

**New York State Department of Environmental Conservation**

**Division of Solid and Hazardous Materials**

**Bureau of Hazardous Waste and Radiation Management, 9<sup>th</sup> Floor**

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Alexander B. Grannis  
Commissioner

September 19, 2008

Mr. William Kowalewski  
Project Manager  
USACE-Buffalo District  
1776 Niagara Street  
Buffalo, New York 14207

Dear Mr. Kowalewski,

Re: Lake Ontario Ordnance Works

The New York State Department of Environmental Conservation (Department) has received the work plan for "Former Lake Ontario Ordnance Works Underground Tank Removal and Site Closure" via electronic mail on September 18, 2008. The work plan provides investigation, removal and confirmatory soil sampling associated with the closure of underground storage tanks at the former Lake Ontario Ordnance Works. Included in the e-mail is a schedule indicating field activities associated with the work plan is proposed to begin on September 22, 2008.

As part of the normal regulatory process, the Department requires a sufficient time frame to review submitted documents for regulatory compliance and technical completeness. Historically, the Department has worked with the U.S. Army Corps of Engineers to provide review in a timely manner. Two business days prior to field activities is unacceptable.

The Department has informed you of the need for Department review prior to field activities on several occasions since the initiation of this project. Since the tank removal was first proposed by the Department of Defense in 1988, this project does not qualify as an emergency/time critical action. The Department will review the submitted work plan and attachments and respond in a timely manner. Any work performed prior to Department response is done at the USACE's own risk and may require additional efforts to be considered acceptable.

If you have questions or wish to discuss this matter, please contact me.

Sincerely,

Robert J. Phaneuf, P.E.  
Acting Director  
Bureau of Hazardous Waste & Radiation Management

cc: J. Reidy, USEPA  
J. Strickland, Region 9

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