

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

FORMER LAKE ONTARIO ORDNANCE WORKS
RESTORATION ADVISORY BOARD MEETING
IN THE LEWISTON-PORTER SCHOOL
4061 CREEK ROAD
YOUNGSTOWN, NEW YORK
MARCH 13, 2002

- 1 RESTORATION ADVISORY BOARD MEMBERS
- 2 THOMAS FRECK
- 3 TIMOTHY HENDERSON
- 4 STEPHEN YAKSICH
- 5 DR. NILS OLSEN
- 6 PAUL DICKY
- 7 KENT JOHNSON
- 8 NONA McQUAY
- 9 JAMES WELD
- 10 MARTIN HODGINS
- 11 SISTER KAREN ALLEN
- 12 MIKE BASILE
- 13 REBECCA ZAYATZ
- 14 GERALD TUCKER
- 15
- 16 ALSO ATTENDING
- 17 LTC GLEN DeWILLIE
- 18 MICHELE L. HOPE
- 19 DR. JUDITH LEITHNER
- 20 MARY KAY FOLEY
- 21
- 22
- 23

1 (Whereupon, the meeting was called to order at
2 7:00 p.m.)

3
4 LTC GLEN DeWILLIE: Good evening.
5 I'd like to welcome you all to tonight's
6 Restoration Advisory Board Meeting for the Former
7 Lake Ontario Ordnance Works Site. I'll open with
8 a couple administrative remarks. First of all,
9 Mr. Angus could not be here tonight.
10 Unfortunately something's come up and also
11 Dr. Polka who normally sits up front was replaced
12 by Mr. Gerald Tucker who is the director of
13 elementary ed. here at Lew-Port Schools. He's
14 scrambling furiously to try and get a few more
15 seats to try and take of you folks and get you
16 all seated. I apologize for a small
17 inconvenience up front.

18 I wanted to open just real briefly
19 and talk a little bit just from a bigger picture
20 perspective about how this whole process works
21 and what I see as far as today, present day and
22 where I think we can be in the future. And on
23 that note, I think it's kind of interesting that

1 this community -- and I value the fact that
2 there's such a good turnout tonight, that you're
3 taking a stance and coming forward and being
4 participatory and that you're taking an interest
5 in what's going on in and amongst your community.
6 I think that's a great part of America that we
7 can actually stand up and have that say and I'm
8 glad to be a part of that as a co-chair
9 represented tonight by Steve Yaksich and from the
10 community side here, Nils Olsen.

11 Further, I think that it's
12 interesting in the light that you have, a vehicle
13 such as a Restoration Advisory Board to be able
14 to voice those concerns and try to channel those
15 concerns into some kind of meaningful action.
16 That's like anything else, you know, we can turn
17 the good idea engines on and keep generating
18 great ideas or we can spit out lots of great
19 thoughts or even criticisms about something but
20 without a vehicle to do something about it and
21 for people to take personal ownership in that,
22 and I open that up to people at large. Whether
23 they sit on this board or you in the community to

1 take ownership of those issues is yet another
2 challenge. And I think it's important as we look
3 at this the more cohesive we are as a team in
4 approaching that challenge the more successful
5 we'll be in terms of the outcomes that we're all
6 trying to shoot for here. When I talk about
7 outcomes, you know, I look at things the same as
8 you in terms of protection of the human health
9 and the environment being first and foremost as a
10 concern not only to the Corps of Engineers but
11 obviously to you, residents of this community.
12 It's important to note that we too share
13 residence with you in this community, we the
14 members of the Buffalo District. Approximately
15 twenty percent of my work force is scattered
16 within actually stone's throws of many of the
17 sites that are left behind from what we call the
18 Manhattan Engineer District and/or the Atomic
19 Energy Commission Works. Many of the other
20 residence if we put out the other eighty percent
21 are, you know, similarly situated in communities
22 in the Tonawandas or spread throughout Western
23 New York. So we too empathize and understand

1 your concern and we share in that. We
2 participate actively in that as well. There's a
3 motivation for us to succeed in this process of
4 getting better and taking positive steps forward
5 and not focusing in the rear view mirror and
6 thinking about what's happened in the past but
7 concentrating on how to protect human health, how
8 to restore that environment so it's suitable for
9 this generation and for generations to come.

10 So on that note what I would like
11 to do is open up to Michele Hope who will
12 organize tonight's meeting, layout the ground
13 rules for participation. Obviously we're here
14 this evening to discuss the Lake Ontario Ordnance
15 Works Site and that will be the focus of our
16 meeting and I would also ask that you cooperate
17 in terms of following the ground rules. I think
18 it makes for a much more organized meeting. It
19 gives everybody a chance to participate on an
20 equal footing and that you respect one another in
21 that regard and I think things will go rather
22 well. Michele.

23 MS. JOAN BRODERICK: Excuse me,

1 Michele, and I apologize for interrupting but
2 this is an action item and I would really like
3 the opportunity to address this.

4 MS. MICHELE HOPE: I'm sorry, we'll
5 be taking questions from the public later.

6 MS. JOAN BRODERICK: Well, this is
7 not a question. This is --

8 LTC GLEN DeWILLIE: Ma'am, I'm not
9 going to cut you off either. I would like to try
10 and keep the meeting organized, to first lay out
11 the ground rules. I've only asked for a simple
12 chance to organize the way that we'd like to
13 organize.

14 MS. JOAN BRODERICK: It is going
15 to be organized and I'm sorry to interrupt. But
16 what does interrupt mean. It means to stop
17 something. But these LOOWs meetings need
18 revision. What does revision mean? It means
19 changing. You have a very knowledgeable
20 advisory committee. You have experts in the
21 audience that need to speak. We appreciate that
22 you have restraints. What are the restraints?
23 Limits to what you can do. But our quality of

1 life is at stake. We want a healthy community in
2 which to work and play. We are the future so
3 take time to listen to the residents. They will
4 tell you how you can accomplish this. Thank you.

5 Now, part of this meeting is being
6 taped for a video production grant. The New York
7 State Council on the Arts and Lockport Community
8 Cable Commission are providing these grants for
9 video projects in Niagara County of regional,
10 social, historical and/or cultural interests.
11 Now, I would really like you to hear from the
12 residents first. Thank you.

13 (Applause.)

14 MS. MICHELE HOPE: I'm Michele
15 Hope. I'm with the Corps of Engineers. We can
16 do this all night or we can proceed with our
17 presentation. It's either --

18 MS. ANN ROBERTS: This will take a
19 second. I just have one question.

20 MS. MICHELE HOPE: We would love to
21 answer questions later in the program, ma'am.

22 MS. ANN ROBERTS: This is of prime
23 important to this community.

1 LTC GLEN DeWILLIE: We understand
2 that. It's very important to us as well. We
3 are residents and members of the community as
4 well.

5 MS. ANN ROBERTS: Lot's of us have
6 children that go to the Lew-Port School. Nothing
7 is more important to this community than the
8 school and the children. I would like to read
9 one question which I think you deserve to listen
10 to and answer. In May of last year the Army
11 Corps carried out an investigation into a
12 chemical dumping ground on Occidental property.
13 This dump is two hundred feet east of the school
14 property line.

15 MR. LOUIS RICCIUTI: I protest.
16 This is supposed to be a public meeting and you
17 keep doing this to people. I have one thing that
18 I must state.

19 MR. YAKSICH: Mr. Ricciuti, please
20 sit down.

21 LTC GLEN DeWILLIE: Mr. Ricciuti,
22 this is a Restoration Advisory Board meeting. It
23 is not a public meeting. Mr. Ricciuti, you've

1 got the wrong idea here.

2 MR. LOUIS RICCIUTI: In the June 13
3 meeting -- I would like this to go on record
4 that this is the second time that Mr. Yaksich,
5 the community co-chair for the Army has
6 threatened to have me removed. On June 13th --

7 MR. STEPHEN YAKSICH: Do you think
8 you're disorderly?

9 MR. LOUIS RICCIUTI: Not at all,
10 sir. On June 13th --

11 LTC GLEN DeWILLIE: I think you
12 are. You aren't respecting the rules of how this
13 board has been organized. If you want to make a
14 change to the rules --

15 MR. LOUIS RICCIUTI: Please take
16 your hands off of me. Don't you dare touch me.
17 Don't touch me. I want the police in here. This
18 man just touched me. Who's got a cell phone?
19 This man threatened to have me removed on June
20 13th and it never made it into the official Army
21 minutes of that meeting. Why is that? Why was
22 it sanitized?

23 MS. ANN ROBERTS: Would any of you

1 like to hear my question?

2 AUDIENCE MEMBER: Yes.

3 AUDIENCE MEMBER: Yes.

4 MS. ANN ROBERTS: We have children.

5 We need some answers. I shall carry on again.

6 In May of last year the Army Corps carried out an

7 investigation into a chemical dumping ground on

8 Occidental property. This dump is two hundred

9 feet east of the school property line. What

10 program --

11 LTC GLEN DeWILLIE: Well, you

12 broke the mic, Mr. Ricciuti.

13 MR. LOUIS RICCIUTI: I'll pay for

14 it.

15 LTC GLEN DeWILLIE: That helps us

16 tonight. That's going to facilitate a good

17 meeting here.

18 MR. LOUIS RICCIUTI: Well, if he

19 hadn't taken the microphone away from this lady

20 in the first place you wouldn't have seen this

21 from me.

22 LTC GLEN DeWILLIE: If you had the

23 decency, Mr. Ricciuti, to respect an orderly flow

1 of the meeting --

2 MS. ANN ROBERTS: -- cadmium,
3 chromium, copper, lead, lithium, manganese,
4 selenium, thallium, vanadium and zinc. Has the
5 Corps got any evidence for or against this being
6 the source of elevated arsenic, copper, lead,
7 manganese, mercury and selenium found on the
8 Lew-Port campus in June of last year? Thank you.

9 LTC GLEN DeWILLIE: Thank you for
10 your question. We appreciate it. Could you
11 please start the meeting, Michele.

12 MS. MICHELE HOPE: I would like to
13 call this meeting and the Restoration Advisory
14 Board to order. I'd like to go around the
15 table. Please introduce yourself. I'm Michele
16 Hope, I'm public affairs specialist with the
17 Buffalo District of the Corps.

18 DR. JUDITH LEITHNER: I'm Judy
19 Leithner, project manager of the Niagara Falls
20 Storage Site.

21 MR. JAMES WELD: Jim Weld, Town of
22 Porter.

23 MR. PAUL DICKY: Paul Dicky with

1 the Niagara County Health Department.

2 MR. TIMOTHY HENDERSON: Tim
3 Henderson resident of ROLE and former member of
4 the Town of Lewiston Environmental Commission.

5 MR. DARWIN JAMES LANGLOIS: Jim
6 Langlois, Town of Lewiston.

7 MS. MARY KAY FOLEY: Mary Kay
8 Foley, I'm the project manager for the Lake
9 Ontario Ordnance Works with the Buffalo District.

10 MR. STEPHEN YAKSICH: Steve
11 Yaksich, I'm the government co-chair and tonight
12 we have two people from New York State Department
13 of Environmental Conservation and five people
14 from New York State Department of Health who are
15 here listening. They're mostly in a listening
16 mode but if you have any questions for them they
17 will attempt to answer them.

18 DR. NILS OLSEN: Nils Olsen,
19 Village of Youngstown.

20 MR. KENT JOHNSON: Kent Johnson,
21 Department of Environmental Conservation.

22 MR. GERALD TUCKER: Gerald Tucker,
23 director of elementary education and representing

1 Dr. Walter Polka tonight in the Lewiston-Porter
2 School District.

3 MS. NONA McQUAY: Nona McQuay, a
4 community member.

5 MR. THOMAS FRECK: Tom Freck, a
6 local farmer and resident.

7 SISTER KAREN ALLEN: Karen Allen,
8 still in Niagara.

9 MR. MARTIN HODGINS: Martin
10 Hodgins, Town of Lewiston representative.

11 MS. REBECCA ZAYATZ: Becky Zayatz
12 representing CWM.

13 MR. MIKE BASILE: I'm Mike Basile,
14 a public affairs officer with the United States
15 Environmental Protection Agency.

16 MS. MICHELE HOPE: Thank you very
17 much. We have a court reporter here tonight
18 taking a transcript of the meeting. I'll remind
19 the RAB members to speak into your mic and these
20 are very sensitive mics. They will pick up side
21 conversations. We had hoped to have a mic so
22 that we could hear the questions and answers from
23 the audience.

1 The mission of the RAB is to
2 establish and maintain a forum of all
3 stakeholders for the exchange of information and
4 to provide an open and independent dialog
5 concerning the environmental restoration
6 activities of the Former Lake Ontario Ordnance
7 Works Site.

8 Let me run through some of the
9 administrative and ground rules for the meeting.
10 These are consistent with the way we've conducted
11 business in the past. Transcripts of the last
12 meeting were mailed to RAB member. They're also
13 posted on the Corps of Engineers web site.
14 Extras are on the back table for anyone that
15 would care to take one. We have a court reporter
16 here tonight, as I said. The proceeding are
17 being tape-recorded.

18 Questions will be taken from the
19 RAB members and then the general public after the
20 presentations are finished. There's a question
21 and answer period. One of the accommodations we
22 made to one of the RAB members last time was they
23 didn't feel there was enough time for questions

1 and answers so we tried to split it a little more
2 evenly so we can hear what you have to say.

3 Please identify yourself before asking a question
4 so we can get it accurately in the record.

5 During Q and A please step to the mic or lean
6 into the mic and give your name.

7 This is the agenda for tonight's
8 meeting. The Colonel did the introduction and
9 welcome. I'm reviewing the action items.
10 Dr. Olsen will present an update on the Technical
11 Outreach Services to Communities. This is an
12 idea that was presented at the June RAB meeting
13 and then remanded to committee. Dr. Olsen headed
14 that committee and he's going to speak on that
15 topic tonight. Then there will be site updates,
16 first for the Niagara Falls Storage Site
17 including the gamma walkover of the school
18 property. Then we'll have an update on the Lake
19 Ontario Ordnance Works Sites and then we'll go to
20 questions and answers from the public.

21 These are the action items from the
22 last meeting. Let me catch you up on how they
23 were resolved. At the June meeting we had some

1 from TOSC do a presentation and Dr. Olsen will be
2 updating you on that tonight. At the October
3 meeting there was some discussion about doing a
4 gamma walkover at the Lew-Port School. This was
5 done and the results will be reported by
6 Dr. Leithner tonight.

7 The Corps was to provide a status
8 of the wastewater treatment plant to the Town of
9 Lewiston. This was done. A letter and a fax
10 sheet was sent and the Town of Lewiston was
11 invited to participate in a technical meeting
12 that was held yesterday and today.

13 There was a question raised
14 regarding sample results from the central ditch
15 and Dr. Leithner will review that at the
16 beginning of her presentation tonight.

17 The Geophysical survey results
18 which was originally going to be the material
19 covered at this meeting has been postponed to the
20 next meeting so that we can bring you the results
21 of the gamma walkover in a timely manner. That
22 will be the subject of tonight's meeting.

23 MR. GARRON ROBERTS: Could you

1 clarify the time period for questions at the end
2 of the meeting.

3 MS. MICHELE HOPE: Well, I'll tell
4 you, these meetings generally are scheduled to
5 run from 7:00 to 9:00. We would like to keep it
6 within that time frame. We have a large number
7 of people here from out of town that will be
8 traveling. So according to our agenda, we'll
9 begin question and answer period at 8:10 and then
10 the meeting will adjourn at 9 o'clock. It's
11 almost half the meeting.

12 MR. GARRON ROBERTS: Will somebody
13 will be keeping track of that to make sure we
14 stop promptly at 8:10? Do you have a time
15 keeper?

16 LTC GLEN DeWILLIE: Certainly I
17 will.

18 MR. GARRON ROBERTS: Okay.

19 MS. MICHELE HOPE: I'd like to
20 introduce Dr. Polka who will take us to the next
21 agenda item. I'm sorry, I'm sorry, Dr. Olsen.
22 Forgive me.

23 DR. NILS OLSEN: That's the first

1 time I been -- I hope the last time that I'm
2 confused for Walter.

3 MS. MICHELE HOPE: Pardon me.

4 DR. NILS OLSEN: There have been a
5 number of -- I apologize if I'm a little
6 disorganized. I thought I was going to have to
7 be at UB tonight but the speaker got sick so I
8 raced over here but I didn't have time to go back
9 and get my notes. There have been kind of
10 parallel proceedings going on both with respect
11 to the school district and the RAB. Obviously as
12 the comments that we began with tonight from the
13 audience made clear what I have been trying to
14 emphasize throughout this process. One of the
15 major issues confronting the RAB is to deal with
16 the issue of the school district which is given
17 its location raises justifiable concerns among
18 many with respect to what, if any, effects these
19 facilities have had on the physical environment
20 of the school over the many years that this has
21 been going on. In order to address this in some
22 sort of fashion that would hopefully begin to
23 deal with that issue, we began to talk about

1 utilization of a Technical Outreach to
2 Communities Grant which is funding that is
3 available in situations like this to hire
4 consultants who will report directly to and be
5 answerable to either the RAB or the school
6 district. It brings in sort of a community
7 resource along with the regulatory resources that
8 are available through the DEC, the Army Corps of
9 Engineers and the other regulatory agencies that
10 are charged with responsibility in these matters.
11 It provides sort of an independent review of the
12 material that's available. It makes the
13 technical information far more accessible to the
14 community and to certainly at least the community
15 members such as myself who are not engineers or
16 physicians.

17 As this has been progressing, it's
18 been progressing on two lines. First this
19 organization, the Restoration Advisory Board has
20 begun to pursue the process of how we would
21 obtain a TOSC grant and what sort of consultants
22 would be best to serve this process.

23 At the same time the school

1 district has moved in a parallel fashion. At the
2 last school board meeting there was discussion of
3 pursuing a TOSC grant to review the various test
4 results that had been produced as they relate to
5 the school district property, advised the
6 district and interested citizens of what
7 precisely these tests mean, whether or not
8 additional tests need to be done, etcetera. As a
9 result, in beginning to explore this I've tried
10 to come up with a setting in which you would not
11 have competition between the school district and
12 this Restoration Advisory Board since at least in
13 my opinion there is a significant overlap in the
14 issues in interest of the community and so I've
15 been exploring ways that both the school district
16 and this group could benefit from this sort of
17 approach. And it begun to make some initial
18 contacts with potential groups that could provide
19 this sort of technical assistance. Initially
20 I've been focusing largely on the Environmental
21 and Society Institute at the University of
22 Buffalo. This is a group of all UB faculty that
23 are active in research and in environmental

1 issues. It covers everything from public health
2 to the basic sciences to engineering. This is
3 the group that provided this basic sort of a
4 Technical Outreach Service in Hickory Woods in
5 Buffalo with respect to the health studies that
6 were done in that community. I've met with the
7 director of the institute. I have further
8 meetings scheduled next week. They are very
9 interested I think in cooperating and providing a
10 service. I've also begun to contact references
11 in other communities that have taken advantage of
12 these sorts of grants in terms of obtaining the
13 appropriate range of expertise that's necessary
14 particularly in sort of a situation such as the
15 present where you have this unusual situation of
16 having both the nuclear waste at the storage site
17 and the munitions waste at the Lake Ontario
18 Ordnance Works site. I feel fairly confident
19 that it will be possible to come up with a fairly
20 broad range of recommendations at least to this
21 group as to what would be appropriate as well as
22 providing the same sort of basic review and
23 interpretation function for the school district

1 as well so that we can do this together as
2 opposed to doing it in competition or in some
3 sort of a redundant setting.

