

## MEMORANDUM FOR RECORD

SUBJECT: Decision to Forego Establishing a Restoration Advisory Board for the Lake Ontario Ordnance Works, Lewiston and Porter, New York

1. **PURPOSE:** The purpose of this memorandum for record is to explain why I have decided against forming a Department of Defense Restoration Advisory Board (DoD RAB) for the Lake Ontario Ordnance Works (LOOW) Defense Environmental Restoration Program for Formerly Used Defense Sites (DERP-FUDS). This memorandum is necessary per 32 CFR 202 et seq., which establishes criteria for determining whether we must create a RAB.
2. **SUMMARY:** There are two main reasons I have decided not to establish a RAB. First, there has been very little media interest in the site; and second, neither community participants nor government officials have expressed any interest in creating an official RAB. A community-based volunteer group called (erroneously) the LOOW RAB indicated previously that it prefers its unofficial status since it has more freedom in a volunteer capacity.
3. **BACKGROUND:** The U.S. Army acquired 7,567 acres of land in the towns of Lewiston and Porter, New York, between 1941 and 1944; and built the LOOW to manufacture flaked trinitrotoluene (TNT). The Army constructed production lines and storage facilities on a 2,440 acre parcel of land on the east-central part of the property. Another 5,000 acres acted as a buffer zone and remained undeveloped. The plant began operating in October 1942 and ceased operations nine months later. During its operation, the LOOW produced 40,240,000 pounds of TNT. Dismantling and decontamination of the facilities commenced on 12 August 1943. In 1944, Congress transferred the site to the U.S. Army Corps of Engineers (Corps of Engineers) North Atlantic Division. During the years that followed, the property was used for a variety of industrial purposes by a number of organizations, including the U.S. Air Force, Navy, and the Army National Guard. Since 1972, the property has been used by a number of civilian businesses for hazardous waste treatment and disposal; and solid waste disposal. Today, the property is still used for waste disposal. The Corps of Engineers initiated modernized cleanup efforts related to residual contamination from TNT production in 1986 when it conducted its first Inventory Project Report that established the LOOW's eligibility for remediation under DERP-FUDS.
3. **RATIONALE:** According to 32 CFR 202.10(c), commanders must determine whether there is sufficient community interest in creating a RAB every two years. Commanders must make this determination by reviewing correspondence and media coverage, consulting community members and government officials, and evaluating responses to communication efforts, such as any public notices placed in local newspapers or published on Websites.
  - a. Since 2014, there has been only one known newspaper article about the LOOW. The article was entitled "U.S. Army Corps of Engineers to discuss NFSS at session Wednesday," and

this article was published in the Lewiston-Porter Sentinel on 6 June 2015 (see attachment). The article presented a mixed message: it claimed the U.S. Army Corps of Engineers Buffalo District would hold an informational meeting about the Niagara Falls Storage Site (NFSS) and discuss the "Balance of Plant Operable Unit findings" at the LOOW. It also promised a poster session that covered the LOOW Management Action Plan. The article's overall implication was that the Corps' presentation was to be about the Interim Waste Containment Structure (IWCS) within the Niagara Falls Storage Site (NFSS), which is a small section of the LOOW that contains radioactive residues. While there are approximately 23,000 people living in proximity to the LOOW, only 15 residents attended the event, and their interest was primarily on the NFSS and the radioactive waste residue, not the LOOW as a whole. No one expressed any interest in establishing a RAB. According to 32 CFR 202.2, at least 50 local residents must petition to establish a RAB.

b. The Buffalo District has not received any correspondence regarding the LOOW from either members of the community or federal, state, tribal, and local government agencies since it determined not to form an official RAB in 2014. Under 32 CFR 202.2, such a request from one or more of these entities is necessary to require the establishment of a RAB.

4. CONCLUSION: Since there has been little interest in the former Lake Ontario Ordnance Works property during the last 24 months, and since the U.S. Army Corps of Engineers Buffalo District has met the criteria outlined in 32 CFR 202, I believe we are not required to establish an official Department of Defense Restoration Advisory Board for the LOOW in 2016.



KARL D. JANSEN  
LTC, EN  
Commanding

Encl: Newspaper article

### **1.1.1.1 U.S. Army Corps of Engineers to discuss NFSS at session Wednesday**

Sat, Jun 6th 2015 09:00 am

*Corps reps to review samplings, findings*

***By Terry Duffy***

***Editor-in-Chief***

The U.S. Army Corps of Engineers, Buffalo District, will hold an open house, from 5:30 to 7 p.m., Wednesday, June 10, at the Lewiston Senior Center, 4361 Lower River Road. Discussed will be the Corps' latest Balance of Plant Operable Unit findings pertaining to the former Lake Ontario Ordnance Works property in northern Lewiston and Porter.

The poster session will focus on the Corps' second round of sampling performed over the past two years in areas of the 191-acre Niagara Falls Storage Site property on Pletcher Road in Lewiston. Areas examined include lands and utility lines located outside of the Interim Waste Containment Structure, a 10-acre secured cell found within the NFSS that contains high level radioactive waste residues and assorted debris dating from World War II-era and post-era activities on the LOOW site.

