



DEPARTMENT OF THE ARMY

BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

REPLY TO
ATTENTION OF

NOV 10 2009

Special Projects Branch

SUBJECT: Seaway FUSRAP Site Record of Decision

[REDACTED]
Commissioner
Erie County Dept. of Environment & Planning
95 Franklin Street, 10th Floor
Buffalo, New York 14202

Dear [REDACTED]

I am pleased to inform you that the Great Lakes and Ohio River Division Commander, Major General [REDACTED], executed the Record of Decision for the Seaway Formerly Utilized Sites Remedial Action Program (FUSRAP) Site, on River Road in the Town of Tonawanda, New York. A copy of the Record of Decision is enclosed for your records.

The Seaway Site is a landfill that became contaminated with materials containing low levels of residual radioactivity during the 1970's, when Ashland Oil, during site renovations, relocated material that had originally been disposed of at the FUSRAP Ashland 1 Site. The material originated from the uranium processing activities conducted at the former Linde Site in Tonawanda. In 1998 the Corps began studying the Seaway Site in accordance with the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq. The Buffalo District released the *Addendum to the Feasibility Study for the Seaway Site* and *Proposed Plan for the Seaway Site* during August 2008. The original public comment period for the Proposed Plan was from August 25, 2008 to October 24, 2008. A Public Meeting to receive public comments was held on Wednesday, September 24, 2008. The comment period was extended to November 28, 2008. The comments received during the public comment period and the responses to them, are included in the Responsiveness Summary portion of the Record of Decision.

The Selected Remedy in the Record of Decision will be protective of human health and the environment and complies with applicable or relevant and appropriate requirements. The Selected Remedy in the Record of Decision is Alternative 6 - Containment with Limited Offsite Disposal. This Remedy requires excavation of FUSRAP related material outside the landfill boundaries that exceeds the clean up criteria and requires shipping it off-site for disposal. It also requires the capping of Investigative

Areas A, B, and C within the landfill boundaries. The cap for the FUSRAP-related material will be constructed of multiple layers of various types of soil, fabric, and geomembranes at least 4.5 feet thick. Long-term monitoring of FUSRAP-related materials in capped areas, surveillance, and maintenance will be performed by the Federal Government. The Federal Government will ensure that land-use controls are in place to prevent future access to and disturbance of the contained FUSRAP-related materials.

The remediation of the Seaway FUSRAP Site as detailed in the Record of Decision is currently scheduled to begin in 2016. This schedule is dependent on the completion of other FUSRAP site cleanups, and the availability of FUSRAP funds nationally.

The Record of Decision will be placed in the Seaway Site Administrative Record File for public view, located at the Tonawanda Public Library located at 333 Main Street, Tonawanda, New York, and by appointment in the US Army Corps of Engineers (USACE) Buffalo District Office located at 1776 Niagara Street, Buffalo, New York. This document is also available electronically on the Seaway website at: <http://www.lrb.usace.army.mil/fusrap/seaway/index.htm>.

A copy of this letter is being sent to the enclosed list of elected officials, agency representatives, and property owners. If you have any questions please contact Mr. [REDACTED], Project Manager for the Seaway FUSRAP Site, at [REDACTED] or by mail at 1776 Niagara Street, Buffalo, NY 14207-3199. Additionally, the Buffalo District provides the public a toll-free telephone number (1-800-833-6390), email address (fusrap@usace.army.mil) and internet site (www.lrb.usace.army.mil/fusrap) to provide information on FUSRAP projects.

Sincerely,

[REDACTED]
Program Manager
U.S. Army Corps of Engineers

Enclosures