel B. Snead, P.E., Lieutenant Colonel, Corps of Engineers, District Commander, for public input concerning the establishment of a Department of Defense Restoration Advisory Board with regard to present Corps activities at the former Lake Ontario Ordinance Works Site, and the Niagara Falls Storage Site.

Corps of Engineer actions and results on both these sites are completely reported, and regularly updated at two public libraries in the immediate area. These are the Lewiston Public Library and the Youngstown Free Library. Additionally the Corps of Engineers holds regular public meetings in the area, which are fully advertised in advance in the Niagara Gazette, the Buffalo News and The Sentinel. All interested citizens and public officials can be completely updated from these sources and at these meetings. The Corps is also open to direct questions and views from elected officials and citizens.

The Corps of Engineers work is directed at surveying and containment on each site; with the clear stated objective of enhancing public safety. These are technical and analytical efforts for which the Corps employs trained experts. These experts are made available to answer questions by the public and elected officials on a regular basis. Establishment of a separate Residential Advisory Board simply places another bureaucratic layer between the work of the Corps of Engineers and public understanding.

There is no rational need for such a separate public Restoration Advisory Board at this time: as long as the Corps of Engineers maintains its present policy of completely open publication of its actions for containment and restoration of these two sites.

Sincerely,



From: [REDACTED]
To: [Derpfuds LRB](#)
Subject: Restoration Advisory Board
Date: Tuesday, May 04, 2010 10:50:45 PM

May 4, 2010
[REDACTED]

Gentlemen:

I am writing in response to the suggestion that a new RAB be established to interface with the Corps in its cleanup activities at the LOOW site and the NFS site. Having attended several of your periodic informational meetings at the Lewiston Senior Center I can understand your desire to have a group that might be more representative of a cross section of the populace than the self anointed experts that dominate your sessions. Their tone and rhetoric are such, that they succeed in driving away those that are interested in the topics but are offended by their need to display to the media and audience their superior intelligence and wide ranging expertise. I am afraid that within short order any new board would soon be dominated by this small but extremely vocal group.

On the other hand, I have been impressed by the obvious technical qualifications of the Corps personnel and their ability to maintain a civil demeanor in the face of antagonists that at the very least are downright rude. So why not continue with periodic informational meetings to which the general public is invited but not aimed at the RAB constituency? You know what budgetary constraints must be met and you certainly are in a position to know what actions should be prioritized based on the immediacy of health consequences. Continue to advertise well in advance of the meetings in the usual media, stressing the meetings are for the general public and as much as possible will be in laymen's terms and vocabulary and that at the conclusion of the presentation, written and verbal questions will be encouraged.

Sincerely,

[REDACTED]

Hello,

04-06-10

My input regarding the establishment of an official Department of Defense Restoration Advisory Board for the former Lake Ontario Ordnance Works Site that is being addressed under the Defense Environmental Restoration Program for Formerly Used Defense Sites is below:

ATTN: DANIEL B. SNEAD P.E.

IT IS TIME TO PUT THIS (THESE) "PROBLEMS TO BED!"

SECURE THE AREAS WITH A POSITIVE CONTAINMENT BARRIER,

THE [REDACTED] BARRIER IS A PROVEN EFFECTIVE METHOD TO COMPLETE THE PROJECT - AND WALK AWAY!

WE CAN ARRANGE FOR CONSULTATION AT YOUR CONVENIENCE - [REDACTED]

Sincerely,

I am interested in being added to the site mailing list; my name and address are below:

Name: [REDACTED]

Organization: [REDACTED]

Address: [REDACTED]

I am interested in being added to the electronic list service for News from the Corps about the LOOW project.

My e-mail address is: _____ (Please print)

Hello,

My input regarding the establishment of an official Department of Defense Restoration Advisory Board for the former Lake Ontario Ordnance Works Site that is being addressed under the Defense Environmental Restoration Program for Formerly Used Defense Sites is below:

current & future 4-4-2010

To ensure the health & safety of the children, faculty & staff within the building complex(es) of The Lewiston-Porter Schools located on Creek Road with official representation from ^{both} The Lewiston-Porter School District and NYS Dept. of Education. This representation is to exclusively be present for the direct well-being of the children, staff & faculty on any ^{Deciding} vote(s) that affects continuance of the school district's current facilities location on Creek Road or plans (if ^{deemed environmentally necessary} necessary) to move ^{by relocation} the school district's buildings & facilities to a healthy, safe & clean environment where children can learn without direct fear of environmental hazard or harm. If necessary, the U.S. Dept.

of Education should also be ^{given} representation to ensure local, state & federal levels of input.