4 I'm sorry I can't be a little more
5 specific because as I say, I don't have my notes.
6 But I've had numerous conversations and this is
7 moving forward very well and I fully expect to be
8 able to make very specific recommendations
9 certainly before the next meeting and hopefully
10 this could be resolved at the next meeting so we
11 can move forward with this.

12 From my perspective at least as a
13 community member, as a member of the school
14 board, as a parent of three children, two of them
15 have graduated from Lewiston-Porter and one who's
16 still attending, it's very important not to
17 separate the two. I do think that just given the
18 location of the school it is an issue of very
19 great community importance so that I would hope
20 that we can do this in a cooperative fashion with
21 both the school district and the RAB. Because I
22 think we are all basically the same and we have
23 the same interests whether we are dealing with

1 the school district or we're dealing with this
2 particular group.

3 MS. MICHELE HOPE: Thank you, Dr.
4 Olsen. We would like to begin with presentations
5 tonight with Dr. Leithner discussing the Niagara
6 Falls Storage Site.

7 DR. JUDITH LEITHNER: Good
8 evening, everyone. The first thing I'm going to
9 talk about AND I'll do it very briefly because of
10 our time constraints tonight, last meeting there
11 was some questions on what had been done on the
12 central ditch beyond our property because I was
13 able to only talk about what had been measured on
14 the central ditch on the Niagara Falls Storage
15 Site. I will do this briefly. If there is
16 interest beyond this I will place the material on
17 our web site for your access. But I'm trying to
18 keep to our time schedule tonight.

19 The ditch itself, as you know, goes
20 -- starts in the Niagara Falls Storage Site. It
21 goes about two miles north, crosses Balmer Road
22 and makes a bend at Lutz Road. Now, what was
23 done originally is when the FUSRAP program

1 started in 1979 and 1980 there was a survey of
2 the ditch and it was determined that all of the
3 west ditch which is entirely on Niagara Falls
4 Storage Site property and some of the central
5 ditch, the one that extends way up past Lutz Road
6 was contaminated. And so in 1984 the DOE went
7 out there and they excavated and I think some of
8 the question was where did they excavate. They
9 excavated all of that ditch through the Niagara
10 Falls Storage Site up through past Balmer Road up
11 to .3 miles past where it crosses Lutz Road and
12 they remediated that to the point that it was
13 down to 1.2 picocuries per gram above background
14 and what the limit was at the time was five.

15 Now, there was an unexcavated
16 portion of the ditch, what I think you're talking
17 about. They did test that and they did find that
18 there was nothing that exceeded that five
19 picocuries per gram above background. What they
20 did then is, because they wanted to be sure, they
21 took some at-depth samples and as they got to a
22 foot down the concern had disappeared entirely
23 and so they brought what they call an independent

1 verification contractor out there to look at
2 everything and verify that it was cleaned up to
3 what was claimed and then that issue was closed.
4 They closed the potential of that being in the
5 FUSRAP program. And if anyone wants anything
6 further I'll put it on the web site but what we
7 promised to do tonight is explain the results we
8 got from doing the school walkover.

9 Now, at the last meeting we talked
10 about taking a couple of samples. We went way
11 beyond that. We did a walkover with a grid of
12 the entire school property. And I'm going to
13 want to introduce the two people that were
14 instrumental in doing it. I'll just say that
15 because of time constraints we are not presenting
16 the geophysical results that I had mentioned we
17 would present last time. We will do the school
18 results instead. I would like to introduce Chris
19 Hallam and Doug Haas. Chris Hallam works for the
20 Corps of Engineers. Doug Haas works for our
21 contractor that did the walkover of Niagara Falls
22 Storage proper and they will explain the results
23 that we got, how they did the studies and what

1 they mean. Thank you.

2 LTC GLEN DeWILLIE: If I could see
3 a show of hands, if the crowd is interested in
4 having the material on the ditch posted to the
5 web site, I would like you to please raise your
6 hand. That very clearly answers to me, let's put
7 it up on the web.

8 AUDIENCE MEMBER: Where was the
9 dirt taken to?

10 DR. JUDITH LEITHNER: It's put in
11 the cell, the containment structure. They took
12 it to Niagara Falls Storage Site and it's buried
13 with the other radiological waste.

14 AUDIENCE MEMBER: I beg to differ.
15 It's sitting on top of the ditch exactly where
16 you're talking about.

17 LTC GLEN DeWILLIE: If you have
18 additional information that you'd like to
19 contribute we would be more than welcome to look
20 at your stuff.

21 AUDIENCE MEMBER: Go over on Lutz
22 Road and you can see it laying on top of the
23 ditch.

1 LTC GLEN DeWILLIE: In all
2 honesty, I don't know how that material that's
3 laying on the ditch today got there as opposed to
4 what happened from the remedial actions that we
5 actually have records for as to its disposal. If
6 you do have additional information that you'd
7 like to bring that's got verified credence to it,
8 I would love to see it.

9 AUDIENCE MEMBER: It's just a site.
10 You go down on the road and take a look and you
11 can look at the piles of dirt.

12 MR. CHRIS HALLAM: If I could add
13 something in. I'm Chris Hallam, health
14 physicist for the Corps of Engineers and I'm
15 involved as a project health physicist for the
16 Niagara Falls Storage Site. One thing to think
17 about when they do these remediations, not all
18 the material may turn up may be contaminated.
19 Sometimes you may have material that is
20 segregated for whatever and they may have to
21 remove some material to get to other stuff. In
22 other words, that material may or may not be from
23 that time period as well when they excavated for

1 the purposes of disposal because they had
2 something contaminated or it might have been
3 clean material that they moved off to one side.
4 So it's not necessarily contaminated material.
5 It's just simply material that's been moved out
6 of the ditch for one reason or another.

7 AUDIENCE MEMBER: Okay.

8 AUDIENCE MEMBER: It was
9 contaminated with what?

10 MR. CHRIS HALLAM: It was my
11 understanding it was radiological contaminants.

12 DR. JUDITH LEITHNER: It was
13 radiological contaminants, yes. That was the
14 question that was posed last meeting.

15 AUDIENCE MEMBER: That was so long
16 ago, I can't even remember.

17 DR. JUDITH LEITHNER: But that was
18 the question that was posed, that wasn't this
19 radiologically contaminated, how is it remediated
20 and what did they do with it.

21 AUDIENCE MEMBER: And it was.

22 DR. JUDITH LEITHNER: Yes.

23 MR. CHRIS HALLAM: Once again,

1 Chris Hallam, U.S. Army Corps of Engineers,
2 Project Health Physicist for the Niagara Falls
3 Storage Site. And we also have Doug Haas, SAIC,
4 who ran the contractor show for the fine job that
5 we did. I think we have some really great news
6 for you tonight. I think you're going to be
7 happy to hear what we have to say.

8 I'll give you a little bit of
9 background. Before we talk about what is this
10 Gamma Radiation Background Study that we did,
11 let's talk a little bit about gamma radiation.
12 It's an electromagnetic wave much like an x-ray.
13 It moves at the speed of light and it's a result
14 of a radioactive atom or unstable atom releasing
15 excess energy. Now, materials that emit
16 radiation are called radioactive materials.
17 Radioactive materials run across a large gamut.
18 You're probably most familiar with the term from
19 the nuclear power industry but there's also
20 natural occurring radioactive material that's a
21 part of our environment. Go ahead.

22 One of those natural sources of
23 radiation is cosmic radiation. That's what is

1 basically coming from outer space. It's in the
2 form of high energy protons, it's in the form of
3 gamma rays. Essentially the earth's atmosphere
4 shields us from this cosmic radiation. An
5 interesting note, the higher altitude you live at
6 like Colorado around Denver, the higher radiation
7 levels that you'll receive over the course of a
8 year because you have a little bit less shielding
9 from the atmosphere.

10 Another one, another big one is
11 terrestrial. Terrestrial radiation is basically
12 what comes up from the soil, from the earth.
13 This is where your radon emissions come from
14 which I know that's a big topic for a lot of
15 people. As a matter of fact, about fifty-five
16 percent of your annual background radiation
17 exposure comes from radon emissions. Also there
18 is the direct gamma radiation that comes up from
19 the soils, comes up from the rocks and it varies
20 from location to location. Hopefully everybody
21 has seen the fax sheet that was laid out tonight.
22 They were also presented at a previous school
23 meeting. That will give you a little bit more

1 background information but due to time
2 constraints, I'm going to try to move through
3 this.

4 Once again, the terrestrial
5 radiation is the major concern that we were
6 looking at when we did the gamma walkover of the
7 school.

8 The next one is food and drink.
9 Because these things are in our environment and
10 it's in the soil, plants, etcetera take up this
11 material and it's a natural part of your
12 environment. It naturally gets into the food
13 chain. So almost all the foods that we eat, even
14 down to water contain some amount of
15 radioactivity.

16 To look at a breakdown, Sources of
17 Radiation Exposure to the US Population. The
18 cosmic is about eight percent, terrestrial about
19 eight. You can see how much that radon is,
20 about fifty-four percent there. Consumer
21 products, we will talk about that in a minute.
22 Medical x-rays and nuclear medicine are a fairly
23 good contributor for us, about, oh, about twenty

1 percent, a little less than twenty percent
2 annual. Next please.

3 Some of those man-made sources of
4 radiation as it showed on the pie chart, medical
5 and dental x-rays, medical procedures, another
6 one is actually building materials. That's fun
7 because you take the terrestrial source basically
8 and you mold it and you build a home out of it.
9 A common one is bricks and stone. Homes that are
10 built out of brick and stone or even buildings
11 like this tend to have a little bit higher
12 naturally occurring radioactive levels or
13 activity levels than would a house made out of
14 wood.

15 Another one is consumer products.
16 We threw up cigarettes there. If you smoke a
17 couple packs a day over the course of a year
18 you'll get a does that's about twenty times your
19 average annual exposure and that does is mostly
20 to the lungs.

21 One of the things to look at when
22 we're looking at a background study, we needed
23 also information for comparison for our site.

1 Levels of natural occurring radioactive material
2 you can see vary with the geographical location.
3 Unfortunately this isn't showing up real well on
4 the projection. This high end right here is
5 actually what you're seeing up in the Rocky
6 Mountains and this other blue down here, this is
7 actually supposed to be a red. For some reason
8 it didn't come up on this particular slide. The
9 red areas are down around here in the east coast.
10 These are lower activity areas. What this is is
11 over the course of quite a period of time the
12 USGS or the Geological Survey went out and did
13 flyovers over pretty much the entire United
14 States and they took a snap shop of the radiation
15 levels of the ground and this kind of gives us an
16 idea of what's out there. As you can see, the
17 Buffalo area, Western New York kind of compares
18 favorably to a large portion of the United
19 States. It's right about in that ball park. So
20 this background measurement, they provide a
21 baseline for the comparison and so that's really
22 important because when we go on a site we need to
23 know what is contaminated from man's activities

1 and what is naturally there because otherwise we
2 could end up digging to China.

3 This one I'm going to turn this
4 over to Doug. This is, we talked a little bit
5 about forms of radiation and we're looking at
6 gamma radiation, we're talking about the sources.
7 When we go out on the projects we use specific
8 instrumentation of fine gamma radiation. Doug is
9 going to talk about this a little bit.

10 MR. DOUG HAAS: The graphic you're
11 seeing there is gamma radiation detection meter,
12 one of these. These were used to survey the
13 Lew-Port School. How it works is when a gamma
14 ray comes up it's a crystal inside here at the
15 bottom, it's sodium iodide. It puts off a little
16 light which is turned into an electron. That
17 electron bounces off dynodes up there, enough to
18 become a pulse which goes back to the meter and
19 it's counted. If you know how many counts happen
20 in every minute and you know your location when
21 you had those counts, you can make a map that
22 pretty well portrays the gamma activity out
23 there. These are just examples of the trimble

1 units we used so we could identify our location.

2 Why did we do the survey here?

3 Four reasons, one, its geographic location.

4 We're about two thousand meters west of the
5 Niagara Falls property. Like Chris mentioned
6 before, there's radioactivity in the environment
7 so when we're doing our survey over at the
8 Niagara Falls property we need to know what is
9 natural for the area and where does it become
10 possibly MED material. Where should we be taking
11 samples. Before we did the survey over there we
12 went to the national guard base. This site is
13 another opportunity to gather more information on
14 background so we could be completely accurate of
15 the Niagara Falls Site. Another advantage of
16 this site it has similar surfaces, it has
17 asphalt, concrete, soil, gravel. The same things
18 that we have over there.

19 Historical data was looked at and
20 there was no reason to believe that there was any
21 MED contamination on this site. You don't want
22 contamination in the background area obviously.
23 Public concern at the last meeting, I think

1 October 17th it was brought up, the people were
2 interested in school property, to take a look at
3 it. That was another reason to do the survey.

4 AUDIENCE MEMBER: Wasn't that the
5 main reason?

6 MR. CHRIS HALLAM: Oh, yeah.
7 Basically you had a question, we responded where
8 we could within --

9 AUDIENCE MEMBER: You weren't
10 checking the school to compare us to the Niagara
11 Falls Storage Site. We wanted to know our
12 property.

13 MR. CHRIS HALLAM: Absolutely. We
14 fully acknowledge that.

15 AUDIENCE MEMBER: Why didn't you
16 use property on the other side of Creek Road that
17 wasn't --

18 MR. CHRIS HALLAM: If you hold that
19 for one of the questions we can definitely answer
20 that. But, yes, I would just like to reiterate,
21 we did this in response. You the public had a
22 concern and we went out and we got the
23 information that we could.

1 MR. DOUG HAAS: The study was
2 performed by the Corps of Engineers obviously.
3 Science Applications International Corporation
4 which is the company I work for brought a few
5 technicians and the New York State Department of
6 Environmental Conservation had two
7 representatives here. So we all did the survey
8 at the same time together over a weekend in
9 December.

10 Generally to do the survey of the
11 property, it's a large property, approaching a
12 couple hundred acres so what we did is -- let's
13 see if this works. We did parallel transects.
14 We just chose spots like the parking lot back
15 here and did parallel transects all the way up
16 and down along the soil. We broke apart our
17 files by the surface type because it's important
18 to know what are you surveying at that time. Are
19 you looking at soil or concrete or asphalt
20 because each one of them is different. What
21 you're seeing, these colors here are in a legend
22 and they correspond to the activity. So this is
23 -- we're up here. This us walking along up and

1 down and up. There's a gravel area over there,
2 the park, the soil out front, asphalt. That's
3 how the survey was broken up.

4 If you could go to the top of this
5 slide, please. Just scroll up. By the way, this
6 study was documented in this report and there is
7 copies of them back here, so anything you're
8 missing during this presentation those maps and
9 all the information is right there for you. So
10 some areas that are labeled A were inaccessible
11 due to construction equipment. I broke apart the
12 data sets. Like I said, each file or each data
13 set had to be kept separate. So on this first
14 map we tell you, okay, these files is the brick
15 data set, the asphalt or access road data set,
16 mounds, soil and granite. Next slide please.

17 The good news is the second map
18 shows areas of elevated activity, elevated as
19 compared to right here. We did find some very
20 small areas that were higher than let's say an
21 average for soil. In each case they were
22 obviously because of a granite rock, bricks in
23 the walls of these structures, granite curbs over

1 by the high school. In each case there was an
2 apparent reason that the activity was higher than
3 the other areas. Up here we found thirteen
4 thousand one hundred and fifty-one counts per
5 minute on asphalt. I have the background
6 readings in here. That's about 2.8 times average
7 for asphalt. So there is two small areas on
8 asphalt that are up to 2.8 times background.

9 AUDIENCE MEMBER: Where?

10 MR. DOUG HAAS: I'll show them to
11 you on the map here but you'll find them in that
12 booklet that we have. One is at an access road
13 and one is right back here. These are very small
14 areas.

15 MR. CHRIS HALLAM: I would like to
16 give them some follow-up information if I could.

17 AUDIENCE MEMBER: Did you test the
18 playground?

19 MR. CHRIS HALLAM: Yes. We walked
20 across the entire area. That was included. Just
21 to give you some information, these are the two
22 spots of asphalt that popped up a little bit
23 higher than the stuff that's adjacent to it. I

1 checked with Alan Truesdale who is the
2 superintendent of buildings and grounds here and
3 we talked about any activities that might have
4 gone on in that area. A couple of things to look
5 at. Right where these two locations are there's
6 a bunch of utility lines. There's a water main,
7 there's a drain line next to one. Basically what
8 happens is to give you some information --

9 AUDIENCE MEMBER: Listen to
10 yourself, there's a water main.

11 MR. CHRIS HALLAM: There's a fire
12 main that runs through there.

13 AUDIENCE MEMBER: A drain from the
14 LOOW site?

15 MR. CHRIS HALLAM: No, no, no, a
16 different drain line. There's local drainage,
17 there's two small little grates in the road about
18 this big or probably about this big. They're
19 local. They're just for draining water off of
20 the road as you enter the site. The other
21 location, there's also a fire main, a fire
22 hydrant there and Alan indicated that there was
23 at one point a water main break that was repaired

1 at least a few years back. Now, something that I
2 want to bring into play here is one of the common
3 materials that's used as fill is slag.

4 AUDIENCE MEMBER: From Vanadium.

5 MR. CHRIS HALLAM: From different
6 ores. No, no, no, not just Vanadium, from
7 different ores. There's all kinds of different
8 things. This is an example of slag. This is
9 some of the stuff that we actually found out in
10 another spot that Doug is going to talk about in
11 a minute. But that's a common backfill material
12 that's used in construction and development at a
13 site. It's makes really good fill. It compacts
14 nicely. It's common-use material. To be quite
15 frank with you, the spots we found, they're under
16 the asphalt. The only way for us to get
17 additional information would be to cut a whole in
18 the asphalt and take a sample. Now, that's
19 really outside of the scope --

20 AUDIENCE MEMBER: What's the
21 problem?

22 MR. CHRIS HALLAM: Hold on. It's
23 really outside of the scope of activities that we

1 had set up for this activity. We didn't have
2 anything to cut through the asphalt and in
3 addition, we have so far no indication that any
4 of this is MED related so our program really
5 can't address it. We're going to have some more
6 information on that as we go but that's an
7 important point to look at right here.

8 AUDIENCE MEMBER: I just want to
9 speak on behalf of Dr. Polka who is not here, the
10 question I had asked him and he said good
11 question, ask at the meeting on the 13th. Why
12 was the background the WETS?

13 MR. CHRIS HALLAM: I'm sorry?

14 AUDIENCE MEMBER: Why was the
15 background the WETS?

16 MR. CHRIS HALLAM: We'll answer
17 that. That really takes us off track of what
18 we're doing here. I'm happy to answer it. I'm
19 happy to answer it when the question and answer
20 period comes up. I'll definitely answer it.

21 AUDIENCE MEMBER: Does the fact
22 that you stored K 65 residues on that --

23 MR. CHRIS HALLAM: I'm sorry,

1 please save your questions until it's time
2 because it really take us off track.

3 AUDIENCE MEMBER: We are on track.
4 These questions are about the track.

5 MR. CHRIS HALLAM: We need to get
6 through this presentation.

7 AUDIENCE MEMBER: Could I question
8 that's on track. It's a unit question. I think
9 it's important because we're trying to interpret
10 units. When you talked about the map of the U.S.
11 you talked about units which are?

12 MR. DOUG HAAS: They're in uR/hour.

13 AUDIENCE MEMBER: uR/hour. The
14 units you're talking about now are in counts per
15 minute from a scintillation detector. Can you
16 help the audience equate units measured from a
17 scintillation detector to the units from the
18 background so we can understand what we're
19 hearing?

