

US. ARMY CORPS OF ENGINEERS

Buffalo District

1776 Niagara Street
Buffalo, New York 14207-3199

)

In the Matter of: Public Meeting on)

The Tonawanda Landfill Vicinity Property) April 25, 2007

Proposed Plan.)

)

Transcript of proceedings held in the above-entitled matter at The Tonawanda High School Auditorium, Hinds Street Tonawanda, New York on Wednesday, April 25, 2007 commencing at 7:00 p.m. pursuant to notice.

PRESENTATION BY: LIEUTENANT COLONEL JOHN S. HURLEY
COMMANDER OF BUFFALO DISTRICT, US ARMY
CORPS
OF ENGINEERS.
1776 Niagara Street
Buffalo, New York 14207-3199

STEPHEN P. BUECHI
ENVIRONMENTAL ENGINEER
PROJECT MANAGER
US ARMY CORPS OF ENGINEERS
BUFFALO DISTRICT
1776 Niagara Street
Buffalo, New York 14207-3199

ASSISTING: JOAN MORRISSEY
COMMUNITY RESOURCE SPECIALIST
1776 Niagara Street
Buffalo, New York 14207-3199

BRUCE I. SANDERS
PUBLIC AFFAIRS OFFICER
1776 Niagara Street
Buffalo, New York 14207-3199

TRANSCRIPTION SERVICE: Associated Reporting Service
Post Office Box 674
229 West Genesee Street
Buffalo, New York 14201

Proceedings recorded by electronic sound recording transcript produced by transcription service.

INDEX

SPEAKERS	PAGE
LT. COLONEL JOHN HURLEY	3
STEPHEN P. BUECHI	12
LT. COLONEL JOHN HURLEY	31
RICK DAVIS	35
MICHELE IANNELLO	40
HONORABLE RONALD PILOZZI	42
RONALD MOLINE	45
CARL ZEISZ	47
PAUL KRANZ	49
JOYCE HOFFMAN-HOGENKAMP	53
CASPER HOFFMAN	57
JOHN PLYLER	60
EDWARD GEBERA	61
EUGENE PARKS	62
DIANE ESHELMEN	64
CHRISTOPHER THOMAS	65
CORINA BERMAN	68
PHILIP SWEET	70
DR. BARBARA PETERS	78
DAVID MORAN	79
RICHARD DAWTON	85
SUSAN TEMPEST	86

US Army Corps of Engineers Re: The Tonawanda Landfill Vicinity Property
Proposed Plan

P R O C E E D I N G

LIEUTENANT COLONEL JOHN S. HURLEY: Good evening and welcome to this public comment meeting regarding the proposed plan for the Tonawanda Landfill vicinity property. My name is Lieutenant Colonel John Hurley and I am the Commander of the Buffalo District, United States Army Corps of Engineers.

The Buffalo District has been investigating the Tonawanda Landfill under the Formerly Utilized Sites Remedial Action Program or FUSRAP, and we are here to present our findings and our recommendation on what action needs to be taken for this site.

I would like to take a minute before we begin to acknowledge several key stakeholders who have been involved with the investigation at the site. First, and most importantly, the local residents who live near and next to the Tonawanda Landfill, the concerned parents, faculty and staff from Riverview Elementary School, the representatives from the Cleanup Riverview's Environment, representatives from a Clean Tonawanda Site,

the Honorable Charles Schumer, the Honorable Hillary Clinton, the Honorable Louise Slaughter, represented tonight by Ms. Kathy Lenihan, the Honorable Antoine Thompson, the Honorable Mary Lou Rath, the Honorable Robin Schimminger, represented tonight by Ms. Terry Wegler, Ms. Michelle Iannello, Mr. Carl Zeisz, Mr. Ron Pilozzi, Mr. Ron Moline, Mr. John Camilleri, Mr. Rick Davis, Mr. Michael Raab, Mr. Paul Kranz, Mr. Drew Eszak and Mr. Tom Hersen from the Erie County Department of Environment and Planning, Ms. Abby Snyder from the New York State Department of Environmental Conservation, Mr. Dan David, Mr. Dennis Weiss and Mr. Mark Hans, all from the New York State Department of Environmental Conservation Region 9, Mr. John Mitchell from the Department of Environmental Conservation Radiation Program in Albany, and Mr. Steven Gavitt, Director of the Bureau of Environmental Radiation Protection and Mr. Robin Snyder from the New York State Department of Health.

I would also like to take a moment to recognize a member of the Corps of Engineers Associated Reporting Service
(716) 885-2081

team that has been working on this, Mr. Jim Karsten, our FUSRAP program coordinator. Jim. Jim is in the back. Mr. Steve Buechi, our Project Manager for the Tonawanda Landfill. Steve. Ms. Joan Morrissey, our community outreach specialist. She's also in the back. Mr. Steve Buske, our health physicist sitting up front. Ms. Karen Kyle, our risk assessor. Karen is in the back as well. And Mr. Bruce Sanders, our Public Affairs Officer.

Our purpose here tonight is twofold. First we want to present the proposed plan for the Tonawanda Landfill vicinity property. The proposed plan describes the Corps' recommendation to address the FUSRAP portion of the Tonawanda Landfill. That is, this proposal addresses only those materials associated with the early atomic energy program.

Second, we want to obtain your input on the proposed plan, which we factored into the final decision of action at the Tonawanda Landfill.

record and we will prepare formal written responses to each of these comments after the close of the public comment period on June 26th. I would ask you to save your comments until the end of the presentation so that they may be accurately recorded.

We understand that there are many concerns regarding the Tonawanda Landfill and not all of them are related to FUSRAP. For example, I know there are concerns with the odor issues and with the final design of the landfill cap, and while we will not be able to address all of these concerns tonight, we will continue to work with the other agencies and local elected officials to make sure those concerns are properly addressed. We have a fact sheet available tonight that was jointly prepared by the Corps, the Town of Tonawanda, the New York State Department of Environmental Conservation and the New York State Department of Health which describes the area's involvement of each of these agencies has for the landfill.

Here is the agenda for our meeting tonight. I will continue with the Associated Reporting Service
(716) 885-2081

introduction, after which I will turn [the](#) presentation over to our Project Manager, Mr. Steve Buechi. Mr. Buechi will then give some background information on [the](#) site, describe [the](#) results of [the](#) investigation conducted and [the](#) risk assessment we developed, and then present [the](#) proposed plan for addressing [the](#) FUSRAP portion of [the](#) site.

We will then open up [the](#) floor to record any comments you have regarding [the](#) proposed plan and what you have heard [tonight](#).

As I mentioned earlier FUSRAP stands for [the](#) Formerly Utilized Sites Remedial Action Program and it is a Federal program whose mission is to investigate and if necessary clean up sites that were contaminated by past activities of [the](#) Federal government related to the nation's early atomic energy programs. While executing that mission, our number one priority is to insure protection of human health and the environment. As I mentioned in my letters to [the](#) editors of several local papers, I take this responsibility seriously and I am completely dedicated to this mission.

We are also required by law to comply with the Comprehensive Environmental Response, Compensation and Liability Act, or CERCLA in executing our mission. CERCLA is a Federal law that governs the process we must follow in investigating and cleaning up sites. I will discuss CERCLA in a little more detail in a minute.

The Buffalo District is charged with managing 14 FUSRAP sites so we are well experienced with these types of investigations. We have successfully cleaned up and completed three sites since 1997 when the program was first transferred to the Corps of Engineers. We have an excellent safety record with respect to the workers on the job and the surrounding community. We use an experienced multidisciplinary team including environment engineers, health physicists, risk assessors, chemists and construction managers.

The reports and plans we prepare go through an extensive technical review process including review by our National Center of Expertise and others within the industry. We
Associated Reporting Service
(716) 885-2081

work with and provide information to the State regulatory agencies and local stakeholders. And last, but certainly not least, we provide information to and make our investigation reports available to the public.

As I mentioned earlier, we follow CERCLA. CERCLA is essentially a framework that allows us to address hazardous waste sites. It insures that we take a rational, methodical approach when we study, investigate and where necessary remediate sites. It also insures that we have transparency in our work and allows for maximum public comment. The slide outlines the steps in the site investigation and cleanup process that we are required to follow.

When management of this site was transferred to us from the Department of Energy it was essentially in the site inspection phase. The Corps proceeded forward with completing a remedial investigation of the site which determined the nature and extent of potential FUSRAP contamination and evaluated the health risks Associated Reporting Service
(716) 885-2081

to people using the site now and in the future.

We are here tonight to present the proposed plan which describes the Corps' recommendation for addressing the uranium, radium and thorium found at the site. There is a 90-day public review and comment period for the proposed plan during which the public may submit any comments on the plan to the Corps of Engineers. The public comment period ends on June 26th.

Following the public review of the proposed plan we will evaluate and respond to all comments received and then prepare the record of decision which formally documents the final decision on FUSRAP activities at the site. Next.

I want to emphasize that public input during the formal comment period is very important. This is your chance to make your opinions on the project and the proposed plan known and have them recorded in the public record. You also have the opportunity to send us written comments on the proposed plan. We openly welcome and solicit such

comments.

