

LOCKPORT
SINCE 1821

Union-Sun & Journal



MONDAY: Slaughter asks for more tests (5:39 p.m.)

By Dave Hill
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— Rep. Louise M. Slaughter said Monday that tests the U.S. Army Corps of Engineers conducted on the Town of Tonawanda landfill are “invalid,” and the congresswoman is urging the federal government to do more tests.

Slaughter, D-Fairport, issued a formal request to the Army Corps on Friday. She said that although core soil samples taken seven years ago on the 3.6 acre site revealed that radioactive exposure levels were within an acceptable health range, more tests are needed to address concerns over gaps in the methodology behind the federal government’s core soil samples.

“Previous testing of the landfill was simply invalid,” Slaughter said in a statement Monday. “The Army Corps of Engineers has an obligation to make certain that the site will pose no danger to public health.” The landfill borders homes along Hackett Drive in the City of Tonawanda. Residents and city officials have raised a number of concerns over the years with regard to just how harmful the radioactive waste contained in the landfill is to residents in the Riverview Heights neighborhood, as well as children and staff at nearby Riverview Elementary School.

The Army Corps has been investigating the landfill since 1999 as part of the Formerly Utilized Sites Remedial Action Program formed to clean up or control sites around the country that were part of the nation’s atomic weapons program in the 1940s.

The Army Corps took core soil samples from 20 feet into the ground and averaged those radioactive readings in determining whether the levels were permissible, according to City of Tonawanda Fourth Ward Councilman Rick Davis. The problem with that, Davis said, is that the majority of any contaminated soil is in the top 18 inches of the ground.

He said the Army Corps was “diluting down the samples to not have to remediate the site. According to their watered-down testing, it falls just below the guidelines for cleanup.”

In addition, Slaughter said the Army Corps’ samples didn’t include areas near neighboring homes on Hackett Drive. “The need for additional testing is also underscored by the fact that during its 2001 sampling, the (Army Corps) was unable to locate some radioactive material in the Mudflats area that was originally found by the Department of Energy during sampling in the 1990s,” Slaughter wrote in a letter to Lt. Col. John S. Hurley, district commander of the Army Corps’ Buffalo office.

“It is presumed that during the intervening years, various construction activities occurred in this area and moved, blended or buried the contaminants.”

If the Army Corps doesn’t take responsibility for remediation, the state Department of Environmental Conservation would have to.

The Army Corps is expected to issue its final record of decision on the landfill before the end of the year, but Davis doesn’t see that happening. The record of decision will determine whether the site should be cleaned up, or if it can instead be capped and closed.

Based on Slaughter’s input as well as previous meetings city officials had with Army Corps officials, Davis said, “I would be very surprised if they released the record of decision by the end of this year.”

While federal and state agencies may have differing views on whose liable for cleanup, local and federal elected officials are pointing their collective finger at the Army Corps. “I will continue to work to ensure that the Army Corps of Engineers lives up to its responsibility to safeguard the health and well-being of our community,” Slaughter said Monday.

Sen. Charles E. Schumer, D-N.Y., also has voiced his opposition to the Army Corps’ “no action”

approach, saying in a letter to Davis in January that he is “deeply troubled” by the federal government’s decision.

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