20 MR. CHRIS HALLAM: Absolutely.
21 First of all, there's a lot of uncertainty when
22 you're trying to do a translation from counts per
23 minute into uR/hour. The uR/hour reading was

1 also taken at one meter above the ground and we
2 were scanning within inches of the ground to get
3 a lot tighter reading on what the surface was. A
4 rough correlation that's used in the industry, I
5 do mean it's rough because there is uncertainty,
6 is that about a thousand counts per minute would
7 equate to about one uR. That doesn't always play
8 out that way. It depends on the strength of the
9 gamma radiation, whether or not you have low
10 energy gamma radiation involved or higher energy.
11 So that's why they use different instruments that
12 if you're looking for from a human standpoint,
13 what does it do to a body, they use what's called
14 a Dose Rate Meter. That Dose Rate Meter does a
15 better interpretation of what that gamma ray
16 would do to the human body. The actual box that
17 comprises this instrument is made of material
18 that simulates the thickness of the human body
19 and what it would take for a gamma radiation to
20 penetrate. So that gives you a little bit
21 difference. What we are talking here is just to
22 give you a basic idea of radioactivity in general
23 but it does not equate specifically to a dose

1 rate. There was some additional information that
2 was taken and as a matter of fact, I guess I
3 could direct this to the State just to
4 acknowledge that they have gone out and done some
5 follow-up to do a quick assessment and look at
6 some of these locations just to get some
7 documentation on those levels using an
8 appropriate dose rate instrument.

9 In addition, we talked about
10 sampling. New York State fortunately they were,
11 as part of the team here, able to do some
12 sampling. They managed to take those samples and
13 send them out to labs to confirm what kind of
14 material it is. This is also another indicator
15 why we are very confident that everything we've
16 seen so far indicates we don't have MED related
17 material but in fact naturally occurring
18 radioactive material. There are laboratory
19 results. I think if they want to speak to that,
20 Tom, maybe you can help out on that.

21 MR. THOMAS PAPURA: Tom Papura, New
22 York State DEC. We took samples at three
23 locations. We split two of the samples into

1 soil fractions and rock fractions. We sent them
2 off to the contract lab. Everything indicates
3 naturally occurring radioactive materials, normal
4 distribution, normal concentrations across the
5 entire chain. Nothing would even come close to
6 indicating any kind of MED related materials.

7 MR. CHRIS HALLAM: That's the
8 bottom line. Thanks, Tom. I hope that gives you
9 some answer on that issue. We are going to go
10 ahead and move through the presentation a little
11 bit more. Please, sir, I would like to --

12 AUDIENCE MEMBER: What are those
13 grates? Were those storm sewers?

14 MR. CHRIS HALLAM: Once again it
15 looks like both of these spots that popped up
16 were in the vicinity where work was done.

17 MR. DOUG HAAS: Sometimes they
18 built a bridge structured around brick and the
19 brick alone would account for a good part of what
20 we saw. So if you're looking at two hundred
21 acres what we came up with and what we chose to
22 put on this map, there's just a few little spots,
23 each one correlated or was obviously like a rock

1 that we found. Or were some of these rocks from
2 the ditch?

3 MR. CHRIS HALLAM: Actually these
4 were rocks from the mounds.

5 AUDIENCE MEMBER: Does water carry
6 radioactivity?

7 MR. DOUG HAAS: Yes.

8 AUDIENCE MEMBER: Water carries
9 radioactivity?

10 MR. DOUG HAAS: Radioactive
11 material is nothing special. It's just a
12 particle so there can be radioactive material in
13 water, soil.

14 MR. CHRIS HALLAM: There is
15 radioactive material in just about all water and
16 all soil.

17 MR. DOUG HAAS: It can be carried.
18 That's why on this survey we concentrated on the
19 low laying areas like the ditches.

20 AUDIENCE MEMBER: Did you test the
21 water in the main drainage ditch?

22 MR. DOUG HAAS: No, this is just a
23 gamma walkover survey. Okay, moving along, where

1 are we. There is the asphalt area that we just
2 spoke of. We found some rocks in the ditch here,
3 sixteen thousand five hundred CPM. If you look
4 at this, right there you'll see some yellow,
5 right there some yellow, right there some yellow,
6 that's the contribution from the naturally
7 occurring radioactive material and bricks. So as
8 we were doing our survey we had to keep our
9 distance from these buildings or it will make it
10 look like the results are higher on the soil.
11 And we found that was about at ten meters we
12 could detect that we were getting close to a
13 brick surface. That's how low we're looking
14 here.

15 AUDIENCE MEMBER: Would that happen
16 if you were doing my house if it was a brick
17 home?

18 MR. CHRIS HALLAM: Absolutely.

19 MR. DOUG HAAS: Absolutely,
20 everywhere.

21 MR. CHRIS HALLAM: As a matter of
22 fact, Doug, maybe you can indicate how we
23 confirmed that on the pile of bricks.

1 MR. DOUG HAAS: Oh, yes. Let's
2 see. At the time there was a pallet full of
3 bricks sitting out front of the building. I
4 assumed it was going to be used for a restoration
5 project on one of these buildings. But knowing
6 this would come up, I did a survey of the bricks
7 themselves and we found twelve thousand six
8 hundred sixty-three CPM.

9 MR. CHRIS HALLAM: Just goes to
10 show that it's typical of the material. This is
11 even replacement brick coming in.

12 AUDIENCE MEMBER: Why weren't you
13 getting hot spots around the entire --

14 MR. DOUG HAAS: It depend how close
15 we got to the buildings.

16 AUDIENCE MEMBER: But still if you
17 have a yellow spot there wouldn't you have had a
18 yellow spot all the way around the building?

19 MR. DOUG HAAS: Let me say this,
20 when you're standing right here you're getting
21 -- when a radioactive atom decays it will send
22 the gamma ray in any direction of a sphere. So
23 when you're standing right here you're getting

1 contribution from along this wall, along this
2 wall and along this wall. That's why you see
3 more concentrate when you're in the middle of a
4 brick structure. You're getting contribution
5 from the gamma off the bricks all around you.

6 AUDIENCE MEMBER: Is that the high
7 school at the bottom?

8 MR. CHRIS HALLAM: Middle South.

9 MR. DOUG HAAS: If you pick up that
10 brochure in the back or that report you'll see on
11 the first map exactly how close we got to the
12 building. We tried to stay about ten meters
13 away.

14 AUDIENCE MEMBER: What is ten
15 meters in distance?

16 MR. CHRIS HALLAM: Thirty feet.

17 MR. DOUG HAAS: This is another
18 area of activity. It's attributed to the natural
19 activity of various rocks in a mound. There is
20 some mounds out back. As we were doing the
21 survey back there we did find some rocks that
22 were higher than the soil. Would you like to
23 discuss that?

1 MR. CHRIS HALLAM: Yeah, real
2 quick. As a matter of fact, I was out there
3 again with Alan Truesdale tonight. We took a
4 look at those two little mounds that are out
5 there. By mounds, they are more like bumps.
6 They're about two meters by three meters, maybe a
7 half a meter tall, a foot and a half tall at the
8 most. We looked through some of the materials
9 that were out there. He identified -- well, I
10 identified there was slag out there which once
11 again is a common building material that they
12 used for development. There is dirt. There is
13 also some of those blocks that are used on I
14 believe it's the north building and the south
15 building, there's actually kind of an odd type
16 brick that has certain layers inside and he goes
17 oh, geez, that looks like the same ones that we
18 use on the buildings over there. Now, those
19 particular blocks that they had weren't
20 especially noticeable activity wise but what it
21 did was confirm that this looked like just
22 material that was left over from construction at
23 some location on the school. Well, you're done.

1 You don't need this extra material, just put it
2 off to one side and it formed a couple little
3 mounds and in and around those mounds when we
4 walked over it with our meters, low and behold,
5 we found the slag.

6 AUDIENCE MEMBER: Did you dig it
7 up?

8 AUDIENCE MEMBER: How do you know
9 that slag isn't just glowing like crazy?

10 MR. CHRIS HALLAM: Because we
11 surveyed it and scanned it. I know there is no
12 loose radioactive material that's coming off of
13 this. As a matter of fact, in and of itself one
14 little rock like this doesn't mean a whole lot.
15 But when you put a whole big pile together then
16 it starts showing up more. Now, by a big pile I
17 mean, you know, a meter or so you start to
18 getting a good number that's pretty noticeable.
19 So that's pretty much the information on that.

20 MR. DOUG HAAS: We covered that
21 one. Down there is the pile of bricks. If we
22 could move lower on that map now. And just a
23 little bit lower so we can get these. If you'll

1 notice this line right along here, that's pretty
2 high compared to everything else on the map.
3 That's the granite along the sidewalk in front of
4 the high school. So if the sidewalk was asphalt
5 or concrete at the very end it has a piece of
6 granite to hold it. That's one of the highest
7 things on the site as you'd expect.

8 AUDIENCE MEMBER: Is it still
9 there?

10 MR. CHRIS HALLAM: Yes.

11 MR. DOUG HAAS: Because granit has
12 a higher level of natural radioactive material
13 than other materials.

14 MR. CHRIS HALLAM: It's a common
15 building material. It's recognized that it does
16 have a little bit higher natural activity in it.
17 In another good location, you know, you're going
18 to find it. You know, if you actually -- next
19 time you're out and about, take a look around as
20 you're walking through and you'll start noticing
21 there's granite on the curb, there's granite
22 there, there's granite all over the place. It's
23 amazing how much of that is out there and it's a

1 common building material.

2 AUDIENCE MEMBER: So why didn't you
3 tell us about this, that we had nothing at all to
4 worry about.

5 MR. DOUG HAAS: We're being
6 forthcoming on what we.

7 MR. CHRIS HALLAM: We're going to
8 tell you straight up everything we found. We did
9 an assessment and we looked at these and we
10 realized that these are common building
11 materials, common construction materials, and
12 this is very typical of a developed site. You
13 could go to just about any developed site around
14 here especially one of this size and this kind of
15 acreage and you're going to find these. The only
16 question is how many of you walk through this
17 site carrying a gamma detector. That's the
18 difference, you walk by these every day and you
19 don't notice them. They're part of your
20 environment.

21 AUDIENCE MEMBER: So that's the
22 highest level, right there?

23 MR. DOUG HAAS: No, that's not the

1 highest. It's the highest, longest level.

2 AUDIENCE MEMBER: You're serious?

3 MR. DOUG HAAS: We're serious.

4 This is the highest we found.

5 AUDIENCE MEMBER: Where is it?

6 MR. CHRIS HALLAM: This rock right
7 here which is actually up in the northeast corner
8 of the school. We were walking through the
9 woods and we got this confirmed, this is just a
10 piece of granite. We got it confirmed by our
11 geologist. As we did with the slag, they
12 confirmed that this is, in fact, slag.

13 Now, this material right here, as
14 we were walking through, it's kind of an
15 interesting find actually. It's just natural
16 granite and we were curious about how it might
17 have gotten there and we talked to actually one
18 of the department heads for Buffalo State College
19 dealing with mineralogy and what we basically
20 found was the different ways it could have been
21 there. Somebody could have put it there,
22 obviously that's one. Another one is it could
23 have been from receding glaciers. Actually these

1 materials do get carried on occasion and this
2 could have been sitting there literally for
3 thousands of years until we stumbled across it
4 with our radiation detectors. Now, this right
5 here, for example, with this detector I could
6 find as high as almost forty thousand counts per
7 minute on it. That's in one specific location.
8 The average on it is about twenty-four,
9 twenty-eight thousand. So this is just -- once
10 again, it's a natural rock. You might find it in
11 just about any farm field.

12 MR. DOUG HAAS: Next slide please
13 and the next one. Oh, back up. Like I said
14 before, we collected information on each type of
15 surface. These are the surfaces along the
16 bottom. The light blue in the front is the mean
17 result of those surfaces at the school. The bars
18 in the back are the surfaces at the guard base
19 north of Balmer Road. If you take a look at the
20 comparison of these, they are all very close for
21 this kind of work, all within twenty percent of
22 each other as a mean. So surveying this site
23 gave us a good idea that using the WETS site

1 north of Balmer Road is reasonable. The numbers
2 that we used in Niagara Falls were reasonable as
3 a background for the area. They were duplicated
4 here west of the site as we originally graphed
5 them north of the site. So that's the results of
6 the survey and we were pretty happy with it, how
7 they compared.

8 AUDIENCE MEMBER: What would be the
9 rate that would be damaging to a human as far as
10 the level?

11 MR. CHRIS HALLAM: Okay, remember
12 how I said there's some uncertainty in converting
13 those numbers? Given that, if you had about two
14 million counts per minute, two million, that
15 would roughly equate to what the NRC limits as a
16 radiation area for a member of the public, so
17 about two million. That gives you an order of
18 magnitude. We are talking average levels down
19 around ten thousand. We are talking less for
20 asphalt, concrete, four or five thousand.

21 AUDIENCE MEMBER: Two million is
22 over a time weighted average?

23 MR. CHRIS HALLAM: What the NRC by

1 regulation has set up is two millirem per hour
2 accessible to a member of the public and they set
3 a regulation for a radiation area for workers at
4 five millirem per hour. We'll take the public
5 one and go two millirem per hour. That roughly
6 equates, once again depending on how strong the
7 gamma energy radiation is, to about two million
8 counts per minute. Once again, we're talking in
9 the thousands.

10 MR. DOUG HAAS: We're talking
11 eight, ten thousand here. So we're at the very,
12 very low end here. Everything you see on these
13 maps is the very low end.

14 As far as conclusions, to keep
15 moving along, like I mentioned the gamma
16 radiation levels are typical. The Lew-Port
17 School study did validate the background numbers
18 used in Niagara Falls. Anything else?

19 MR. CHRIS HALLAM: No, I think that
20 pretty well covers it. Actually we do have one
21 more. This information references additional
22 readings. Once again this particular report is
23 in the admin record and that can be found in the

1 Lewiston Public Library, the Youngstown Free
2 Library and also in the FUSRAP Public Information
3 Center down in Buffalo. And also on top of that
4 we have some web sites here that provide some
5 background readings -- information on background
6 radiation. That's a source for some of the
7 information that you see tonight and along with
8 those web sites you can always go to the Corps
9 web site and you will find this report there as
10 well as a lot of other information regarding our
11 site so please visit our web site. We encourage
12 it.

13 AUDIENCE MEMBER: The one slide,
14 what did it say just before this one? Does that
15 validate the current background data for the
16 Niagara Falls Storage Site?

17 MR. CHRIS HALLAM: Right. In other
18 words, the stuff we found out at the school
19 compares pretty favorably to what we found at the
20 other location out at the guard base. They
21 compare pretty well.

22 AUDIENCE MEMBER: But what's the
23 Niagara Falls Storage Site? Why is that in here?

1 What does that have to do with us?

2 MR. CHRIS HALLAM: Well, we are
3 using this data to help us out at Niagara Falls.
4 If we weren't using this data to help us out at
5 Niagara Falls we wouldn't have a justifiable
6 reason to go out and help you on this issue.

7 DR. JUDITH LEITHNER: I know what
8 she's asking.

9 AUDIENCE MEMBER: The current
10 school study validates the current background
11 data for the Niagara Falls Storage Site. I
12 don't understand.

13 MR. DOUG HAAS: I think I see. The
14 current background data for the Niagara Falls
15 Storage Site was done between -- before that
16 gamma walkover survey was done at the national
17 guard base so we had these groupings of numbers
18 before, mean numbers for each surface type done
19 at WETS and the study we did here at Lew-Port
20 validates those numbers as being the background
21 levels locally.

22 AUDIENCE MEMBER: I'm sorry, I have
23 a problem because --

1 MR. DOUG HAAS: Let me move forward
2 a little bit. This is probably where you're
3 missing it. When we go over and survey the
4 Niagara Falls Storage Site we need cutoffs. We
5 need some levels on each surface where we can say
6 okay, we better look at that area a little bit
7 better, we ought to investigate that area a
8 little bit better with sampling. And what these
9 numbers are doing is establishing those cutoffs.

10 MR. CHRIS HALLAM: Right, a
11 baseline. If you go back to earlier in the
12 presentation, because you get variation in your
13 environment you have to figure out what's natural
14 and what's due to our activity so that's what
15 these numbers do.

16 AUDIENCE MEMBER: I understand
17 that. I understand that. But why are all these
18 studies only on LOOW property? Why can't you
19 compare our school to an unaffected area in the
20 same geographical location?

21 MR. CHRIS HALLAM: Essentially that
22 is what we did.

23 AUDIENCE MEMBER: Not really, not

1 if you used the WETS.

2 MR. CHRIS HALLAM: Here's the issue
3 and let me tell you why. Let me finish. There's
4 a couple of things you look at when you pick a
5 location. One, if you have something that was
6 built about the same time frame, hopefully under
7 the same contract that, you know, these building
8 materials that they used to make all these
9 different structures came from similar locations.
10 The asphalt probably came from a similar
11 location.

12 AUDIENCE MEMBER: Our school might
13 have been made from leftover things from the
14 military.

15 MR. CHRIS HALLAM: No, the school
16 wasn't established until long, long after.

17 AUDIENCE MEMBER: Not that long
18 after.

19 MR. CHRIS HALLAM: Let me finish
20 please. What I'm talking about here is the
21 reason the guard base was chosen, it was built at
22 about the same time. The construction of that
23 facility occurred at the same time and --

1 AUDIENCE MEMBER: To me that's
2 contaminated ground there.

3 MR. CHRIS HALLAM: Not
4 radiologically and that's the difference.

5 LTC GLEN DeWILLIE: What I would
6 like to do, if we could, because we are getting
7 close to 8:10 threshold is first of all just try
8 to break from this and let you know that we do
9 have one other presentation scheduled. We have a
10 choice whether I believe is fair because we've
11 been trying to field questions as we have gone
12 through this, to be more interactive and to
13 address many of your concerns, many other people
14 have not spoken yet. I believe in fairness to
15 the crowd, what I would like to offer is that we
16 conclude with Mary Kay's presentation which will
17 take approximately ten minutes and that would put
18 us over the "8:10" threshold that you asked to be
19 held to but the option is yours as to whether or
20 not you want to forgo that presentation and pick
21 it up perhaps in written fashion off of the web
22 or have it delivered to you in person tonight. I
23 would like to see a show of hands who would

1 rather go forward with having the presentation
2 and going past the 8:10 threshold and staggering
3 the meeting accordingly on the back end to go
4 past 9 o'clock so that we can accommodate this
5 presentation. So if you could please hold your
6 hands up to let me know if you're willing to go
7 forward with the presentation in person and I
8 would like to see a show of hands. Okay. I
9 believe there's a majority that would like to see
10 that. Go ahead.

11 MS. MARY KAY FOLEY: Good evening,
12 everybody. I'm Mary Kay Foley. I'm the project
13 manager for the Lake Ontario Ordnance Works and I
14 will try to keep my presentation brief because we
15 are running late on time.

16 Just to give you an overview on
17 what I'm going to talk about, very simple, I'm
18 going to give you an overview of our site
19 location. I'm going to talk about what we have
20 done so far, what we're working on now and what's
21 next.

22 A lot of people -- I've gotten a
23 lot of questions on the interrelationship between

1 the Niagara Falls Storage Site and the Lake
2 Ontario Ordnance Works so I thought that this map
3 might help clarify. If you look at this green
4 -- it doesn't really look green on this picture,
5 but this boundary, this is the Former Lake
6 Ontario Ordnance Works. However, only this area
7 was actively used. All the rest of this was a
8 buffer zone and it was left as a buffer zone
9 because the plant was originally going to be
10 twice the size that it ended up being so all this
11 land was left to allow for expansion but it was
12 never used. And as you can see here, the Niagara
13 Falls Storage Site is yet another subsection of
14 the area that was actively used by the Department
15 of Defense. Next slide.