I also want to emphasize that the proposed plan is not a final decision on the FUSRAP action at the site. It is the Corps' recommendation based upon our investigations of the site. While many of you are focusing on the word plan, for me the most important part is proposed. This proposal can change. A final decision on the site will not be made until after all the public comments have been considered and responded to.

Finally, I would just suggest to everyone that when you submit your comments, please make them as specific as possible. For example, if you have comments regarding our risk assessment, let us know exactly what your concerns are or what additional information you think we need to incorporate.

If you think our assumptions are flawed, let us know. If you think our methodology was incorrect, let us know why and how we can improve it. Viewpoints and opinions are important. However, specific concerns and information will result in a more effective

comment evaluation period and ultimately a

Associated Reporting Service

(716) 885-2081

more accurate decision.

I will now turn [the](#) presentation over to our Project Manager, Mr. Steve Buechi. I just would ask everyone again to please allow us to finish our presentation. Save your comments until [the](#) end and then we can record them. Thank you.

MR. BUECHI: Thank you, sir. I'm going to start off my portion of [the](#) presentation [tonight](#) with a [little](#) bit on [the](#) site history of [the](#) Tonawanda Landfill. This image here, as you can see, is an aerial photo of [the](#) site from 1942 and it looks a [little](#) different than [the](#) way it looks today.

The Tonawanda Landfill consists actually of two parcels of property that we have investigated, one being [the](#) Town of Tonawanda Landfill itself, and [the](#) second being the mudflats area, which is a parcel of property south of the landfill.

The Town of Tonawanda Landfill was operated as a municipal landfill by the Town of Tonawanda from [the](#) 1930's to 1989 and accepted a variety of material including ash generated by [the](#) Town's incinerators,

Associated Reporting Service

(716) 885-2081

construction demolition debris, some yard refuse, and occasionally some small amounts of municipal waste and wastewater sludge when the Town's incinerators were temporarily inoperable.

The mudflats area, on the other hand, has essentially been a vacant piece of property over the years, with the exception of former Town incinerators which had been located on the western edge of the mudflats but have since been inactivated and demolished.

This slide just shows a more recent aerial photo. You can see now where the residential development of the City of Tonawanda has filled in along the northern edge of the landfill. You can see down the middle separating the mudflats and the landfill is now a Niagara Mohawk Power Company right of way with transmission lines, and with the mudflats area south of the Niagara Mohawk right of way.

As far as FUSRAP investigations at the landfill, they started in the early 1990's when actually the Department of Energy, who was executing the FUSRAP program before the Associated Reporting Service

Corps of Engineers, conducted some preliminary investigations of the site as part of investigations at the nearby Linde FUSRAP site. And during those investigations they found some isolated locations within the landfill that contained uranium, radium and thorium which are three radioactive elements that are typically detected at FUSRAP sites that have been investigated.

Based on these preliminary investigations, the Department of Energy designated the Tonawanda Landfill and mudflats properties into FUSRAP in 1992 for further investigation.

In 1997 FUSRAP was transferred from the Department of Energy to the Corps of Engineers and the Buffalo District assumed responsibility for continuing the investigations at the Tonawanda Landfill.

Our first step in 1999 was to complete a document that had actually been started by the Department of Energy before the program was transferred, and that was a radiological health assessment based on the data that had previously been collected by the Department Associated Reporting Service

of Energy. This radiological health assessment looked at risks to human health to anyone coming onto the landfill or mudflats area, and that preliminary health assessment concluded the risks to human health were within the established U.S. EPA limits.

In 2001, in order to build on some of the information that the Department of Energy had collected previously, the Corps conducted additional sampling at the site as part of a remedial investigation to determine the extent of the material found previously by the Department of Energy.

The remedial investigation report was released to the public in 2006 and this included the results of the sampling conducted by the Corps of Engineers as well as a full baseline risk assessment incorporating both the data collected previously by the Department of Energy and the additional data collected by the Corps of Engineers.

Before I talk on the results of our remedial investigation I just wanted to take

a minute to describe some of the rationale

Associated Reporting Service

(716) 885-2081

that went into how we conducted the investigations at the landfill, and the key thing is that, even though the landfill is an inactive landfill and has been inactive since 1989, we considered the presence of the residents as adjacent to the landfill and the indications that we had seen that some residents or other people in the vicinity of the site were coming onto the landfill and mudflats area for recreational type purposes.

We, in order to look at the potential risks to people coming onto the site, we conducted walkover surveys and collected additional sampling around the areas that had previously been identified by the Department of Energy as containing uranium, radium and thorium, to insure that those materials were not spread out over large areas of the site.

We also collected samples all along the residential fence line to look for any indication that material on the landfill was extending or migrating off the landfill onto the adjacent residents -- onto the neighboring properties.

looked at the potential human health risks to anyone coming onto the landfill or mudflats as those, as people coming onto the landfill would be the users with the highest potential risk at the landfill.

We provided information to the public through public information meetings both before and after our 2001 sampling, and we also provided communications to the nearby residents before our sampling regarding our upcoming sampling activities and providing the opportunity to meet one on one with Corps personnel before the sampling to answer any questions.

The sampling conducted at the landfill and mudflats by the Department of Energy and the Corps of Engineers was extensive and that a total of 600 samples were collected from 202 locations in the landfill and 117 locations in the mudflats, including 23 samples directly on the fence line separating the landfill from the adjacent properties.

We also collected groundwater samples from 14 wells located in and around the landfill and mudflats, and these samples

were analyzed for the three radioactive elements I mentioned earlier, the uranium, radium and thorium, which are found typically -- have typically been found at FUSRAP sites in the past, including the Linde site.

Talk a little bit about the results from our sampling, because I mentioned before we collected groundwater samples from 14 wells at the site. All the wells around the perimeter of the landfill were within the Federal drinking water limits for the uranium, radium and thorium that we were looking for, including the wells closest to the residential area.

Of the wells sampled, only one well which is located in the interior of the landfill adjacent to where the Department of Energy had previously found their highest levels of uranium, radium and thorium at the site, exceeded the Federal drinking water limit for uranium. However, groundwater at the site and in the area is not a public water source as public water is drawn from the Niagara River, and there are no private wells within three miles of the site.

Twelve sampling results in the landfill and mudflats, also samples collected within 50 feet of the property boundary on the north, had results at normal background levels for the area. In the landfill out of the 202 sample locations 40 locations had results above the normal background levels. However, the majority of those locations were just slightly above background.

In the mudflats area, out of 117 sample locations, only two locations had results slightly above the normal background levels. This map shows all the locations where soil samples were collected in the Tonawanda Landfill. I'd just point out that the dots on the map are made larger for visual purposes. However, each sample represents a single soil coring location, and those soil cores are typically about four inches in diameter.

All the green sample locations were the samples that had results at normal background levels for uranium, radium and thorium. The yellow sample locations had levels above normal background levels. The highest

concentrations were found at a location about 150 feet away from the residential fence line. This is a similar map for the mudflats area and as you can see, all the samples in the mudflats area except two were at normal background levels for the area. Again, the yellow samples are, the soil is above background levels, and the green are at normal background levels. You can also see on the northern edge the two blue triangles which were groundwater wells sampled at the mudflats.

I'd like to take a few moments to talk a little bit about risk assessment because that is an important part of the CERCLA investigation process that we follow in investigating these sites.

The first question you might be wondering is, why do we do a risk assessment at these sites? Well, the first reason is that risk assessments are a mandated part of the CERCLA process and it's mandated by a Federal regulation called the National Oil and Hazardous Substances Pollution Contingency Plan, or the National Contingency Plan for Associated Reporting Service

short.

But really the purpose of the risk assessment is, it is used to determine if some sort of action is required to protect human health and the environment based on the level of risk or health hazard at a particular site. And as a contingency plan sets risk limits that if exceeded require that action be taken at the site to protect human health and the environment. The risk in the NCP is expressed as an added chance for someone to contract cancer from a hazardous substance over and above the normal lifetime chance of contracting cancer as documented by the American Cancer Society.

The risk limit that is established in the National Contingency Plan is one additional incidence of cancer in a population of 10,000 people or basically an additional one in 10,000 chance of contracting cancer from a hazardous substance over and above the normal average lifetime chance of contracting cancer.

So how do we determine risk? The risk from a certain substance is based on the Associated Reporting Service

toxicity of the substance and the level of exposure to that substance. The toxicity is a measure of how harmful a particular substance is. And the US Environmental Protections Agency through research has developed toxicity numbers for various hazardous substances and they publish that information and provide it for use in risk assessments on these types of sites.

Exposure is a measure of how much of a particular substance someone may come into contact with. The US Environmental Protection Agency has developed a methodology that is used to calculate exposure levels based on site information and sampling data.

To follow up a little bit on exposure, basically three things that determine a person's level of exposure to a certain substance.

The first is a pathway, or how someone comes in contact with a hazardous substance. In order for an exposure and a risk to occur, there must be some way to come in contact with that hazardous substance. If there is

no pathway or no way for someone to contact

Associated Reporting Service

(716) 885-2081

the substance then there is no risk from it.

