

FUSRAP

August 2000

Formerly Utilized Sites Remedial Action Program

Community Relations Plan

Seaway Site
Tonawanda, New York



US Army Corps
of Engineers®
Buffalo District

Prepared by
United States Army Corps of Engineers
Buffalo District

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ACRONYMS

BFI	Browning-Ferris Industries
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CANiT	Coalition Against Nuclear Materials in Tonawanda
COCs	Constituents of Concern
F.A.C.T.S.	For a Clean Tonawanda Site
DOE	Department of Energy
EPA	Environmental Protection Agency
FUSRAP	Formerly Utilized Sites Remedial Action Program
MED	Manhattan Engineer District
RI/FS - EIS	Remedial Investigation/Feasibility Study - Environmental Impact Statement
USACE	United States Army Corps of Engineers

1.0 Overview of the Community Relations Plan

The United States Army Corps of Engineers (USACE), Buffalo District has designed this Community Relations Plan to facilitate communication between the Tonawanda community and USACE during the remedial action to be performed at the Seaway Site under the Formerly Utilized Sites Remedial Action Program (FUSRAP). It has been prepared to guide the USACE, Buffalo District in proceeding with a community relations program tailored to the needs of the Tonawanda community during the release of the comment period for the proposed plan and after issuance of the record of decision for the site.

Federal regulations require that during a remedial action federal agencies develop community relations programs to be consistent with the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). These requirements are the basis for more comprehensive and effective community relations activities.

It is USACE policy to involve the public in the decision-making process for the site and to keep the public informed as remediation progresses. This plan describes how the public has been involved in the investigation and decision-making process to date, and how they will continue to be involved. Included in this plan will be:

- Public Involvement Goals and Objectives
- FUSRAP Historical Information
- Site Location, Description, and History
- Community Background
- Community Relations Activities

The information in this plan is based on previous USACE/DOE experience in the Tonawanda community, Environmental Protection Agency (EPA) guidance on community relations, and ongoing interaction with community members.

1.1 Goals and Objectives

It is the goal of USACE, Buffalo District to be honest, forthright, responsive, and clear in dealing with the public, elected officials, interest groups, and the media.

It is the objective of USACE, Buffalo District to increase public awareness of the program and its activities; decrease misunderstanding about environmental problems and potential dangers; facilitate two-way communication with the affected public; establish an effective means for dispute resolution; and enhance Buffalo District's ability to perform this mission in the most effective and efficient manner.

1.2 Schedule of Activities Addressed by this Community Relations Plan

The tentative schedule for the FUSRAP Seaway Site is as follows:

Schedule	Activity
Feb. 29, 1999	Hold information session to update community on the status of the site.
May 1999	Release proposed plan for public comment.
June 1999	Hold public meeting for proposed plan.
Oct. 1999	Issue Record of Decision and Responsiveness Summary.
Oct. 1999	Conduct meetings or telephone conferences with state and local officials to discuss USACE, Buffalo District remedial action plans.
Oct. 1999	Prepare a fact sheet to explain the remedial actions and how they will affect stakeholders.
Spring 2001	Site remediation begins.
As necessary throughout remedial action	Conduct information sessions with the Tonawanda Community to inform them in regard to the remedial action and address their concerns.
Fall 2004	Site closure.

1.3 Access to Information and Opportunities for Public Comment

The USACE, Buffalo District FUSRAP Community Relations Specialist is [REDACTED] [REDACTED] can be reached at [REDACTED] or 1-800-833-6390. Information about the Seaway Site can be found in the Tonawanda Sites Administrative Record File and the Seaway Site Administrative Record File established in the Tonawanda Public Library located at 333 Main Street, Tonawanda, New York, and the USACE FUSRAP Public Information Center located at 1776 Niagara Street, Buffalo, New York. Additional information, including all of the reports and documents that were used to support the proposed plan for the Seaway Site, Areas A, B, and C are part of the Administrative Record File. Individuals and organizations may be placed on the mailing list by calling 1-800-833-6390. Public comments should be mailed to [REDACTED] [REDACTED] at the USACE FUSRAP Public Information Center, 1776 Niagara Street, Buffalo, NY 14207. Announcements regarding the site during the comment period and remediation will be made by news release to the media and placement of display ads in the local newspapers.