16 AUDIENCE MEMBER: And it's called a
17 buffer zone why? I didn't follow that.

18 MS. MARY KAY FOLEY: The TNT
19 plant, it had six production lines and they were
20 producing TNT during World War II. Obviously
21 during World War II they didn't know how long the
22 war going to last, they didn't know how much TNT
23 they were going to need. They originally built

1 the plant such that if the war dragged on they
2 could expand it to twelve lines.

3 AUDIENCE MEMBER: I guess my point
4 is why didn't they name it an expansion zone
5 instead of a buffer zone?

6 LTC GLEN DeWILLIE: Because they
7 were concerned then much as we are now about
8 keeping safe radii around facilities and so forth
9 so that people won't put themselves into an
10 unsafe situation and cross fence lines or move
11 close to facilities that are unsafe.

12 AUDIENCE MEMBER: So build a school
13 on it, that's safe. Go ahead. Go ahead.

14 MS. MARY KAY FOLEY: We have quite
15 a few accomplishments so far on this site. We
16 have done a complete history search of the
17 archives and that is available for the public's
18 review in the Youngstown Library, the Lewiston
19 Library and also in our Buffalo District and it's
20 a really nice report. It gives a nice history of
21 all the different activities that took place on
22 the site. We have also done an asbestos removal
23 project and removed a large quantity of asbestos

1 from the site. We have recently completed a
2 remediation of a chemical waste sewer and a TNT
3 waste pipeline and during this project eight
4 hundred tons of waste were removed from the site.
5 We have also completed a phase one and phase two
6 remedial investigation. And as I said before, we
7 established an administrative record and we also
8 created a web site and this administrative record
9 was created for the public. All of our
10 information is available. Everyone who is
11 interested is welcome to look at it.

12 AUDIENCE MEMBER: The waste that
13 was removed was put in the Niagara Falls Storage
14 Site?

15 MS. MARY KAY FOLEY: No, it was
16 mostly neutralized so it's no longer hazardous
17 and it was put at Modern Landfill.

18 What are we working on right now.
19 We actually had a large meeting in the past two
20 days and we had some experts from all over the
21 country come in to help us formulate plans for
22 this site and we also had some of the local
23 landowners. Mr. Langlois was with us and one of

1 the things we talked about was the wastewater
2 treatment plant. That has been expressed an
3 interest by the public and there is some falling
4 hazards there and we have gotten a good handle on
5 the problem and we are going to be proceeding
6 forward with a plan to get that cleaned up and we
7 hope to have a preliminary plan by this summer.

8 We are also creating a long-term
9 plan for any remaining possible TNT on site. We
10 have removed large -- you know, we've removed
11 really the main hazards. We just have to do kind
12 of a long-term to make sure we really got
13 everything and to make sure it's completely safe
14 for everybody in the public.

15 AUDIENCE MEMBER: Now, does that go
16 to Modern or does that go to --

17 LTC GLEN DeWILLIE: Could I just
18 ask that we proceed through this. I'd really
19 like to try and get this. If you could hold your
20 questions. I know you've got a lot of good
21 questions.

22 AUDIENCE MEMBER: I'm sorry, it
23 takes months to get another meeting. We can't

1 count on one in three months. We have to wait
2 five.

3 LTC GLEN DeWILLIE: You have some
4 fantastic questions.

5 AUDIENCE MEMBER: Yeah, none of
6 them answered.

7 LTC GLEN DeWILLIE: If you let us
8 get through it we are trying to answer those
9 which occurred in a meeting before this. So
10 that's what we are trying to do for you and we
11 will open the floor up momentarily. The longer
12 we delay and ask questions along the way the
13 longer the meeting is going to go.

14 AUDIENCE MEMBER: All right, go
15 ahead.

16 LTC GLEN DeWILLIE: Thank you.

17 MS. MARY KAY FOLEY: We also are
18 preparing a work plan to further investigate some
19 underground pipelines and basically our main goal
20 it to make sure that we really carefully reviewed
21 this site to make sure that we identified any
22 hazards and we are taking appropriate action to
23 clean them up. We expect the work plan for the

1 pipelines late this spring. Next slide.

2 We're also completing a risk
3 assessment. We have a toxicologist. We have
4 several risk assessors working on this site and
5 we are expecting to have a better idea of sites
6 that may currently be posing a risk. And now
7 this is different than a health study and it's
8 not going back and looking at, you know, who got
9 cancer or things of that nature. It's looking at
10 based on what we have right now what needs to be
11 cleaned up. And we expect those results late
12 fall.

13 We're also continuing forward with
14 design for cleanups at several areas of the site
15 that were known to be waste pits for different
16 DOD activities and these areas, we have named
17 them areas A, B and C and we expect to have a
18 design for area A done this spring.

19 AUDIENCE MEMBER: Where are they?

20 MS. MARY KAY FOLEY: They're all
21 on Chemical Waste Management. They're not open.
22 They're controlled access. It's not -- the
23 public isn't, you know, anywhere near it really.

1 Next slide.

2 We also hired Topographic
3 Engineering Center and these folks specialize in
4 reviewing aerial photos and they are some of the
5 folks that they support the military in reviewing
6 any aerial photos for any kind of activities DOD
7 may undertake and they are really, really good at
8 what they do. And we are having them review all
9 the aerial photos of this site to see if there is
10 any -- anything that looks suspicious we would
11 investigate further.

12 We are also doing a summary of
13 investigations report. We're going to finish it
14 as funding allows. And this is really, you know,
15 I know even as the project manager it's a little
16 overwhelming with all the information that's
17 available on this site so we are trying to get
18 one report that's readable and fairly concise and
19 it would be a nice thing for someone in the
20 public to read if you kind of want to get an
21 overall view of everything that's happened on
22 site without having to go through documents upon
23 documents. And again, we are completing this as

1 funding allows.

2 What's next? As I said, we had a
3 big meeting this week and I think we did some
4 really great work. We got a lot of experts
5 together. We got a lot of the local interest and
6 we had DEC was involved and we are trying to get
7 everybody who has an interest in the site
8 together and we made some really great progress
9 on where to proceed from here. Again, our
10 biggest issue on this site is lack of funding.
11 The DERP program is historically been under
12 funded and unfortunately during the fact that we
13 are in a war further restricts funding available
14 for DOD activities because they have to pay for
15 the war first.

16 LTC GLEN DeWILLIE: It might be
17 worth noting that on a national level there are
18 two hundred and fifty million dollars a year that
19 appropriated for DERP-FUDS. That's still not
20 enough. Okay.

21 MS. MARY KAY FOLEY: Yeah, there's
22 over a thousand sites that are competing for that
23 money. So again, all of these things are

1 contingent on funding. As I said, we are working
2 on remedial designs for areas A, B and C. We're
3 working on an investigation to complete the
4 investigation of the pipelines. And we are going
5 to finish the aerial photo analysis which may
6 indicate areas of further concerns that we need
7 to investigate. That's it.

8 LTC GLEN DeWILLIE: What I would
9 like to do now is open it for questions and
10 answers. As we do with all public meetings, I
11 would first defer to the elected official and/or
12 in this case the RAB members who are your
13 representatives and allow them to ask questions
14 first and then we open it up to the floor.

15 MR. TIMOTHY HENDERSON: I would
16 like to disagree with the statement that there
17 was no DOE activity occurring in the buffer
18 zones. There is still a dozen large concrete
19 silos in the buffer zone behind the WETS and they
20 were used to store the K 65, the high level
21 residues before they were put in the silos. So
22 those concrete igloos are still there and to me
23 that's significant activity in a buffer zone.

1 I notice that there was a reference
2 to one of the pipe lines containing CWS, what are
3 those initials?

4 MS. MARY KAY FOLEY: Chemical Waste
5 Sewer Line.

6 MR. TIMOTHY HENDERSON: When you
7 refer to chemical waste, is that from the 1940s
8 when there was chemical warfare, it was known as
9 the Chemical Warfare Depot?

10 MS. MARY KAY FOLEY: To answer the
11 first part of your question, you are correct that
12 we probably should revise that map. The upper
13 portion was a storage area. I guess when I
14 think of actively used I think of production but
15 that was used by DOD so we should revise that
16 map.

17 The Chemical Waste Sewer Line was
18 part of the Air Force Plant 68 that made the
19 boron lithium fuels, yes.

20 MR. TIMOTHY HENDERSON: I just
21 wanted to raise a concern about the slag that was
22 found. Was it near the fire hydrant that you
23 mentioned because there was no reference in the

1 gamma walkover report of the fire hydrant. You
2 know, lest we belittle the situation, fire
3 hydrants are located on waterlines, the same
4 waterlines that come into the school. Even low
5 levels of radiation exposure over a long term can
6 be as harmful as brief exposures to the high
7 levels. So because it was found in slag that was
8 the foundation of a fire hydrant, I would like to
9 draw your attention to that that involves the
10 same waterline that comes into the school.

11 MR. CHRIS HALLAM: If I could
12 clarify for you, sir. A couple of things, one,
13 it's not in the foundation of the fire hydrant.
14 It's near some of the -- two locations, it's near
15 fire hydrants. It's actually under asphalt.
16 There is no way to verify whether or not that
17 exactly is slag unless and until someone goes in,
18 removes some of the asphalt and looks at the
19 material. Where we did find slag there's a
20 couple of locations as mentioned in the
21 presentation. One was in the ditch next to Route
22 18 and that was a small area, what, about a meter
23 if that.

1 MR. DOUG HAAS: If that.

2 MR. CHRIS HALLAM: Another location
3 was in those two small mounds of construction
4 debris that we found out in the woods behind the
5 soccer field.

6 MR. TIMOTHY HENDERSON: Did you
7 compare those locations to the utility lines like
8 the waterlines? Did you compare those locations
9 to the existing waterlines that went into the
10 school?

11 MR. CHRIS HALLAM: The two
12 locations that we found slightly elevated stuff
13 on the asphalt, that's where I mentioned I went
14 back and I talked to Alan Truesdale who's
15 superintendent of buildings and grounds and I
16 said what do you have out there. Do you have any
17 utilities and we confirmed there are in fact
18 utilities that run along there and as I said,
19 while I cannot guarantee you what that material
20 is under that asphalt without looking, but it is
21 a very plausible scenario that material was
22 backfilled in there that would be slag-like in
23 consistency. It's a common construction

1 material.

2 MR. TIMOTHY HENDERSON: One final
3 question. There was a concern raised about the
4 proximity of the temporary school that
5 Lewiston-Porter utilized off Balmer Road on the
6 CWM site and it's very close proximity to the
7 main drainage ditch. Are there any -- that runs
8 off the LOOW site. Are there any plans to survey
9 that location because there was quite a
10 significant number of students that attended that
11 school and teachers?

12 MS. MARY KAY FOLEY: Well, we
13 haven't --

14 MS. NONA McQUAY: The question is
15 well, how close was the Balmer, what we knew as
16 the Balmer Road School to the central drainage
17 ditch? It would have been before remediation in
18 1984.

19 MS. MARY KAY FOLEY: I know that
20 we have not tested that school area because until
21 -- it was used as an administration and a
22 cafeteria area by the Department of Defense. It
23 was never used for anything that could have

1 produced any waste so we felt there was no reason
2 to investigate it. We can maybe talk internally.
3 I mean if there is a public concern we can maybe
4 try to quell some of that by collecting a little
5 bit of extra data.

6 AUDIENCE MEMBER: The waterline --

7 MS. NONA McQUAY: As the parent of
8 one of those students, I would like to see more
9 information on what was there in the central
10 ditch at the time the school was occupied by
11 students and teachers.

12 MR. MARTIN HODGINS: I believe
13 they were telling me that the water always tasted
14 funny to them. That's what we heard.

15 MS. MARY KAY FOLEY: As far as to
16 answer that question, one thing you have to
17 realize about environmental investigation is we
18 can tell you what's there now. We can't tell you
19 what was there twenty years ago. We just -- it's
20 not -- we can tell you if there is a risk there
21 right now. We can't go back in time. You would
22 have had to take those samples twenty years ago
23 to tell what was there twenty years ago.

1 AUDIENCE MEMBER: How can they
2 guarantee me there was no activity on the WETS?

3 LTC GLEN DeWILLIE: Excuse me,
4 we'll start first at the table and then we'll
5 open up to the crowd.

6 MR. PAUL DICKY: At the last
7 meeting there was going to be an exploration of
8 the past study of the clean out of the ditches to
9 see if there was any data of what the activity
10 levels were in the ditch prior to clean up and
11 from that make an assessment based on the
12 distances to the building if there could have
13 been a proximity hazard based on those numbers.

14 DR. JUDITH LEITHNER: Did I not
15 say what those numbers were?

16 MR. PAUL DICKY: You addressed
17 which portions of the ditch were cleaned up and
18 needed cleaning but not what the numbers were.
19 What they were cleaned to I think but
20 pre-existing I guess --

21 DR. JUDITH LEITHNER: Actually I
22 can give you just a synopsis and I think really
23 you better wait until I put it on the web site

1 because there's pages of data and I've heard from
2 future -- or from previous meetings here that
3 when I have presented pages of data all I got was
4 annoyance that I did that. So I'll put it on the
5 web site. You can look and then I'll answer
6 questions about it.

7 MR. DARWIN JAMES LANGLOIS: First
8 off all, I'd like to say that I agree with Dr.
9 Olsen's analysis of getting the consultant and
10 having one consultant that would serve for RAB
11 and the local community, the Town of Lewiston as
12 well as the school board. Essentially we're all
13 in this together. Obviously Lewiston-Porter is
14 in our district and by working together and
15 having this consultant I think it's the right way
16 to go and I encourage you to follow up and give
17 us a report at the next meeting.

18 As far as the readings on the
19 walkover, I think it looked like a rather
20 complete study to me and I had read about these
21 things later about people working in buildings
22 that are made out of granite. They're exposed to
23 much more radiation than you'd have anyplace else

1 or if you have a granite counter top or a granite
2 floor in your house or in your office and so
3 forth you're getting not a hazardous level but
4 you're getting a lot more than you're going to
5 get on properties like Lew-Port. If you're
6 really worried about that level I would recommend
7 you never go up to the Washington Monument
8 because it's all granite.

9 LTC GLEN DeWILLIE: Any other
10 questions from the board? Sir.

11 MR. MIKE BASILE: Not a question,
12 Colonel, but I would like to congratulate the
13 Army Corps and their public affairs staff on this
14 excellent document that was made available to us
15 this evening as well to the RAB members during
16 the course of the month about the myths and facts
17 with the Army Corps of Engineers in relationship
18 to this Lake Ontario Ordnance Works and the
19 Niagara Falls Storage Site. And it's good to be
20 on the record to understand the truth about the
21 activities that the Corps has been involved in.
22 Thank you.

23 LTC GLEN DeWILLIE: Thank you,

1 sir. Any other questions?

2 MR. MARTIN HODGINS: I just have
3 two questions from the minutes we got in October
4 17th. Most of my questions were answered. I
5 only have two. Maybe Mary can answer them.
6 Regarding the Town of Lewiston, you said they
7 were going to address this problem about the
8 water. I didn't hear what your answer was.

9 MS. MARY KAY FOLEY: The wastewater
10 treatment plant?

11 MR. MARTIN HODGINS: Yes, where
12 there's an open -- it's about thirty foot deep of
13 water and an open pit more or less.

14 MS. MARY KAY FOLEY: Yes. We had
15 quite a long conversation about that just today
16 and we have -- we're kind of in a conundrum
17 because we would like to help you guys, however,
18 it is not eligible for DERP-FUDS building
19 demolition debris removal and I'm going to be
20 getting with my colonel very shortly to brief him
21 and exactly decide how we are going to proceed.

22 MR. MARTIN HODGINS: That's not my
23 question. My question was I spoke to a town

1 official on December 28th at 9:48 a.m. I believe
2 it was a Saturday and at that time the person
3 said that the town was not even doing anything
4 about this. And I don't know if they ever even
5 got a letter from the October 17th meeting, if
6 they even received a letter. If they did he did
7 not know of one.

8 MS. MARY KAY FOLEY: They did. We
9 sent them a fax sheet outlining the whole problem
10 and a letter and Mr. Langlois and I have
11 discussed this at length and I think we're kind
12 of teaming up to create a win/win situation where
13 we can get this taken care of.

14 MR. MARTIN HODGINS: Now we're
15 looking at two years, four months later since
16 I've been on this board and I still see there's
17 probably thirty feet deep of water and we have
18 probably had one of the mildest winters in
19 seventy years. I can't believe the town couldn't
20 have sent somebody over there and pumped the
21 water out.

22 MS. NONA McQUAY: May I clarify a
23 little bit that there is a thirty foot excavation

1 but it is not at the Wastewater Treatment Plant.
2 We were shown the building in which it is
3 occurring and that is the acid nitrification
4 (sic) building. I'm not sure who owns that
5 building and if it's in a similar situation, Mary
6 Kay, would you know that?

7 MS. MARY KAY FOLEY: The acid
8 neutralization building is all what we consider
9 part of the wastewater treatment plant. It's all
10 owned by the Town of Lewiston.

11 MS. NONA McQUAY: So it's in the
12 same situation and that is a hazard. I
13 understand the Wastewater Treatment Plant is
14 pretty much remediated from what I've been told.
15 But that acid nitrification (sic) building is --

16 MR. TIMOTHY HENDERSON: They must
17 have done something. Isn't the town being sued
18 for --

19 MR. DARWIN JAMES LANGLOIS: Let me
20 try to address this. As Mary --

21 MR. MARTIN HODGINS: I had two
22 questions, Mr. Langlois, can I just ask the other
23 one. The other one was about the report on the

1 geological walkovers at the Rochester site. We
2 talked to you in October. I was wondering what
3 has been done since October 17th regarding that
4 one hot site. Who can answer that?

5 DR. JUDITH LEITHNER: I can answer
6 that. Actually the walkover is done. It was to
7 have been presented tonight. Because there was
8 so much interest on the school, it was deferred.
9 It's done. We have the final report for both the
10 gamma walkover and the geophysical walkover for
11 everything.

12 MR. MARTIN HODGINS: Was the water
13 gone? Because at the time you couldn't do it in
14 the last seems like a couple years because there
15 was too much water.

16 DR. JUDITH LEITHNER: Well, not a
17 couple years but the water receded enough that we
18 could get most of it. Where we wouldn't take
19 geophysical samples for the water, we do have
20 chemical samples because I had them bore down
21 through the water.

22 MR. MARTIN HODGINS: How far down
23 did you go?

1 DR. JUDITH LEITHNER: Oh, God,
2 some of it thirty feet. I would like to clarify
3 because I've looked at the transactions from the
4 last meeting. I notice that there was a number
5 of people who thought a hand boring was a hand
6 full, that it was a surface. A hand boring goes
7 down two feet with an instrument. So for those
8 of you that thought that we took a handful of
9 soil and tested it, that's a two foot depth. If
10 it's anything more than that then we'd bring a
11 drill rig in. That will be available for our
12 next meeting. We will also put some selected
13 things up on the web site but the report is this
14 thick.

