

August 17, 2004

Mr. David Romano
Project Manager
U.S. Army Corps of Engineers
Buffalo District
1776 Niagara Street
Buffalo, NY 14207-3199

Re: TNT Walkover

Dear Mr. Romano:

The New York State Department of Environmental Conservation (the Department) has received the "After Action Report , UXO Activities at the Wastewater Treatment Plant (WWTP) at the Former Lake Ontario Ordnance Works (LOOW) Site 2003" dated June 2004. The report provides details of investigation of several selected areas of the former WWTP currently owned by the Town of Lewiston.

As stated in U.S. Department of Defense Directive 6055.9 (DOD Ammunition and Explosives Safety Standards), Section C12.2.2: "Permanent contamination of real property by final disposal of ammunition and explosives of chemical agents is prohibited. Further, Section C12.2.3 states: "Real property that is known to be contaminated with ammunition, explosives or chemical agents must be remediated with the most appropriate technology to ensure protection of the public consistent with the proposed end use of the property." The interim removal action for the TNT waste pipelines was initiated in 1999 and the presence of crystalline TNT at the ground surface was first documented in July 2000. The presence of explosive contamination is unacceptable and must be addressed in a timely manner. In addition, the presence of these contaminants is a basis for eligibility under the Formerly Utilized Defense Sites (FUDS) program

Upon review, the Department has the following comments:

Section 4.0: Data associated with the analytical testing is not included in the report. Please provide.

Section 4.2: Please provide additional discussion of the Expray TNT indicator spray including its reliability and detection capability.

Section 9.0: The information contained in the report does not satisfy the requirements of a thorough characterization of explosives contamination of the former LOOW WWTP. However, the limited information presented does raise serious concerns. The Department believes that further investigation should be performed concurrently with the removal of contaminants and the remediation of the property.

In response to these concerns, the USACE must submit a plan of action to address explosives contamination at the former LOOW within 30 days. If you have any questions on this issue, please contact me at (518) 402-8594.

Sincerely,

Kent D. Johnson
Engineering Geologist II

cc: M. Forcucci, NYSDOH Buffalo
J. Battaglia, RAB Tech. Comm. Chair

ecc: W. Wertz
K. Johnson