The second item is concentration, or basically how much of a substance someone could possibly come into contact with. That's based primarily on the sampling data that is collected at these sites. The lower the concentration or amount of hazardous substance the lower the level of exposure and the lower the risk.

Finally, a combination of terms, are frequency and duration, and that basically is how often and how long and how long a duration someone is exposed to or comes in contact with that hazardous substance. Again, similar to concentration, the lower the frequency or duration, the lower the level of exposure and the lower the risk to someone.

When we calculate the level of exposure we're required to look at a reasonable maximum exposure, using as much site specific information as possible. And that includes sampling data, information on the site conditions and information on the current and possible future uses of a particular site.

At the landfill the pathways that we examined include three main pathways that someone could come into contact with hazardous material at the landfill. The first is eating contaminated dirt, ingestion. It is typically an accidental ingestion that occurs while someone is doing other activities on the site. And this requires direct contact with the contaminated soil, so you have to be on the landfill or on a particular site in order to come into contact to cause an ingestion pathway to be completed.

The second pathway is breathing in contaminated dust. Potentially contamination that is in the surface soils at a site could become airborne and be breathed in by someone on the site.

At the Tonawanda Landfill in the areas where we found the uranium, radium and thorium, the heavy vegetation limits the potential for soil to become airborne which limits the potential for exposure to contaminated dust and definitely limits the potential for any contaminated dust to move

off of the landfill property. And also, the majority of the radioactive elements, the uranium, radium and thorium, were found at the site, not in the surface soils but below the surface soils, at a one foot depth and below, so there is a lower chance for those to become airborne.

Finally, the last pathway is direct exposure to external gamma emissions. Radioactive elements give off what is called gamma radiation. It's a direct exposure that someone near a radioactive element could be exposed to. The highest level of exposure is someone directly on the source in the landfill and as you move away from the source of gamma radiation, the level of exposure drops rapidly.

The last thing I'll mention as far as what we looked at in our risk assessment on the landfill site is the frequency and duration that someone could come into contact or be exposed to the uranium, radium and thorium at the site. When we look at frequency during duration we look at, what is the current use of the site, and what are the

reasonable anticipated future uses of a site. And based on those site uses, the U.S. Environmental Protection Agency provides guidance on how to determine frequency and duration for different types of site uses.

First, in the landfill and the mudflats we looked at a recreational use. Although the landfill is not being used anymore, as I mentioned previously, we have seen indications that people are coming onto the landfill and onto the mudflats area for limited time frames and for apparent recreational purposes.

The U.S. EPA guidance equates a limited type of site use to a recreational type use. And that also fits with what we know of the potential future use of the landfill after it is capped by the Town of Tonawanda. So we looked at both an adult and a youth recreational user using U.S. EPA guidance and other information for determining the frequency and duration someone might be exposed to at the site, and you can see those levels of frequency, which is the number of

hours per week someone is on the site, and

duration, which is the total amount of time that someone is in the area and on the site.

For the adult, you can see we used a two hour duration per week over a 30 year -- or a two hour frequency per week over a 30 year duration, and for a youth we looked at a seven hour frequency per week over a six year duration.

Second scenario we looked at was a construction worker in both the landfill and the mudflats. Because work is being conducted to close the landfill and because there is potential for future development of the mudflats area, we realize there is going likely to be some type of construction work in these areas. The construction worker exposure was mild, to look at someone that could be working in the soil containing the uranium, radium and thorium, and it looks at a full work week and it looks over a full construction year.

In the mudflats, the landfill as we know is under order by the DEC to be capped. So that limits any potential future development after it is capped. However, the mudflats is

available for possible development in the future.

Then we looked at two separate scenarios in the mudflats. First is an industrial or commercial development of the mudflats as there have been indications that the Town of Tonawanda is looking to conduct some commercial development there.

This looks like -- this scenario looks at a worker working at the future development for a 40-hour work week, or a six, slightly over six years.

And finally, even though there are no plans that we know of for future residential development in the mudflats we looked at that as a protective, another protective scenario, and you can see the frequency and duration used there. It's obviously the highest frequency for someone at a site and the longest duration. And we also looked at an adult and a youth for residential use on the mudflats.

Now just briefly I'll present the results of our risk assessment. I mentioned

previously when we calculate the risk we

Associated Reporting Service

(716) 885-2081

compare it to the limits that are established in the National Contingency Plan, and in the landfill for about the current conditions, or uncapped conditions, both the recreational use and the construction worker use were within the limits established in the National Contingency Plan. We also looked at future recreational use after, assuming the Town puts a cap on the landfill, and that scenario is also within the National Contingency Plan limits.

In the mudflats as I mentioned we again looked at a recreational and construction worker use, and we also looked at possible future development for industrial and commercial purposes or residential purposes, and all those uses, all those scenarios, the risk was within the limits established in the National Contingency Plan.

So just in summary on risk assessment, as I mentioned before risk is dependent on two things, the toxicity, which is a measure of how harmful a certain substance is, and the exposure, which is how much someone could possibly come into contact with a substance.

And it's calculated following Federal guidance. If there is not an exposure or if their exposure is low, then the risk is low.

And as I mentioned previously, our baseline risk assessment concluded that the risks to someone coming onto the Tonawanda Landfill or the mudflats area from the uranium, radium and thorium that were detected at the site are within the limits established in the National Contingency Plan, both for the current conditions at the site and for potential future uses.

Based on the conclusions of the remedial investigation report and the baseline risk assessment, soils at the Tonawanda Landfill and mudflats area that do contain uranium, radium and thorium may safely remain in their current condition without exceeding the risk limits established in the National Contingency Plan. Therefore, our current proposed plan based on this information is, the Corps of Engineers is recommending that no action is necessary for those soils at the site that do contain levels of uranium, radium and thorium above normal background

levels.

I will now turn the meeting back over to Lieutenant Colonel Hurley, who will go over the next steps in the proposed plan process and preside over the oral comment period.

LT. COL. HURLEY: Next slide, Steve. The proposed plan has been made available in the local library for review as well as on a public website for downloading. Extra copies have also been sent to the City of Tonawanda and the Tonawanda City School District for public availability. While the normal review period is 30 days, you have asked for a longer period of review and we are happy to comply with this request.

We are required to respond to all of the oral and written comments received on the proposed plan. We will make the responsive of this summary available to the public along with a transcript of this meeting. Once all of the comments on the proposed plan have been evaluated and addressed, an authorized official from the Corps of Engineers will make the final decision on what action will be taken at the Tonawanda Landfill and Associated Reporting Service
(716) 885-2081

vicinity property. This decision will be documented in a record of decision which will be placed in the administrative record file and made available to the public.

We now have come to the portion of the meeting where we will record your comments on the Tonawanda Landfill proposed plan. I just have a couple more slides before we open the floor so please bear with me.

I know there are probably a large number of you who would like to make a comment on the proposal, and there are was least nine who have signed up before the meeting, and perhaps many of you want to make a comment now that you have heard the briefing. So in order to give everyone this opportunity to make a comment, we have some ground rules that we're asking you to follow.

We would like to have only one person speaking at a time. Please do not interrupt when someone else is making a comment. Please state your name and affiliation at the beginning of your comment. Please speak into one of the microphones so that everyone,

including our court recorders, can hear your
Associated Reporting Service

(716) 885-2081

comments. There are two microphones stationed up front and we have a microphone available to come to you if you cannot make it up to one of our two microphones.

Comments are limited to five minutes in length in order to provide ample opportunity for everyone who wishes to make a comment.

In order to maximize the number of people who can make a public comment tonight, we will not address your comments or questions here. Quite frankly, some of the answers to your great questions would require lengthy and detailed responses, and as such may deprive others the opportunity to make a comment. We do have a court recorder here though to record your comments, and which will be entered into the public record, and we will respond to each comment in writing in a responsiveness summary. The responsive summary will be issued some time after the 90 day public comment period is complete.

We will first ask any of our elected officials if they would like to make a comment to come up first. Following that we will call on those people who indicated on Associated Reporting Service
(716) 885-2081

the sign-up sheet that they wish to make a comment, and then we'll open the floor up to all others who wish to make a comment.

Although the meeting was originally scheduled from 7:00 to 9:00 and we started a few minutes late and there are a number of people in the audience, we will gladly record oral comments until 10:00 o'clock. Following the meeting, my staff will be available, either in the auditorium or by the displays, if you would like to make additional comments or to have an answer to a particular question.

Additionally, if you do not have the opportunity or choose not to make an oral comment tonight, we will be accepting written comments on the proposed plan up until the end of the public comment period on June 26th. Written comments should be mailed to the address on the slide, which is also listed in the proposed plan and on the proposed plan fact sheet that are available tonight. Again, I would suggest that any comments that you submit, be as specific as possible,

because this will result in a more effective
Associated Reporting Service
(716) 885-2081

comment evaluation period.

As I mentioned earlier, we're driven by CERCLA in this process and CERCLA requires us to respond to all of your comments, and we will do that once the public comment period is closed. When the responses are ready, they will be made available in the administrative record file listed here as well as on our public website.