2.0 Program Historical Information

In 1974 the U. S. Atomic Energy Commission, initiated the Formerly Utilized Sites Remedial Action Program (FUSRAP) to identify and clean up or otherwise control sites where residual radioactivity remains in excess of current guidelines. These sites are the legacy from the early years of the nation's atomic energy program or from commercial operations causing conditions that Congress had authorized for remediation.

On October 13, 1997, the Energy and Water Development Appropriations Act, 1998 was signed into law. This law transferred management of FUSRAP to USACE. The Buffalo District Office has been assigned eight of the 21 remaining sites requiring cleanup including the Seaway Site. USACE, Buffalo District will conduct the site clean up in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP).

3.0 Seaway Site Information

3.1 Site Location, Description, and History

From 1940 to 1948, the former Linde Air Products processed uranium ores at its ceramics plant under contract to the Manhattan Engineer District (MED). Linde was selected because of its experience in the ceramics business, which involved processing uranium to produce the "salts" used for coloring ceramic glazes. The radioactive residues resulting from uranium processing at Linde were transported to the Ashland 1 property, and then to the Ashland 2 and Seaway properties. This section briefly describes how the radioactive material was spread to the other properties.

The Seaway Industrial Park (also called Seaway Landfill) property is a closed landfill of about 93 acres. The property is owned by Seaway Industrial Park Development Co., Inc. and was operated by Browning-Ferris Industries (BFI) through its subsidiary, Niagara Landfill, Inc. The property consists of a mound of refuse and fill material that is about 54 feet high at some points.

In 1974 approximately 6,000 cubic yards of the residue deposited on the Ashland 1 property was excavated by Ashland Oil to prepare for construction of two oil storage tanks. The excavated residues were disposed of in three separate areas on the northern end of the Seaway property (see Figure 3.1a).

Area A covers approximately 11 acres. It is estimated that 40 percent of Area A is covered by a layer of fill material and refuse up to 10 feet thick. Areas B and C combined cover approximately four acres. It is estimated that Areas B and C have been covered with up to 40 feet of fill material and refuse.

3.2 Surrounding Area

The Seaway Site is situated in an industrial area. Residential neighborhoods are located approximately one mile to the east and southeast. The northern edge of the Seaway property is about 1,000 feet from the Niagara River. This waterfront is a multipurpose recreation area; future development of residential areas, commercial areas, and a public park along the waterfront is a major community goal. The southern edge of the Seaway property is also industrial with several small businesses located in the area.



3.1a Seaway Site Areas A, B, and C

3.3 Type of Hazardous Substances at the Site

The principal radioactive contaminant in FUSRAP Seaway Site Area A is thorium-230. In addition to thorium-230, radium-226 and uranium-238 has been reported in Areas A, B and C. The site in its current condition poses no immediate risk. A plan is being proposed for remediation to comply with applicable or relevant and appropriate requirements and to ensure long-term protectiveness of human health and the environment.

4.0 Community Background

4.1 Government Entities

The Seaway Site is located in the Town of Tonawanda, in Erie County, New York. Town of Tonawanda voters elect a supervisor and six council members as legislators and town administrators. Residents direct their questions, complaints, and suggestions to the town clerk, who forwards them to the proper department or official.

The City of Tonawanda is adjacent to the Town of Tonawanda. Although the Seaway Site is not located in the City of Tonawanda, it is very close to the city limit.

The Erie County government includes a county executive and county legislature. The county executive is the chief administrative officer of the county and is elected to a four-year term. The legislature is composed of 17 members.

4.2 Chronology of Community Involvement

Except for a few newspaper articles regarding the radiological surveys in 1978, the Tonawanda Sites received little public attention until 1988. A public scoping meeting for the remedial investigation/feasibility study-environmental impact statement (RI/FS-EIS) process was held in Tonawanda on April 26, 1988, and a follow-up informational meeting was held on June 16, 1988. During these meetings, local officials and community members expressed great concern regarding the preliminary remedial action alternatives. In particular, the following two options met with virtually unanimous opposition: Consolidation of waste at the Tonawanda site from a FUSRAP site in eastern New York (Colonie), and onsite disposal of the Tonawanda wastes.