15 LTC GLEN DeWILLIE: If you would
16 like to respond to the gentleman's question.

17 MR. DARWIN JAMES LANGLOIS: Yes.
18 As Mary Kay said, we did have meetings for the
19 last two days looking at the plans for the site
20 and we discussed specifically the waste treatment
21 plant that was "given to us for a dollar" I guess
22 in 1974 when they distributed all of this buffer
23 zone all the sites that were left. Since we

1 technically own that property and we're trying to
2 essentially see how it can best be cleaned up,
3 it's not very easy because you understand there
4 is all kinds of pipelines that went in including
5 waste from the TNT plant, from the boron plant
6 and all the rest and the Town of Lewiston never
7 used this, never put anything into it. But in
8 order to essentially clean it up it's going to
9 take a lot of analysis and a lot of work and a
10 lot of dollars. We're still arguing about where
11 is this money going to come from and whose
12 responsibility is it. That was part of the
13 things that we did the last couple of days. I'm
14 just telling you there's a lot of work involved
15 and we haven't come to an agreement yet for how
16 it's going to be funded but in the meantime we
17 have to essentially I think keep that area closed
18 off so it doesn't become a hazard to anybody.
19 It's not something that you can just come in and
20 fill it up because you have to analyze the
21 different pits and the different things that are
22 in there. So it's complex. But we don't want
23 anybody to get hurt so we may have to essentially

1 cordon that off as we did it before until we get
2 a resolution for how it can be cleaned up.

3 LTC GLEN DeWILLIE: Thank you.
4 Mr. Freck.

5 MR. THOMAS FRECK: I would like to
6 apologize to the Army Corps for my neighbors and
7 residents who are all a little bit skeptical and
8 a little bit perturbed because we been to a lot
9 of meetings over a long period of time. I would
10 say I forgot when the Department of Energy had
11 the Niagara Falls Storage Site and there were a
12 lot of things that were told to us that all ended
13 up being lies. So if you get a lot of people
14 looking like they don't believe you or they're
15 skeptical, that's a little bit of why. I think
16 you guys are making good progress.

17 I have a couple questions for Judy.
18 You said the cleanup was done in 1984?

19 DR. JUDITH LEITHNER: Yes.

20 MR. THOMAS FRECK: Of the central
21 drainage ditch. I had originally thought it was
22 done in '82. My question is do you have copies
23 of the construction job? Like you said it was

1 completed but you don't know where the spoils
2 went from the ditch. There was a lot of spoils
3 alongside that ditch.

4 DR. JUDITH LEITHNER: Actually I
5 didn't say that. I said that the spoils went to
6 the cell itself.

7 MR. THOMAS FRECK: But Niagara
8 Falls Storage Site wasn't built in 1984.

9 DR. JUDITH LEITHNER: No, but what
10 they had started to do was construct the cell.
11 It was still open at the top. They were
12 beginning to bring things to that area and so --

13 MR. THOMAS FRECK: Do you have
14 documents that verify that?

15 DR. JUDITH LEITHNER: Well, sure.
16 Those are some of the things I'll put on the web
17 site. Actually I don't say anything in here
18 unless I have a document to support it because I
19 wasn't around then.

20 MR. THOMAS FRECK: Like I say,
21 there's skepticism because we were told stuff and
22 it wasn't properly handled prior to you guys. I
23 just want to make sure it's been followed up on.

1 In that buffer zone that we were talking about, I
2 just quick off the top of my head counted at
3 least eleven areas that are in the buffer zone
4 that were used for other, for radioactive and
5 chemical warfare, etcetera. There's still areas
6 that I guess we had talked about in October that
7 were going to be looked at and I guess we're
8 really not going to dig into that today. I am
9 kind of curious about some of these other areas.
10 I'm glad you spent the time on the school because
11 it is the most critical thing that our children,
12 that we be assured that are children are safe
13 primarily. But there other areas still in the
14 buffer zone that of major concern because there
15 are some really bad things out there yet. I
16 don't believe they're too close to the school. I
17 guess that's all I have for the moment.

18 LTC GLEN DeWILLIE: Thanks. Any
19 other questions from the board?

20 MR. NILS OLSEN: Yeah, just to
21 clarify my understanding of your interpretation
22 of the walkover. The areas that you found that
23 were above the expected background were far below

1 any level that's been determined to be dangerous,
2 is that correct, just to put this in some sort of
3 context?

4 DR. JUDITH LEITHNER: Correct, is
5 that correct.

6 MR. NILS OLSEN: By significant
7 factor I take it?

8 DR. JUDITH LEITHNER: Yes.

9 MR. NILS OLSEN: At least from my
10 perspective my major concern is to understand
11 exactly what we have here and it's helpful if we
12 can just put it in terms of accepted standards of
13 safety.

14 LTC GLEN DeWILLIE: Thank you. If
15 there are no other questions from the board what
16 I would like to do is just open it up to the
17 floor. It's now 8:37. We've been doing this for
18 approximately twenty minutes. We can go over in
19 that amount of time if you so chose to extend the
20 duration of the meeting to accommodate that. I'm
21 certainly willing to do that. So I would like to
22 go ahead and open up floor to questions. Mr.
23 Ricciuti, go ahead.

1 MR. LOUIS RICCIUTI: First of all,
2 I'd like to apologize to the reasonable people in
3 the room but this was the second time that I've
4 been accosted. The reason I'm going to state
5 this is I want to make certain it gets into the
6 minutes this time. On the June 13, 2001 LOOW
7 meeting that happened here I also was accosted by
8 Mr. Yaksich and I was told that if I didn't shut
9 up that I would be ejected from the room. And at
10 that point I said well, you'll have to do it
11 bodily. I said what I had to say and I sat down.
12 The reason for the occurrence tonight was that I
13 felt Mrs. Broderick was being accosted so I
14 apologize to the reasonable people.

15 Now that this is hopefully being in
16 the minutes, I'd also like to add that in the
17 June 13th meeting there was discussion on a
18 number of events that took place. One was that
19 there was a speaker who was put on the agenda,
20 Mr. Librizzi, and on the agenda it was stated
21 that he was an EPA person and it turned out at
22 the end of the meeting he was not an EPA person.
23 He was someone trying to pitch this board to do a

1 study of the area.

2 Number two is that I'm very glad
3 that some of the SAIC, Scientific Application
4 International Corporation representatives are
5 here this evening. Look that corporation up on
6 the Internet, folks. It's a multi billion dollar
7 defense contractor. They are the ones that are
8 telling you what the normal background reading
9 is, etcetera.

10 Also in the June 13th meeting and
11 this is very germane to tonight's meeting because
12 Mr. Olsen, Dr. Olsen made a mention about the
13 TOSC. Something else that was eliminated from
14 the meeting minutes or omitted from the meeting
15 minutes of June 13th was that I had mentioned
16 that there are two very well known, well
17 respected global leaders, Dr. Argin Macogony
18 (phonetic) from the Institute of Energy and
19 Environmental Research and also Dr. Rosalie
20 Bertell. Dr. Bertell sat on the Chernobyl
21 Commission. I have a letter from Dr. Bertell
22 that states that normal background radiation for
23 anywhere across the Continental United States

1 other than somewhere sitting on top of a high
2 radiological count area which is a uranium mine
3 that normal background readings are from anywhere
4 from five to twenty-five counts a minute. We're
5 told that ten thousand counts a minute is normal.
6 I understand that there's a difference of
7 opinions and I understand that that's mainly the
8 problem here. There's so much disparity talking
9 about gamma walkover, gamma walkovers but no one
10 is mentioning about alpha and I strongly
11 recommend that you might want to take a look at
12 something called bystander cells.

13 In any event, there have been some
14 statements made about the school property here,
15 that they were never affected or impacted by DOD
16 activities. And first of all, I'd like to say
17 that during the most recent walkover SAIC in
18 their report claims that they found a specimen
19 that counted thirty-eight thousand two hundred
20 and twenty-two counts a minute. That's
21 indicative of uranium ore. I don't know what
22 else -- they claim that's the rock there, the
23 offending rock. But also in their statement they

1 say that it was removed from the property. If it
2 was no hazard, why was it removed.

3 Also you're talking about slag
4 that's -- that was found or suspected to be under
5 the pavement here. Well, there is a document
6 that goes back to the Department of Energy and
7 that slag is identified or was identified at the
8 time as cyclo-wollastonite, C-Y-C-L-O dash and
9 you go on, wollastonite. In any event, it's
10 known that that material is radioactive and it
11 was spread freely around Western New York.

12 Also, in the past we have been lead
13 to believe, whether that's true or not, that the
14 lead that was found outside of the front door
15 here we were told that that's probably from
16 hunter's shotgun shells. The part that disturbs
17 me the most is that the thing that's never been
18 reveled or it wasn't revealed in combination with
19 this lead finding is that for a period of time
20 the National Lead Company of Ohio, a prime
21 nuclear weapons contractor had a large operation
22 in Niagara Falls but also and more importantly
23 they were the caretaker of the site here. I find

1 that very interesting that the benefit of the
2 doubt given to the hunter's shotgun shell instead
3 of a thorough review.

4 I'd also like to make a comment
5 that I agree with Mr. Basile there from the
6 United States EPA local region. Yes, this myth
7 and fact sheet that was handed out is a wonderful
8 thing and the reason it's wonderful is because it
9 points out to the public the amount
10 contradictions that it contains.

11 I am the author, coauthor of the
12 articles from the Artvoice Magazine that
13 obviously stimulated this "report". I find this
14 a little unusual that lines were stripped
15 strictly out of the Artvoice Magazine. Artvoice
16 was never called and asked for a retraction. I
17 was never called or contacted about my
18 information but yet and let me state this, I
19 spent two years solid researching this location,
20 two years full-time. And it's interesting to
21 note that we will reveal something in the paper
22 and then and only then such as the school, the
23 Bretts School was revealed after we revealed it

1 in the newspaper. The fact that there were
2 biological weapons out here, that was never
3 mentioned up until we mentioned it in the
4 Artvoice and then all of a sudden there's an
5 admission that in fact it's true. Well, so, you
6 know, you contradict yourselves. On one hand you
7 say myth and then you agree with the myth.

8 Excuse me, I have a note here. Just one second.

9 I also have a letter from Dr. Argin
10 Macogony and he clearly states that if it's being
11 identified locally that there is ten or twelve
12 thousand counts a minute is your average
13 background, that a find of thirty-eight thousand
14 two twenty-two on school property certainly
15 should be of concern which leads me to my final
16 statement.

17 Through the years it's been said
18 that this property was never impacted by DOD.
19 They, in fact, have called it a buffer zone which
20 was we feel, some of us feel, I feel personally
21 that it's a misnomer. A buffer zone may have
22 been correct for the first nine months of the TNT
23 operation but then to continue to call it that,

1 especially when you're findings materials such as
2 you are on the property and you are not doing a
3 thorough histological study, everything that you
4 print out you call it the final history report,
5 the final history report until more history
6 surfaces. So the property here, this school
7 property was, in fact, impacted by the Department
8 of Defense. Now, as I said, if that is, in fact,
9 the rock, why was it removed? Thirty-eight
10 thousand counts a minute according to what I read
11 and some other people that I talked to that's a
12 piece of radioactive ore, that there's something
13 in that that's radioactive. You call it natural.
14 It may be natural to the Colorado uranium mines.
15 It may be natural to the Northwest Territory
16 uranium mines. It may be natural to the Congo
17 uranium that was sent into the area but it's
18 certainly, to the best of my histological
19 knowledge, there was never a uranium mine here at
20 Lew-Port School so there's an impact here.

21 MR. STEPHEN YAKSICH: New York
22 DEC, could you please address that issue.

23 MR. LOUIS RICCIUTI: You don't mind

1 if I close, do you? I'm going to close. That's
2 all I have to say really.

3 LTC GLEN DeWILLIE: Okay, well, I
4 don't know what your question is but we can try
5 to respond to some of the accusations you made
6 and/or comments you made.

7 MR. LOUIS RICCIUTI: I stand
8 behind everything that I state one hundred
9 percent.

10 LTC GLEN DeWILLIE: Thank you.

11 MR. LOUIS RICCIUTI: You're
12 welcome.

13 MR. THOMAS PAPURA: Tom Papura
14 again, New York State DEC. Papura, P-A-P-U-R-A.
15 What you have to understand, there are many
16 different instruments that can be used to perform
17 radiation surveys. When you say five to how many
18 counts per minute?

19 MR. LOUIS RICCIUTI: To twenty-five
20 CPM.

21 MR. THOMAS PAPURA: That most
22 likely on a CPM basis would probably be, what
23 probably a pancake, something like that. Five to

1 twenty-five uR/hour would probably be a normal
2 background for just about anywhere in this
3 country. When we are talking about ten thousand
4 counts per minute, we're talking about that two
5 by two right over there which detects strictly
6 gamma radiation. Okay. A pancake will detect
7 gamma, alpha and beta, all of them. When you see
8 five to let's say probably thirty to forty counts
9 per minute on a pancake, that's background for
10 that instrument. The background for that
11 instrument over there, depending on where you are
12 and what you're surveying can run anywhere from a
13 couple thousand to probably over twenty thousand
14 counts a minute. It depends where you are and
15 what you're surveying. So to infuriate people
16 with thirty-eight thousand counts being ore or
17 something like that is a complete misnomer. That
18 is not ore. That's a chunk of granite over
19 there. If he turns that instrument on right now
20 you will be surprised how much you get. You can
21 go up to Hedgestone, you can go to the Curbs, a
22 big pile. You know what, go down into Grand
23 Central Station where there's tons of granite and

1 you'll get plenty more counts than that
2 thirty-eight thousand that we saw up on that
3 mound and that is not ore. Okay.

4 AUDIENCE MEMBER: Thank you.

5 MR. MIKE BASILE: I would like to
6 answer the question about Mr. Librizzi. Mr.
7 Librizzi works for Rutgers University and I was
8 asked by not the public, I was asked by the
9 members of this restoration advisory board,
10 namely Arleen Kreuzsch and members around this
11 table about what type of technical assistance we
12 provided EPA, who do we go out to and look for
13 assistance. Mr. Librizzi was brought in here as
14 an independent, not an EPA employee and made a
15 presentation and explained to the members of this
16 RAB and to the public that were present that
17 evening that if in fact this board would like to
18 entertain working with Rutgers University they
19 would use possibly as a subcontractor individuals
20 that Nils was referring to from the University of
21 Buffalo. Thank you.

22 LTC GLEN DeWILLIE: I'd also like
23 to offer to you as well that we have extended

1 open invitations for you to bring any of the
2 information that you have, Mr. Ricciuti, just as
3 well as to anybody who had additional information
4 because that is the exact essence of having a
5 board like this and holding routine restoration
6 advisory board meetings is to allow that
7 information to come forward. We've asked for
8 that information, you've brought that. That's
9 what makes the process better is working
10 together. I would also offer to you, Mr.
11 Ricciuti, that we have in fact invited you to
12 news conferences. We have invited you to
13 contribute the material that you say you have and
14 yet we do not have any of that material that you
15 offer and often cite in meetings like this. So
16 to counter your statement there or to set the
17 record straight, I'd just like to go on record
18 and say that we have opened up and extended to
19 you a chance to come in and participate in news
20 conferences as recently as last week for
21 instance.

22 MR. LOUIS RICCIUTI: Just one thing
23 I need to clarify this. The FedEx package that

1 was sent to the Artvoice office was sent the day
2 of. It was an overnight package. I have it in
3 the car in my valise. It was sent the day of the
4 press release overnight. We received it on the
5 day after.

6 MS. MICHELE HOPE: I specifically
7 faxed the news release to Artvoice on the same
8 day as I faxed eighteen other media sources. I
9 called Artvoice twice to see if they were sending
10 someone and twenty minutes into the news
11 conference when we called a second time they said
12 could you please mail us the material. So we
13 FedExed it so it would not get tied up in the
14 regular mail and that's what you're talking
15 about.

16 MR. LOUIS RICCIUTI: I'm writing
17 for Artvoice in combination with the editor of
18 Artvoice because I was unable to get some of this
19 story out, you know, the truth. It's my truth,
20 okay, I've done two years worth of research on
21 this. Ironically there's things that you know,
22 that we are turning up that you folks aren't.
23 All I do know is that the FedEx package came the

1 day after. No one asked for me. My e-mail has
2 been at the end of every single one of the
3 Artvoice articles. Someone could have contacted
4 me and said, hey, Lou.

5 MS. MICHELE HOPE: I've talked
6 personally to Jeff Kelly.

7 MR. LOUIS RICCIUTI: Well, it's
8 ironic that you say you talked to Mr. Kelly
9 because he's getting married and is in the
10 Bahamas right now.

11 MS. MICHELE HOPE: I talked to him
12 the last time we had a RAB meeting. I tracked
13 him down at his girlfriend's house in
14 Pennsylvania and invited him to participated.

15 MR. LOUIS RICCIUTI: It's
16 unreasonable to believe that he'd drive up from
17 Pennsylvania.

18 MS. MICHELE HOPE: I don't you can
19 say that we haven't made the effort.

20 MR. LOUIS RICCIUTI: And it was
21 his fiance and not his girlfriend.

22 MR. NILS OLSEN: Could I ask that
23 we can proceed with the questions from the

1 residents. I find it very interesting this
2 interchange as far as who sent what to who when
3 but I think it would be useful to hear from the
4 other community residents.

5 LTC GLEN DeWILLIE: Thank you, Nils.

6 MS. ANN ROBERTS: Ann Roberts. In
7 May of last year the Army Corps carried out an
8 investigation into a chemical dumping ground on
9 Occidental property. This dump is two hundred
10 feet east of the school property line. What
11 progress has the Corps made in further
12 identifying and quantifying the toxic chemicals
13 buried in this dump over and above the reported
14 elevated levels of explosives, aluminum, arsenic,
15 barium, beryllium, boron, cadmium, chromium,
16 copper, lead, lithium, manganese, selenium,
17 thallium, vanadium and zinc? Has the Corps got
18 any evidence for or against this being the source
19 of elevated arsenic, copper, lead, manganese,
20 mercury, and selenium found on the Lew-Port
21 campus in June of last year? Thank you.

22 MS. MARY KAY FOLEY: I can answer
23 that. I think that there's some apples and

1 oranges kind of mixing up in some of the
2 terminology. That area that's on Occidental
3 property we've been calling it the storage area
4 or the ground scar area and we did in deed test
5 it last spring. We did not -- we found some
6 trace -- we found some trace levels of TNT but
7 we did not found chemical contamination.

8 MS. ANN ROBERTS: Would you like
9 to have a look at your own report which I brought
10 with me? I found it very useful to find
11 information at the library.

12 MS. MARY KAY FOLEY: You may be
13 mixing the results on the school with the --

14 MS. ANN ROBERTS I'm not mixing
15 anything. Would you like to listen?

16 MS. MARY KAY FOLEY: All right.

17 MS. ANN ROBERTS: Presumed storage
18 area, all though I think chemical dump is more
19 appropriate. Occidentale Chemical Corporation
20 currently owns approximately three hundred and
21 four acres south of Balmer Road within an area of
22 the former LOOW which is west of the former TNT
23 production area. During review of the 1938, 1944

1 and 1956 aerial photographs of the Former LOOW an
2 approximately five hundred foot by four hundred
3 foot area appeared to be fenced in a noose.
4 Available historical documents do not reference
5 the presumed storage area. Because the time
6 frame of use, 1944, coincided with the DOD
7 ownership of the area this area was included for
8 investigation during the phase II RI. This is
9 your own report, by the way. During field
10 reconnaissance the presumed storage area was
11 located west of and adjacent to an old south
12 trending gravel road that traverses south from
13 Balmer Road to Longs Wall Eye Hatchery. A
14 deteriorated wire fence was observed surrounding
15 the storage area. The area consisted of forest
16 with some brush and the southern west and
17 northern portion of the fenced area contained
18 standing water approximately one to three inches
19 deep. What appeared to be municipal trash
20 consisting of cans, bottles, tires and plastics
21 was observed in the eastern portion the area
22 adjacent to the gravel road. Terra-cotta pipes
23 transact sidings around the electrical junctions

1 approximately six to eight, some were in pieces
2 deteriorated steel fifty-five gallon drums were
3 observed scattered within the fenced area
4 approximately a hundred foot west of the gravel
5 road. What appeared to be the solid caked
6 fibrous brownish black contents of the drums were
7 also in the same area. The presumed drum
8 contents retained the shape of the interior of
9 the fifty-five gallon steel drum. The presumed
10 storage area was slightly mounded in the eastern
11 portion of the area presumably due to shallow
12 fellow waste material. The drum contents were
13 targeted during the investigation as a possible
14 contaminant source.

