



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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Acting Deputy District Engineer for Planning, Programs and Project Management
U.S. Army Corps of Engineers, Buffalo District
FUSRAP Information Center
1776 Niagara Street
Buffalo, NY 14207-3199

Dear ██████████

The purpose of this letter is to transmit the comments of the U.S. Environmental Protection Agency (EPA) based on our review of the Proposed Plan issued April 2008 for the Seaway Site, Tonawanda, New York.

The Proposed Plan identifies three alternatives under consideration by the U.S. Army Corps of Engineers (USACE). Alternative 2 would excavate for offsite disposal all Manhattan Engineering District/Atomic Energy Commission (MED/AEC) related soils that exceed the cleanup criteria; Alternative 4 would excavate for disposal offsite all accessible MED/AEC-related soil that exceed the cleanup criteria and cap the inaccessible contaminated soil onsite; and Alternative 6 would excavate for offsite disposal only those MED/AEC-related soils outside of the leachate collection system and cap the remaining contaminated soils onsite. The long-term surveillance and maintenance of the cap(s) and the MED/AEC-related materials in the capped areas would be maintained by the Federal government. The Proposed Plan identifies Alternative 6 as the USACE's preferred alternative for the Seaway Site.

We offer the following comments on the Proposed Plan.

Long-Term Stewardship

- To ensure that the capped wastes remaining onsite do not present a health hazard in the future, assurances that the cap(s) is maintained properly and the wastes remain undisturbed are necessary. We are concerned that there is no acknowledgement by the Federal agency that must commit resources and its program to assuring the cap(s) maintains its integrity and that maintenance and monitoring and the potential need for replacement and repairs continue for 1,000 years. Similarly, there needs to be commitments by New York State and local agencies to ensure that land use controls will be in place as anticipated in the Proposed Plan.
- The Proposed Plan should identify who will be responsible for repair or replacement of the cap(s) over the 1,000-year period.
- With respect to Alternative 6 which leaves the highest radioactively concentrated material in place close to the surface, it is particularly important to be able to demonstrate through monitoring that the cap is operating well with respect to radon emissions and that

land use and other institutional controls continue to prevent potential disturbance of and access to the contaminated material.

- Long-term monitoring must include demonstrating compliance with 40CFR61, Subpart Q, for monitoring of radon emissions from the cap(s) as well as Subpart H if the Federal agency responsible for long-term surveillance and maintenance is the U.S. Department of Energy.

Cost Effectiveness

- The total cost for Alternative 2 is the cost for construction (\$113 million) since there is no additional cost for monitoring and maintenance necessary with all the contaminated material excavated and disposed offsite. The cost for the Preferred Alternative (Alternative 6) is the cost for construction (\$30 million) and 1,000 years of long-term surveillance and maintenance (\$84.8 million) for a total cost of \$114.8 million. The total cost for Alternative 4 is \$148 million. It would seem that from a cost basis, removal of all MED/AEC-related contaminated soils compares favorably with the Preferred Alternative.
- Not considered as part of the cost for Alternatives 4 and 6 is the cost to repair and/or replace the cap(s) over the 1,000-year period because the cap(s) is not operating as intended or reaches its design life.

Duration of the Action

- Although removing all the contaminated soils does take longer (4.2 years) it is not substantially longer in comparison to the 2.4 years for the Preferred Alternative. This is of particular note when considering the 1,000-year lifetime of the long-term stewardship required for the Preferred Alternative.

Monitoring of Contaminants

- The applicable or relevant and appropriate requirements (ARARs) for radon gas proposed for the Seaway Site are 0.5 pCi/L at the boundary of the disposal area and 20 pCi/m²/sec emanating from the cap(s). More information should be provided to ensure that the radon releases from the capped disposal areas would meet the radon limits now and continue to meet the radon criteria for 1,000 years.
- We would also note that such monitoring of radon emissions provides a useful indicator of the integrity of the cap(s). Such monitoring is also consistent with similar monitoring required at other FUSRAP sites in the area such as the Niagara Falls Storage Site.

We believe you should reconsider the Preferred Alternative. Alternative 2 would eliminate the need for long-term stewardship and it is apparently cheaper. We appreciate the opportunity to comment. Should you have any questions, please feel free to contact me at 212-637-4010.

Signature

Radiation and Indoor Air Branch

cc: [REDACTED] USEPA Intergovernmental & Communication Affair Branch
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