Finally, if you would like any more information on FUSRAP investigation at the Tonawanda Landfill vicinity property, you can contact the Buffalo District in several ways. We will also place a copy of tonight's presentation in the Tonawanda Landfill public website. We'll now open the floor to any comments. At this point, are there any elected officials who would like to make a comment? I'd ask you to please come forward.

MR. DAVIS: My name is Rick Davis. I'm 4th Ward Councilman in the City of Tonawanda and also a co-chair for the, for CURE. I want to thank the residents for taking time out of their busy schedules in order to voice their comments and concerns over the Army Associated Reporting Service
(716) 885-2081

Corps' proposed plan for the Tonawanda Landfill. I also want to thank everyone that's associated with CURE for all their tireless efforts to date.

This plan falls miserably short of the Army Corps and our Federal government's responsibility to take care of the mess left behind from Linde and the Manhattan Project. You have stated for years --

(Applause.)

MR. DAVIS: You have stated for years that the nuclear waste isn't your problem because you have no documentation to show that Linde illegally dumped at the landfill. In the plan you state the nuclear waste you did find was, quote, consistent with material generated at the Linde site, end quote.

You insult the intelligence of my constituents if we are to believe that Linde and the Federal government weren't responsible for what's buried in our backyards. We're not talking about the usual household waste from back in the 40s and 50s. We're talking about radioactive isotopes that were closely regulated back then, and no one

else in the area had the authorization to house these materials except for Linde.

During the February 8th fiasco, as you're quoted in the Tonawanda News, you said that the test wells went down to a depth of 20 feet. In the plan you state that in the 1920s a quarry was located in the landfill and abandoned at a depth of 60 feet.

If you do the simple math, it seems like you only went a third of the way down. I ask that you conduct further testing at the appropriate 60 feet boring depth to insure the quality of samples retrieved.

Back in 2001 the Army Corps came into Riverview Elementary School and told residents that the landfill would be fully remediated of all nuclear waste per Department of Energy guidelines.

Now, six years later, you want to hang your hats on looser EPA guidelines instead of the more stringent Department of Energy guidelines. Our residents deserve the highest, most stringent standards for testing and cleanup.

You have stated numerous times that the
Associated Reporting Service
(716) 885-2081

nuclear waste hasn't migrated onto residents' properties along Hackett Drive. I have yet to see any soil test results that you conducted on properties along Hackett Drive, Wadsworth Court, Wadsworth Avenue, Brookside Terrace and Brookside Terrace West to back up your statement. If anything, the government has provided figures that rebut it.

Figure 7. That's from the Department of Energy, indicates nuclear waste, the radium and thorium, leaching onto properties on Wadsworth Court. This was something that was released back in 1994. It specifically shows radium and thorium leaching onto residents' properties on Wadsworth Court. Now, one property adjacent to where that is leaching in, there was a beautiful nine year-old girl who passed away from leukemia. I hope for your sake that her untimely passing is not connected to what's buried in the landfill and possibly leached onto a nearby property.

You also stated in the plan that the risk of 1.3 in 10,000 excess cancer risks would still be considered within the acceptable

risk range. This statement is immoral and

Associated Reporting Service

(716) 885-2081

criminal. Any increase in risk is absolutely unacceptable to the 700 plus homes within a quarter mile of the landfill and the students and faculty of Riverview Elementary School. Furthermore, tell that to the family that has a loved one that contracts cancer because you felt the risk was, quote, within the acceptable risk range.

This evening also you have indicated that the exposure is within NCP guidelines for the FUSRAP area after capping. You will not get a cap over that FUSRAP area because in some cases it abuts residents' properties. The Federal government has spent over a hundred million dollars to clean up the former Linde site where no one lives, but now you want to close the checkbook when it deals with a more densely populated area. What the residents of the 4th Ward of the City of Tonawanda want is not to be treated like second class citizens.

What they deserve is testing of the properties, proper testing of the landfill and full re-mediation of all radioactive waste from the Tonawanda Landfill. Thank you
Associated Reporting Service
(716) 885-2081

for your time.

(Applause.)

LT. COL. HURLEY: Thank you for your comments and we'll insure that we address those in our responsible summary. Are there any other elected officials that --

MS. IANNELLO: Thank you. Erie County legislator Michelle Iannello. I would like to begin by thanking the Army Corps and the DEC for the collaborative effort that has been put forth so far in this landfill process, together with the residents and the elected officials. I feel that we have made some progress regarding this problem.

As for the proposed plan I have to say that I am very disappointed that the report does not call for the removal of the medlike materials before the closure of the landfill, okay. Although recently we have been told that there will be testing done in the backyards of the residents, I am requesting that there be additional testing done on the opposite side of the fence, I guess it would be retesting, inside the area that was

already tested, along the same fence line as
Associated Reporting Service

(716) 885-2081

there is near the residents.

I am appreciative that the comment period was extended to 90 days, as per my request, but I also am requesting at this time publicly that if need be, that we extend the comment period longer than 90 days. Looking at the facts that we're going to have more testing done, hopefully on both sides of the fence, we may need that extra time to get the results of the testing, and so I don't want there to be a finality of the day that we can have comments made until we get those results.

One of the concerns that was brought to my attention by the residents, which is now the look of the landfill and what it's going to look like at the time of the closure. I believe that you need to include all of the residents that live along Hackett Drive and in that vicinity in the planning of the final look of the closure, and again, as Councilman Davis stated, knowing that there are some spots close to the fence, it would be hard not to have that landfill right on their backyards of their houses.

Associated Reporting Service

(716) 885-2081

So in closing I would like to remind everybody if they didn't see it in the paper, and invite you to an informational meeting that I have requested through the Energy and Environment Committee of the Erie County Legislature that will be held on Tuesday, May 8th, 3:30 in the afternoon, 4th floor of County Hall, so that there can be more public comment made at that time that could be included in this public comment. And I would also like to say that I give you all my word that I will remain active in this process until the cleanup is completed and the medlike materials are removed. Thank you.

(Applause.)

LT. COL. HURLEY: Thank you, ma'am.

MR. PILOZZI: Good evening. My name is Ron Pilozzi. I'm the Mayor of the City of Tonawanda and I would like to extend my appreciation to the Corps of Engineers, the DEC, Department of Health, all the members of government, from Federal, state and local, all the way up and down the chain, and obviously all the residents that are here tonight. It's very important that they be
Associated Reporting Service
(716) 885-2081

here, obviously.

My remarks will be brief because I believe the time tonight will be best spent listening to the comments and concerns from the public present. Also, the City will be submitting in writing comments to the Army Corps of Engineers and that will be specifically from our engineering department regarding our concerns about the proposed plan in writing.

First of all, the City of Tonawanda officials disagree with the Army Corps proposed plan for the radioactive materials in the Town's landfill. The City's position is that FUSRAP for medlike material at the landfill should be removed from the site for the health, safety and welfare of the surrounding residents and future users of the site. CANIT of which the City is a member, has advocated for the removal of radioactive material from the Tonawanda since 1988. I personally have advocated this position since March of 2006 when, as Mayor, I received my first report from the Army Corps on the landfill. Since then the City has contacted Associated Reporting Service
(716) 885-2081

numerous local, state and Federal representatives and agencies through letters, phone calls, emails and meetings, to intensify our efforts to advocate for the removal of the radioactive materials.

Secondly, the government of the City of Tonawanda supports additional testing on private property on Hackett Drive. We need to establish that the radioactive material has not migrated from the landfill onto private property.

We also need to give some peace of mind to the homeowners who live next to the landfill so they can feel that they and their children are living in a safe environment. Again, the walkover that will be conducted shortly by the New York State Department of Environmental Conservation is a good start, but I believe and will continue to advocate for the full bore sampling of residential properties.

Finally, we will continue to work with all levels of government to attain our goal. That goal is to protect the health, safety and welfare of our residents. This goal can

best be accomplished by the removal of the radioactive material by the Army Corps and by additional testing on the private residents and school that abut the landfill. Thank you.

LT. COL. HURLEY: Thank you, sir. Are there any other elected officials? Yes, sir.

MR. MOLINE: My name is Ron Moline. I'm Supervisor of the Town of Tonawanda. I would like to make public comments based on a letter to you, Colonel, that I will then provide you with. But thank you for this opportunity to comment on the proposed plan for the Tonawanda Landfill vicinity property site located in the Town of Tonawanda.

The objective of the Town Board and other Town officials is to close the landfill based on a plan that is protective of public health and the environment and takes into consideration appropriate and acceptable post closure activities on the site. The key questions that Town officials have raised throughout the last 20 years on FUSRAP related programs and activities have always been based on concerns for the public health

Associated Reporting Service
(716) 885-2081

and the environment and also apply to the proposed plan for the landfill. Because these issues have also been important to our neighboring municipalities and the elected officials at the County, State and Federal levels, the Coalition Against Nuclear Material in Tonawanda, CANIT was formed about 20 years ago to provide direct input into the decision making process. We certainly appreciate what the Corps of Engineers has accomplished at the Linde, Ashland I and Ashland II sites and more recently Rattlesnake Creek, since taking jurisdiction over the FUSRAP cleanup activities 10 years ago.