15 We continue. The explosive
16 compounds 246 trinitrotoluene and 269
17 trinitrotoluene exceeded health based comparison
18 criteria in the surface soil sample. Additional
19 explosives that do not have screening criteria
20 were also reported in the surface soil sample
21 collected from beneath the drum contents.
22 Explosives were not reported in the drum content.
23 Reported metal concentrations exceeded the site

1 background concentrations in both the surface
2 soil and drum content sample. Chromium, nine
3 hundred and forty-one parts per million, nickel,
4 six hundred and ninety-nine parts per million and
5 vanadium, two hundred and twenty parts per
6 million were reported in high concentrations in
7 the drum content sample to represent a source of
8 potential impact to surface soil. Elevated
9 chromium, a hundred twenty-eight parts per
10 million and nickel, 49.4 parts per million were
11 reported in the surface soil sample indicating
12 such impact may be occurring. However, arsenic,
13 10.5 parts per million, barium, one thousand six
14 hundred and fifty parts per million were also
15 reported in the surface soil sample. A specific
16 source of these elevated metals in the surface
17 soil was not identified. The investigation also
18 goes on to take borings in the area and in the
19 subsurface soil samples aluminium, arsenic,
20 barium, chromium, cobalt, copper, manganese,
21 thallium, vanadium and zinc were reported in
22 levels exceeding background concentrations. The
23 report goes on to say that the highest reported

1 concentrations of constituents were in samples
2 collected from the central portion of the fenced
3 area. How can you not know of your own report?

4 MS. MARY KAY FOLEY: Okay,
5 obviously we know of that report. We put it --

6 MS. ANN ROBERTS: You just denied
7 it.

8 MS. MARY KAY FOLEY: No, I didn't.

9 AUDIENCE MEMBER: Yes, you did.

10 MS. MARY KAY FOLEY: I said that
11 we found elevated levels of TNT. There is a
12 difference -- you have to understand that because
13 you found an elevated level of metal doesn't mean
14 that there is a hazard.

15 MS. ANN ROBERTS: Rubbish. I am a
16 chemist. I have some knowledge.

17 MS. MARY KAY FOLEY: Are you a risk
18 assessor?

19 MS. ANN ROBERTS: No, I am not a
20 risk assessor but I would like to make the
21 comment no water samples, groundwater samples
22 were taken. I asked myself why.

23 MS. MARY KAY FOLEY: There's no

1 groundwater. There's a perched aquifer in that
2 area.

3 MS. ANN ROBERTS: There is
4 standing groundwater. The report shows it, yes,
5 one to three inches.

6 MS. MARY KAY FOLEY: No one drinks
7 that water.

8 MS. ANN ROBERTS: I don't care
9 whether anybody drinks it. I want to know those
10 contaminants are not reaching the school. Have
11 you any evidence to say yea or nay?

12 MS. MARY KAY FOLEY: We have plenty
13 of evidence to say nay.

14 MS. ANN ROBERTS: Show me. First
15 you say there's no chemical containments, you
16 deny it. You distinctly said there was only
17 explosives. Your fact sheet says as much. The
18 only mention on the fact sheet is explosives.
19 You say you tested the chemicals. Would you
20 like me to the read the fact sheet? It says you
21 tested for chemicals, explosives but you only
22 found explosives. That's a lie. I rest my case.
23 Read your own report.

1 (Applause)

2 MR. PHILIP SWEET: My name is
3 Philip Sweet and I'm from -- oh.

4 AUDIENCE MEMBER: Is there an
5 opportunity to reply.

6 MS. MARY KAY FOLEY: I guess I
7 miss -- like when I think of a problem I think
8 of a health risk problem. A detection to me is
9 not a problem. Maybe I misspoke. I'm sorry.
10 There is a very tight clay in at that area. That
11 stuff is not getting to the school from there.

12 AUDIENCE MEMBER: How do you know
13 that?

14 MS. MARY KAY FOLEY: We are
15 conducting a risk assessment on that area as we
16 speak.

17 AUDIENCE MEMBER: You've been
18 conducting risk assessments as long as I've been
19 coming to meetings.

20 MS. MARY KAY FOLEY: We just
21 sampled it last April.

22 AUDIENCE MEMBER: That's a year
23 ago.

1 AUDIENCE MEMBER: What was the
2 result?

3 MS. MARY KAY FOLEY: I guess --
4 well --

5 AUDIENCE MEMBER: Don't shrug your
6 shoulders. We want an answer.

7 AUDIENCE MEMBER: Don't brush us
8 off.

9 LTC GLEN DeWILLIE: What do you
10 want? We released the results of what we found.
11 What is your question, sir? You told us not to
12 brush you off. What is your question?

13 AUDIENCE MEMBER: We don't need
14 this. Nobody understands when they come on site
15 every six months or every year to do a little dog
16 and pony show. The rest of us live here all of
17 the time.

18 LTC GLEN DeWILLIE: We live here
19 too.

20 AUDIENCE MEMBER: You need to
21 respond to some of the questions rather than
22 tell --

23 LTC GLEN DeWILLIE: We are trying

1 our best to respond to the question. We are
2 trying not to dodge the questions.

3 AUDIENCE MEMBER: Why wasn't it
4 sampled was one of the closing questions.

5 MS. MARY KAY FOLEY: It was
6 sampled.

7 LTC GLEN DeWILLIE: The answer to
8 the question was that it was in fact sampled last
9 April.

10 AUDIENCE MEMBER: What's the
11 result?

12 LTC GLEN DeWILLIE: The results of
13 that sampling are public knowledge. We're not
14 sitting on that public knowledge.

15 MS. MARY KAY FOLEY: It's in the
16 library. That's where she got that report from.

17 MS. ANN ROBERT: Can I just repeat
18 my question which have not been answered?

19 LTC GLEN DeWILLIE: Perhaps you
20 can repeat your question, sure.

21 MS. MARY KAY FOLEY: Succinctly.

22 MS. ANN ROBERTS: Right. Has the
23 Corps got any evidence for or against this being

1 the source of elevated arsenic, copper, lead,
2 etcetera on the campus, the school campus?

3 MS. MARY KAY FOLEY: We have no
4 reason to believe that anything that came out of
5 that area has migrated onto the school.

6 AUDIENCE MEMBER: What evidence
7 have you for that?

8 MS. MARY KAY FOLEY: First of all,
9 we believe that some of the metals that showed up
10 at the school are due to the fact that it used to
11 be an orchard and they used to spray arsenic on
12 it because it was a pesticide.

13 MS. ANN ROBERTS: What about
14 selenium? What about selenium? Did they spray
15 the apples with selenium? I'm not saying that
16 the material on the school campus came from that
17 site but at least consider the transportation in
18 groundwater over a period of fifty years. It's
19 entirely reasonable. I not actually jumping to
20 conclusions. I'm just using common sense.

21 AUDIENCE MEMBER: That's the whole
22 point right there.

23 MS. MARY KAY FOLEY: There's a

1 difference between a detection and a hazard.

2 MS. ANN ROBERTS: I'm not saying
3 that it is a hazard but if there are chemical
4 contaminants on the school campus I would like to
5 know about it.

6 MS. MARY KAY FOLEY: I'm answering
7 your question, no, we don't believe that ground
8 scar had anything -- in any way impacted the
9 school.

10 MS. ANN ROBERTS: But you have no
11 evidence of that.

12 MS. MARY KAY FOLEY: We have
13 sample evidence.

14 MS. ANN ROBERTS: You didn't take
15 any samples of groundwater which I think is
16 significant or at least you didn't publish that
17 you took samples of groundwater at the site. You
18 took samples of the soil.

19 MS. MARY KAY FOLEY: We sampled
20 groundwater all over that site.

21 MS. ANN ROBERTS: Not on this
22 particular site. You say in your report that you
23 did not take samples.

1 MS. MARY KAY FOLEY: We have ample
2 evidence that there is not a conductive aquifer
3 under that site. It is a tight clay. There are
4 various --

5 MS. ANN ROBERTS: What about
6 surface transport? Groundwater?

7 MS. MARY KAY FOLEY: If you know
8 about the transport of contaminants they do not
9 transport through clay. We have --

10 MS. ANN ROBERTS: On top of clay,
11 if it's scattered on the surface.

12 LTC GLEN DeWILLIE: Certainly it
13 could be transported on the surface.

14 MS. MARY KAY FOLEY: We have no
15 reason to believe it was though in this case.

16 AUDIENCE MEMBER: How many reasons
17 to disbelieve it though?

18 MS. MARY KAY FOLEY: Well, if
19 there was you would see it. We have taken
20 background samples all over the whole property.
21 We've taken then off the report. We found one
22 very small sample out of probably about a hundred
23 samples that had anything over background. If

1 you had a big arsenic problem you'd be finding it
2 all over the place. You don't just find one
3 sample. You would be finding a trail of where it
4 started and where it ended. You don't just see
5 an isolated spot. There is usually ample
6 evidence of where it comes from and where it's
7 going. You don't just see a slight elevation in
8 one sample out of hundreds and hundreds of
9 samples. That's what we call an anomaly. If you
10 are a scientific person you would know that in
11 statistical analysis you occasionally have an
12 outlier.

13 MR. LOUIS RICCIUTI: These are
14 just questions. We don't knee a preacher.

15 MS. MARY KAY FOLEY: Well, I'm
16 sorry. I really feel like no matter what we say
17 to you we aren't going to win. I feel like we've
18 been very forthcoming with this information.
19 It's in the library. You asked us to test. We
20 tested. We have no reason to think that it's
21 causing any problem to the school. You know,
22 it's almost like if you don't believe anything we
23 say then I can't help you.

1 MR. GARRON ROBERTS: Just a
2 comment. I'm also a chemist and I'm a director
3 of research. Would you maybe take this forward
4 by having a face-to-face private conversation to
5 explore some of these issues in detail?

6 MS. MARY KAY FOLEY: I would be
7 more than happy to.

8 LTC GLEN DeWILLIE: Absolutely.
9 Please do. Sir, go ahead.

10 MR. BILL CHOBOY: My name is Bill
11 Choboy, I'm from the Town of Porter. I got this
12 myth and fact sheet. It says the data on a
13 twenty year old report, it was brought up before.
14 The buildings that are sited there are no longer
15 soil contamination areas where soil was removed.
16 We're striving to use the best most current data
17 to accurately represent remaining soil site
18 contamination. I think I heard tonight that you
19 really didn't know where everything was and I
20 think that's one of the serious problems that we
21 are facing right here. I brought this in last
22 meeting that we had. I think I gave it to Mr.
23 Kent Johnson. He asked me if he could have it

1 and he made a copy and he sent it to the Corps of
2 Engineers who now came up with the myth and
3 answer period. This document backs up what
4 Mrs. Roberts said. Since early '40s every place
5 that's in there, there's maps, there is data on
6 who was there, what companies were there, what
7 materials were there and there is a lot of horror
8 stories. And I know that we can't bank on horror
9 stories alone but I do have some other
10 documentation from 1998 that cites still problems
11 out there and I think one of the problems that we
12 have here is that the public really would like to
13 see this LOOW site cleaned up and I think the
14 federal government should come in and take care
15 of this.

16 Mr. Langlois, I'm not sure if you
17 were saying that the Town of Lewiston had to pay
18 for remediation of land that you owned and you
19 bought for a buck. You didn't contaminate it and
20 I don't think you should be responsible or the
21 Town of Lewiston should be responsible for it. I
22 think the public wants to have answers and this
23 thing cleaned up because it's -- it affects

1 everyone, the health of everyone and once and for
2 all let's get it taken care of. If there's stuff
3 that has to be taken out, let's get it out. I
4 know that the funds have dried up over the years
5 and there is no monies coming in from the
6 industry that kept that fund alive which is a
7 darn shame but there still is money available and
8 I believe the Corps of Engineers had some money
9 allotted to it in '98 but didn't finally get to
10 do some of the remedial work that had to be done.
11 There may be an answer for that. But again, we
12 have to get this place cleaned up. In all
13 respect to everybody that's here, the audience,
14 we all want to get it done and taken care of and
15 we have respect for you but somebody referred to
16 it as a dog and pony show, sometimes that's what
17 you get, the feeling that you do get. So thank
18 you.

19 (Applause)

20 LTC GLEN DeWILLIE: I would like
21 to just briefly respond to the gentleman's
22 comments and offer to you that we have, in fact,
23 cleaned up a significant amount of material. We

1 continue to seek additional funding above and
2 beyond the levels that we are currently funded
3 at. We have congressional championship that goes
4 after additional funding for that actual site.
5 So with the sources that we have, with the
6 actions that we have taken and the pace that we
7 are moving at I recognize for you that live here
8 as well as we from the Corps that live in this
9 community well, that that pace is not up to what
10 you would consider adequate. As Mary Kay
11 mentioned, there are thousands of sites that are
12 connected with Department of Defense activities
13 over the years. We continue to address those
14 with the highest risks to the public. We
15 continue to form risk assessments to associate
16 whether or not those levels of contaminates that
17 we do find pose an immediate health risk to you
18 and we remain vigilant in protecting your public
19 health and the environment. Mr. Sweet.

20 MR. DARWIN JAMES LANGLOIS: May I
21 answer Mr. Choboy's question quickly. I hope I
22 didn't give you the wrong impression, Mr. Choboy.
23 It is not the intention of the Town of Lewiston

1 to clean up anything that was put there by
2 defense contractors in the past.

3 LTC GLEN DeWILLIE: Nor is it the
4 intention of the Federal Government to shirk
5 responsibility for what the Federal Government
6 caused. We are going to find, we are going to
7 continue to seek with the Town a solution here
8 that leverages every last authority that we have,
9 the dollars that have been invested in us to find
10 a way forward. Allow us to try and do that
11 please.

12 AUDIENCE MEMBER: Maybe we can help
13 you another way. Maybe we can help you in
14 another way but it's going to have to be done.

15 LTC GLEN DeWILLIE: I'm willing to
16 entertain, as Mary Kay offered, some other
17 vehicle for you to be able to tell me what those
18 other ways are, whether it's for you to write in
19 to me, where it's for you to call to our hot
20 line, whether for you to form a partnership with
21 the fellow who stood up before as a chemist and
22 said he would like questions answered in more
23 detail. We are very open to that and we want to

1 continue that open dialogue, sir. Mr. Sweet.

2 MR. PHILIP SWEET: My name is
3 Philip Sweet. I'm from the Town of Tonawanda.
4 The mic is a little -- I gotta bring it up another
5 three foot I guess. Thanks a lot. I appreciate
6 it. I would like to say first of all God bless
7 America.

8 AUDIENCE MEMBER: Amen.

9 MR. PHILIP SWEET: God bless all
10 you people that are here and God bless the
11 residents that are suffering so deeply.

12 I would like to commend William
13 Choboy, a brother of Local 237, a retired member
14 business agent Local 237 in conjunction with
15 other trades. I would like to thank Mary
16 Brennan-Taylor who represents Congressman
17 LaFalce. And I want to tell you right now that
18 Congressman LaFalce has been doing a good job on
19 this. He has been there for everybody. I found
20 that out after many times back and forth. And I
21 would like to thank all of the people that
22 supported me from last April on and the people
23 probably know who I am and what I'm talking

1 about. I personally believe that the Corps of
2 Engineers is in the process of doing a good job
3 considering the technology available today of
4 which funding is of the utmost importance. In
5 addition to monitoring the air which they have
6 been doing for radon, radiation contamination
7 levels, I feel as though we have a serious
8 condition nearby Porter Schools especially the
9 school children. There is a special testing
10 procedure, maybe back and forth. It was brought
11 out on Bill Moyer's on Channel 17 Environment
12 Progress show and it called for blood testing and
13 also film dodging and I at this time would ask
14 the experts to get together and see if they could
15 come up with a resolution about most importantly
16 the school children. Bill Choboy can tell you
17 more than anybody else here that part of our work
18 has been, as an electrician in the field, we have
19 worked in some pretty bad places. I had gotten
20 asbestosis emphysema and many of our brother
21 members are sick because of the conditions we
22 have worked in. And having said that, I took it
23 upon myself to work under these conditions

1 because I needed to support my family. But many
2 of these families that are coming in here and
3 working under these conditions, they have
4 problems and there should not be a burden placed
5 upon their children. We have vast amounts of
6 this K 65 residue I know on the Tuscarora
7 reservation and also in this area here this has
8 been reported. Some of the contractors that have
9 been in the area have specifically told me about,
10 myself personally about the residue and the after
11 effects and particularly on the Tuscarora
12 Indian Reservations where the groundwater has
13 been compromised and these people are living in
14 sheer terror and fear today as we speak.

15 There is a Dr. Philip Landol, he
16 the chairman of preventive medicine working with
17 CDC which is pioneering blood testing for
18 children with the help from the U.S. Center for
19 Control. This is an ongoing thing and I would
20 highly recommend being from Tonawanda where we
21 have a toxic nightmare going on right now, I
22 would highly recommend that we look first hand at
23 the children. If we don't care about the adults,

1 the older people, we should at least care about
2 the children and let the evidence support itself.

3 I have a brochure that I had taken,
4 it's an expose from the Buffalo News. I have a
5 limited amounts of copies. It's available to
6 anybody who would like to see this. I have an
7 article towards the back where toxic sites should
8 be our top priority. Cleaning toxic sites should
9 be our top property. Could I ask the group here
10 how many politicians are present in this group
11 today to represent people other than Mr. Choboy
12 and Congressman LaFalce. I have to say the only
13 people that have really taken an interest,
14 Congressman LaFalce, Charles Schumer and Senator
15 Hilary Clinton. And she I'm quite sure after
16 this meeting tonight will be well advised to
17 particular situation. But I have to ask
18 everybody here that if they could, I mean we know
19 we have a problem. We know we have a lot of
20 cleaning up to do. It's here. But it has
21 affected a great number of people. Can we talk
22 about the health effects in the community, the
23 drastic rise of cancer in the community. That's

1 what basically I really was hoping to hear from
2 some of the residents experiencing the sickness.
3 So far I have not heard too much from that but I
4 understand that this is a tremendous problem.

5 LTC GLEN DeWILLIE: So your
6 concern or your question is can we talk a little
7 bit about the health effects.

8 MR. PHILIP SWEET: I would like to
9 hear from the residents themselves.

10 LTC GLEN DeWILLIE: From who?

11 MR. PHILIP SWEET: From the
12 residents.

13 LTC GLEN DeWILLIE: Are there any
14 residents that would like to --

15 MR. PHILIP SWEET: I thank you very
16 much for allowing me to speak.

17 LTC GLEN DeWILLIE: Sure, Mr.
18 Sweet. Go ahead.

19 MS. MARY BRENNAN-TAYLOR: Thank you
20 very much. My name is Mary Brennan-Taylor. I'm
21 a district representative for Congressman LaFalce
22 and I wanted to make a statement. It falls
23 nicely on the heels of Mr. Sweet's comments. I

1 wanted to notify the RAB that since your last
2 meeting a couple of actions have been taken. One
3 in mid-January Congressman LaFalce sent a letter
4 to Dr. Novello the commissioner of health, New
5 York State Department of Health requesting that
6 there be a cancer study done of the neighborhood
7 or the community around the Niagara Falls Storage
8 Site among others and that study should be as
9 close in approximation to the school district as
10 possible. And following that letter, as a result
11 of a meeting that Mr. Choboy had called, when was
12 that, early February, okay. Following a meeting
13 in Youngstown there was a community request that
14 there be additional health studies done
15 surrounding the Lew-Port Schools so a separate
16 letter was sent to Dr. Novello on February 8th.
17 I'll make sure everyone on the RAB has copies if
18 you do not already. I just wanted to notify you
19 of that. Thank you.