The Corps reports its Balance of Plant Operable Unit is designed to investigate and remediate as necessary all NFSS property outside of the IWCS.

In 2013, acting on concerns raised by local environmental interests of groundwater contaminations, the Corps embarked on a series of field investigations to increase its understanding of several areas where higher concentrations of radioactive contamination have been identified in groundwater, particularly near well OW11B and along historical water pipelines. The results of these investigations were intended to increase the Corps' knowledge of the location and source of this contamination, and the potential for any transfer in the water lines.

Arleen K. Kreusch, APR outreach program specialist, Special Projects Branch Environmental Project Management Team with the Corps, said several actions also were taken by the Corps to ensure the pipelines could not present additional concerns, and additional sampling was done to verify sufficient information was available to understand all of the issues raised.

On Wednesday, Corps representatives will be discussing the report on the second round of sampling and present activities, findings and conclusions to date. Posters with the latest information regarding the LOOW Management Action Plan, the Occidental Chemical Corporation property, and the former LOOW Wastewater Treatment Plant will be on display.

The session is open to the public, and local residents are invited to attend.

For additional information on the Corps NFSS Balance of Plant study, visit [www.lrb.usace.army.mil/Missions/HTRW/DERPFUDS/LakeOntarioOrdnanceWorks.aspx](http://www.lrb.usace.army.mil/Missions/HTRW/DERPFUDS/LakeOntarioOrdnanceWorks.aspx) or contact the Corps at 1-800-833-6390, option No. 4.

Categories: ~ [Sentinel](#) ~ [Top News](#) ~

- See more at: <http://www.wnypapers.com/news/article/featured/2015/06/06/121026/u.s.-army-corps-of-engineers-to-discuss-nfss-at-session-wednesday#sthash.Odk6NDIW.dpuf>

On the Corps "Missions" page on NFSS, under IWCS, "Project Status," accessed at [www.lrb.usace.army.mil/fusrap/nfss/index.htm#documents](http://www.lrb.usace.army.mil/fusrap/nfss/index.htm#documents) finds the following Corps analysis:

"Transport simulations of groundwater indicate that the Interim Waste Containment Structure will adequately mitigate containment migration for nearly 200 years, as long as the site maintenance program is continued ...

"To date it is clear that the IWCS is performing as designed. ..."

On a separate six-page PDF, accessed via the above website, the Corps discusses work completed and areas studied at IWCS in its "Key Topics of the RIR Addendum," which led to its findings:

- Installation of new wells and refinement of the nature and extent of select radiological and/or chemical groundwater plumes in the upper-water bearing zone in the northwest corner of the site (Baker-Smith Area), north-central portion of the site (Acidification Area), and vicinity of the IWCS;
- Assessment of IWCS integrity;
- Re-assessment of the NFSS background groundwater data set;
- Comparison of NFSS soil background levels to U.S. and New York state area soil background levels;
- Review of environmental data for former Building 401 floor core and underlying soil samples, railroad ballast samples, and core samples of road pavement from across the site;
- Review of on-site Environmental Surveillance Program (ESP) data for groundwater, surface water and sediments;
- Review of radiological data for underground utility lines on the former Lake Ontario Ordnance Works property; and
- Investigation findings for plutonium in soil.

Among the findings:

"An assessment of pertinent information concluded that the IWCS is currently functioning as designed. This conclusion is supported by a review of: Ground surface elevation survey information for the IWCS cap; IWCS cap maintenance procedures; ESP data; and historical aerial photos."

Other conclusions came from groundwater conditions in the vicinity of the IWCS, and the trending of uranium and radium concentrations in groundwater monitoring wells sampled for the ESP, according to the Corps report. "Historical documents and as-built construction drawings indicate that subsurface piping within the planned confines of the IWCS were excavated from building perimeters inside the IWCS to an area immediately outside the planned cutoff wall. Pipelines within the IWCS were either completely removed or filled and the ends plugged to eliminate possible pathways for the migration of radio nuclides and to prevent future subsidence of compacted wastes," the findings revealed.

This and additional Corps IWCS performance analysis is expected to be addressed in detail at the Wednesday session by Sarno.

When reached for comment LOOW-RAB spokesman Joseph A. Gardella Jr., Larkin chair of chemistry, University at Buffalo, stated, "Members of the LOOW RAB remain concerned about the evidence of potential leakage from the NFSS, and look forward to reviewing the additional data and interpretations. We also welcome the appointment of a facilitator, Douglas Sarno, who will help with the dialogue about technical data and needs of the public. We thank the Corp for committing the resources to continue the technical dialogue for the public."

**Categories:** ~ NFP ~ Sentinel ~

- See more at: <http://www.wnypapers.com/news/article/current/2011/06/04/102631/corps-to-discuss-new-nfss-iwcs-analysis-at-wednesday-session#sthash.NsAwXVLk.dpuf>