We would like to take this opportunity to support residents and officials of the City of Tonawanda who are requesting additional efforts with risk assessment evaluations before a record or decision is issued by the Corps of Engineers. While the remedial investigation and proposed plan did examine health related issues under certain scenarios, we feel that more attention should be given to a scenario that we know exists.

Associated Reporting Service

(716) 885-2081

There are residents whose properties are adjacent to the landfill and before any permanent closure plan is approved by the DEC, these individuals should have the greatest comfort and confidence with the final solution.

We would like to see the resources of the County and State Health Departments utilized along with appropriate Federal resources to accomplish this objective. We expect that you will also be receiving comments from CANIT on this concern. Again, thank you for your efforts to date and for your commitment to protecting public health and the environment in our community.

With all due respect, Colonel, I'd like to point out that arguably frequency could be 24 hours and duration a lifetime. So we do need the comfort of additional risk assessment. Thank you very much.

LT. COL. HURLEY: Sir, thank you for your comments. Yes, sir.

MR. ZEISZ: Carl Zeisz, Common Council President. As an elected official, I'm

charged with the responsibility to protect
Associated Reporting Service

(716) 885-2081

the health and safety of our community, and also as a homeowner, the safety of my own family, and given the information that's presented tonight and that has been presented in the past, it's totally unacceptable to myself and also to all these residents who are part of our community.

(Applause.)

MR. ZEISZ: I really only have one question. It's not a question of whether or not I agree with the Corps numbers or what's acceptable or whatever. My one question is this, millions of dollars have been invested to clean up other sites totally not adjacent to human life, and when we have one that is adjacent to many homes in our community it's going to be left to sit there. That's my question.

(Applause.)

MR. ZEISZ: I do thank you for the time that's been put in, but I do respectfully ask, along with many other officials including many officials much higher in stature than myself, that the Army Corps re-look at this, and myself, Mayor Ron Pillozzi, Associated Reporting Service

Rick Davis at the rest of the Council is going to continue to push for full remediation. Thank you.

(Applause.)

LT. COL. HURLEY: Sir, thank you for your comments. We'll do our best to answer that question. Please.

MR. KRANZ: Good evening, everyone. My name is Paul Kranz. I'm an associate engineer with the Erie County Department of Environment and Planning, and I am speaking on behalf of my commissioner, Andrew Eszak, who serves as chairman for the Coalition Against Nuclear Materials in Tonawanda, better known as CANIT. I'd first of all like to start by thanking the Army Corps of Engineers, Lieutenant Colonel Hurley, and the staff for their presentation and the opportunity to speak tonight. I was requested to attend and provide these comments, which are contained in a letter from Commissioner Eszak to the Lieutenant Colonel on behalf of the local CANIT membership. That would include our State Senators, State Assemblymen, County Executor, Associated Reporting Service
(716) 885-2081

County Legislator, and the Mayor and Supervisor in the City and the Town of Tonawanda. We understand that our Federal delegation is monitoring the issue and will be submitting comments independently.

Dear Lieutenant Colonel Hurley, as chairman of the Coalition Against Nuclear Materials in Tonawanda, I am writing to you regarding the above referenced proposed plan for the Tonawanda Landfill. CANIT is a bipartisan coalition of elected officials that seek action at the Federal level to insure the safe and efficient removal and offsite disposal of radioactive waste originating from the Manhattan Engineering District activities associated with the World War II atomic bomb development. To date the Army Corps of Engineers has successfully implemented and completed remedial efforts toward the cleanup of radioactive waste at sites in the Town of Tonawanda. This includes Ashland I, Ashland II and Rattlesnake Creek.

The Corps is to be recognized for its continued efforts at the Linde Praxair and Associated Reporting Service
(716) 885-2081

COA landfill sites. The Corps implemented a remedial investigation of the waste in 2001 at the Tonawanda Landfill. A final report on the investigation was issued in 2006. The above referenced proposed plan for the landfill is based upon results of that investigation and a baseline risk assessment which states that risks associated with the waste materials are within CERCLA guidelines for expected future use of the landfill. The plan proposes leaving the waste in place, given the assumed construction of a proper landfill cap for the ultimate landfill closure.

In a meeting held April 24th, 2007 the CANIT membership discussed the proposed plan, existing sampling data, the risk assessment information. The concerns expressed by residents living on properties abutting the northerly property line of the landfill and projections for time lines for the closure of the landfill were also discussed.

A consensus was reached by local members of CANIT that the proposed plan as presented is premature. The membership feels that

additional investigation is warranted particularly along the fence line of abutting residential properties to first fill the gaps in the overland gamma survey data missing from the 2001 remedial investigation report, and secondly, to perform any additional soil sampling to further determine the extent of radioactive waste materials near this residential area.

In consideration of additional efforts proposed by the New York State Department of Environment Conservation to investigate potential impacts to private property adjacent to the landfill, additional time is required to determine the appropriate action or actions to address this issue. The U.S. ACE, the Corps and the New York State DEC should coordinate sampling protocols, schedules and results to provide a uniform and comprehensive understanding of the radio material impacts and risks.

CANIT therefore requests the postponement of the finalization of the proposed plan for the Tonawanda Landfill and any issuance of any record decision for the radioactive waste Associated Reporting Service

materials. Very truly yours, Andrew M.

Eszak, Chairman of CANIT. Thank you.

(Applause.)

LT. COL. HURLEY: Thank you. Yes,
please.

MS. HOFFMAN-HOGENKAMP: My name is Joyce Hoffman-Hogenkamp, City of Tonawanda Board of Education. Also, gentlemen, I'd like you to take a good look at my face. I am first generation to grow up on that landfill. I still live there.

You **people** need to understand, you put a lot of time into this. I understand 18 plus years. Your plan is absolutely appalling and disgusting to somebody that has lived there their whole life.

I grew up in an idyllic family situation, lived there, had my son there. My whole idea was to raise him **the** way I was raised. With what I have found out, reading your documents, reading everything that you **people** have put into it, disgusts me, totally disgusts me, as a board member.

(Applause.)

MS. HOFFMAN-HOGENKAMP: In your proposed
Associated Reporting Service
(716) 885-2081

plan you speak, a range of recreational exposures to the landfill was considered from two hours per day for six months a year, for a six year-old juvenile, to 15 minutes per weekday, plus 23 minutes per weekend day for 30 year-old adults. Gentlemen, ladies, we have people in Riverview Elementary School which has not been mentioned tonight at all.

(Applause.)

MS. HOFFMAN-HOGENKAMP: We have children in that school at 8:30 in the morning for breakfast. Our extended day program goes to 4:15. The school is officially open to 9:00 o'clock for different activities for our children. That exceeds what you people are saying is safe. What are you thinking? You haven't thought far enough. You need to go back and do further risk assessment.

We are talking about 250 school children that are in there every day, Monday through Friday, for that many hours. They're there for their extracurriculars after school, from the high school, so you're also attracting other students from other parts of our city

to that school. Cheerleaders, soccer

Associated Reporting Service

(716) 885-2081

players.

The other thing that has been addressed, there has been no testing on the soil for the school next to the school, any of the air around the school, and nothing done in our school, yet you're telling us, this is safe. This is safe for our children. I tried to have more than the one child. I have had fertility problems. No explanations. Many of my friends that I grew up with had the same problems. Yet I have not heard from one person with risk assessment why. Why haven't you come to the residents that have been living next to it, that played back there when there wasn't a fence?

You also state that you're going to use your standards, the EPA standards, and now we have a letter from Mrs. Clinton that is asking for the strictest governmental standards. They are not the standards that you have in this proposed plan. I would like to know, when are you going to change your standards? When are you going to clean up these sites properly? You're toting that you cleaned up Ashland I and II to a standard,
Associated Reporting Service
(716) 885-2081

and then I turn around and do my research and find out it's below **the** standards of what was cleaned up on other sites across **the** country, mainly sites out in California? There's sites out in San Francisco that **have been** cleaned up better than that one, and now we're looking to put **people** to work there nine hour days. If this is how you **people** are cleaning up, you really need to go back and rethink it.

I am one of **the** members of CURE and I am not going to put up with **the** stuff being left there. As a board we passed a resolution requesting full re-mediation of that landfill. We want **the** nuclear stuff out of here. It is **the** only safe avenue for our children that are attending school.

I am also asking you as a private citizen, please, please go back, rethink what you've done. I am not **the** only person that has been hurt by what's back there. October I lost my mom. She died knowing what was going on back there.

You **people** have no idea **the** amount of stress that was put on my mom, and now sits

Associated Reporting Service

(716) 885-2081

on my dad. You have no idea how this has impacted my family. You need to get up on Hackett and start talking to **the** residents. Go house to house. Find out the cancer rates. Find out how many children have gotten sick. Find out **the** infertility rates. Find out how this truly has impacted **the people** that live next to it and have lived next to it for years. Thank you.

(Applause.)