20 AUDIENCE MEMBER: Did she respond?

21 MS. MARY BRENNAN-TAYLOR: As a
22 matter of fact, there are members from the
23 Department of Health here this evening who came

1 as a result of the letters. They came to hear
2 what was said tonight. I had an opportunity to
3 meet with them for about an hour this afternoon
4 to go over our concerns and questions. And I
5 think the response was fairly prompt now, that
6 within pretty much less than a month they have
7 responded and are physically here present this
8 evening. Thank you.

9 AUDIENCE MEMBER: Thank you.

10 LTC GLEN DeWILLIE: I'd also like
11 to respond to Mr. Sweet and let you know that we
12 have spoken directly with Senators Schumer and
13 Senator Clinton's staff members very recently in
14 reference to all the FUSRAP issues in this area
15 as well as the LOOW site. So that is on the
16 senator's radar screens as well as Congressman
17 LaFalce and Congressman Quinn.

18 MR. GARRON ROBERTS: Thank you. My
19 name is Garron Roberts. As I mentioned earlier,
20 I'm a chemist and supervise thirty Ph.D.s and
21 graduates. I do know a little bit about
22 scientific methods and before I ask the questions
23 I'd like to respond to some of the comments you

1 made about if you understood scientific methods
2 and statistics.

3 Certainly outliers are a problem
4 and need to be dealt with in statistics.
5 However, you really need to see the full
6 distribution. I have access to many demographics
7 and I'd be delighted to take your raw data and
8 subject it to some statistical tests to really
9 determine for myself whether it is really an
10 outlier and should be discarded. Statistics you
11 have to be very careful. Censoring data often
12 can lead to false conclusions so I really would
13 like to see the raw data before I concur with
14 your opinion.

15 The second thing you talked about
16 clay being, you know, definitely that these
17 material cannot move through clay. You're really
18 stating a fact. My chemistry professor told me
19 and in any good textbook you read in science you
20 can't prove anything. You do experiments, you
21 draw conclusions. So it really worries me when
22 you make sort of cast-iron statements like that.
23 I really think that is flawed scientific

1 thinking.

2 The question I have was a specific
3 one. What analysis for alpha, beta and gamma
4 radiation has been or is planned to be carried
5 out along the southwestern drainage ditch to
6 assess the effect of possible leakage of
7 radioactive material from the nearby storage site
8 given that the western and central drainage
9 ditches have historically been contaminated?

10 LTC GLEN DeWILLIE: Judy, do you
11 have a response to that?

12 DR. JUDITH LEITHNER: Yes. My
13 response is that an independent verification
14 contractor for the Department of Energy has
15 declared that clean and it's been stated in the
16 federal register that is it out of the FUSRAP
17 program. What I would like to do is call on
18 Michelle Bavczak who is here tonight who can give
19 a better explanation of that and that policy than
20 I can do. Michelle, would you give me some help.

21 MS. MICHELLE BAVCZAK: Specifically
22 what is it you want to address, Judy? In terms
23 of the Department of Energy when they did their

1 cleanup out there under the FUSRAP program they
2 went out and did their testing, did the
3 remediation. When they were complete with it
4 they did their independent verification
5 contractor. And what they did at that point was
6 determine if everything that was remaining on
7 site below the criteria. If it was, they went
8 through a federal register process and they
9 removed it from the FUSRAP program as considered
10 closed. When the Corps of Engineers took on the
11 program and was handed the program by congress we
12 were given all the remaining sites in the program
13 and any other sites that would be added to the
14 program through a specific process. So if there
15 are any other sites that -- any sites that have
16 already been addressed and closed by Department
17 of Energy are not in the FUSRAP program that we
18 are allowed through the address through the
19 appropriations that we have. If there are any
20 sites that there's reason to believe that
21 additional remediation should be done or there's
22 some question, they would have to be added to the
23 program or added back into the program in order

1 for us to do that. I think that what's Judy was
2 talking about. The specific process would be
3 through the Department of Energy determining
4 eligibility and then through a memorandum of
5 understanding between the Department of Energy
6 and the Corps of Engineers. It would then come
7 to the Corps of Engineers to review and to look
8 for evidence of release. Is that what you were
9 talking about, Judy?

10 DR. JUDITH LEITHNER: That was
11 what I was talking about because we've mentioned
12 several times, not all of these people were in
13 attendance, that once something is taken out of
14 the program we legally and financially are not
15 allowed to go back and re-look if it's been
16 closed and listed in the federal register as
17 clean. So what I wanted to do was have Michelle
18 give you a little idea of if something has been
19 declared clean it's not necessarily that it can't
20 be addressed but we can't address it until say a
21 member of the public or a local official contacts
22 the Department of Energy and says with some
23 substantiation we have reason to believe this

1 should be looked at again.

2 MR. GARRON ROBERTS: Could I try to
3 maybe summarize those two answers. I think the
4 answer to my question was no. The question was
5 has the Southwestern drainage ditch which is in
6 close proximity to the school been tested or is
7 planned to be tested for the radionuclides that I
8 commented. I think what you're telling me with
9 your long answer is no.

10 DR. JUDITH LEITHNER: Yes, that's
11 right.

12 MR. GARRON ROBERTS: Thank you.
13 The other issue and I wanted to come back to this
14 anomaly issue again is sometimes you have needles
15 in haystacks and we're all familiar with that
16 analogy and sometimes the needle itself can be
17 quite sharp and quite dangerous so to really say
18 that an isolated contaminant or an isolated area
19 is not really a problem, it really may be the
20 thing you're looking for. I'll give you a
21 classical example of how that might be relevant
22 to the school property. The school property has
23 a pipe running along it which comes from the

1 former sites. That pipe I believe has been
2 detected in its vicinity for things like boron
3 and other chemicals so I'm wondering whether than
4 do sort of a random sort of blind check, we
5 really should focus on some arterial paths which
6 could carry contaminants directly into the site
7 in a very specific location, a needle in the
8 haystack as opposed to the general sweep.

9 MS. MARY KAY FOLEY: First of all,
10 I apologize if I was -- I didn't mean to be sharp
11 with you. I really feel I take personal pride in
12 the fact that we are being up front and that we
13 are responsive to the public's questions and I
14 guess it is just frustrating for me when I feel
15 like we're doing the best job possible and people
16 don't believe us no matter what we say. So I
17 apologize for that. We did do some follow-up
18 sampling around that anomaly, actually the school
19 did and with the Department of Health. So it was
20 followed up on. And to answer your second
21 question, they did do targeted sampling right
22 over that pipe so that has been targeted.

23 LTC GLEN DeWILLIE: If you feel

1 that pathway wise, arterial wise that seems to
2 certainly have some merit in a discussion, I'd
3 love to entertain that further and really explore
4 that with you so I'm very open to that. Those
5 are points very well taken in terms of making
6 ironclad statements. Perhaps for whatever reason
7 that's dangerous in scientific language as well
8 as in any relationship. So never say never is
9 not good but points well taken. Let us please
10 continue to pursue that with you. I'm sure you
11 signed in and we can get a hold of you.

12 Could I just ask since you already
13 had a question before if there is anybody else
14 who would like the floor before we give it to
15 this lady. I would ask that in fairness to the
16 crowd. Anybody else? We will certainly come
17 back.

18 MR. VINCE MAMELI: I'm Vince Mameli.
19 I'm not as well kept on this subject as most of
20 the people here but I do have some interesting
21 questions. I know what a benchmark is by the
22 way. I work construction and I know what slag
23 is. My first question is monitoring. Now, the

1 way certain things are monitored in this area has
2 me sort of nervous. The way they monitor our
3 river system, they use a type of monitoring
4 called Upstream Downstream. That means they have
5 checkpoint in Tonawanda and they have a
6 checkpoint in Youngstown. So anything in between
7 can happen. It's sort of like an analogy like if
8 you're in a swimming pool you can sort of dump in
9 the deep end but it's okay to swim in the shallow
10 end. I don't mean anything to be rude or
11 anything but I think the way we're monitoring
12 things in this area isn't up to par.

13 I grew up in an area near Love
14 Canal and everybody -- I grew up on the same
15 street for forty something years. Everybody in
16 my neighborhood seems to be dying of cancer.
17 It's easier to die from cancer than it is in an
18 accident in my neighborhood. So I see some
19 similarities in what we are talking about here.

20 Now, slag, I've been in the
21 construction business for many years. Slag can
22 mean -- can be a number of different things.
23 Now, they filled people's driveways and they've

1 done asphalt and underneath there's a base for --
2 on the side of buildings they use slag. That can
3 be recycled materials. Where are those materials
4 coming from? When I was young I played with
5 things like yellow phosphorous. Take it out of a
6 can and it starts on fire as soon as it hits the
7 air. Now, where did I get these things? Right
8 from here. You can't buy them in the store. You
9 find them in the fields. Fire rocks, you throw
10 them on the ground and they blow up. We did
11 these things as kids. Certain areas of Niagara
12 Falls there is no doubt there is contamination
13 there and the contamination started from this
14 project. This project goes back into the City of
15 Niagara Falls and it's come in from years of
16 slag, you want to say that. It's underneath
17 everybody's driveway. I mean not everybody's
18 quote but there is some problems in this area and
19 there should be better monitoring. I don't
20 believe this background monitoring system is
21 sufficient just the same as Upstream Downstream.
22 It's ridiculous. We have a place in Tonawanda
23 that monitors the water and a place in

1 Youngstown. They have out shoots from the
2 factories saying don't eat the fish. They have a
3 sign right there, right on the river saying PCBs.
4 There is a sign that says you can walk the trail,
5 the River Walk Trail, is it. You walk that trail
6 and you see a sign right against the fence, if
7 you fish here don't eat the fish. There are PCBs
8 in the fish. This sign is there today. We have
9 a problem with that. I'll end it there. I don't
10 know as much as everybody. I just wish that we
11 had a better monitoring system. I don't think a
12 smoke and mirrors is going to do. I think we
13 have come down with something concrete. Thank
14 you.

15 (Applause)

16 LTC GLEN DeWILLIE: What I hear
17 you saying is we need a better monitoring system
18 is your issue. And you would like the RAB to try
19 and look at something as to a better system in
20 particular to this site, not the fish in the
21 river but for things that are connected with this
22 site and improving a monitoring system is your
23 issue.

1 MR. VINCE MAMELI: Let me tell you
2 something about ground fill. Now, you can use
3 ground fill that has things in it that will cover
4 everything that's underneath this building. You
5 can put whatever you want underneath this
6 building and put a ground fill over top of it and
7 you can cover it up. But for how many years?
8 Thank you.

9 AUDIENCE MEMBER: Right.

10 AUDIENCE MEMBER: Right.

11 MS. JOAN BRODERICK: Joan
12 Broderick, and I want to apologize for
13 interrupting your meeting. But because you were
14 so interested in having me sit down I really
15 don't think you listened to what I had to say and
16 I wanted to --

17 LTC GLEN DeWILLIE: I apologize
18 too. I did not closely listen what you said and
19 I freely acknowledge that there has been an
20 accepted norm here from the group to conduct
21 public meeting for the Restoration Advisory
22 Board. I want to continue in at that light. If
23 that's no longer a viable means and you have a

1 more constructive way I would love to entertain a
2 more constructive way that could improve this.
3 But I do not like to do that in the middle of
4 what we were as an expected norm trying to do and
5 so that is why I tried to have you sit down.

6 MS. JOAN BRODERICK: I felt that I
7 did not have another alternative. But what I did
8 say is we appreciate that you have restraints.
9 What are restraints? Limits to what you can do.
10 But I also said you have a very knowledgeable
11 advisory committee and we also have very
12 knowledgeable residents and knowledge is power.
13 Listen.

14 (Applause)

15
16 MR. TIMOTHY HENDERSON: As a RAB
17 member I was wondering if this panel could
18 entertain the idea of opening up a longer period
19 of time before the meetings to the public. I
20 think it's got to be frustrating for these people
21 to sit here for almost two hours and not be able
22 to comment.

23 (Applause)

1 AUDIENCE MEMBER: Right.

2 AUDIENCE MEMBER: Now you're
3 talking.

4 MR. TIMOTHY HENDERSON: These are
5 one of the reasons we're here. These are the
6 stakeholders.

7 LTC GLEN DeWILLIE: Sure, I agree.
8 What we are doing is still responding to a length
9 of issues that were generated from the last
10 meeting to covering in this meeting. So we are
11 always lagging one meeting to try and address
12 those issues and give you a good response that's
13 well researched and has scientific credibility
14 behind it before we off the cuff try to throw
15 something at you and as many people have
16 suggested bring smoke and mirrors. I will
17 continue to try and provide the best scientific
18 evidence I can muster with the dollars and
19 resources given and we will expand to workshops
20 for instance as necessary in the conduct of our
21 duties to try and encourage and allow that kind
22 of dialog to go on. I don't have any heartburn
23 with positive, productive dialog, Mr. Henderson.

1 MR. TIMOTHY HENDERSON: I
2 knowledge Mary Kay's frustration that she must
3 feel with some of the distrust coming from the
4 audience and RAB members but it comes from a very
5 real position of having been lied to in the past
6 by other managers of the site. For years we were
7 told that there was nothing to worry about. Then
8 we had Freedom of Information come along and we
9 found there is more than enough to worry about.

10 LTC GLEN DeWILLIE: And we are
11 doing something to try and take care of that.

12 MR. TIMOTHY HENDERSON: The
13 National Research Council from the National
14 Academy of Sciences, fifteen independent Ph.D.s
15 said that that stuff shouldn't be near mankind
16 let alone a school. So that's where we're
17 coming from. We have genuine concerns.

18 LTC GLEN DeWILLIE: Thank you. We
19 do have a question that came from the floor.
20 Steve, if you could read that please.

21 MR. STEPHEN YAKSICH: Yes, it's
22 from Amy Long. Did the Army Corps of Engineers
23 test the areas that the old pipelines used for

1 draining radioactive waste into the Niagara River
2 during the late '30s and early '40s? Did they
3 test the Project Adventure area where kids were
4 forced to participate in gym activities located
5 in the woods behind the school? It's a question
6 that applies to LOOW.

7 MS. MARY KAY FOLEY: I will say
8 for the school I would have to go back and check
9 through my records but I know there were numerous
10 background samples taken and quite a few of them
11 were taken on the school. I could check into
12 that. The radioactive, I would have to defer to
13 Judy.

14 DR. JUDITH LEITHNER: We didn't
15 test any radioactive at all on the school
16 property.

17 MS. MARY KAY FOLEY: The pipelines.

18 MR. STEPHEN YAKSICH: The areas
19 that the old pipelines used for draining
20 radioactive waste into the Niagara River during
21 the late '30s and early '40s.

22 DR. JUDITH LEITHNER: No. We test
23 any pipeline that's on the property. We don't go

1 off property and test pipelines as they would
2 have existed to go to the Niagara River.

3 AUDIENCE MEMBER: I have some
4 documentation for you. There is twenty million
5 to thirty million gallons of chemicals running
6 into that river and I can get the documentation
7 for you and I'll bring it for you.

8 DR. JUDITH LEITHNER: We would
9 appreciate it.

10 LTC GLEN DeWILLIE: Thank you,
11 definitely appreciate that.

12 DR. NILS OLSEN: I apologize, I
13 have a sick daughter at home and my wife isn't
14 home so I'm going to have to leave. I did want
15 to return back to what I talked about at the
16 beginning because I think this meeting is a
17 perfect example of why it can be very useful to
18 get sort of independent experts that are
19 reporting directly to the RAB and the community
20 evaluating the documentary and scientific
21 evidence that's available. A lot of people said
22 it, I said it at the first meeting, there's so
23 much baggage associated with this site

1 particularly the Niagara Falls Storage Site and
2 the Department of Energy's management of it over
3 the years. There is an enormous amount of
4 mistrust associated with that site just based on
5 experience. It wasn't our experience with you
6 when we had this discussion before. This is very
7 definitely the product of that. In my experience
8 an awful lot of testing and reports can be done
9 and it's always a matter of who do you trust and
10 whose opinion are you going to credit and I think
11 it's helpful to everybody including the
12 regulators if we're able to get some independent
13 evaluation of the statistics we have and some
14 independent views with respect to what other
15 tests might be necessary. Certainly with respect
16 to the school, those portions of the school that
17 are not subject to this particular jurisdiction
18 would be subject to the Department of
19 Environmental Conservation for instance which is
20 here and which cooperated very promptly really in
21 the request to do the walkover at the last
22 meeting. So that I would, again, at least from
23 my perspective I think it's very important that

1 both the district and the citizens of this
2 community have a sense of sort of independent
3 validation of the information that they get and
4 an independent opinion of what, if anything,
5 additional may be done even if it's outside of
6 the particular jurisdiction of the Army Corps of
7 Engineers on this particular property because
8 this whole area has been impacted so much
9 throughout the past fifty years by all sorts of
10 activities. Some of it associated with prior
11 defense and industry. Others just associated
12 with basically waste disposal and other
13 activities that I think I'm certainly going to
14 keep working on this and I hope we can reach some
15 conclusion on it fairly quickly to get some
16 independent evaluation as well. I think it will
17 help us move along. I do apologize for leaving.
18 It's not that I don't want to hear.

19 MS. NONA McQUAY: Before we
20 adjourn, could I ask that the representatives
21 that are supposed to be here to the New York
22 State Department of Health identify themselves if
23 they are here from Albany. We would be delighted

1 to see them.

2 LTC GLEN DeWILLIE: If you could
3 please hold your hands up, the Department of
4 Health folks.

5 MS. NONA McQUAY: Thank you so
6 much for coming.

7 MR. BILL ROLLAND: Bill Rolland, a
8 resident downstream. I think generally we agree
9 that the CWM properties contained inside the LOOW
10 area, consequently I'm assuming that the
11 responsibility for LOOW has some interface with
12 the work of CWM. It's an assumption I'm starting
13 with at least. It can be clarified in a minute
14 if necessary. Two related questions from two
15 different areas, if I could ask that maybe the
16 Corps could answer how frequently you test for
17 radioactive and other types of contaminates in
18 the CWM property area. And the question may be
19 of Becky or somebody from CWM, if you would,
20 could you brief us a little bit more of the
21 procedures that you might use inside the area
22 related to cleanup if you find things that are
23 kind of a problem and that I guess relates to a

1 second question. What happens when you get ready
2 to expand the landfill? What does the land
3 underneath it have to be at that point? So there
4 is a question to the Corps and a question to CWM,
5 if you would. Thanks.

6 LTC GLEN DeWILLIE: Judy, can you
7 answer the first question?

8 DR. JUDITH LEITHNER: Actually
9 would you repeat the first question. You had so
10 many questions.

11 MR. BILL ROLLAND: I was just
12 wondering about the frequency that you test on
13 CWM property itself.

14 DR. JUDITH LEITHNER: I do not
15 test on the CWM property because FUSRAP is
16 limited to Niagara Falls Storage Site. That's
17 all we test. We have gone up onto that property,
18 to what we call the vicinity property G to do
19 both the walkover and to do the geophysical study
20 that we promised to find, to see if we could find
21 the buried animals. That's really all because we
22 are not allowed to go outside of what's
23 designated as FUSRAP to test for RAD.