After the public meetings, local and state officials formed the Coalition Against Nuclear Materials in Tonawanda (CANiT) to present community concerns to DOE. The DOE met frequently with CANiT and, in attempting to resolve community concern over the Colonie waste issue, agreed in August 1988 to a moratorium on RI/FS-EIS work in Tonawanda.

Following the moratorium agreement, CANiT enlisted the support of the U. S. Congress in opposing the Colonie waste consolidation issue. CANiT succeeded in

having Congress include the following statement in a congressional report on the 1988 Department of Defense appropriations bill: "The conferees agree that the DOE should not move or study the move of any FUSRAP waste within the State of New York to the Town of Tonawanda, New York." DOE agreed to comply with the provisions of this bill and the moratorium was lifted in October 1988, allowing the remedial investigation to begin.

Since 1992, periodic meetings (availability sessions) were held with the public to update them on the status of activities at the site. Three sessions were held during 1992 to educate the community about the remedy options for the site and to address any questions or concerns of the community. Over 30 area residents attended the availability sessions.

In March 1993, DOE opened a Public Information Center at 810 Sheridan Drive, Town of Tonawanda, to provide the public with additional access to information and to serve as a meeting place for workshops and availability sessions.

Attendance at the periodic availability sessions continued to grow. Throughout 1993, in addition to availability sessions, a series of workshops were conducted for CANiT members and the public. The DOE Tonawanda Site Manager also spoke to numerous civic organizations throughout the year to provide the community with an overview of the decision-making process and DOE's preferred remedy prior to the public meeting.

On December 1, 1993, DOE held a public meeting to solicit public comment on the proposed plan for the sites. Approximately 175 members of the public attended. The majority of the commentators disapproved of DOE's proposed plan to build a containment structure and leave the material onsite. As a result of comments heard at the meeting, DOE expanded the Tonawanda site mailing list to over 3,000 residents in the areas surrounding the four sites.

Following the DOE public meeting, CANiT held its own public meeting on January 26, 1994, to gather support for its position against the preferred remedy. As a result of community comments over a several-month period, DOE, in a joint action with Representative John LaFalce, suspended the decision-making process in April 1994.

On July 25, 1994, Admiral Richard Guimond, U. S. DOE Principal Deputy Assistant Secretary for Environmental Management, and Congressman John LaFalce held a meeting with key Tonawanda stakeholders to discuss the overall remedy selection process. The meeting resulted in commitments by DOE to present a draft work plan for input on a process for working collaboratively with the community on a cleanup remedy as well as conduct a public workshop on treatment technologies. The treatment workshop was held in September 1994 and the work plan meeting in October 1994.

At the October meeting, DOE presented the draft work plan for input on establishing a stakeholder group to work jointly with DOE in generating, evaluating, and selecting a site remedy. The consensus of the 41 people attending the session was to continue allowing CANiT to represent the community in discussions with DOE on remedy selection as opposed to establishing a representative community group.

The DOE continued to work towards a resolution that would be acceptable to the Tonawanda community. When FUSRAP was transferred to USACE, the Buffalo District became responsible for issuing the proposed plan for the Seaway Site. USACE, Buffalo District identified concerns expressed by the community previously and after careful evaluation of the plan's ability to be responsive to the community's concerns the proposed plan will be released in ~~August, 1998.~~

May, 1999

A public meeting will be held in the Philip Sheridan Building Community Room, 3200 Elmwood Avenue in Kenmore, New York. A court reporter will be available at the meeting to record formal comments.