LT. COL. HURLEY: Thank you for your comments. At this point are there other elected officials?

MALE VOICE: Thank you, Joyce, and God bless you.

(Applause.)

LT. COL. HURLEY: At this point we'll proceed with open comments and we'll start with those **people** who signed in before **the** presentation began. Joan is going to call folks forward to make a comment. If you can't come forward, we'll gladly send **the** mike out to you and make your comment. Joan.

[REDACTED]: I said I'd make a comment.

JOAN: I was just going down **the** list
Associated Reporting Service
(716) 885-2081

from who signed in.

██████████: I don't care. You just talked to my daughter. My name is ██████████ Since 1962 I've been on Hackett, seen everything, took pictures of everything, and now I don't know what you people are talking about. Two things you show me up there. Up against the houses and the flats, two things, but they're combined.

Nobody has addressed the flats. The flats were created by Schwab Brothers to fill the land from Delaware Avenue to Niagara Falls Boulevard. Evidently they didn't get all the nuclear waste out of there. So we got a nuclear highway from Delaware to the Falls Boulevard. Why isn't that addressed? Are you aware of that, sir?

LT. COL. HURLEY: Sir, we'll go back and look at that.

██████████ Go back where? It's there. You tell me it can't go away. There is more death than you people realize. The City of Tonawanda has an ordinance, if we sell the house, we have to put a sump pump in. I'm in the highest house in the city. I

haven't sold my house. I'm an original.

Next door to me they sold the house. Sump pump's in there. The kid's sick all the time. What's going on with you people? Nobody will address the health issues that are on the properties. You're going to walk on the border of Hackett Drive. Seven people across the street from me have died of cancer. I don't want to take up any more time, but like Phil Sweet said, I got a photographic memory. I can tell you everybody that died of cancer on our street, 65 homes, 65 homes. Now we're lucky we got approximately 18 original owners still there. And this is called either widowers hill or widows hill, that's what's left up there. Borderline to this, you call it a landfill, since '62, I called it the dump. It's a shame that we have to have the Army to clean it up. My daughter brought pictures, Hiroshima, Nagasaki, beautiful metropolitan cities. We cleaned it out, when I was in the service. Navy had a base in Japan, but we can't get nothing out of you people. You say

we got a plan. You haven't formulated a

Associated Reporting Service

(716) 885-2081

plan. You say we won't formulate it until we talk to everybody. Again, we got **the**, what we call Federal Texas two step. You're not facing **the** issues. Atomic Energy Commission, **the** DEC, **the** EPA, whatever you want to call it, it's always pass **the** buck to **the** other department. People are being fed up with this. You've got to come on line with us and understand what is happening up there.

When **the people** start dying off, you say you want a survey. They conduct their survey at Kenmore Mercy. What about the other hospitals? Roswell, Buffalo General, Gates Circle. Nobody has said any word about that. There is a lot more, Colonel, a lot more, and you better get into it, deep. You better found out about **the** great nuclear highway.

(Applause.)

LT. COL. HURLEY: Thank you. Joan.

JOAN MORRISSEY: Okay. I'm going to go through **the** list starting with page 1. And **the** first **individual** I have here is a [REDACTED]
[REDACTED] [REDACTED] would you like to come up and provide comment.

the last meeting basically. It was the same information. Everything was given to us last time, there's no change. But what I've learned with the help of the other people from CURE is all this information was heard and what none of us knew about this before. What's back there and everything else. I see a map out there with test sites with yellow dots. The next time I see from you people I'd like to see another map with the houses with yellow dots of who you've talked to, cancer rates and everything else.

Show us this information. We already know it because we live there. Show us that you know it. And also, treat all this information not by Federal standards, by personal standards, of how you'd do this if it was your land and your property, and throw away the government standards. Thank you.

(Applause.)

LT. COL. HURLEY: Thank you, sir.

JOAN MORRISSEY: Okay. The next name I have is a [REDACTED], and I'm sorry if I get this wrong, it's either [REDACTED] or [REDACTED]

[REDACTED]. I'd like to know how you could guarantee the water coming off of the site doesn't contaminate the water underneath our homes.

That's what I'd really like to know. To start off with, you said they only went down 24 feet. Well, the pit was a lot deeper than 24 feet. And I'd like to know if you took tests below 24 feet offsite as well as onsite. Thank you.

(Applause.)

LT. COL. HURLEY: Thank you, sir. We'll definitely ask those questions.

JOAN MORRISSEY: The next person that indicated they would like to make comment is a [REDACTED]

[REDACTED] Hello. I am [REDACTED]. I live at [REDACTED]. I'm here to comment. Actually I have more questions than I have comments.

Sir, I'd like to know how many times the standards have changed that your risk assessment is based on, over the years, over the past 40 years. How many times have these standards changed?

And why hasn't there been a health study done up on the hill which affects everybody who lives up there to find out; before you do any final assessment of what's going on here there should be a health study done. You need to look at your map and go further into the city because if you look at the dots along that line on Hackett Drive, I find it hard to believe that those trucks stopped at that border and didn't go further into the City of Tonawanda. No testing has been done any further than right at those people's backyards.

I'm not talking about just their backyards. I'm talking about further into the City of Tonawanda, did you test it, to give people peace of mind? Before this process of capping the landfill started, were there any monitoring stations set up, as far as monitoring the air quality or anything that's going on, the water migration, other than the one -- some ground wells?

For air quality, was anything done? And please allow us to have some input as to how this landfill is closed. The people that

border this landfill should have the right to have some input into the closing process. And finally, the benefit of removal should have no price tag, for all our health.

(Applause.)

LT. COL. HURLEY: Thank you for your comment, sir.

JOAN MORRISSEY: The next person I see it marked here, and it might mean a yes, [REDACTED] [REDACTED] would you like to provide comment?

[REDACTED] I have questions too. But I guess I could say, I was born in 1945. I got in on the beginning of it. I grew up downstream of the Niagara River, and guess what, I had thyroid cancer when I was 25. But I can't say it was definitely from whatever, you know. Who's to say.

But anyway, I corresponded with my brother who happens to be a nuclear physicist, and he wanted to know if any radon testing could just be done in homes. I mean, that would be a really simple thing. You have to have your home tested for radon before you sell it. I would think that maybe

you could do something like that, and since

radon gas is released as a decayed product of uranium it would make sense to do that, you know, to these homes that are surrounding the landfill. I guess that's all I have to say. Thank you.

LT. COL. HURLEY: Thank you, ma'am.

(Applause.)

JOAN MORRISSEY: The next person I have to give comment, and I think perhaps you already have; a [REDACTED] Okay. Next is [REDACTED]

[REDACTED] Good evening, [REDACTED]

[REDACTED] A resident of 65 Hackett. Also helped create CURE. I'm basically doing this on the fly. I thought I was going to come in with questions or comments but I wanted to take the information provided this evening and formulate some of the things that I found. The first thing is, Lieutenant Colonel Hurley, I would like to personally put on record, I'm inviting you over to my house for a cup of coffee. I would like you to see truly what I see in my backyard on a day to day basis.

Some of the things that I am definitely
Associated Reporting Service
(716) 885-2081

questioning is the wording of, heavy vegetations that would be blocking dust. I'm sure as you can tell, behind our homes, and I don't know if you've been to the site or not yet, but there truly is not a lot of heavy vegetation. There's a few trees here and there. Some of them are damaged from the October storm. And some of the vegetation as referred to hasn't grown yet due to the climate has prevented it to grow -- or hasn't allowed it to grow. So how is that limiting dust when that hasn't really presented itself to be the case yet?

Also, the Army Corps, background levels are lower every year in regards to what the Army Corps looks at in regard to the background levels. So yet, how does that relate to the half life remains of the elements that we're dealing with? They do not.

Also, the groundwater may not be a source for the city and town residents, but it is, groundwater is used for Lockport, Niagara Falls, Lewiston and North Tonawanda, as a closed down stream. Also, as was referred

to, and of all the information I've researched nothing has been mentioned in regards to the sump pumps. As clearly stated in your records that there is surface and subsurface contamination, why were not the sump pumps lists on private properties listed in your reports?

Let's see. Extensive independent review, 25 pages on proposed plan. In the 2005 re-mediation report that book is over 300 plus pages, yet the proposed plan is only 25 pages long.

I would just like to comment that if you're going to put a proposed plan together out to the general public, it should have a little more meat and potatoes to it.

What else do I have here? Also, on the slides this evening, industrial residential use is listed in the mudflats area, and the industrial redevelopment of the mudflats it's anywhere on 40 hours but no more than 6.6 years, so I'm sure as any of our careers would go, I'm sure someone wouldn't want to work for a job 6.6 years and then have to be let go based upon contamination.

Associated Reporting Service

(716) 885-2081

The reason I'm focusing on that part of the slide is, you're dealing with homeowners that live here 24/7. If you clearly have notated that in a mudflat area which is not that far off the property as well as the capped closure landfill that there's limited time frames there, it really doesn't have conclusive meat and potatoes in regards to what we deal with on a 24 hour basis.