1 MR. BILL ROLLAND: I thought you
2 covered LOOW?

3 DR. JUDITH LEITHNER: No, that's
4 Mary.

5 MS. MARY KAY FOLEY: The LOOW site
6 does test CWM. As far as a regular testing, we
7 don't have any sort of a schedule where we
8 regularly go out there. We have done extensive
9 sampling on the Chemical Waste Management site
10 and that's in the report that the lady was
11 referencing has the results of the most recent
12 samples.

13 LTC GLEN DeWILLIE: Do you have
14 any radioactive sample data included in that
15 report?

16 MS. MARY KAY FOLEY: We generally
17 scan for radioactive, hand-held scans for health
18 and safety. We don't. We have not had any
19 problems but we don't take soil samples for
20 radioactivity.

21 AUDIENCE MEMBER: Does that include
22 where the Balmer Road School was too?

23 MS. MARY KAY FOLEY: Yes. Except

1 we haven't done a lot of sampling in that area
2 because there's no indication that there is any
3 contamination there.

4 MR. LOUIS RICCIUTI: I don't mean
5 to interrupt but I swear that I have something, a
6 handout from the Army two meetings ago that
7 claimed that the Brett School was contaminated
8 with U-238.

9 MS. MARY KAY FOLEY: That's -- DOE
10 did do some cleanup there. We have no -- under
11 the -- it's confusing and I apologize if I'm
12 confusing people. There was no Department of
13 Defense activities there so under the DERP-FUDS
14 program we have not sampled there. That doesn't
15 mean DOE did sample -- Department of Energy did
16 sample that area.

17 MR. LOUIS RICCIUTI: Could I
18 perhaps, I think what's going on here and for my
19 own benefit I need to understand a little bit of
20 clarification. The Lake Ontario Ordnance Works
21 was set up on the War Department back in 1941 or
22 two. So automatically the seven thousand five
23 hundred acres belonged to the U.S. Military. Yet

1 I hear that only certain spots were impacted by
2 Department of Defense or the War Department or
3 the Air Force or albeit whoever it is. When, in
4 fact, I think it would be a lot easier for us,
5 for the public to realize that, you know,
6 everything that happened here, anything that we
7 find here should first be assumed to have been
8 left by the government, by our military.

9 AUDIENCE MEMBER: Absolutely.

10 MR. LOUIS RICCIUTI: I have one
11 last thing and I'm done. I'm really done. This
12 is way over my time limit. I have children I
13 have to attend to also. On the Army Corps of
14 Engineers web site it clearly states on the
15 facts, facts portion, frequently asked questions
16 and almost admittedly so there is no plutonium,
17 there has been no plutonium detected on the NFSS
18 site. We already have pretty much documentation,
19 witnesses that have claimed that they have seen
20 these animals that are presumably from the
21 Rochester plutonium experiments. That being
22 said, that material is found over on the CWM
23 property. And as the gentleman here said, you're

1 talking about allowing them to expand and
2 covering -- the gentleman back here said you can
3 cover materials up etcetera, etcetera. One of
4 the things that I just want to state clearly is
5 that in that sampling that that gentleman was
6 talking about, Upstream Downstream, there is
7 plutonium showing up in the Niagara River and
8 Lake Ontario. Now, I'm not a physicist but I did
9 take physics in school and I understand enough of
10 this probably to be a pain in your back sides,
11 but if plutonium is found in the Niagara River
12 and Lake Ontario and if it's being attributed by
13 fallout or from fallout then it needs to be in
14 concert with other radionuclides, is that correct
15 so far? I'll just say it is correct because
16 that's what I know to be true. If you found --

17 LTC GLEN DeWILLIE: Where is
18 Chris?

19 MR. LOUIS RICCIUTI: What I said
20 so far, is it true? If you find plutonium and
21 it's attributed to fallout that it should be in
22 concert with other radionuclides.

23 MR. CHRIS HALLAM: Typically you

1 will find some other radionuclides. It depends
2 on what it's coming from. It gets a little
3 tricky.

4 MR. LOUIS RICCIUTI: Right, I
5 agree. Now here's what I've seen. I submitted
6 sworn testimony to the International Joint
7 Commission from Dr. Bertell. I gave her what I
8 thought was my assumption of this area first.
9 You have a place over at CWM called the Rochester
10 Burial Area. There is plenty of information and
11 knowledge that the Rochester experiments were
12 conducted almost solely with plutonium. Let's
13 just assume that there's plutonium over at CWM.
14 There is plutonium being found in the river and
15 Lake Ontario and it's being found in percentages
16 that are beyond what should be found from
17 fallout. It's not being found with the rest of
18 the constituency that it should be found. Also
19 it's attributed or being attributed to the West
20 Valley facility seventy miles from here.
21 Wouldn't it be more reasonable to at least look
22 and be concerned that the plutonium is coming
23 from seven thousand feet away. That's my

1 question. Wouldn't it be more logical and
2 reasonable? Let's eliminate that first. That's
3 the radionuclide of my most concern. That's why
4 you saw what you saw here today. Now, I need
5 some straight answers. I have children in this
6 area and I'm in this area. I don't particularly
7 like being near something that's thirty-eight
8 thousand counts a minute. I don't consider
9 myself a radiophobe. Anyhow, that's my
10 statement.

11 LTC GLEN DeWILLIE: Mr. Ricciuti,
12 I'm glad you are concerned. I don't want
13 alarmism or overreaction nor would I want
14 somebody callous to just whisk it away. I don't
15 think we collectively are at either end of that.
16 I would hope that we're closer towards the middle
17 of that where we are showing some concerns and
18 doing something. Whether it's enough in your
19 mind or others, I detect it isn't and it isn't
20 fast enough and I can understand that. As I
21 said, we are resource constrained but by the same
22 token I don't think that we need to take
23 illogical steps into extremism because it's only

1 going to cause false assumptions, reactions and
2 gosh, a lot of extra worrying spent. So I agree
3 with you.

4 MR. LOUIS RICCIUTI: Would you
5 tend to agree that we're dealing with the ladies
6 and gentleman, Mr. Haas was it?

7 MR. CHRIS HALLAM: Hallam. It's
8 pretty close. Doug Haas was the other guy.

9 MR. LOUIS RICCIUTI: Okay. I
10 think that you would agree. I'll address this to
11 you. You're the key RAD man. There's two groups
12 of people. There's people that say, ahh, they
13 call it hormesis where radiation is actually good
14 for you. There's that camp. And then there is
15 the no dose camp; correct?

16 MR. CHRIS HALLAM: And then there's
17 some in between. That's the two ends of the
18 spectrum.

19 MR. LOUIS RICCIUTI: Right. What
20 I am looking for is something in between that I
21 can put my teeth into and hold onto and be able
22 to sleep well at night.

23 MR. CHRIS HALLAM: Great. Can I

1 take just a minute and let's talk about --

2 MR. KENT JOHNSON: Before you
3 start on the plutonium could I address some of
4 the issues on the Chem Waste property and also
5 some of the issues that have been -- Judy
6 referred to this earlier. The early 1980s under
7 the Department of Energy the Oakridge Associated
8 Universities did a vicinity property survey of a
9 number of parcels surrounding the Niagara Falls
10 Storage Site. There is a number of different
11 documents, each one is probably about a hundred
12 and some odd pages. On them they did a survey of
13 the property and found whatever radiological hot
14 spots there were.

15 MS. REBECCA ZAYATZ: It included
16 the Rochester Burial area.

17 MR. KENT JOHNSON: It included
18 the Rochester Burial area. There are still some
19 areas that were not closed out. Judy mentioned
20 this earlier and I believe Ms. Bawczak also
21 mentioned about close out sites. The majority of
22 the properties were scanned and they found
23 isolated spots of elevated radioactivity. I'm

1 not a health physicist again but the levels that
2 they found were not excessive. The real hot
3 spots they found were on the Niagara Falls
4 Storage Site. Property G is the area that was
5 recently looked at under a geophysical survey by
6 the Corps of Engineers. I've found documents
7 dating from the early -- from the '70s and '80s
8 that describe where the Rochester Burial Area is
9 and also it describes that it was dug up in 1984
10 and the material was taken onto the Niagara Falls
11 Storage Site.

12 MR. LOUIS RICCIUTI: I would
13 certainly love to see that document.

14 MR. KENT JOHNSON: I can provide
15 it to you. I do have that document. I won't be
16 in the office until Friday.

17 MR. LOUIS RICCIUTI: I'll leave you
18 a voice mail.

19 MR. KENT JOHNSON: The Rochester
20 Burial area was dug up and the material that was
21 found in there was taken back across the fence
22 over to DOE property. The Corps of Engineers
23 just recently did a geophysical survey of that

1 area and did not find any areas that would show
2 an anomaly which would suggest there's additional
3 buried material in that area.

4 MR. LOUIS RICCIUTI: So the material
5 that contained -- the animal carcasses that
6 contained plutonium were then placed into the
7 NFSS if I hear you correctly.

8 MR. KENT JOHNSON: I can't say
9 exactly what was in those carcasses or what was
10 removed but the contents of this burial area was
11 removed in 1984.

12 MR. LOUIS RICCIUTI: I would like
13 to see that document.

14 MR. KENT JOHNSON: It's a report
15 talking about what areas remained to be cleaned
16 up out there by the Department of Energy.

17 AUDIENCE MEMBER: I think I got the
18 answer to my first question, that's no, there is
19 no sampling or regular program going on in
20 concert in cooperation with CWM and the rest of
21 the powers that be.

22 MR. KENT JOHNSON: The Niagara
23 Falls Storage Site proper is monitored.

1 LTC GLEN DeWILLIE: Yes.

2 AUDIENCE MEMBER: Mine was more
3 addressed to the CWM landfill area itself.

4 MS. REBECCA ZAYATZ: I think I
5 want to make a comment that I think help answer
6 some of your other questions just following what
7 Ken was describing. There was a history where
8 the site was evaluated and you're asking
9 specifically with respect to radioactive type
10 issues.

11 AUDIENCE MEMBER: Well, both but
12 radioactive is certainly one.

13 MS. REBECCA ZAYATZ: So the work
14 that Kent was just describing, the emphasis was
15 primarily with respect to any type of radioactive
16 waste that might have been left behind from
17 former defense activities and that for the most
18 part had been completed and certified.

19 There is also the work that Mary
20 Kay is working on and this is where it does get
21 confusing. Our property happens to overlap both
22 programs. So then in addition as a permanent
23 facility we have our own series of monitoring

1 that we do for the facility. So you have a
2 number of things that have gone on, are going on.

3 Just to answer your question with
4 respect to the future landfill development site,
5 we do take the history of the areas into account
6 because one of the things that is very important
7 as part of the permitting process and working
8 with the New York State DEC is to have a clean
9 site for development of a landfill and the area
10 that we are currently considering is removed from
11 any of these things that we're discussing right
12 now. The Rochester Burial Area for example is
13 just north of the DOE property fence. It's on
14 the very southern margin of the CWM property.

15 AUDIENCE MEMBER: A clean site
16 means you have to go down a ways, find out
17 whether there is barrels and other things still
18 buried underneath there that maybe haven't been
19 detected. They are still encapsulated.

20 MS. REBECCA ZAYATZ: There's a
21 series of techniques that we use to establish
22 that. That would include a review of past
23 history which has been done for the facility.

1 Then also there's a groundwater monitoring
2 program which has to be established for an area
3 before we use it.

4 MR. TIMOTHY HENDERSON: So if the
5 site was found to be contaminated it would have
6 to be cleaned up before you could put a hazardous
7 waste landfill on it?

8 MR. KENT JOHNSON: Quite honestly,
9 yes. New York State, we can't determine if the
10 site is leaking if it's already contaminated.

11 LTC GLEN DeWILLIE: It's where we
12 go with this background information, you need the
13 baseline before you can do anything, before you
14 can make an accurate assessment of what's been
15 added to the baseline. That's the essence of the
16 problem. You captured the very question.

17 MR. TIMOTHY HENDERSON: I have a
18 little problem with that. It's like you're
19 spending money to clean up the site to get it
20 ready for a hazardous waste landfill.

21 LTC GLEN DeWILLIE: I'm spending
22 money to clean up the site and take care of the
23 Department of Defense related activities, yes.

1 MR. TIMOTHY HENDERSON: It sounds
2 like the inmates are running the asylum here as
3 far as, you know, the thought process.

4 LTC GLEN DeWILLIE: You're welcome
5 to have any opinions you want but please don't
6 put words in my mouth, Mr. Henderson. Thanks.

7 We are well over the twenty minutes
8 extra that we took before. I don't want to cut
9 this off prematurely. If there is one more
10 question from the floor perhaps.

11 MR. CHRIS HALLAM: If I could, sir,
12 I'd really like to just take a quick minute and
13 address one of Mr. Ricciuti's comments on
14 plutonium.

15 MR. LOUIS RICCIUTI: The name is
16 Ricciuti.

17 LTC GLEN DeWILLIE: Ricciuti, I'm
18 glad you clarified that. Thank you very much.
19 I apologize for mispronouncing that.

20 MR. LOUIS RICCIUTI: It's like a
21 sneeze. Ricciuti. If you say it properly, I'll
22 say God bless you.

23 MR. CHRIS HALLAM: I only want to

1 take about one minute. I'll keep it really quick
2 if I can, sir. Just to bring up one thing we
3 spoke about. Plutonium is something that's very
4 tricky to look at especially when you're doing a
5 data analysis. It would be really helpful. I
6 have not seen the data that you have. New York
7 State I think is interested in seeing that data.
8 That's something to look at. There's other
9 considerations that we would look at. For
10 example, what was the location that these detects
11 occurred; how far up stream was it; was it only
12 down streams; was it both locations; did they
13 even test upstream to have a comparison for up
14 and down of where the outfall is for example at
15 the site. So that's all very vital information
16 so what I'm requesting is if you have that
17 information available that's a case where we
18 would really like you to come forward. If you
19 can provide that information for us that can be
20 substantial input.

21 MR. LOUIS RICCIUTI: Do you have a
22 business card?

23 MR. CHRIS HALLAM: Absolutely.

1 That's something I will forward a copy to the
2 state as well.

3 AUDIENCE MEMBER: It's been
4 submitted to the IJC so --

5 MR. CHRIS HALLAM: Great. That's
6 all I have.

7 MR. KENT JOHNSON: If I could also
8 just answer a little about what he said on West
9 Valley. I also worked there. During the '60s
10 while the -- West Valley for those of you who
11 don't know, West Valley Nuclear Services back in
12 the 1960s was a reprocessing center for nuclear
13 fuel. What they do is they take the fuel from
14 the -- spent fuel from the power reactors, chop
15 it up and dissolve it in nitric acid and then try
16 to reclaim the good material, the material that
17 would still be usable for nuclear power and the
18 waste material was then basically put in a tank
19 or landfill at the site. As part of their
20 operations back in the '60s they did discharge
21 and it would not surprise me if plutonium was
22 included in their discharge because back in the
23 '60s their treatment system was not exactly what

1 we would do today.

2 LTC GLEN DeWILLIE: It's plausible
3 it's a pathway as this gentleman mentioned to us
4 as possible arteries. When you have a
5 seventy-five hundred acer site, limited dollars,
6 as you said, let's try to maximize those. You've
7 certainly given us, you collectively and you
8 individually have given us food for thought
9 tonight and I appreciate that.

10 MR. LOUIS RICCIUTI: If I can
11 eliminate this site as being the contributor to
12 the plutonium, I'll sleep at night and I'll be
13 able to go out in the water and enjoy myself. I
14 won't contemplate moving anymore.

15 LTC GLEN DeWILLIE: Steve, if I
16 can go ahead and turn it over to you. We'll try
17 to set the next meeting date and if there are
18 other questions --

19 AUDIENCE MEMBER: One question
20 before I leave here and it's to the woman there
21 for CWM. She keeps talking about property that
22 CWM owns which used to be LOOW site property.
23 Why is the property used for your rolloff

1 trailers not used by CWM? Why don't you use that
2 anymore, use it for storage of files on Balmer
3 Road and Lutz, why don't you use that property?

4 MS. REBECCA ZAYATZ: Well, we did.
5 I been at the site for thirteen years and
6 initially the main office building for the
7 administrative staff was over there.

8 AUDIENCE MEMBER: Why don't you use
9 it now?

10 MS. REBECCA ZAYATZ: What we did is
11 we wanted to get our staff closer together and
12 closer to the operation so we put an office
13 building closer right on the central portion of
14 the site and that's where my office is right now
15 and we continue to use those buildings for
16 storage of files, etcetera but it's really only
17 as a matter of convenience.

18 AUDIENCE MEMBER: You don't know
19 about contamination in those buildings or
20 anything like that?

21 MS. REBECCA ZAYATZ: I'm not aware
22 of any. There was an asbestos issue. CWM did an
23 asbestos removal in those buildings in the early

1 '80s.

2 MR. STEPHEN YAKSICH: I would like
3 to get the feeling of the board on the next
4 meeting. The last one was in October. I heard
5 some comments that it wasn't often enough. We
6 still have the information Judy was going to
7 present for this meeting.

8 MR. DARWIN JAMES LANGLOIS: Aren't
9 we chartered to meet quarterly?

10 MR. STEPHEN YAKSICH: So that
11 would be April, May, June and then we are going
12 to -- we have been meeting the second Tuesday,
13 I'm sorry, the second Wednesday so that would be
14 June 12th. Is the court reporter available on
15 that date? June 12th.

16 LTC GLEN DeWILLIE: If you have
17 specific commentary as well towards the item of
18 work shopping and/or extending this or separating
19 it into a potential workshop for an hour or
20 something ahead of the meeting, we would
21 appreciate that feedback. Send it into us
22 through the web site, call it in on the hot line,
23 whatever's the easiest way for you to get that

1 feedback for us and we will try to accommodate in
2 some kind of a consensus way a means of extending
3 and/or accommodating you in an additional
4 capacity to facilitate better communication.

5 Thanks for coming out.

6 MR. THOMAS FRECK: Could we put a
7 couple action items on for the next meeting.
8 Possibly more investigation, Lew-Port School
9 number four which is the area that they're
10 talking about, Balmer Road and Lutz Road. I know
11 Mary Kay did talk about in October that they had
12 gone into that area but nothing's really told us
13 much of anything about it. Also the ground scar
14 area that we're talking about, the Occidental
15 area which this other lady was concerned about, I
16 know they went and investigated but nothing more
17 has been said about it. So these are action
18 items for the next meeting perhaps.

19 I would just like to ask, could we
20 bring up written questions and answers? We had
21 done that at some point and maybe that will help
22 alleviate the time things so some people can get
23 answers to their stuff. As long they're going to

1 get answers and maybe we can respond to it the
2 following meeting. Written answers and
3 questions, so you guys got time to respond
4 properly.

5 MS. MICHELE HOPE: We've been
6 bringing them up all through the meeting. They
7 have been passed up to the front. They have all
8 been answered, all the ones that were handed in.

9 MR. THOMAS FRECK: I didn't see
10 it. Thank you.

11 MS. MICHELE HOPE: Please help
12 yourself to materials as you go out. Thank you
13 all for coming. We are adjourned.

14

15

16 (Whereupon, the proceedings concluded at 10:05 p.m.)

17

18

* * *

19

20

21

22

23

1 STATE OF NEW YORK)

2 SS:

3 COUNTY OF ERIE)

4

5 I, MICHELE ALEKSANDROVS, a Notary
6 Public in and for the State of New York, County
7 of Erie, DO HEREBY CERTIFY that the proceedings
8 were taken down by me in a verbatim manner by
9 means of Machine Shorthand on March 13th, 2002;
10 that the proceedings were taken to be used in the
11 above-entitled action.

12 I further CERTIFY that the
13 above-described transcript constitutes a true,
14 accurate and complete transcript of the
15 testimony.

16

17

18

19

20

MICHELE ALEKSANDROVS,
Notary Public.

21

22

23