

New York State Department of Environmental Conservation

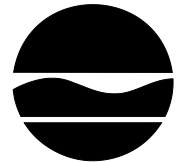
Division of Environmental Remediation

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Joe Martens
Commissioner

September 17, 2014

Mr. Michael Senus
Project Manager
USACE-Buffalo District
1776 Niagara Street
Buffalo, New York 14207

RE: Final Feasibility Study for the Wastewater Treatment Plant at the Former Lake Ontario Ordnance Works (LOOW), Niagara County, New York, Site No. 932061

Dear Mr. Senus:

The New York State Department of Environmental Conservation (the “Department”) has received and reviewed the above-referenced document. The Feasibility Study (FS) assesses information gathered as part of the remedial investigations at the former Wastewater Treatment Plant (WWTP) and evaluates potential remedial technologies and strategies.

Upon review, the Department has the following comments:

General Comment: The document makes numerous references to the need for Land Use Controls (LUCs) and as a general comment we would expect that any LUC’s to indicate the presence of the radiologically impacted pipes (scale). The LUC plan needs to discuss the process for any planned intrusive work around these pipes and require informing the responsible agency, along with provisions for a radiologically experienced contractor to identify the impacted pipes, and proper disposal of any exhumed pipes.

Section 1.3.1, Site Description: The text states the property consists of 14 acres. However, the 1974 Commissioners Orders address 22 acres. Please explain the discrepancy.

Section 1.3.4.4, Phase IV Remedial Investigation: The Department does not understand why risks associated with exposure to PAHs were considered acceptable despite exceeding the upper acceptable range established by the United States Environmental Protection Agency (USEPA). The discussion found in Appendix C is not convincing.

Section 1.3.6.1, Potential Routes of Migration: The text states: “Pursuant to a consent order issued by NYSDEC in 1998...”. The Order was issued in **1978**.

Section 5.3.2, Risk and Hazard Management: Past uses of engineering controls at the former Town of Lewiston WWTP have been only temporarily effective at restricting access to the site and potential exposures. The long-term effectiveness of this technology is questionable.

Section 6.4.2, Alternative 3, Complete Excavation with Off-Site Disposal, Evaluation: The discussion in this section mentions that: ‘This Alternative is not administratively feasible because ... would violate DoD regulations...’. The Department is not aware which regulations are cited, as they were not cited as ARARs in Section 3.0 of this Feasibility Study. Please clarify.

Section 7.0, Detailed Analysis of Remedial Alternatives: The Alternatives retained for further evaluation in the section were analyzed in accordance with regulatory guidance using the seven (7) evaluation criteria and two (2) balancing criteria.

Section 7.0, Detailed Analysis of Remedial Alternatives: Within the discussion of the alternatives it is stated: “Contaminated materials would be analyzed and subsequently transported to a permitted TSDF.” An ARAR for this project would be Cleanup Guidelines for Soil Contaminated with Radioactive Material (DER-38).

Additionally, given the activities carried out historically at LOOW and the connection it had to the WWTP, the Department considers above background radiological materials present at this facility to have come from LOOW, and does not consider them to be NORM. In looking at the sludge data from the Chlorine Contact Tank and the Imhoff Tank, radiological contamination levels in this material appear higher than background levels and thus would preclude disposal within a New York State Part 360-regulated TSDF. Specifically NYCRR Part 360-1.5(b) states: “No hazardous waste that is required to be managed at a facility subject to regulation under Part 373 or 374 of this Title and no radioactive materials, NARM waste or low-level radioactive waste as defined in Parts 380, 382 and 383 of this Title that is required to be managed or disposed of at a land disposal facility subject to regulation under Parts 380, 382 and 383 of this Title shall be treated or disposed of at a solid waste management facility.”

Section 7.4.1, Description: If Alternative 6 is chosen, steps should be taken to ensure the pipes with the radiologically impacted pipe scale are adequately plugged as it is not currently identified as a major activity under the alternative’s description.

The Department looks forward to discussing these comments and continued progress on the remediation of the Former LOOW.

If you have any questions on this matter, please contact me at 518-402-9813.

Sincerely,

A handwritten signature in black ink that reads "Kent D. Johnson". The signature is written in a cursive, flowing style.

Kent D. Johnson
Senior Engineering Geologist
Remedial Section B, Remedial Bureau E
Division of Environmental Remediation

cc: A. Everett, USEPA, Region 2
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