And also, the last comment I have is, there are sewers that are tied in to Rogers and Hackett. Again we're talking about groundwater contamination, leaching. These things have been proven in regards to the documentation of the Department of Energy and the Army Corps.

So in conclusion, I hope to see you at my house for a cup of coffee.

LT. COL. HURLEY: Thank you for the comments, sir, and thank you for the invitation.

(Applause.)

JOAN MORRISSEY: The next person I have listed is a [REDACTED].

[REDACTED] Hello. Can you hear me?
Associated Reporting Service
(716) 885-2081

LT. COL. HURLEY: Yes.

██████████ I see lots of studies that say that X amount of thorium is safe, ad nauseam, and I'd like you to site studies that explore the risk posed by the cocktail of contaminants, which is to say, what is their combined effect on human health?

And though I know we are talking only about this specific FUSRAP site tonight, we must consider the combined effect of all nearby FUSRAP sites on overall exposure levels. In my opinion, no self-respecting scientist would ever sign off on a plan of total inaction, when the Riverview section is reporting 26 residents out of 35, that's 77% with cancer. Regardless of what studies say, you should feel compelled to conduct different, more thorough, more intuitive tests. You're humans, not machines, so you're capable of thinking beyond studies and statistics. Asking us to believe illness -- other illnesses and not just cancer, suffered in this area are coincidental. I just don't feel that that's plausible and I don't feel that that's science.

LT. COL. HURLEY: Thank you.

(Applause.)

JOAN MORRISSEY: The next person is

██████████ I'm sorry if I got -- the
last person I have listed that indicated they
-- oh, no, this is second to last, I'm sorry,
is ██████████

██████████: Good evening. I got to get
this mike up here.

LT. COL. HURLEY: Take your time.

██████████: About three foot higher.
Thank you for allowing me to speak. My name
is ██████████. I live in the Town of
Tonawanda, ██████████. Why am I
here from the Town? I was a former resident
of the City of Tonawanda, got sick, had to
sell my house, and I moved out.

I worked in a lot of really seriously bad
places. Niagara Falls construction
electrician. I have no plans for litigation.
I'm here to support the new, the new group in
the Tonawanda's.

I'm in total favor of removing the
landfill. However, I would like to submit
one thing to you. I would like to submit a
Associated Reporting Service

document to you at this time. Would that be possible?

LT. COL. HURLEY: Yes, sir.

██████████ Okay. Could I come forward?
Is ██████████ still here? ██████████

There's a call for a congressional investigation of what's been going on here in this community. This, what has occurred, is beyond belief. What you have done to this community, these residents, is beyond belief.

There has been clandestine dumping in the landfill reports from years ago, going back to when my wife was a member of the Tonawanda Garden Club.

You have -- the United States Army has totally destroyed this community, and let me tell you something, I am pro Army. I am pro defense of this country. What this United States Army is doing today, absolving themselves of what is happening to this community, especially the children, emphasis added, is a tragedy. What I'm calling for is a mandatory blood urinalysis for the children attending Riverview Community School.

These radio nuclides, if they're disturbed, they are insidious. They go into the air. They're breathed in, and the bone structure of the child looks at this as calcium. The body is -- the radio nuclides are taken in, small fine particles, and the child is unaware of what is going on until the child gets into their 20s, 30s, and then all at once we hear, we have to have a benefit, we hear of reports of early-on cancer.

This has happened door to door, house to house, all over our whole community. It has permeated this whole area. Congress really needs to be involved.

One of the articles, the documents that I submitted to you, has to do with the NRC Commission that met in Austin, Texas in 1999, and in that document, the document specifically calls for a Congressional investigation. The very possibility. And here we are today. We're looking at a scenario that is very hard to back away from. The human tragedy is beyond belief. I also refer, in my handout I passed out, [REDACTED]

[REDACTED] who has been speaking out about the
Associated Reporting Service

(716) 885-2081

bled uranium on Armed Forces in Iraq. We have totally inundated, destroyed the country of Iraq with depleted uranium. The United States Army, ladies and gentlemen, looks at depleted uranium as play doh, children's play doh. They look at this happening in our community as play doh, like the kids, it's completely safe for our children to play in it.

I refer to a [REDACTED] [REDACTED] who was generous enough, a world's authority on low and high level radiation, has agreed to come out and help this community. Un-apologetically, the Buffalo News has distanced themselves from reporting to the serious condition we have in this community. The Tonawanda News has to date never specifically reported the human tragedy that has taken place. [REDACTED] cites Army regulation and I would appreciate if you would take note of this, AR748.

It requires that where uranium weapons were manufactured or tested, including Vasquez Puerto Rico, Colonie, New York, and Jefferson Proving Grounds, Indiana, the Associated Reporting Service
(716) 885-2081

medical care must be provided by the United States DOD. You are the DOD, by the way. Testing of uranium munitions for all concerned residents that require and ask for medical attention. At this time I am asking you specifically to test me for americium 241.

At one time not too many years ago, 20, 30 years ago, I can't be specific, I worked in a building that I don't know if [REDACTED] was the Mayor at that time, or the Supervisor at that time, was inundated with americium 241. I was not told of the dangers, what it was at that time, and I'm asking you sir, at this time, I would like for you to allow me to be tested by your medical team at the earliest possible convenience. The other thing I would like to bring out to you is that the children that are attending this school, they are right atop one of the most contaminated areas in the United States.

The DOE states that the levels of contaminants in this site are 30 times over acceptable limits, at this time. You have a school that's within walking distance. The Associated Reporting Service
(716) 885-2081

children cannot go out to play during the day simply because the teachers are telling the kids, you may ingest radio nuclides. This is total irresponsibility.

I as an adult am asking you right now, I need to be tested, blood monitoring. The other thing, if I could address to the people that are here, if you have kids, you could go to your pediatrician. I mean, all of us give a CBC count.

Every time we go to the doctor, the doctor says to us, well, you need this type of blood count. Ask them under your present insurance policy, [REDACTED] purveyed this, that you are, may be eligible for blood screening, blood testing for heavy metals. Now --

JOAN MORRISSEY: [REDACTED]

MR. SWEET: Okay. Now, just one other thing, I'll let it go, just one other thing.

JOAN MORRISSEY: We can come back to you as soon as the other --

[REDACTED] Just one other thing, if I may. If upon your request, your doctor may allow you to have a blood sampling, upon your Associated Reporting Service
(716) 885-2081

request. This would have to be voluntary. Having said that, the total result of this test may enhance the life of your child later on in years, and you won't have to hear from the doctor, the oncologist says very frequently, why did you not come to me sooner.

The other thing, I'm here this evening to change hearts. I'm asking you to look at the human tragedy that's taking place. I'm asking you to look at the children, and I'm asking you to test the kids, test the residents. I am totally in favor of getting rid of this landfill. Take it out, I don't know where you're going to take it. Take it in somebody else's backyard. Having said that, you need, if your plan is to remediate, take it away, you need to get the kids out of the area. You need to get them out of the area.

And the other thing, and I'll just leave you with this, is that it was brought out, a golfer, [REDACTED] wants to put a golf course there. The golfer can stay 15 minutes, he's got to get off. How crazy is this. The

other thing, if he excessively exercises, he is more so in peril because of the intake of the contaminants of the radio nuclides.

But what I am asking you tonight, this is a chance for you to change your heart, to agree to test the people, blood monitoring, urinalysis. This is what is put before you. The kids, the children, the people that have lost their lives that should be here now with us and are not. They're in heaven. They're looking down on us. They're looking down on you right away.

If you are a religious person and you believe in a judgment day, what will you say upon that judgment day, what did you do this for the security of the United States that you had to do this, you had -- this is a common trait, philosophy today.

We had to sacrifice a few to save the most. Is this what you are saying to this community? Thank you for allowing me to speak this evening. Thank you very much.

(Applause).

LT. COL. HURLEY: Thank you, sir.

JOAN MORRISSEY: The next person is ██████████
Associated Reporting Service
(716) 885-2081

[REDACTED].

[REDACTED]: Thank you. [REDACTED]

[REDACTED] Superintendent of Schools, Tonawanda City School District. I'd like to thank the Army Corps of Engineers and the DEC for arranging this meeting tonight.

I appreciate being able to hear the public comments from all of the -- actually being able to hear the report and being able to allow the community the opportunity to be able to speak to you and give their time, some air time with you.

My concern is obviously for the children in the school area. When I read the report and saw how many minutes safely we could stay if the landfill is not re-mediated, the concern immediately was for the school area, not understanding how far away -- if you come to the school you can actually see the landfill from the school site.

There's a playground immediately adjacent to the school. We have 250 children that walk to and from school. They don't understand when we say, stay away from

something. Children are adventurous. And

Associated Reporting Service

(716) 885-2081

for the most part they love to play. And we can see them even now, even though there are fences, they climb and they move. And 15 minutes to them is nothing. They do not understand staying away from things that may be dangerous; to them it's fun, and they see themselves as infallible, and it really frightens me to think that there could be some area where they're supposed to be staying for less than 15 minutes a day, but to them, they're not going to get hurt. That's a very serious concern of mine.