5.0 Community Relations Program

5.1 Community Relations Tools

Use of community relations tools on the following table will ensure that the public is well informed about the decision-making process for the FUSRAP Seaway Site and has the opportunity to participate, address issues of concern, and exchange information:

Tool	Description
Toll-free access phone line	1-800-833-6390
USACE FUSRAP internet website	www.fusrap.usace.army.mil
USACE, Buffalo District website	www.ncb.usace.army.mil
Information Contact and phone number	[REDACTED]
Administrative Record	The Administrative Record File enables the community to review documents that USACE has used to evaluate the alternatives outlined in the Proposed Plan for the Seaway Site, Areas A, B, and C and to select the preferred alternative.
Locations for the Administrative Record File	USACE FUSRAP Public Information Center, 1776 Niagara St., Buffalo, NY Tonawanda Public Library, 333 Main Street, Tonawanda, New York
Fact Sheets	Fact Sheets will be developed to easily convey information regarding the FUSRAP Seaway Site.
Display Advertisements and News Releases	Display ads will be placed in The Buffalo News, The Tonawanda News, and the Ken-Ton Bee and news releases will be sent to local newspapers to announce upcoming releases or events in regard to the site.
Information Sessions	Information sessions will be held for the community during the remedial action to exchange information and answer questions pertaining to the site.

Appendix A: Contact List of Key Community Leaders and Interested Parties

Government Entities

Honorable John J. LaFalce
Representative in Congress
111 West Huron Street
Buffalo, NY 14202
(716) 846-4056

Robin Schimminger
New York State Assembly
3514 Delaware Avenue
Kenmore, NY 14217
(716) 877-8800

Dennis Gorski
Erie County Executive
95 Franklin Street
Buffalo, NY 14202
(716) 858-8500


Charles M. Swanick
Erie County Legislature Chairperson
95 Franklin Street
Buffalo, NY 14202
(716) 877-3986

Regulatory Agency

Paul Merges, Director
Bureau of Radiation
Hazardous Substances Regulation Division
New York State Department of Environmental Conservation
50 Wolf Road
Albany, NY 12233

Community Involvement

Coalition Against Nuclear Materials in Tonawanda (CANiT)


Erie County Department of Environment and Planning
95 Franklin Street
Buffalo, NY 14202
(716) 858-6716

For a Clean Tonawanda Site (F.A.C.T.S)
Attn.: Don Finch
P. O. Box 566
Kenmore, NY 14217-0566

League of Women Voters
Attn: Leonore Lambert
451 South Street
East Aurora, NY 14052-2946

Niagara Group Sierra Club
Attn.: Kathleen Sullivan
124 Curtis Parkway
Buffalo, NY 14223

Media Distribution

Newspaper

Buffalo News
1 News Plaza
P. O. Box 100
Buffalo, NY 14240
Phone: (716) 849-5531
Fax: (716) 856-5150

Ken-Ton Bee
P. O. Box 150
Buffalo, NY 14231-0150
Phone: (716) 632-4700
Fax: (716) 633-8601

Tonawanda News
P. O. Box 668
North Tonawanda, NY 14120
Phone: (716) 693-1000
Fax: (716) 693-8573

Television Stations

WGRZ-TV
259 Delaware Avenue
Buffalo, NY 14202
Phone: (716) 849-5756
Fax: (716) 849-5706

WIVB-TV
2077 Elmwood Avenue
Buffalo, NY 14207
Phone: (716) 876-7333
Fax: (716) 874-8173

WKBW-TV
7 Broadcast Plaza
Buffalo, NY 14202
Phone: (716) 845-6100
Fax: (716) 856-8784

Radio Stations

WHLA AM Radio
2692 Stanley Road
Grand Island, NY 14072
Phone: (716) 773-1270
Fax: (716) 773-1498

WGR News Radio
464 Franklin Street
Buffalo, NY 14202
Phone: (716) 881-4555
Fax: (716) 884-2931

WBEN AM 930
2077 Elmwood Avenue
Buffalo, NY 14207
Phone: (716) 876-0930
Fax: (716) 876-1344

WNED AM
Horizons Plaza
P. O. Box 1263
Buffalo, NY 14240
Phone: (716) 845-7000
Fax: (716) 845-7043

WWKB AM 1520
695 Delaware Avenue
Buffalo, NY 41209
Phone: (716) 884-5101
Fax: (716) 882-2048

Appendix B: Suggested Locations for Meetings and Locations for Administrative Record

Meeting Locations

Phillip Sheridan Building
3200 Elmwood Avenue
Kenmore, New York

Administrative Record Locations

U.S.A.C.E. FUSRAP Public Information Center
1776 Niagara Street
Buffalo, NY 14207-3199

Tonawanda Public Library
333 Main Street
Tonawanda, NY 41450