



DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

REPLY TO
ATTENTION OF
CELRB-ED-EE

JAN 11 2001

SUBJECT: Remedial Investigation Work Plan – Supplemental Comments on Addendum to the Work Plan for Phase I (i.e. Phase II) Remedial Investigation for the Lake Ontario Ordnance Works Component Two – Somerset Group Site

Ms. Linda Shaw
Knauf, Koegel & Shaw LLP
183 East Main Street
Suite 1250
Rochester, New York 14604

Dear Ms. Shaw:

I regret our delay in responding to your August 28, 2000 letter. The original letter is enclosed as Attachment 1. Responses to your letter are provided as Attachment 2.

I wish to specifically address your contention that USACE has violated the National Contingency Plan (NCP)(40 CFR 300). Your comments imply that the NCP mandates remedial investigation work plans are subject to public comment. There is no such requirement in the NCP. We distribute these plans internally and to the State Regulators for review as a matter of DOD Policy, and provided a courtesy copy to Mr. Syms. The final addendum to the work plan dated June 2000, included responses to all reviewer comments received during the review period. Your letter dated June 6, 2000 was received after the final work plans were published. As a matter of policy, we welcome comments and suggestions on our work products and respond as soon as possible to comments received. These responses may be delayed due to pending actions, workload, or other administrative reasons. Please note that many of the investigative actions you requested have already been included by amendment to the work plan. We therefore disagree with your allegation that USACE has violated the NCP.

The Right Of Entry (ROE) agreement does require that we provide you a copy of the work plans, consider your comments, and provide written response to suggestions not accepted relative to the work plans. The Corps has met that requirement. However, the ROE does not provide the Owner approval authority of the work plans. We therefore disagree with your allegation that USACE has violated the ROE.

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CELRB-ED-EE
MAILROOM

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If you have any questions regarding the attached information, please do not hesitate to contact me by telephone at (716) 879-4417 or by e-mail at mary.k.foley@usace.army.mil.

Sincerely,



Mary Katherine Foley, P.E.
Project Manager

cf: Charles Basham, USACE Baltimore District

Attachments

1. Letter from Knauf, Koegel & Shaw dated August 28, 2000
2. USACE response to August 28, 2000 letter