

**FINAL RESPONSES TO ADDITIONAL NYSDEC COMMENTS  
ON PHASE II ADDENDA  
(2 October 2000)**

June 5, 2000

Mr. Raymond L. Pilon, Project Manager  
U. S. Army Corps of Engineers  
Buffalo District  
1776 Niagara Street  
Buffalo, New York 14207-3 199

Dear Mr. Pilon:

Re: Lake Ontario Ordnance Works, Remedial Investigation Phase 2

The New York State Department of Environmental Conservation (the Department) has received the responses to Department comments on the ADraft Addendum to the Work Plan for the Phase I Remedial Investigation for the Lake Ontario Ordnance Works (LOOW), Niagara County, New York for Phase II Remedial Investigation. The draft work plan contains a proposed sampling program for the collection of additional information to investigate environmental impacts from past Federal Government ownership of the property.

Upon review, the Department approves the work plan with the following comments:

**Section 1.2** – It is understood that Department of Defense guidance considers asbestos and lead based paint to be ineligible projects for the DERP-FUDS program. However, these contaminants are the results of Federal government use and ownership of the property. Exposure to these contaminants may pose an unacceptable hazard and should be investigated and/or remediated.

Unused inactive transformers and underground storage tanks do appear to be eligible as a Containerized Hazardous Toxic & Radioactive Waste (CON/HTRW) project.

The Department will continue discussions on the eligibility and responsibility of additional areas of the former facility.

*USACE RESPONSE: Section 1.2. Asbestos and lead can be addressed under the DERP-FUDS program on an exception basis. For example, we have removed asbestos from the LOOW site at several locations due to life-safety concerns for workers who will actually do the Phase II RI Investigation. Considering the location of this site and the restricted access to it, the Corps of Engineers does not recognize any immediate hazards from lead or asbestos contamination that would justify an exception to the Department of Defense policy on asbestos and lead contamination at Formally Used Defense Sites. The Corps of Engineers is willing to entertain*