



## CITY OF TONAWANDA: Army Corps says Mudflats safe for building

By Dave Hill  
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— The level of radioactive material in a portion of the Town of Tonawanda Landfill does not pose a threat to human health and will require no action from the federal government, the U.S. Army Corps of Engineers said Wednesday.

“This decision releases a key piece of real estate back to the Town of Tonawanda for industrial/commercial development,” Lt. Col. Daniel B. Snead, the Army Corps’ Buffalo District Commander, said in a statement.

“The Corps has determined that no action is necessary in the Mudflats Operable Unit to protect public health or welfare or the environment,” Snead said.

Located between the town landfill and the Youngmann Highway, the 115-acre Mudflats portion is within several hundred yards of a City of Tonawanda neighborhood. It’s one of two operable units the Army Corps divided the landfill property into, the other being the Landfill OU.

The Army Corps announced previously that it will conduct additional testing on the Landfill OU, which borders homes in the city’s Riverview Heights neighborhood, delaying a record of decision on that area. Because the levels are low enough, the radiological risks of radium, uranium and thorium present in the Mudflats fall within the limits established by the National Oil and Hazardous Substances Pollution Contingency Plan, the Army Corps said.

While the Army Corps’ decision frees up more land for the town — its plans call for a commerce park on the site — City of Tonawanda officials disagree with the federal government’s “no action” approach, arguing that because of the Mudflats’ proximity to a city neighborhood, any contamination, regardless of how low it is, should be removed.

“They have to step up to the plate and realize that it’s near homes and that people get very concerned about that, and I think we need to get rid of it, no matter what the level is,” City of Tonawanda Mayor Ron Piloizzi said.

“What’s going to happen 10, 20, 40 years from now when somebody wants to use that property? It just doesn’t make good sense to me.”

The Army Corps has overseen the project, officially called the Tonawanda Landfill Vicinity Property, since 1998, when the Department of Energy transferred to the Corps jurisdiction from the Formerly Utilized Sites Remedial Action Program.

While investigating the nearby Linde (Praxair) FUSRAP site in the early 1990s, the Department of Energy discovered elevated levels of radium, uranium and thorium in the two operable units, setting in motion the inclusion of the Tonawanda Landfill Vicinity Property into the formerly utilized sites program.

The town operated the landfill as a municipal waste landfill from the mid-1930s until 1989. It was included in FUSRAP because of the similarity between the radioactive material found there and at the Linde site. However, based on previous soil samples and other testing, the material in the Mudflats is safe as is.

“The Corps of Engineers makes it look like everything is peachy keen, but the fact of the matter is,

there's still contamination," Pilozzi said. "It's localized, they know where it is, it should be easy to get rid of."

Army Corps Outreach Program Specialist Arleen Kreusch said the agency isn't required to do that, based on legal guidelines established by FUSRAP, which investigates whether cleanup is required at sites that were used in the 1940s during the nation's early atomic weapons development efforts. Still, "Protection of human health and the environment is the number one priority for the Corps," Kreusch said.

"Under the Comprehensive Environmental Response, Compensation and Liability Act, which is the law the Corps is required to follow...the Corps can only conduct remedial action if a risk exceeding established criteria is presented to human health or the environment."

While he's disappointed by the Army Corps' latest decision, Fourth Ward Councilman Rick Davis said the city will continue to press for remediation of the parcel that borders city homes, and the Seaway Site landfill project, which also contains some radioactive material.

"It's no surprise that the Army Corps doesn't want to do anything," Davis said, adding that it would take some type of federal legislation to direct the corps to reverse its course.

The public can view the Army Corps' record of decision online at [www.lrb.usace.army.mil/fusrap/landfill](http://www.lrb.usace.army.mil/fusrap/landfill), or at the City of Tonawanda Public Library, 333 Main St. Contact reporter David J. Hill at 693-1000, ext. 115.

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