To me, I'm listening to the residents. I think anything less than full re-mediation is foolhardy.

(Applause.)

██████████ I look at the future of Tonawanda. In my eyes it's the children and I'm here to protect the children and I appreciate you listening. So thank you.

LT. COL. HURLEY: Thank you, ma'am.

(Applause.)

JOAN MORRISSEY: The next person I have listed is a Mr. David Moran.

██████████ Hi. My name is ██████████
Associated Reporting Service
(716) 885-2081

██████████. Just to start off with a couple of things, I grew up on Parkedge which was directly in line with Linde. My aunt worked at Linde. I went to Holmes Elementary School. I was born in '59. I swam in the creek back there. I fished golf balls out of there. I was there watching them burn the contaminants off that creek several times. Now that same creek runs through our backyard and through the dump.

A couple of questions I have that I need some clarification on. A slide that you showed said that you dig -- you were testing soil down to the depth of 24 feet. We've read some of your reports. We read the papers and how deep the soil sampling was, and also you have told us that you would dig until you found something, then you would stop digging. Most of the soil samples were between six, 10, 14 inches, according to what we saw in the books of the -- how many books was that, ██████████

██████████ 45.

██████████ Out of the 45 books. The other thing I have to ask is, when you were Associated Reporting Service
(716) 885-2081

testing the samples you said that the soil samples were of safe levels. Quite a few meetings ago they told us that there was some elevated levels in some of the soil samples. Well, that hasn't even been addressed. We're talking about the safe levels.

What about the elevated ones? You know, are we just glossing over them, are we ignoring these? They don't exist like the nuclear waste didn't exist when this all started. We don't know it was there. It's not supposed to be dumped there, but it's there. Now we need to deal with it.

And the other question I have is, one of the slides mentioned earlier that the dump has been closed since 1997. Well, looking at the paper from the New York State DEC, their answer to that very question was, it was never officially closed because they didn't get the permits to close it.

So is it closed, isn't it closed? They've been dumping back there for three years that I know of, and [REDACTED] got pictures that they've been dumping back there since early days. So to tell me that the

dump is closed and then find out that we never filed for permits, or they were never issued, and that there's spot dumping going on, I'd like to know, do we have any kind of manifest as far as what trucks dumped what back there? How much was dumped? These trucks need to be weighed. They got to travel over [the](#) highway. Where are they getting this junk from? There's got to be a manifest somewhere. I work construction, I understand that any time you dump anything, what are you dumping, how much do you have to dump, and here's what we're charging you to dump. So I'd like to see [the](#) manifest. I've seen nothing and I've asked for it several times.

Another thing, looking back at [the](#) past, that has been absolutely steeped in lies and bad numbers, all [the](#) facts aren't adding up. We found discrepancies in all [the](#) information that has been given, but yet every meeting we have, everybody keeps saying, trust us, trust us, trust us, we're doing [the](#) right thing for you, but yet you're talking common neighbors and common folk out here that are finding all

these lies and bad numbers in your project.

So you either need to lie better, you need to come up and tell **the** truth, or you need to fire whoever's coming up with **the** numbers and find somebody who can count, because your numbers are bad, and we can't possibly trust you --

(Applause.)

[REDACTED] -- if you've been lying to us for years. Also, you said that **the** work exposure back there, so far from what I've been able to count, anywhere **between** 10 and 12 hours a day, five to six days a week for about three years now, there's been **people** working back there. Have they ever been tested? Have they ever been told what **the** risks of working back there are? And what's being done with these trucks? They're driving over our highways littered with the soil they're stirring up back there, and they're just driving **the** stuff down **the** highway. So we're spreading this out.

Sir, **you know**, you're in **the** military.

You take NBC. You know how you deal with it.

You can't spread it. It's got to stop there.

Associated Reporting Service

(716) 885-2081

Okay. One other thing I do have to say, sir, is I'm a combat veteran as yourself. I notice by your uniform, I see your Ranger tab, I see 101st Airborne, which is a combat patch. I want to commend you for your service. And I just, I just have to ask you, I also notice you have leadership tabs. With your rank you obviously led soldiers at one point, correct?

LT. COL. HURLEY: Yes.

██████████ Okay. So every mission you went on you did a risk analysis on your mission, correct?

LT. COL. HURLEY: Yes.

██████████ Would you accept minimal standards on those risks? Would you accept people changing the numbers on it constantly? Don't you want to know what kind of risk you're putting your soldiers into?

LT. COL. HURLEY: Of course.

██████████ Okay. So what we're saying here is, we want to know the facts. We don't want these numbers to constantly change. We don't want to go by different standards every time we look at this thing. And we want to

go by absolute minimal risk, not on, it's close enough, because close enough doesn't count when you have children dying and adults dying. And by the way, most of my friends have died from Parkedge, and most of the families I grew up with, most of them have gotten cancer and died. And the 14150 zip code is an elevated area of cancer. Just so you get your numbers straight. I want to thank you very much for your time.

(Applause.)

LT. COL. HURLEY: Thank you, sir.

(Applause.)

JOAN MORRISSEY: I think what we need to do now, I've exhausted the names of the people who said they wanted to make a comment, but I'm sure some of you may have changed your minds and would like to come up now. So, sir. Please state your name.

██████████ ██████████. I live at ██████████. I grew up over on James Street, 15 years I lived there. I played on the flats and over there in the dumps when I was young. The question I have is, when you took your boring samples, I believe you were Associated Reporting Service

over what they call the flats. The area where in 1959, in the early 60s where they hauled all the dirt off to build the 290. They probably took, and I don't know for sure but I'm going to say maybe anywhere around nine to 15 foot of soil out of there. You're sampling right now the land that is missing 15 foot of soil, that you took the soil and dragged down the 290. We just don't know whereabouts on the 290 that soil would all be from the top where uranium would be. But what really bothers me is, was there at one time uranium there? I don't think your soil tests today would show that there was any there unless through ground seepage. And that's my question for today. Thank you.

LT. COL. HURLEY: Thank you, sir.

JOAN MORRISSEY: Would anyone else like to make a comment at this time?

[REDACTED] Yes. I would like to say that I grew up at [REDACTED] I lived there my whole life.

JOAN MORRISSEY: Miss, could I have your name, please?

[REDACTED]: My name is [REDACTED].
Associated Reporting Service
(716) 885-2081

I just recently moved back into that house to take care of my father because of **the** fact that I lost my mother from cancer, not even two years ago. You **people** are saying that there is no risk back there? Go down Hackett Drive and know how many families and how many **people** have died from cancer on that street alone. My mother, one of my best friends.

My best friend in **the** whole wide world died from cancer. My parents bought that house when I was two years old. They had a perfect right. They lived together through thick and thin, and my father, I have to see him every day missing my mother like my other five brothers and sisters. You have to look and say, oh, my God, these are real **people** living on this street. These are **people** that have lost their loved ones. Not your freaking numbers saying that this and this and it's safe to live there. Excuse me. Come and live at that house. My daughter is now in that basement, and I need to know if it's safe for her to sleep in that basement or not. Is she going to also die from **the**

same cancer my mother died from? Are you

Associated Reporting Service

(716) 885-2081

going to be able to answer me that, sir? No.
Are your numbers going to be able to answer
that? No. I want that stuff moved from that
land as soon as possible, not no, we got to
do more tests, more tests, more tests.
That's bull. Excuse me, but I want that
stuff gone and I want it gone now, before I
have to lose another family member. Thank
you.

(Applause.)

LT. COL. HURLEY: Thank you.

MR. SANDERS: Would anyone else care to
make a comment? Okay. If not, I'll turn the
mike back over to Colonel Hurley.

LT. COL. HURLEY: Thank you, Bruce. Next
slide please, Steve. I just want to take a
moment here to thank everyone for your time
tonight.

I appreciate your patience and your
attentiveness as we have tried to explain our
proposed plan and how we came up with that
proposed plan. But I'd really like to thank
you for the sincere concerns that you've
expressed to us tonight. As I spoke earlier,

and I'll say it again, we will address each

Associated Reporting Service

(716) 885-2081

one of those questions and comments that were made tonight so if you've addressed a question or a comment we will answer that before we come to any sort of final decision. And you have my guarantee on that.

I'd just like to say one more thing, and that is that the Corps team, the members of the PDT our health physicists, risk assessors, will be available after the meeting if you have a specific question you'd like to ask us. We'll be up here and we'll stay and answer your questions. Thank you again for your time tonight.

(Applause.)

(Public Meeting concluded at 9:00 p.m.)

US Army Corps of Engineers Re: The Tonawanda Landfill Vicinity Property
Proposed Plan

CERTIFICATE

I, [REDACTED] certify that the foregoing transcript of proceedings in the Proposed plan for the Tonawanda Landfill Vicinity Property, Tonawanda, New York. Public Meeting, was recorded utilizing a Sony BM-246, and transcribed via a Sony BM-246 transcribing and recording machine, and is a true and accurate record of the proceedings herein.

Signature_____

Associated Reporting Service

Post Office Box 674

229 West Genesee Street

Buffalo, New York 14201-0674

Date: 5/6/07