Sincerely,



I am interested in being added to the site mailing list; my name ~~will appear on the mailing list~~

Name: _____
Organization: _____
Address: _____

I am interested in being added to the electronic list service for News from the Corps about the LOOW project.
My e-mail address is: _____ (Please print)

Hello,

My input regarding the establishment of an official Department of Defense Restoration Advisory Board for the former Lake Ontario Ordnance Works Site that is being addressed under the Defense Environmental Restoration Program for Formerly Used Defense Sites is below:

The following is my rationale to be apprised of actions taken by the US Army Corps of Engineers in the greater Niagara County region:

- I am a new resident of Niagara County
- I am vested in waterfront property were the Corps' actions will have direct impact
- The Corps hopefully does not have a politically motivated agenda unlike what currently exists and will hopefully act in a responsible fashion to address matters for the community at large
- The scope and nature of the problems in this area are overwhelming and directly influence personal health
- I pay taxes

I think that about covers matters and the justifications as to why I would like to keep updated as to the US Army Corps of Engineers.

Thank you for your consideration,

[Redacted Signature]

Sincerely,

I am interested in being added to the site mailing list; my name and address are below:

Name: [Redacted]

Organization: [Redacted]

Address: [Redacted]

I am interested in being added to the electronic list service for News from the Corps about the LOOW project.

My e-mail address is: [Redacted] (Please print)

From: [REDACTED]
To: [Derpfuds LRB](#)
Subject: DoD Rab
Date: Monday, April 19, 2010 5:45:00 PM

Dear Sirs,

I am most certainly interested in the proper collection of information from the citizens and their representation in the matter of environmental oversight. That is only right and proper and the interests of all citizens must be protected in an open and transparent manner.

I do not, however, believe that a small contingent of activist and unreasonable, self serving individuals should be allowed to place themselves in a position where their focus is to be as disruptive as possible when they are not given a platform for their own grandstanding. Chief of these is one [REDACTED] and I would object to her being included as a representative of my interests.

[REDACTED]
Lewiston.

Hello,

My input regarding the establishment of an official Department of Defense Restoration Advisory Board for the former Lake Ontario Ordnance Works Site that is being addressed under the Defense Environmental Restoration Program for Formerly Used Defense Sites is below:

April 20, 2010

I worked on the Relining of the Site
1964 or 65.

I would like to stay in touch.

Sincerely,

I am interested in being added to the site mailing list; my name and address are below:

Name: _____

Organization: _____

Address: _____

I am interested in being added to the electronic list service for, News from the Corps about the LOOW project.

My e-mail address is: _____ (Please print)

(1 word)

Hello,

My input regarding the establishment of an official Department of Defense Restoration Advisory Board for the former Lake Ontario Ordnance Works Site that is being addressed under the Defense Environmental Restoration Program for Formerly Used Defense Sites is below:

MY INTEREST IS TO SEE LOOW & FUSRAP SITES CONTAINED & CLEANED UP IN A SAFE MANNER

Sincerely,

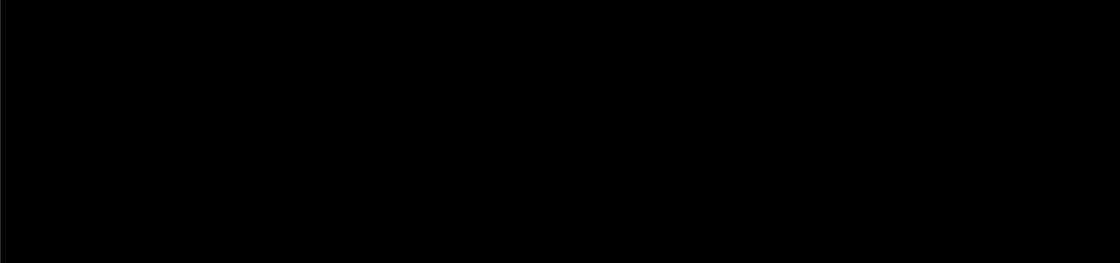


I am interested in being added to the site mailing list; my name and address are below:

Name: _____

Organization: _____

Address: _____



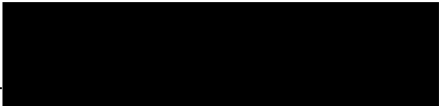
I am interested in being added to the electronic list service for News from the Corps about the LOOW project.

My e-mail address is: none (Please print)



Hello,

My input regarding the establishment of an official Department of Defense Restoration Advisory Board for the former Lake Ontario Ordnance Works Site that is being addressed under the Defense Environmental Restoration Program for Formerly Used Defense Sites is below:

For several years I served on the  radiation sub committee,

The committee seemed intent on all negative contributions and investigations.




I am interested in receiving information from the Corps regarding the LOOW project. 

Name:

Organization:

Address:

I am interested in being added to the electronic list service for News from the Corps about the LOOW project.

My e-mail address is:  (Please print)