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Department of Energy

Oak Ridge Operations
P.O. Box 2001
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November 22, 1993

██████████
Chairman, CAN11 Steering Committee
County of Erie
Department of Environment and Planning
Erie County Office Building
85 Franklin Street
Buffalo, New York 14202

Dear ██████████

TONAWANDA SITE - CLARIFICATION OF ISSUES

In response to conversations between ██████████ of my staff and ██████████ ██████████ of the Erie County Department of Environment and Planning, the Department of Energy feels that clarification would be helpful on several issues of a general program nature that relate to remedy selection for the Tonawanda Site.

One of the questions concerned the use of the Project Plan for the Formerly Utilized Sites Remedial Action Program in securing budget for the program. The latest approved plan is Revision 3 dated April 1992. This document is a management tool used to estimate anticipated scope, schedule, and resources necessary to fulfill the objectives of the program. It does not serve the purpose of requesting funding nor does it guarantee any funding level. The expected funding allocation for the next three years for FUSRAP is currently anticipated to be less than 70 percent of the planning levels shown in Revision 3 of the plan. As assumptions change based on newer information obtained from site studies and program budget allocations become firmer, the plan is updated appropriately.

Another area for clarification is the role of the community acceptance criteria in the evaluation of alternatives. This is one of the nine evaluation criteria prescribed by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Input from the public during the comment period and public meeting can be a basis for modifying the recommended cleanup alternative in the development of a final selected remedy in the Record of Decision. The basis for the modification would be additional information submitted by the public that affects the evaluation of alternatives.

The final area for clarification deals with the emphasis that cost plays in selecting a cleanup alternative. Cost is one of the nine CERCLA evaluation criteria, however, it is not more important in the evaluation than overall protectiveness of human health and the environment. The evaluated alternatives are protective of human health and the environment before any

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evaluation based on costs occurs, except for the no action alternative. It is DOE's position that more costly alternatives will not be recommended if the overall protectiveness is not significantly increased.

I trust the information provided above will address the questions discussed earlier. We look forward to working with CANiT in the future to select and implement a remedy that is in the best interest of all concerned.

Sincerely,

Former Sites Restoration Division

cc: [REDACTED], NYSDEC